

Contract for the sale and purchase of land 2019 edition

TERM	MEANING OF TERM	NSW Duty:
vendor's agent	First National Real Estate Collie & Tierney Of 67 Lime Avenue, Mildura, Victoria, 3500	Phone: (03) 5021 2200 Fax: (03) 5021 1213 Ref: B Love
co-agent		
vendor	DEAN JOHN FINCH	
vendor's solicitor	Maloney Anderson Legal 70 Deakin Avenue, Mildura, Victoria, 3500 DX 50021, Mildura VIC	Phone: (03) 5021 6200 Fax: (03) 5021 6299 Ref:
date for completion	_____ day from the Contract date	(clause 15)
land (address, plan details and title reference)	Delta Road and Syndicate Road, Curlwaa, New South Wales, 2648 being all the land contained in the Schedule of Land annexed hereto	
improvements	<input checked="" type="checkbox"/> VACANT POSSESSION <input type="checkbox"/> subject to existing tenancies <input type="checkbox"/> HOUSE <input type="checkbox"/> garage <input type="checkbox"/> carport <input type="checkbox"/> home unit <input type="checkbox"/> carspace <input type="checkbox"/> storage space <input type="checkbox"/> none <input checked="" type="checkbox"/> other: Refer Schedule of Improvements annexed hereto	
attached copies	<input checked="" type="checkbox"/> documents in the List of Documents as marked or as numbered: <input type="checkbox"/> other documents:	

A real estate agent is permitted by legislation to fill up the items in this box in a sale of residential property.

inclusions	<input type="checkbox"/> blinds	<input type="checkbox"/> dishwasher	<input type="checkbox"/> light fittings	<input type="checkbox"/> stove
	<input type="checkbox"/> built-in wardrobes	<input type="checkbox"/> fixed floor coverings	<input type="checkbox"/> range hood	<input type="checkbox"/> pool equipment
	<input type="checkbox"/> clothes line	<input type="checkbox"/> insect screens	<input type="checkbox"/> solar panels	<input type="checkbox"/> TV antenna
	<input type="checkbox"/> curtains	<input checked="" type="checkbox"/> other: Refer Schedule of Inclusions annexed hereto		
exclusions				
purchaser				
purchaser's solicitor				Phone:
				Fax:
				Ref:
price				
deposit	(10% of the price, unless otherwise stated)			
balance				
contract date	(if not stated, the date this contract was made)			

buyer's agent

_____ vendor	GST AMOUNT (optional) The price includes GST of: \$	_____ witness
_____ purchaser	<input type="checkbox"/> JOINT TENANTS <input type="checkbox"/> tenants in common <input type="checkbox"/> in unequal shares	_____ witness

Choices

Vendor agrees to accept a **deposit-bond** (clause 3) NO yes

Nominated Electronic Lodgement Network (ELN) (clause 30): PEXA

Electronic transaction (clause 30) no YES

(if no, vendor must provide further details such as the proposed applicable waiver, in the space below, or serve within 14 days of the contract date):

Tax information (the parties promise this is correct as far as each party is aware)

Land tax is adjustable NO yes

GST: Taxable supply NO yes in full yes to an extent

Margin scheme will be used in making the taxable supply NO yes

This sale is not a taxable supply because (one or more of the following may apply) the sale is:

not made in the course or furtherance of an enterprise that the vendor carries on (section 9-5(b))

by a vendor who is neither registered nor required to be registered for GST (section 9-5(d))

GST-free because the sale is the supply of a going concern under section 38-325

GST-free because the sale is subdivided farm land or farm land supplied for farming under Subdivision 38-O

input taxed because the sale is of eligible residential premises (sections 40-65, 40-75(2) and 195-1)

Purchaser must make an *RW payment* (residential withholding payment) NO yes (if yes, vendor must provide further details)

If the further details below are not fully completed at the contract date, the vendor must provide all these details in a separate notice within 14 days of the contract date.

GSTRW payment (residential withholding payment) – further details

Frequently the supplier will be the vendor. However, sometimes further information will be required as to which entity is liable for GST, for example, if the vendor is part of a GST group or a participant in a GST joint venture.

Supplier's name:

Supplier's ABN:

Supplier's GST branch number (if applicable)

Supplier's business address:

Supplier's email address:

Supplier's phone number:

Supplier's proportion of GSTRW payment: \$

If more than one supplier, provide the above details for each supplier.

Amount purchaser must pay – price multiplied by the *GSTRW rate* (residential withholding rate): \$

Amount must be paid: AT COMPLETION at another time (specify):

Is any of the consideration not expressed as an amount in money? NO yes

If "yes", the GST inclusive market value of the non-monetary consideration: \$

Other details (including those required by regulation or the ATO forms):

List of Documents

General	Strata or community title (clause 23 of the contract)
<input checked="" type="checkbox"/> 1 property certificate for the land	<input type="checkbox"/> 32 property certificate for strata common property
<input checked="" type="checkbox"/> 2 plan of the land	<input type="checkbox"/> 33 plan creating strata common property
<input type="checkbox"/> 3 unregistered plan of the land	<input type="checkbox"/> 34 strata by-laws
<input type="checkbox"/> 4 plan of land to be subdivided	<input type="checkbox"/> 35 strata development contract or statement
<input type="checkbox"/> 5 document that is to be lodged with a relevant plan	<input type="checkbox"/> 36 strata management statement
<input checked="" type="checkbox"/> 6 section 10.7(2) planning certificate under Environmental Planning and Assessment Act 1979	<input type="checkbox"/> 37 strata renewal proposal
<input checked="" type="checkbox"/> 7 section information included in that certificate under section 10.7(5)	<input type="checkbox"/> 38 strata renewal plan
<input checked="" type="checkbox"/> 8 sewerage infrastructure location diagram (service location diagram)	<input type="checkbox"/> 39 leasehold strata - lease of lot and common property
<input type="checkbox"/> 9 sewer lines location diagram (sewerage service diagram)	<input type="checkbox"/> 40 property certificate for neighbourhood property
<input type="checkbox"/> 10 document that created or may have created an easement, profit à prendre, restriction on use or positive covenant disclosed in this contract	<input type="checkbox"/> 41 plan creating neighbourhood property
<input type="checkbox"/> 11 <i>planning agreement</i>	<input type="checkbox"/> 42 neighbourhood development contract
<input type="checkbox"/> 12 section 88G certificate (positive covenant)	<input type="checkbox"/> 43 neighbourhood management statement
<input type="checkbox"/> 13 survey report	<input type="checkbox"/> 44 property certificate for precinct property
<input type="checkbox"/> 14 building information certificate or building certificate given under <i>legislation</i>	<input type="checkbox"/> 45 plan creating precinct property
<input type="checkbox"/> 15 lease (with every relevant memorandum or variation)	<input type="checkbox"/> 46 precinct development contract
<input type="checkbox"/> 16 other document relevant to tenancies	<input type="checkbox"/> 47 precinct management statement
<input type="checkbox"/> 17 licence benefiting the land	<input type="checkbox"/> 48 property certificate for community property
<input type="checkbox"/> 18 old system document	<input type="checkbox"/> 49 plan creating community property
<input type="checkbox"/> 19 Crown purchase statement of account	<input type="checkbox"/> 50 community development contract
<input type="checkbox"/> 20 building management statement	<input type="checkbox"/> 51 community management statement
<input type="checkbox"/> 21 form of requisitions	<input type="checkbox"/> 52 document disclosing a change of by-laws
<input type="checkbox"/> 22 <i>clearance certificate</i>	<input type="checkbox"/> 53 document disclosing a change in a development or management contract or statement
<input checked="" type="checkbox"/> 23 land tax certificate	<input type="checkbox"/> 54 document disclosing a change in boundaries
Home Building Act 1989	<input type="checkbox"/> 55 information certificate under Strata Schemes Management Act 2015
<input type="checkbox"/> 24 insurance certificate	<input type="checkbox"/> 56 information certificate under Community Land Management Act 1986
<input type="checkbox"/> 25 brochure or warning	<input type="checkbox"/> 57 disclosure statement – off the plan contract
<input type="checkbox"/> 26 evidence of alternative indemnity cover	<input type="checkbox"/> 58 other document relevant to off the plan contract
Swimming Pools Act 1992	Other
<input type="checkbox"/> 27 certificate of compliance	<input type="checkbox"/> 59
<input type="checkbox"/> 28 evidence of registration	
<input type="checkbox"/> 29 relevant occupation certificate	
<input type="checkbox"/> 30 certificate of non-compliance	
<input type="checkbox"/> 31 detailed reasons for non-compliance	

HOLDER OF STRATA OR COMMUNITY TITLE RECORDS – Name, address, email address and telephone number

Not Applicable

IMPORTANT NOTICE TO VENDORS AND PURCHASERS

Before signing this contract you should ensure that you understand your rights and obligations, some of which are not written in this contract but are implied by law.

WARNING—SMOKE ALARMS

The owners of certain types of buildings and strata lots must have smoke alarms (or in certain cases heat alarms) installed in the building or lot in accordance with regulations under the *Environmental Planning and Assessment Act 1979*. It is an offence not to comply. It is also an offence to remove or interfere with a smoke alarm or heat alarm. Penalties apply.

WARNING—LOOSE-FILL ASBESTOS INSULATION

Before purchasing land that includes any residential premises (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*) built before 1985, a purchaser is strongly advised to consider the possibility that the premises may contain loose-fill asbestos insulation (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*). In particular, a purchaser should:

- (a) search the Register required to be maintained under Division 1A of Part 8 of the *Home Building Act 1989*, and
- (b) ask the relevant local council whether it holds any records showing that the residential premises contain loose-fill asbestos insulation.

For further information about loose-fill asbestos insulation (including areas in which residential premises have been identified as containing loose-fill asbestos insulation), contact NSW Fair Trading.

COOLING OFF PERIOD (PURCHASER'S RIGHTS)

1. This is the statement required by section 66X of the *Conveyancing Act 1919* and applies to a contract for the sale of residential property.
2. EXCEPT in the circumstances listed in paragraph 3, the purchaser may rescind the contract at any time before 5 pm on—
 - (a) the tenth business day after the day on which the contract was made—in the case of an off the plan contract, or
 - (b) the fifth business day after the day on which the contract was made—in any other case.
3. There is NO COOLING OFF PERIOD:
 - (a) if, at or before the time the contract is made, the purchaser gives to the vendor (or the vendor's solicitor or agent) a certificate that complies with section 66W of the Act, or
 - (b) if the property is sold by public auction, or
 - (c) if the contract is made on the same day as the property was offered for sale by public auction but passed in, or
 - (d) if the contract is made in consequence of the exercise of an option to purchase the property, other than an option that is void under section 66ZG of the Act.
4. A purchaser exercising the right to cool off by rescinding the contract will forfeit to the vendor 0.25% of the purchase price of the property. The vendor is entitled to recover the amount forfeited from any amount paid by the purchaser as a deposit under the contract and the purchaser is entitled to a refund of any balance.

DISPUTES

If you get into a dispute with the other party, the Law Society and Real Estate Institute encourage you to use informal procedures such as negotiation, independent expert appraisal, the Law Society Conveyancing Dispute Resolution Scheme or mediation (for example mediation under the Law Society Mediation Program).

AUCTIONS

Regulations made under the Property, Stock and Business Agents Act 2002 prescribe a number of conditions applying to sales by auction.

WARNINGS

1. Various Acts of Parliament and other matters can affect the rights of the parties to this contract. Some important matters are actions, claims, decisions, licences, notices, orders, proposals or rights of way involving:

APA Group Australian Taxation Office Council County Council Department of Planning, Industry and Environment Department of Primary Industries Electricity and gas Land & Housing Corporation Local Land Services	NSW Department of Education NSW Fair Trading Owner of adjoining land Privacy Public Works Advisory Subsidence Advisory NSW Telecommunications Transport for NSW Water, sewerage or drainage authority
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If you think that any of these matters affects the property, tell your solicitor.
2. A lease may be affected by the Agricultural Tenancies Act 1990, the Residential Tenancies Act 2010 or the Retail Leases Act 1994.
3. If any purchase money is owing to the Crown, it will become payable before obtaining consent, or if no consent is needed, when the transfer is registered.
4. If a consent to transfer is required under legislation, see clause 27 as to the obligations of the parties.
5. The vendor should continue the vendor's insurance until completion. If the vendor wants to give the purchaser possession before completion, the vendor should first ask the insurer to confirm this will not affect the insurance.
6. The purchaser will usually have to pay transfer duty (and sometimes surcharge purchaser duty) on this contract. If duty is not paid on time, a purchaser may incur penalties.
7. If the purchaser agrees to the release of deposit, the purchaser's right to recover the deposit may stand behind the rights of others (for example the vendor's mortgagee).
8. The purchaser should arrange insurance as appropriate.
9. Some transactions involving personal property may be affected by the Personal Property Securities Act 2009.
10. A purchaser should be satisfied that finance will be available at the time of completing the purchase.
11. Where the market value of the property is at or above a legislated amount, the purchaser may have to comply with a foreign resident capital gains withholding payment obligation (even if the vendor is not a foreign resident). If so, this will affect the amount available to the vendor on completion.
12. Purchasers of some residential properties may have to withhold part of the purchase price to be credited towards the GST liability of the vendor. If so, this will also affect the amount available to the vendor. More information is available from the ATO.

The vendor sells and the purchaser buys the *property* for the price under these provisions instead of Schedule 3 Conveyancing Act 1919, subject to any *legislation* that cannot be excluded.

1 Definitions (a term in italics is a defined term)

In this contract, these terms (in any form) mean –

<i>adjustment date</i>	the earlier of the giving of possession to the purchaser or completion;
<i>bank</i>	the Reserve Bank of Australia or an authorised deposit-taking institution which is a bank, a building society or a credit union;
<i>business day</i>	any day except a bank or public holiday throughout NSW or a Saturday or Sunday;
<i>cheque</i>	a cheque that is not postdated or stale;
<i>clearance certificate</i>	a certificate within the meaning of s14-220 of Schedule 1 to the <i>TA Act</i> , that covers one or more days falling within the period from and including the contract date to completion;
<i>deposit-bond</i>	a deposit bond or guarantee from an issuer, with an expiry date and for an amount each approved by the vendor;
<i>depositholder</i>	vendor's agent (or if no vendor's agent is named in this contract, the vendor's <i>solicitor</i> , or if no vendor's <i>solicitor</i> is named in this contract, the buyer's agent);
<i>document of title</i>	document relevant to the title or the passing of title;
<i>FRCGW percentage</i>	the percentage mentioned in s14-200(3)(a) of Schedule 1 to the <i>TA Act</i> (12.5% as at 1 July 2017);
<i>FRCGW remittance</i>	a remittance which the purchaser must make under s14-200 of Schedule 1 to the <i>TA Act</i> , being the lesser of the <i>FRCGW percentage</i> of the price (inclusive of GST, if any) and the amount specified in a <i>variation served</i> by a party;
<i>GST Act</i>	A New Tax System (Goods and Services Tax) Act 1999;
<i>GST rate</i>	the rate mentioned in s4 of A New Tax System (Goods and Services Tax Imposition - General) Act 1999 (10% as at 1 July 2000);
<i>GSTRW payment</i>	a payment which the purchaser must make under s14-250 of Schedule 1 to the <i>TA Act</i> (the price multiplied by the <i>GSTRW rate</i>);
<i>GSTRW rate</i>	the rate determined under ss14-250(6), (8) or (9) of Schedule 1 to the <i>TA Act</i> (as at 1 July 2018, usually 7% of the price if the margin scheme applies, 1/11 th if not);
<i>legislation</i>	an Act or a by-law, ordinance, regulation or rule made under an Act;
<i>normally</i>	subject to any other provision of this contract;
<i>party</i>	each of the vendor and the purchaser;
<i>property</i>	the land, the improvements, all fixtures and the inclusions, but not the exclusions;
<i>planning agreement</i>	a valid voluntary agreement within the meaning of s7.4 of the Environmental Planning and Assessment Act 1979 entered into in relation to the <i>property</i> ;
<i>requisition</i>	an objection, question or requisition (but the term does not include a claim);
<i>rescind</i>	rescind this contract from the beginning;
<i>serve</i>	serve in writing on the other party;
<i>settlement cheque</i>	an unendorsed <i>cheque</i> made payable to the person to be paid and – <ul style="list-style-type: none"> • issued by a <i>bank</i> and drawn on itself; or • if authorised in writing by the vendor or the vendor's <i>solicitor</i>, some other <i>cheque</i>;
<i>solicitor</i>	in relation to a party, the party's solicitor or licensed conveyancer named in this contract or in a notice <i>served</i> by the party;
<i>TA Act</i>	Taxation Administration Act 1953;
<i>terminate</i>	terminate this contract for breach;
<i>variation</i>	a variation made under s14-235 of Schedule 1 to the <i>TA Act</i> ;
<i>within</i>	in relation to a period, at any time before or during the period; and
<i>work order</i>	a valid direction, notice or order that requires work to be done or money to be spent on or in relation to the <i>property</i> or any adjoining footpath or road (but the term does not include a notice under s22E of the Swimming Pools Act 1992 or clause 22 of the Swimming Pools Regulation 2018).

2 Deposit and other payments before completion

- 2.1 The purchaser must pay the deposit to the *depositholder* as stakeholder.
- 2.2 *Normally*, the purchaser must pay the deposit on the making of this contract, and this time is essential.
- 2.3 If this contract requires the purchaser to pay any of the deposit by a later time, that time is also essential.
- 2.4 The purchaser can pay any of the deposit by giving cash (up to \$2,000) or by unconditionally giving a *cheque* to the *depositholder* or to the vendor, vendor's agent or vendor's *solicitor* for sending to the *depositholder* or by payment by electronic funds transfer to the *depositholder*.
- 2.5 If any of the deposit is not paid on time or a *cheque* for any of the deposit is not honoured on presentation, the vendor can *terminate*. This right to *terminate* is lost as soon as the deposit is paid in full.
- 2.6 If the vendor accepts a bond or guarantee for the deposit, clauses 2.1 to 2.5 do not apply.

BREACH OF COPYRIGHT MAY RESULT IN LEGAL ACTION

- 2.7 If the vendor accepts a bond or guarantee for part of the deposit, clauses 2.1 to 2.5 apply only to the balance.
- 2.8 If any of the deposit or of the balance of the price is paid before completion to the vendor or as the vendor directs, it is a charge on the land in favour of the purchaser until *termination* by the vendor or completion, subject to any existing right.
- 2.9 If each *party* tells the *depositholder* that the deposit is to be invested, the *depositholder* is to invest the deposit (at the risk of the *party* who becomes entitled to it) with a *bank*, in an interest-bearing account in NSW, payable at call, with interest to be reinvested, and pay the interest to the *parties* equally, after deduction of all proper government taxes and financial institution charges and other charges.

3 Deposit-bond

- 3.1 This clause applies only if this contract says the vendor has agreed to accept a *deposit-bond* for the deposit (or part of it).
- 3.2 The purchaser must provide the original *deposit-bond* to the vendor's *solicitor* (or if no *solicitor* the *depositholder*) at or before the making of this contract and this time is essential.
- 3.3 If the *deposit-bond* has an expiry date and completion does not occur by the date which is 14 days before the expiry date, the purchaser must *serve* a replacement *deposit-bond* at least 7 days before the expiry date. The time for service is essential.
- 3.4 The vendor must approve a replacement *deposit-bond* if –
- 3.4.1 it is from the same issuer and for the same amount as the earlier *deposit-bond*; and
- 3.4.2 it has an expiry date at least three months after its date of issue.
- 3.5 A breach of clauses 3.2 or 3.3 entitles the vendor to *terminate*. The right to *terminate* is lost as soon as –
- 3.5.1 the purchaser *serves* a replacement *deposit-bond*; or
- 3.5.2 the deposit is paid in full under clause 2.
- 3.6 Clauses 3.3 and 3.4 can operate more than once.
- 3.7 If the purchaser *serves* a replacement *deposit-bond*, the vendor must *serve* the earlier *deposit-bond*.
- 3.8 The amount of any *deposit-bond* does not form part of the price for the purposes of clause 16.7.
- 3.9 The vendor must give the purchaser the *deposit-bond* –
- 3.9.1 on completion; or
- 3.9.2 if this contract is *rescinded*.
- 3.10 If this contract is *terminated* by the vendor –
- 3.10.1 *normally*, the vendor can immediately demand payment from the issuer of the *deposit-bond*; or
- 3.10.2 if the purchaser *serves* prior to *termination* a notice disputing the vendor's right to *terminate*, the vendor must forward the *deposit-bond* (or its proceeds if called up) to the *depositholder* as stakeholder.
- 3.11 If this contract is *terminated* by the purchaser –
- 3.11.1 *normally*, the vendor must give the purchaser the *deposit-bond*; or
- 3.11.2 if the vendor *serves* prior to *termination* a notice disputing the purchaser's right to *terminate*, the vendor must forward the *deposit-bond* (or its proceeds if called up) to the *depositholder* as stakeholder.

4 Transfer

- 4.1 *Normally*, the purchaser must *serve* at least 14 days before the date for completion –
- 4.1.1 the form of transfer; and
- 4.1.2 particulars required to register any mortgage or other dealing to be lodged with the transfer by the purchaser or the purchaser's mortgagee.
- 4.2 If any information needed for the form of transfer is not disclosed in this contract, the vendor must *serve* it.
- 4.3 If the purchaser *serves* a form of transfer and the transferee is not the purchaser, the purchaser must give the vendor a direction signed by the purchaser personally for this form of transfer.
- 4.4 The vendor can require the purchaser to include a form of covenant or easement in the transfer only if this contract contains the wording of the proposed covenant or easement, and a description of the land benefited.

5 Requisitions

- 5.1 If a form of *requisitions* is attached to this contract, the purchaser is taken to have made those *requisitions*.
- 5.2 If the purchaser is or becomes entitled to make any other *requisition*, the purchaser can make it only by *servicing* it –
- 5.2.1 if it arises out of this contract or it is a general question about the *property* or title - *within* 21 days after the contract date;
- 5.2.2 if it arises out of anything *served* by the vendor - *within* 21 days after the later of the contract date and that *service*; and
- 5.2.3 in any other case - *within* a reasonable time.

6 Error or misdescription

- 6.1 *Normally*, the purchaser can (but only before completion) claim compensation for an error or misdescription in this contract (as to the *property*, the title or anything else and whether substantial or not).
- 6.2 This clause applies even if the purchaser did not take notice of or rely on anything in this contract containing or giving rise to the error or misdescription.
- 6.3 However, this clause does not apply to the extent the purchaser knows the true position.

7 Claims by purchaser

Normally, the purchaser can make a claim (including a claim under clause 6) before completion only by serving it with a statement of the amount claimed, and if the purchaser makes one or more claims before completion –

- 7.1 the vendor can *rescind* if in the case of claims that are not claims for delay –
- 7.1.1 the total amount claimed exceeds 5% of the price;
- 7.1.2 the vendor *serves* notice of intention to *rescind*; and
- 7.1.3 the purchaser does not *serve* notice waiving the claims *within* 14 days after that *service*; and
- 7.2 if the vendor does not *rescind*, the *parties* must complete and if this contract is completed –
- 7.2.1 the lesser of the total amount claimed and 10% of the price must be paid out of the price to and held by the *depositholder* until the claims are finalised or lapse;
- 7.2.2 the amount held is to be invested in accordance with clause 2.9;
- 7.2.3 the claims must be finalised by an arbitrator appointed by the *parties* or, if an appointment is not made *within* 1 month of completion, by an arbitrator appointed by the President of the Law Society at the request of a *party* (in the latter case the *parties* are bound by the terms of the Conveyancing Arbitration Rules approved by the Law Society as at the date of the appointment);
- 7.2.4 the purchaser is not entitled, in respect of the claims, to more than the total amount claimed and the costs of the purchaser;
- 7.2.5 net interest on the amount held must be paid to the *parties* in the same proportion as the amount held is paid; and
- 7.2.6 if the *parties* do not appoint an arbitrator and neither *party* requests the President to appoint an arbitrator *within* 3 months after completion, the claims lapse and the amount belongs to the vendor.

8 Vendor's rights and obligations

- 8.1 The vendor can *rescind* if –
- 8.1.1 the vendor is, on reasonable grounds, unable or unwilling to comply with a *requisition*;
- 8.1.2 the vendor *serves* a notice of intention to *rescind* that specifies the *requisition* and those grounds; and
- 8.1.3 the purchaser does not *serve* a notice waiving the *requisition* *within* 14 days after that *service*.
- 8.2 If the vendor does not comply with this contract (or a notice under or relating to it) in an essential respect, the purchaser can *terminate* by *serving* a notice. After the *termination* –
- 8.2.1 the purchaser can recover the deposit and any other money paid by the purchaser under this contract;
- 8.2.2 the purchaser can sue the vendor to recover damages for breach of contract; and
- 8.2.3 if the purchaser has been in possession a *party* can claim for a reasonable adjustment.

9 Purchaser's default

If the purchaser does not comply with this contract (or a notice under or relating to it) in an essential respect, the vendor can *terminate* by *serving* a notice. After the *termination* the vendor can –

- 9.1 keep or recover the deposit (to a maximum of 10% of the price);
- 9.2 hold any other money paid by the purchaser under this contract as security for anything recoverable under this clause –
- 9.2.1 for 12 months after the *termination*; or
- 9.2.2 if the vendor commences proceedings under this clause *within* 12 months, until those proceedings are concluded; and
- 9.3 sue the purchaser either –
- 9.3.1 where the vendor has resold the *property* under a contract made *within* 12 months after the *termination*, to recover –
- the deficiency on resale (with credit for any of the deposit kept or recovered and after allowance for any capital gains tax or goods and services tax payable on anything recovered under this clause); and
 - the reasonable costs and expenses arising out of the purchaser's non-compliance with this contract or the notice and of resale and any attempted resale; or
- 9.3.2 to recover damages for breach of contract.

10 Restrictions on rights of purchaser

- 10.1 The purchaser cannot make a claim or *requisition* or *rescind* or *terminate* in respect of –
- 10.1.1 the ownership or location of any fence as defined in the Dividing Fences Act 1991;
- 10.1.2 a service for the *property* being a joint service or passing through another property, or any service for another property passing through the *property* ('service' includes air, communication, drainage, electricity, garbage, gas, oil, radio, sewerage, telephone, television or water service);
- 10.1.3 a wall being or not being a party wall in any sense of that term or the *property* being affected by an easement for support or not having the benefit of an easement for support;
- 10.1.4 any change in the *property* due to fair wear and tear before completion;
- 10.1.5 a promise, representation or statement about this contract, the *property* or the title, not set out or referred to in this contract;
- 10.1.6 a condition, exception, reservation or restriction in a Crown grant;

- 10.1.7 the existence of any authority or licence to explore or prospect for gas, minerals or petroleum;
- 10.1.8 any easement or restriction on use the substance of either of which is disclosed in this contract or any non-compliance with the easement or restriction on use; or
- 10.1.9 anything the substance of which is disclosed in this contract (except a caveat, charge, mortgage, priority notice or writ).
- 10.2 The purchaser cannot *rescind* or *terminate* only because of a defect in title to or quality of the inclusions.
- 10.3 *Normally*, the purchaser cannot make a claim or *requisition* or *rescind* or *terminate* or require the vendor to change the nature of the title disclosed in this contract (for example, to remove a caution evidencing qualified title, or to lodge a plan of survey as regards limited title).
- 11 Compliance with work orders**
- 11.1 *Normally*, the vendor must by completion comply with a *work order* made on or before the contract date and if this contract is completed the purchaser must comply with any other *work order*.
- 11.2 If the purchaser complies with a *work order*, and this contract is *rescinded* or *terminated*, the vendor must pay the expense of compliance to the purchaser.
- 12 Certificates and inspections**
- The vendor must do everything reasonable to enable the purchaser, subject to the rights of any tenant –
- 12.1 to have the *property* inspected to obtain any certificate or report reasonably required;
- 12.2 to apply (if necessary in the name of the vendor) for –
- 12.2.1 any certificate that can be given in respect of the *property* under *legislation*, or
- 12.2.2 a copy of any approval, certificate, consent, direction, notice or order in respect of the *property* given under *legislation*, even if given after the contract date; and
- 12.3 to make 1 inspection of the *property* in the 3 days before a time appointed for completion.
- 13 Goods and services tax (GST)**
- 13.1 Terms used in this clause which are not defined elsewhere in this contract and have a defined meaning in the *GST Act* have the same meaning in this clause.
- 13.2 *Normally*, if a *party* must pay the price or any other amount to the other *party* under this contract, GST is not to be added to the price or amount.
- 13.3 If under this contract a *party* must make an adjustment or payment for an expense of another party or pay an expense payable by or to a third party (for example, under clauses 14 or 20.7) –
- 13.3.1 the *party* must adjust or pay on completion any GST added to or included in the expense; but
- 13.3.2 the amount of the expense must be reduced to the extent the party receiving the adjustment or payment (or the representative member of a GST group of which that party is a member) is entitled to an input tax credit for the expense; and
- 13.3.3 if the adjustment or payment under this contract is consideration for a taxable supply, an amount for GST must be added at the *GST rate*.
- 13.4 If this contract says this sale is the supply of a going concern –
- 13.4.1 the *parties* agree the supply of the *property* is a supply of a going concern;
- 13.4.2 the vendor must, between the contract date and completion, carry on the enterprise conducted on the land in a proper and business-like way;
- 13.4.3 if the purchaser is not registered by the date for completion, the *parties* must complete and the purchaser must pay on completion, in addition to the price, an amount being the price multiplied by the *GST rate* ("the retention sum"). The retention sum is to be held by the *depositholder* and dealt with as follows –
- if *within* 3 months of completion the purchaser *serves* a letter from the Australian Taxation Office stating the purchaser is registered with a date of effect of registration on or before completion, the *depositholder* is to pay the retention sum to the purchaser; but
 - if the purchaser does not *serve* that letter *within* 3 months of completion, the *depositholder* is to pay the retention sum to the vendor; and
- 13.4.4 if the vendor, despite clause 13.4.1, *serves* a letter from the Australian Taxation Office stating the vendor has to pay GST on the supply, the purchaser must pay to the vendor on demand the amount of GST assessed.
- 13.5 *Normally*, the vendor promises the margin scheme will not apply to the supply of the *property*.
- 13.6 If this contract says the margin scheme is to apply in making the taxable supply, the *parties* agree that the margin scheme is to apply to the sale of the *property*.
- 13.7 If this contract says the sale is not a taxable supply –
- 13.7.1 the purchaser promises that the *property* will not be used and represents that the purchaser does not intend the *property* (or any part of the *property*) to be used in a way that could make the sale a taxable supply to any extent; and
- 13.7.2 the purchaser must pay the vendor on completion in addition to the price an amount calculated by multiplying the price by the *GST rate* if this sale is a taxable supply to any extent because of –
- a breach of clause 13.7.1; or
 - something else known to the purchaser but not the vendor.
- 13.8 If this contract says this sale is a taxable supply in full and does not say the margin scheme applies to the *property*, the vendor must pay the purchaser on completion an amount of one-eleventh of the price if –

- 13.8.1 this sale is not a taxable supply in full; or
- 13.8.2 the margin scheme applies to the *property* (or any part of the *property*).
- 13.9 If this contract says this sale is a taxable supply to an extent –
- 13.9.1 clause 13.7.1 does not apply to any part of the *property* which is identified as being a taxable supply; and
- 13.9.2 the payments mentioned in clauses 13.7 and 13.8 are to be recalculated by multiplying the relevant payment by the proportion of the price which represents the value of that part of the *property* to which the clause applies (the proportion to be expressed as a number between 0 and 1). Any evidence of value must be obtained at the expense of the vendor.
- 13.10 *Normally*, on completion the vendor must give the recipient of the supply a tax invoice for any taxable supply by the vendor by or under this contract.
- 13.11 The vendor does not have to give the purchaser a tax invoice if the margin scheme applies to a taxable supply.
- 13.12 If the vendor is liable for GST on rents or profits due to issuing an invoice or receiving consideration before completion, any adjustment of those amounts must exclude an amount equal to the vendor's GST liability.
- 13.13 If the purchaser must make a *GSTRW payment* the purchaser must –
- 13.13.1 at least 5 days before the date for completion, *serve* evidence of submission of a *GSTRW payment* notification form to the Australian Taxation Office by the purchaser or, if a direction under clause 4.3 has been *served*, by the transferee named in the transfer *served* with that direction;
- 13.13.2 produce on completion a *settlement cheque* for the *GSTRW payment* payable to the Deputy Commissioner of Taxation;
- 13.13.3 forward the *settlement cheque* to the payee immediately after completion; and
- 13.13.4 *serve* evidence of receipt of payment of the *GSTRW payment* and a copy of the settlement date confirmation form submitted to the Australian Taxation Office.
- 14 Adjustments**
- 14.1 *Normally*, the vendor is entitled to the rents and profits and will be liable for all rates, water, sewerage and drainage service and usage charges, land tax, levies and all other periodic outgoings up to and including the *adjustment date* after which the purchaser will be entitled and liable.
- 14.2 The *parties* must make any necessary adjustment on completion.
- 14.3 If an amount that is adjustable under this contract has been reduced under *legislation*, the *parties* must on completion adjust the reduced amount.
- 14.4 The *parties* must not adjust surcharge land tax (as defined in the Land Tax Act 1956) but must adjust any other land tax for the year current at the *adjustment date*.
- 14.4.1 only if land tax has been paid or is payable for the year (whether by the vendor or by a predecessor in title) and this contract says that land tax is adjustable;
- 14.4.2 by adjusting the amount that would have been payable if at the start of the year –
- the person who owned the land owned no other land;
 - the land was not subject to a special trust or owned by a non-concessional company; and
 - if the land (or part of it) had no separate taxable value, by calculating its separate taxable value on a proportional area basis.
- 14.5 If any other amount that is adjustable under this contract relates partly to the land and partly to other land, the *parties* must adjust it on a proportional area basis.
- 14.6 *Normally*, the vendor can direct the purchaser to produce a *settlement cheque* on completion to pay an amount adjustable under this contract and if so –
- 14.6.1 the amount is to be treated as if it were paid; and
- 14.6.2 the *cheque* must be forwarded to the payee immediately after completion (by the purchaser if the *cheque* relates only to the *property* or by the vendor in any other case).
- 14.7 If on completion the last bill for a water, sewerage or drainage usage charge is for a period ending before the *adjustment date*, the vendor is liable for an amount calculated by dividing the bill by the number of days in the period then multiplying by the number of unbilled days up to and including the *adjustment date*.
- 14.8 The vendor is liable for any amount recoverable for work started on or before the contract date on the *property* or any adjoining footpath or road.
- 15 Date for completion**
- The *parties* must complete by the date for completion and, if they do not, a *party* can *serve* a notice to complete if that *party* is otherwise entitled to do so.
- 16 Completion**
- **Vendor**
- 16.1 On completion the vendor must give the purchaser any *document of title* that relates only to the *property*.
- 16.2 If on completion the vendor has possession or control of a *document of title* that relates also to other property, the vendor must produce it as and where necessary.
- 16.3 *Normally*, on completion the vendor must cause the legal title to the *property* (being an estate in fee simple) to pass to the purchaser free of any mortgage or other interest, subject to any necessary registration.
- 16.4 The legal title to the *property* does not pass before completion.

- 16.5 If the vendor gives the purchaser a document (other than the transfer) that needs to be lodged for registration, the vendor must pay the lodgment fee to the purchaser.
- 16.6 If a *party serves* a land tax certificate showing a charge on any of the land, by completion the vendor must do all things and pay all money required so that the charge is no longer effective against the land.
- **Purchaser**
- 16.7 On completion the purchaser must pay to the vendor, by cash (up to \$2,000) or *settlement cheque* –
- 16.7.1 the price less any:
- deposit paid;
 - *FRCGW remittance* payable;
 - *GSTRW payment*; and
 - amount payable by the vendor to the purchaser under this contract; and
- 16.7.2 any other amount payable by the purchaser under this contract.
- 16.8 If the vendor requires more than 5 *settlement cheques*, the vendor must pay \$10 for each extra *cheque*.
- 16.9 If any of the deposit is not covered by a bond or guarantee, on completion the purchaser must give the vendor an order signed by the purchaser authorising the *depositholder* to account to the vendor for the deposit.
- 16.10 On completion the deposit belongs to the vendor.
- **Place for completion**
- 16.11 *Normally*, the *parties* must complete at the completion address, which is –
- 16.11.1 if a special completion address is stated in this contract - that address; or
- 16.11.2 if none is stated, but a first mortgagee is disclosed in this contract and the mortgagee would usually discharge the mortgage at a particular place - that place; or
- 16.11.3 in any other case - the vendor's *solicitor's* address stated in this contract.
- 16.12 The vendor by reasonable notice can require completion at another place, if it is in NSW, but the vendor must pay the purchaser's additional expenses, including any agency or mortgagee fee.
- 16.13 If the purchaser requests completion at a place that is not the completion address, and the vendor agrees, the purchaser must pay the vendor's additional expenses, including any agency or mortgagee fee.
- 17 Possession**
- 17.1 *Normally*, the vendor must give the purchaser vacant possession of the *property* on completion.
- 17.2 The vendor does not have to give vacant possession if –
- 17.2.1 this contract says that the sale is subject to existing tenancies; and
- 17.2.2 the contract discloses the provisions of the tenancy (for example, by attaching a copy of the lease and any relevant memorandum or variation).
- 17.3 *Normally*, the purchaser can claim compensation (before or after completion) or *rescind* if any of the land is affected by a protected tenancy (a tenancy affected by Schedule 2, Part 7 of the Residential Tenancies Act 2010).
- 18 Possession before completion**
- 18.1 This clause applies only if the vendor gives the purchaser possession of the *property* before completion.
- 18.2 The purchaser must not before completion –
- 18.2.1 let or part with possession of any of the *property*;
- 18.2.2 make any change or structural alteration or addition to the *property*; or
- 18.2.3 contravene any agreement between the *parties* or any direction, document, *legislation*, notice or order affecting the *property*.
- 18.3 The purchaser must until completion –
- 18.3.1 keep the *property* in good condition and repair having regard to its condition at the giving of possession; and
- 18.3.2 allow the vendor or the vendor's authorised representative to enter and inspect it at all reasonable times.
- 18.4 The risk as to damage to the *property* passes to the purchaser immediately after the purchaser enters into possession.
- 18.5 If the purchaser does not comply with this clause, then without affecting any other right of the vendor –
- 18.5.1 the vendor can before completion, without notice, remedy the non-compliance; and
- 18.5.2 if the vendor pays the expense of doing this, the purchaser must pay it to the vendor with interest at the rate prescribed under s101 Civil Procedure Act 2005.
- 18.6 If this contract is *rescinded* or *terminated* the purchaser must immediately vacate the *property*.
- 18.7 If the *parties* or their *solicitors* on their behalf do not agree in writing to a fee or rent, none is payable.
- 19 Rescission of contract**
- 19.1 If this contract expressly gives a *party* a right to *rescind*, the *party* can exercise the right –
- 19.1.1 only by *servicing* a notice before completion; and
- 19.1.2 in spite of any making of a claim or *requisition*, any attempt to satisfy a claim or *requisition*, any arbitration, litigation, mediation or negotiation or any giving or taking of possession.
- 19.2 *Normally*, if a *party* exercises a right to *rescind* expressly given by this contract or any *legislation* –
- 19.2.1 the deposit and any other money paid by the purchaser under this contract must be refunded;
- 19.2.2 a *party* can claim for a reasonable adjustment if the purchaser has been in possession;
- 19.2.3 a *party* can claim for damages, costs or expenses arising out of a breach of this contract; and
- 19.2.4 a *party* will not otherwise be liable to pay the other *party* any damages, costs or expenses.

20 Miscellaneous

- 20.1 The *parties* acknowledge that anything stated in this contract to be attached was attached to this contract by the vendor before the purchaser signed it and is part of this contract.
- 20.2 Anything attached to this contract is part of this contract.
- 20.3 An area, bearing or dimension in this contract is only approximate.
- 20.4 If a *party* consists of 2 or more persons, this contract benefits and binds them separately and together.
- 20.5 A *party's solicitor* can receive any amount payable to the *party* under this contract or direct in writing that it is to be paid to another person.
- 20.6 A document under or relating to this contract is –
- 20.6.1 signed by a *party* if it is signed by the *party* or the *party's solicitor* (apart from a direction under clause 4.3);
- 20.6.2 served if it is served by the *party* or the *party's solicitor*;
- 20.6.3 served if it is served on the *party's solicitor*, even if the *party* has died or any of them has died;
- 20.6.4 served if it is served in any manner provided in s170 of the Conveyancing Act 1919;
- 20.6.5 served if it is sent by email or fax to the *party's solicitor*, unless in either case it is not received;
- 20.6.6 served on a person if it (or a copy of it) comes into the possession of the person; and
- 20.6.7 served at the earliest time it is served, if it is served more than once.
- 20.7 An obligation to pay an expense of another *party* of doing something is an obligation to pay –
- 20.7.1 if the *party* does the thing personally - the reasonable cost of getting someone else to do it; or
- 20.7.2 if the *party* pays someone else to do the thing - the amount paid, to the extent it is reasonable.
- 20.8 Rights under clauses 11, 13, 14, 17, 24, 30 and 31 continue after completion, whether or not other rights continue.
- 20.9 The vendor does not promise, represent or state that the purchaser has any cooling off rights.
- 20.10 The vendor does not promise, represent or state that any attached survey report is accurate or current.
- 20.11 A reference to any *legislation* (including any percentage or rate specified in *legislation*) is also a reference to any corresponding later *legislation*.
- 20.12 Each *party* must do whatever is necessary after completion to carry out the *party's* obligations under this contract.
- 20.13 Neither taking possession nor *servicing* a transfer of itself implies acceptance of the *property* or the title.
- 20.14 The details and information provided in this contract (for example, on pages 1 - 3) are, to the extent of each *party's* knowledge, true, and are part of this contract.
- 20.15 Where this contract provides for choices, a choice in BLOCK CAPITALS applies unless a different choice is marked.

21 Time limits in these provisions

- 21.1 If the time for something to be done or to happen is not stated in these provisions, it is a reasonable time.
- 21.2 If there are conflicting times for something to be done or to happen, the latest of those times applies.
- 21.3 The time for one thing to be done or to happen does not extend the time for another thing to be done or to happen.
- 21.4 If the time for something to be done or to happen is the 29th, 30th or 31st day of a month, and the day does not exist, the time is instead the last day of the month.
- 21.5 If the time for something to be done or to happen is a day that is not a *business day*, the time is extended to the next *business day*, except in the case of clauses 2 and 3.2.
- 21.6 *Normally*, the time by which something must be done is fixed but not essential.

22 Foreign Acquisitions and Takeovers Act 1975

- 22.1 The purchaser promises that the Commonwealth Treasurer cannot prohibit and has not prohibited the transfer under the Foreign Acquisitions and Takeovers Act 1975.
- 22.2 This promise is essential and a breach of it entitles the vendor to *terminate*.

23 Strata or community title**• Definitions and modifications**

- 23.1 This clause applies only if the land (or part of it) is a lot in a strata, neighbourhood, precinct or community scheme (or on completion is to be a lot in a scheme of that kind).
- 23.2 In this contract –
- 23.2.1 'change' in relation to a scheme, means –
- a registered or registrable change from by-laws set out in this contract;
 - a change from a development or management contract or statement set out in this contract; or
 - a change in the boundaries of common property;
- 23.2.2 'common property' includes association property for the scheme or any higher scheme;
- 23.2.3 'contribution' includes an amount payable under a by-law;
- 23.2.4 'information certificate' includes a certificate under s184 Strata Schemes Management Act 2015 and s26 Community Land Management Act 1989;
- 23.2.5 'information notice' includes a strata information notice under s22 Strata Schemes Management Act 2015 and a notice under s47 Community Land Management Act 1989;

- 23.2.6 'normal expenses', in relation to an owners corporation for a scheme, means normal operating expenses usually payable from the administrative fund of an owners corporation for a scheme of the same kind;
- 23.2.7 'owners corporation' means the owners corporation or the association for the scheme or any higher scheme;
- 23.2.8 'the *property*' includes any interest in common property for the scheme associated with the lot; and
- 23.2.9 'special expenses', in relation to an owners corporation, means its actual, contingent or expected expenses, except to the extent they are –
- normal expenses;
 - due to fair wear and tear;
 - disclosed in this contract; or
 - covered by moneys held in the capital works fund.
- 23.3 Clauses 11, 14.8 and 18.4 do not apply to an obligation of the owners corporation, or to property insurable by it.
- 23.4 Clauses 14.4.2 and 14.5 apply but on a unit entitlement basis instead of an area basis.
- **Adjustments and liability for expenses**
- 23.5 The *parties* must adjust under clause 14.1 –
- 23.5.1 a regular periodic contribution;
- 23.5.2 a contribution which is not a regular periodic contribution but is disclosed in this contract; and
- 23.5.3 on a unit entitlement basis, any amount paid by the vendor for a normal expense of the owners corporation to the extent the owners corporation has not paid the amount to the vendor.
- 23.6 If a contribution is not a regular periodic contribution and is not disclosed in this contract –
- 23.6.1 the vendor is liable for it if it was determined on or before the contract date, even if it is payable by instalments; and
- 23.6.2 the purchaser is liable for all contributions determined after the contract date.
- 23.7 The vendor must pay or allow to the purchaser on completion the amount of any unpaid contributions for which the vendor is liable under clause 23.6.1.
- 23.8 *Normally*, the purchaser cannot make a claim or *requisition* or *rescind* or *terminate* in respect of –
- 23.8.1 an existing or future actual, contingent or expected expense of the owners corporation;
- 23.8.2 a proportional unit entitlement of the lot or a relevant lot or former lot, apart from a claim under clause 6; or
- 23.8.3 a past or future change in the scheme or a higher scheme.
- 23.9 However, the purchaser can *rescind* if –
- 23.9.1 the special expenses of the owners corporation at the later of the contract date and the creation of the owners corporation when calculated on a unit entitlement basis (and, if more than one lot or a higher scheme is involved, added together), less any contribution paid by the vendor, are more than 1% of the price;
- 23.9.2 in the case of the lot or a relevant lot or former lot in a higher scheme, a proportional unit entitlement for the lot is disclosed in this contract but the lot has a different proportional unit entitlement at the contract date or at any time before completion;
- 23.9.3 a change before the contract date or before completion in the scheme or a higher scheme materially prejudices the purchaser and is not disclosed in this contract; or
- 23.9.4 a resolution is passed by the owners corporation before the contract date or before completion to give to the owners in the scheme for their consideration a strata renewal plan that has not lapsed at the contract date and there is not attached to this contract a strata renewal proposal or the strata renewal plan.
- **Notices, certificates and inspections**
- 23.10 The purchaser must give the vendor 2 copies of an information notice addressed to the owners corporation and signed by the purchaser.
- 23.11 The vendor must complete and sign 1 copy of the notice and give it to the purchaser on completion.
- 23.12 Each *party* can sign and give the notice as agent for the other.
- 23.13 The vendor must *serve* an information certificate issued after the contract date in relation to the lot, the scheme or any higher scheme at least 7 days before the date for completion.
- 23.14 The purchaser does not have to complete earlier than 7 days after *service* of the certificate and clause 21.3 does not apply to this provision. On completion the purchaser must pay the vendor the prescribed fee for the certificate.
- 23.15 The vendor authorises the purchaser to apply for the purchaser's own certificate.
- 23.16 The vendor authorises the purchaser to apply for and make an inspection of any record or other document in the custody or control of the owners corporation or relating to the scheme or any higher scheme.
- **Meetings of the owners corporation**
- 23.17 If a general meeting of the owners corporation is convened before completion –
- 23.17.1 if the vendor receives notice of it, the vendor must immediately notify the purchaser of it; and
- 23.17.2 after the expiry of any cooling off period, the purchaser can require the vendor to appoint the purchaser (or the purchaser's nominee) to exercise any voting rights of the vendor in respect of the lot at the meeting.

24 Tenancies

- 24.1 If a tenant has not made a payment for a period preceding or current at the *adjustment date* –
- 24.1.1 for the purposes of clause 14.2, the amount is to be treated as if it were paid; and
- 24.1.2 the purchaser assigns the debt to the vendor on completion and will if required give a further assignment at the vendor's expense.
- 24.2 If a tenant has paid in advance of the *adjustment date* any periodic payment in addition to rent, it must be adjusted as if it were rent for the period to which it relates.
- 24.3 If the *property* is to be subject to a tenancy on completion or is subject to a tenancy on completion –
- 24.3.1 the vendor authorises the purchaser to have any accounting records relating to the tenancy inspected and audited and to have any other document relating to the tenancy inspected;
- 24.3.2 the vendor must *serve* any information about the tenancy reasonably requested by the purchaser before or after completion; and
- 24.3.3 *normally*, the purchaser can claim compensation (before or after completion) if –
- a disclosure statement required by the Retail Leases Act 1994 was not given when required;
 - such a statement contained information that was materially false or misleading;
 - a provision of the lease is not enforceable because of a non-disclosure in such a statement; or
 - the lease was entered into in contravention of the Retail Leases Act 1994.
- 24.4 If the *property* is subject to a tenancy on completion –
- 24.4.1 the vendor must allow or transfer –
- any remaining bond money or any other security against the tenant's default (to the extent the security is transferable);
 - any money in a fund established under the lease for a purpose and compensation for any money in the fund or interest earned by the fund that has been applied for any other purpose; and
 - any money paid by the tenant for a purpose that has not been applied for that purpose and compensation for any of the money that has been applied for any other purpose;
- 24.4.2 if the security is not transferable, each *party* must do everything reasonable to cause a replacement security to issue for the benefit of the purchaser and the vendor must hold the original security on trust for the benefit of the purchaser until the replacement security issues;
- 24.4.3 the vendor must give to the purchaser –
- a proper notice of the transfer (an attornment notice) addressed to the tenant;
 - any certificate given under the Retail Leases Act 1994 in relation to the tenancy;
 - a copy of any disclosure statement given under the Retail Leases Act 1994;
 - a copy of any document served on the tenant under the lease and written details of its service, if the document concerns the rights of the landlord or the tenant after completion; and
 - any document served by the tenant under the lease and written details of its service, if the document concerns the rights of the landlord or the tenant after completion;
- 24.4.4 the vendor must comply with any obligation to the tenant under the lease, to the extent it is to be complied with by completion; and
- 24.4.5 the purchaser must comply with any obligation to the tenant under the lease, to the extent that the obligation is disclosed in this contract and is to be complied with after completion.

25 Qualified title, limited title and old system title

- 25.1 This clause applies only if the land (or part of it) –
- 25.1.1 is under qualified, limited or old system title; or
- 25.1.2 on completion is to be under one of those titles.
- 25.2 The vendor must *serve* a proper abstract of title *within* 7 days after the contract date.
- 25.3 If an abstract of title or part of an abstract of title is attached to this contract or has been lent by the vendor to the purchaser before the contract date, the abstract or part is *served* on the contract date.
- 25.4 An abstract of title can be or include a list of documents, events and facts arranged (apart from a will or codicil) in date order, if the list in respect of each document –
- 25.4.1 shows its date, general nature, names of parties and any registration number; and
- 25.4.2 has attached a legible photocopy of it or of an official or registration copy of it.
- 25.5 An abstract of title –
- 25.5.1 must start with a good root of title (if the good root of title must be at least 30 years old, this means 30 years old at the contract date);
- 25.5.2 in the case of a leasehold interest, must include an abstract of the lease and any higher lease;
- 25.5.3 *normally*, need not include a Crown grant; and
- 25.5.4 need not include anything evidenced by the Register kept under the Real Property Act 1900.
- 25.6 In the case of land under old system title –
- 25.6.1 in this contract 'transfer' means conveyance;
- 25.6.2 the purchaser does not have to *serve* the form of transfer until after the vendor has *served* a proper abstract of title; and
- 25.6.3 each vendor must give proper covenants for title as regards that vendor's interest.
- 25.7 In the case of land under limited title but not under qualified title –

- 25.7.1 normally, the abstract of title need not include any document which does not show the location, area or dimensions of the land (for example, by including a metes and bounds description or a plan of the land);
- 25.7.2 clause 25.7.1 does not apply to a document which is the good root of title; and
- 25.7.3 the vendor does not have to provide an abstract if this contract contains a delimitation plan (whether in registrable form or not).
- 25.8 The vendor must give a proper covenant to produce where relevant.
- 25.9 The vendor does not have to produce or covenant to produce a document that is not in the possession of the vendor or a mortgagee.
- 25.10 If the vendor is unable to produce an original document in the chain of title, the purchaser will accept a photocopy from the Registrar-General of the registration copy of that document.
- 26 Crown purchase money**
- 26.1 This clause applies only if purchase money is payable to the Crown, whether or not due for payment.
- 26.2 The vendor is liable for the money, except to the extent this contract says the purchaser is liable for it.
- 26.3 To the extent the vendor is liable for it, the vendor is liable for any interest until completion.
- 26.4 To the extent the purchaser is liable for it, the parties must adjust any interest under clause 14.1.
- 27 Consent to transfer**
- 27.1 This clause applies only if the land (or part of it) cannot be transferred without consent under legislation or a planning agreement.
- 27.2 The purchaser must properly complete and then serve the purchaser's part of an application for consent to transfer of the land (or part of it) within 7 days after the contract date.
- 27.3 The vendor must apply for consent within 7 days after service of the purchaser's part.
- 27.4 If consent is refused, either party can rescind.
- 27.5 If consent is given subject to one or more conditions that will substantially disadvantage a party, then that party can rescind within 7 days after receipt by or service upon the party of written notice of the conditions.
- 27.6 If consent is not given or refused –
- 27.6.1 within 42 days after the purchaser serves the purchaser's part of the application, the purchaser can rescind; or
- 27.6.2 within 30 days after the application is made, either party can rescind.
- 27.7 Each period in clause 27.6 becomes 90 days if the land (or part of it) is –
- 27.7.1 under a planning agreement; or
- 27.7.2 in the Western Division.
- 27.8 If the land (or part of it) is described as a lot in an unregistered plan, each time in clause 27.6 becomes the later of the time and 35 days after creation of a separate folio for the lot.
- 27.9 The date for completion becomes the later of the date for completion and 14 days after service of the notice granting consent to transfer.
- 28 Unregistered plan**
- 28.1 This clause applies only if some of the land is described as a lot in an unregistered plan.
- 28.2 The vendor must do everything reasonable to have the plan registered within 6 months after the contract date, with or without any minor alteration to the plan or any document to be lodged with the plan validly required or made under legislation.
- 28.3 If the plan is not registered within that time and in that manner –
- 28.3.1 the purchaser can rescind; and
- 28.3.2 the vendor can rescind, but only if the vendor has complied with clause 28.2 and with any legislation governing the rescission.
- 28.4 Either party can serve notice of the registration of the plan and every relevant lot and plan number.
- 28.5 The date for completion becomes the later of the date for completion and 21 days after service of the notice.
- 28.6 Clauses 28.2 and 28.3 apply to another plan that is to be registered before the plan is registered.
- 29 Conditional contract**
- 29.1 This clause applies only if a provision says this contract or completion is conditional on an event.
- 29.2 If the time for the event to happen is not stated, the time is 42 days after the contract date.
- 29.3 If this contract says the provision is for the benefit of a party, then it benefits only that party.
- 29.4 If anything is necessary to make the event happen, each party must do whatever is reasonably necessary to cause the event to happen.
- 29.5 A party can rescind under this clause only if the party has substantially complied with clause 29.4.
- 29.6 If the event involves an approval and the approval is given subject to a condition that will substantially disadvantage a party who has the benefit of the provision, the party can rescind within 7 days after either party serves notice of the condition.
- 29.7 If the parties can lawfully complete without the event happening –
- 29.7.1 if the event does not happen within the time for it to happen, a party who has the benefit of the provision can rescind within 7 days after the end of that time;
- 29.7.2 if the event involves an approval and an application for the approval is refused, a party who has the benefit of the provision can rescind within 7 days after either party serves notice of the refusal; and

- 29.7.3 the date for completion becomes the later of the date for completion and 21 days after the earliest of –
- either *party serving* notice of the event happening;
 - every *party* who has the benefit of the provision *serving* notice waiving the provision; or
 - the end of the time for the event to happen.
- 29.8 If the *parties* cannot lawfully complete without the event happening –
- 29.8.1 if the event does not happen *within* the time for it to happen, either *party* can *rescind*;
- 29.8.2 if the event involves an approval and an application for the approval is refused, either *party* can *rescind*;
- 29.8.3 the date for completion becomes the later of the date for completion and 21 days after either *party* serves notice of the event happening.
- 29.9 A *party* cannot *rescind* under clauses 29.7 or 29.8 after the event happens.
- 30 Electronic transaction**
- 30.1 This *Conveyancing Transaction* is to be conducted as an *electronic transaction* if –
- 30.1.1 this contract says that it is an *electronic transaction*;
- 30.1.2 the *parties* otherwise agree that it is to be conducted as an *electronic transaction*; or
- 30.1.3 the *conveyancing rules* require it to be conducted as an *electronic transaction*.
- 30.2 However, this *Conveyancing Transaction* is not to be conducted as an *electronic transaction* –
- 30.2.1 if the land is not *electronically tradeable* or the transfer is not eligible to be lodged electronically; or
- 30.2.2 if, at any time after the *effective date*, but at least 14 days before the date for completion, a *party* serves a notice stating a valid reason why it cannot be conducted as an *electronic transaction*.
- 30.3 If, because of clause 30.2.2, this *Conveyancing Transaction* is not to be conducted as an *electronic transaction* –
- 30.3.1 each *party* must –
- bear equally any disbursements or fees; and
 - otherwise bear that *party's* own costs;
- incurred because this *Conveyancing Transaction* was to be conducted as an *electronic transaction*; and
- 30.3.2 if a *party* has paid all of a disbursement or fee which, by reason of this clause, is to be borne equally by the *parties*, that amount must be adjusted under clause 14.2.
- 30.4 If this *Conveyancing Transaction* is to be conducted as an *electronic transaction* –
- 30.4.1 to the extent that any other provision of this contract is inconsistent with this clause, the provisions of this clause prevail;
- 30.4.2 *normally*, words and phrases used in this clause 30 (italicised and in Title Case, such as *Electronic Workspace* and *Lodgment Case*) have the same meaning which they have in the *participation rules*;
- 30.4.3 the *parties* must conduct the *electronic transaction* –
- in accordance with the *participation rules* and the *ECNL*; and
 - using the nominated *ELN*, unless the *parties* otherwise agree;
- 30.4.4 a *party* must pay the fees and charges payable by that *party* to the *ELNO* and the *Land Registry* as a result of this transaction being an *electronic transaction*;
- 30.4.5 any communication from one *party* to another *party* in the *Electronic Workspace* made –
- after the *effective date*, and
 - before the receipt of a notice given under clause 30.2.2;
- is taken to have been received by that *party* at the time determined by s13A of the *Electronic Transactions Act 2000*; and
- 30.4.6 a document which is an *electronic document* is served as soon as it is first *Digitally Signed* in the *Electronic Workspace* on behalf of the *party* required to serve it.
- 30.5 *Normally*, the vendor must *within 7 days* of the *effective date* –
- 30.5.1 create an *Electronic Workspace*;
- 30.5.2 *populate* the *Electronic Workspace* with *title data*, the date for completion and, if applicable, *mortgagee details*; and
- 30.5.3 invite the purchaser and any *discharging mortgagee* to the *Electronic Workspace*.
- 30.6 If the vendor has not created an *Electronic Workspace* in accordance with clause 30.5, the purchaser may create an *Electronic Workspace*. If the purchaser creates the *Electronic Workspace* the purchaser must –
- 30.6.1 *populate* the *Electronic Workspace* with *title data*;
- 30.6.2 create and *populate* an *electronic transfer*;
- 30.6.3 *populate* the *Electronic Workspace* with the date for completion and a nominated *completion time*; and
- 30.6.4 invite the vendor and any *incoming mortgagee* to join the *Electronic Workspace*.
- 30.7 *Normally*, *within 7 days* of receiving an invitation from the vendor to join the *Electronic Workspace*, the purchaser must –
- 30.7.1 join the *Electronic Workspace*;
- 30.7.2 create and *populate* an *electronic transfer*;
- 30.7.3 invite any *incoming mortgagee* to join the *Electronic Workspace*; and
- 30.7.4 *populate* the *Electronic Workspace* with a nominated *completion time*.

- 30.8 If the purchaser has created the *Electronic Workspace* the vendor must *within 7 days* of being invited to the *Electronic Workspace* –
- 30.8.1 join the *Electronic Workspace*;
- 30.8.2 *populate* the *Electronic Workspace* with *mortgagee details*, if applicable; and
- 30.8.3 invite any *discharging mortgagee* to join the *Electronic Workspace*.
- 30.9 To complete the financial settlement schedule in the *Electronic Workspace* –
- 30.9.1 the purchaser must provide the vendor with *adjustment figures* at least *2 business days* before the date for completion;
- 30.9.2 the vendor must confirm the *adjustment figures* at least *1 business day* before the date for completion; and
- 30.9.3 if the purchaser must make a *GSTRW payment* or an *FRCGW remittance*, the purchaser must *populate* the *Electronic Workspace* with the payment details for the *GSTRW payment* or *FRCGW remittance* payable to the Deputy Commissioner of Taxation at least *2 business days* before the date for completion.
- 30.10 Before completion, the *parties* must ensure that –
- 30.10.1 all *electronic documents* which a *party* must *Digitally Sign* to complete the *electronic transaction* are *populated* and *Digitally Signed*;
- 30.10.2 all certifications required by the *ECNL* are properly given; and
- 30.10.3 they do everything else in the *Electronic Workspace* which that *party* must do to enable the *electronic transaction* to proceed to completion.
- 30.11 If completion takes place in the *Electronic Workspace* –
- 30.11.1 payment electronically on completion of the price in accordance with clause 16.7 is taken to be payment by a single *settlement cheque*;
- 30.11.2 the completion address in clause 16.11 is the *Electronic Workspace*, and
- 30.11.3 clauses 13.13.2 to 13.13.4, 16.8, 16.12, 16.13 and 31.2.2 to 31.2.4 do not apply.
- 30.12 If the computer systems of any of the *Land Registry*, the *ELNO* or the Reserve Bank of Australia are inoperative for any reason at the *completion time* agreed by the *parties*, a failure to complete this contract for that reason is not a default under this contract on the part of either *party*.
- 30.13 If the computer systems of the *Land Registry* are inoperative for any reason at the *completion time* agreed by the *parties*, and the *parties* choose that financial settlement is to occur despite this, then on financial settlement occurring –
- 30.13.1 all *electronic documents Digitally Signed* by the vendor, the *certificate of title* and any discharge of mortgage, withdrawal of caveat or other *electronic document* forming part of the *Lodgment Case* for the *electronic transaction* shall be taken to have been unconditionally and irrevocably delivered to the purchaser or the purchaser's mortgagee at the time of financial settlement together with the right to deal with the land comprised in the *certificate of title*; and
- 30.13.2 the vendor shall be taken to have no legal or equitable interest in the *property*.
- 30.14 A *party* who holds a *certificate of title* must act in accordance with any *Prescribed Requirement* in relation to the *certificate of title* but if there is no *Prescribed Requirement*, the vendor must *serve* the *certificate of title* after completion.
- 30.15 If the *parties* do not agree about the delivery before completion of one or more documents or things that cannot be delivered through the *Electronic Workspace*, the *party* required to deliver the documents or things –
- 30.15.1 holds them on completion in escrow for the benefit of; and
- 30.15.2 must immediately after completion deliver the documents or things to, or as directed by; the *party* entitled to them.
- 30.16 In this clause 30, these terms (in any form) mean –
- | | |
|------------------------------|---|
| <i>adjustment figures</i> | details of the adjustments to be made to the price under clause 14; |
| <i>certificate of title</i> | the paper duplicate of the folio of the register for the land which exists immediately prior to completion and, if more than one, refers to each such paper duplicate; |
| <i>completion time</i> | the time of day on the date for completion when the <i>electronic transaction</i> is to be settled; |
| <i>conveyancing rules</i> | the rules made under s12E of the Real Property Act 1900; |
| <i>discharging mortgagee</i> | any discharging mortgagee, chargee, covenant chargee or caveator whose provision of a <i>Digitally Signed</i> discharge of mortgage, discharge of charge or withdrawal of caveat is required in order for unencumbered title to the <i>property</i> to be transferred to the purchaser; |
| <i>ECNL</i> | the Electronic Conveyancing National Law (NSW); |
| <i>effective date</i> | the date on which the <i>Conveyancing Transaction</i> is agreed to be an <i>electronic transaction</i> under clause 30.1.2 or, if clauses 30.1.1 or 30.1.3 apply, the contract date; |
| <i>electronic document</i> | a dealing as defined in the Real Property Act 1900 which may be created and <i>Digitally Signed</i> in an <i>Electronic Workspace</i> ; |
| <i>electronic transfer</i> | a transfer of land under the Real Property Act 1900 for the <i>property</i> to be prepared and <i>Digitally Signed</i> in the <i>Electronic Workspace</i> established for the purposes of the <i>parties' Conveyancing Transaction</i> ; |

<i>electronic transaction</i>	a <i>Conveyancing Transaction</i> to be conducted for the <i>parties</i> by their legal representatives as <i>Subscribers</i> using an <i>ELN</i> and in accordance with the <i>ECNL</i> and the <i>participation rules</i> ;
<i>electronically tradeable</i>	a land title that is Electronically Tradeable as that term is defined in the <i>conveyancing rules</i> ;
<i>incoming mortgagee</i>	any mortgagee who is to provide finance to the purchaser on the security of the <i>property</i> and to enable the purchaser to pay the whole or part of the price;
<i>mortgagee details</i>	the details which a <i>party</i> to the <i>electronic transaction</i> must provide about any <i>discharging mortgagee</i> of the <i>property</i> as at completion;
<i>participation rules</i>	the participation rules as determined by the <i>ECNL</i> ;
<i>populate</i>	to complete data fields in the <i>Electronic Workspace</i> ; and
<i>title data</i>	the details of the title to the <i>property</i> made available to the <i>Electronic Workspace</i> by the <i>Land Registry</i> .

31 Foreign Resident Capital Gains Withholding

- 31.1 This clause applies only if –
- 31.1.1 the sale is not an excluded transaction within the meaning of s14-215 of Schedule 1 to the *TA Act*; and
- 31.1.2 a *clearance certificate* in respect of every vendor is not attached to this contract.
- 31.2 The purchaser must –
- 31.2.1 at least 5 days before the date for completion, *serve* evidence of submission of a purchaser payment notification to the Australian Taxation Office by the purchaser or, if a direction under clause 4.3 has been *served*, by the transferee named in the transfer *served* with that direction;
- 31.2.2 produce on completion a *settlement cheque* for the *FRCGW remittance* payable to the Deputy Commissioner of Taxation;
- 31.2.3 forward the *settlement cheque* to the payee immediately after completion; and
- 31.2.4 *serve* evidence of receipt of payment of the *FRCGW remittance*.
- 31.3 The vendor cannot refuse to complete if the purchaser complies with clauses 31.2.1 and 31.2.2.
- 31.4 If the vendor *serves* any *clearance certificate* or *variation*, the purchaser does not have to complete earlier than 7 days after that *service* and clause 21.3 does not apply to this provision.
- 31.5 If the vendor *serves* in respect of every vendor either a *clearance certificate* or a *variation* to 0.00 percent, clauses 31.2 and 31.3 do not apply.

32 Residential off the plan contract

- 32.1 This clause applies if this contract is an off the plan contract within the meaning of Division 10 of Part 4 of the Conveyancing Act 1919 (the Division).
- 32.2 No provision of this contract has the effect of excluding, modifying or restricting the operation of the Division.
- 32.3 If the purchaser makes a claim for compensation under the terms prescribed by clause 6A of the Conveyancing (Sale of Land) Regulation 2017 –
- 32.3.1 the purchaser cannot make a claim under this contract about the same subject matter, including a claim under clauses 6 or 7; and
- 32.3.2 the claim for compensation is not a claim under this contract.
- 32.4 This clause does not apply to a contract made before the commencement of the amendments to the Division under the Conveyancing Legislation Amendment Act 2018.

SCHEDULE OF LAND

1. Delta Road, Curlwaa, New South Wales, 2648 being all of the land contained in:
 - 1.1 Lot 2 in Deposited Plan 47671 as more particularly described in Certificate of Title Folio Identifier 2/47671 having an area of 5.930 hectares or thereabouts;
 - 1.2 Lot 12 in Deposited Plan 615371 as more particularly described in Certificate of Title Folio Identifier 12/615371 having an area of 5.316 hectares or thereabouts;
 - 1.3 Lot 2 in Deposited Plan 1265137 as more particularly described in Certificate of Title Folio Identifier 2/1265137 having an area of 5.613 hectares or thereabouts; and
2. 336 Delta Road, Curlwaa, New South Wales, 2648 being all of the land contained in:
 - 2.1 Lot 9 in Deposited Plan 804044 as more particularly described in Certificate of Title Folio Identifier 9/804044 having an area of 2.808 hectares or thereabouts;
 - 2.2 Lot 10 in Deposited Plan 804044 as more particularly described in Certificate of Title Folio Identifier 10/804044 having an area of 3.153 hectares or thereabouts;
 - 2.3 Lot 14 in Deposited Plan 804089 as more particularly described in Certificate of Title Folio Identifier 14/804089 having an area of 8.489 hectares or thereabouts;
 - 2.4 Lot 12 in Deposited Plan 729491 as more particularly described in Certificate of Title Folio Identifier 12/729491 having an area of 3.704 hectares or thereabouts
3. Syndicate Road, Curlwaa, New South Wales, 2648 being all of the land contained in:
 - 3.1 Lot 3 in Deposited Plan 804044 as more particularly described in Certificate of Title Folio Identifier 3/804044 having an area of 0.1448 hectares or thereabouts;
 - 3.2 Lot 11 in Deposited Plan 804044 as more particularly described in Certificate of Title Folio Identifier 11/804044 having an area of 7.938 hectares or thereabouts;
 - 3.3 Lot 1 in Deposited Plan 1253124 as more particularly described in Certificate of Title Folio Identifier 1/1253124 having an area of 3.628 hectares or thereabouts; and
 - 3.4 Lot 2 in Deposited Plan 1105602 as more particularly described in Certificate of Title Folio Identifier 2/1105602 having an area of 11.530 hectares or thereabouts

Total area of 58.2538 hectares more or less.

SCHEDULE OF IMPROVEMENTS

Modern 3 Bedroom Family Home featuring 2 Living Areas, Kitchen with Open Dining Area a Second Outdoor Bathroom plus Fully Self-Contained Outdoor Hair Salon

Original Block House featuring 2 Bedrooms, Living Area and Kitchen plus Substantial Shedding

Irrigation Infrastructure comprising Low Level Sprinklers, Filtration and Fertigation Systems

Various other Rural Shedding

SCHEDULE OF INCLUSIONS

MODERN 3 BEDROOM FAMILY HOME:

Inclusions

<input checked="" type="checkbox"/> blinds	<input checked="" type="checkbox"/> curtains	<input checked="" type="checkbox"/> insect screens	<input checked="" type="checkbox"/> stove
<input checked="" type="checkbox"/> built-in wardrobes	<input type="checkbox"/> dishwasher	<input checked="" type="checkbox"/> light fittings	<input type="checkbox"/> pool equipment
<input checked="" type="checkbox"/> clothes line	<input checked="" type="checkbox"/> fixed floor coverings	<input checked="" type="checkbox"/> range hood	<input checked="" type="checkbox"/> TV antenna
<input checked="" type="checkbox"/> other: Evaporative Air-Conditioner and 2 x Reverse-Cycle Air-Conditioner including in Fully Self-Contained Outdoor Hair Salon			

ORIGINAL BLOCK HOUSE:

Inclusions

<input type="checkbox"/> blinds	<input type="checkbox"/> curtains	<input type="checkbox"/> insect screens	<input type="checkbox"/> stove
<input type="checkbox"/> built-in wardrobes	<input type="checkbox"/> dishwasher	<input type="checkbox"/> light fittings	<input type="checkbox"/> pool equipment
<input type="checkbox"/> clothes line	<input type="checkbox"/> fixed floor coverings	<input type="checkbox"/> range hood	<input type="checkbox"/> TV antenna
<input checked="" type="checkbox"/> other: Reverse-Cycle Air-Conditioner			

SPECIAL CONDITIONS

IF THERE IS AN INCONSISTENCY BETWEEN THESE SPECIAL CONDITIONS AND GENERAL CONDITIONS 1 TO 32 OF THIS CONTRACT, THESE SPECIAL CONDITIONS OPERATE TO THE EXTENT OF THE INCONSISTENCY.

1. The land hereby sold is sold as it stands in every respect, subject to any defects whether latent or patent and the Vendor shall not be bound by any advertisement or representation made or given by any agent at any time and the terms of this Contract shall represent the sole terms of the agreement between the parties.
2. If the Purchaser defaults in payment of the purchase money or any part of it or of any interest thereon or any other moneys payable to the Vendor under this Contract he shall pay interest at the rate of TWELVE PER CENTUM (12%) per annum on the amount in default from the date of such default until the default ceases without prejudice however to the Vendor's other rights under this contract. For the purpose of this clause only time shall be and be deemed to be, of the essence of this Contract.
3. The Land is believed to have been correctly described in this Contract and notwithstanding the measurements or area stated in the description of the Land hereinbefore mentioned no compensation shall be paid or allowed in respect of any deficiency or excess in the measurements or area of the Land should an error or misdescription of the Land be made and General Condition 7 of this Contract shall not apply in such case.
4. In addition to any other rights which may exist at law or in equity any Notice to Complete validly given by one party hereto to the other shall be sufficient as to time if a period of fourteen (14) days from the receipt of the Notice is allowed for completion. A party shall be at liberty at any time to withdraw the said Notice without prejudice to his continuing right to give any further such Notice.
5. Without in any manner negating, limiting or restricting any rights or remedies which would have been available to the Vendor at law or in equity had this Special Condition not been included herein should the Purchaser (or either or any of them if more than one) prior to completion:
 - i) die or become so mentally ill that his or her affairs are liable to be administered by the Master in the Protective Jurisdiction: then the Vendor may rescind this Contract by notice in writing forwarded to the Solicitor named as the Purchaser's Solicitor in this Contract and thereupon this Contract shall be at an end and the provision of General Condition 19 hereof shall apply, or
 - ii) be declared bankrupt or enter into any scheme or make any assignment for the benefit of creditors, or being a company resolve to go into liquidation or have a petition for the winding up of the Purchaser presented or enter into any scheme or arrangement with its creditors under the Corporations Law or should any liquidator, receiver or official manager be appointed in respect of the affairs of such Purchaser then the Purchaser shall be deemed to be in default hereunder.
6. The Purchaser shall not make any objection, requisition or claim for compensation by reason of the fact:
 - a) That the fences, walls, eaves and gutters (if any) erected on or surrounding the subject property are found to stand over the boundaries of the subject property and to encroach on any adjacent property or that the fences, walls eaves or gutters (if any) erected on any adjacent property are found to stand over the boundaries of

and encroach upon the Land hereby sold.

- b) That the building or any part thereof does not comply with the Local Government or other ordinances or regulations regarding distance from any boundary and any certificate which the Purchaser requires from the local Council shall be obtained by the Purchaser at his own expense.
7. The Purchaser shall satisfy himself at his own expense as to the identity of the Land purchased with that comprised in the particulars of title or abstract of title as the case may be.
8. The Purchasers shall not require prior to completion to register a discharge of any mortgage or a withdrawal of any caveat affecting the Land, but will accept on completion the duly executed discharge of any such mortgage or withdrawal of any such caveat in respect of the Land together with the appropriate registration fees thereon.

9. RELEASE OF SECURITY INTEREST

9.1 This Special Condition applies if on or after the Contract Date any part of the improvements, fixtures or goods (individually and collectively referred to as "the property") is subject to a security interest to which the Personal Property Securities Act 2009 (Cth) applies.

9.2 Subject to Special Conditions 9.3 and 9.4, the Vendor must ensure that at or before completion the Purchaser receives-

9.2.1 A release from the secured party releasing the security interest in respect of the property; or

9.2.2 A statement in writing in accordance with Section 275(1)(b) of the Act setting out that the amount or obligation that is secured is nil at the due date for settlement; or

9.2.3 A written approval or correction in accordance with section 275(1)(c) of the Act indicating that, on the due date for settlement, the personal property included in the contract is not or will not be property in which the security interest is granted

If the security interest is registered in the Personal Property Securities Register ("PPSR")

9.3 The Vendor is not obliged to ensure that the Purchaser receives, a release statement, approval or correction in respect of any personal property that is sold in the ordinary course of the Vendor's business of selling personal property of that kind unless, in the case of goods that may or must be described by serial number in the PPSR, the Purchaser advises the Vendor at least 21 days before the due date for completion that the goods are to be held as inventory.

9.4 The Vendor is not obliged to ensure that the Purchaser receives a release, statement, approval or correction in respect of any personal property that –

- (a) Is not described by serial number in the PPSR; and

- (b) Is predominantly used for personal, domestic or household purposes; and
 - (c) Has a market value of not more than \$5000 or, if greater amount has been prescribed for the purposed of section 47(1) of the Act, not more than the prescribed amount.
- 9.5 A release for the purpose of Special Condition 9.2.1 must be in writing and in a form published by the Law Society of New South Wales, Law Council of Australia or the Australian Bankers Association.
- 9.6 If the Purchaser receives a release under Special Condition 9.2.1 the Purchaser must provide the Vendor with a copy of the release at or as soon as practicable after completion.
- 9.7 In addition to ensuring a release is received under Special Condition 9.2.1, the Vendor must ensure that at or before the due date for completion the Purchaser receives a written undertaking from a secured party to register a financing change statement to reflect that release if the property being released includes goods of a kind that are described by serial number in the PPSR.
- 9.8 The Purchaser must advise the Vendor of any security interest that the Purchaser reasonably requires to be released at least 21 days before the due date for completion.
- 9.9 If the Purchaser does not provide an advice under Special Condition 9.8, the Vendor may delay completion until 21 days after the Purchaser advises the Vendor of the security interests that the Purchaser reasonably requires to be released.
- 9.10 If completion is delayed under Special Condition 9.9, the Purchaser must pay the Vendor –
- (a) Interest from the due date for completion until the date on which completion occurs or 21 days after the Vendor receives the advice, whichever is the earlier; and
 - (b) Any reasonable costs incurred by the Vendor as a result of the delay –
as though the Purchaser was in default
- 9.11 Words and phrases used in this Special Condition 9 which are defined in the Act have the same meaning in this Special Condition 9.

10. GUARANTEE BY OFFICEHOLDERS OF PURCHASER

10. In the event that the Purchaser hereunder is a Corporation the persons who have executed this Contract for and on behalf of the Purchaser shall also execute the guarantee hereto and marked with the letter "A".

11. WORKING POSSESSION*TBC**

- 11.1 The parties hereby agree that General Condition 18 of this Contract shall be deleted from this Contract.
- 11.2 On the approval of finance and/or payment of the deposit the Purchaser shall be entitled to enter upon and work the said land but same shall not be deemed a taking of possession or as conferring any right of occupation until payment of the balance of purchase monies. The Purchaser shall be deemed as a Contractor only working the said land.
- 11.3 In the event of this sale not being completed the Purchaser shall not claim reimbursement from the Vendor for any and all beneficial work by the Purchaser on the said land and the Purchaser hereby acknowledges and agrees that it will make no claim for compensation, damages or loss against the Vendor in respect of such beneficial work undertaken by it during any period he/she/it has working possession pursuant to this Special Condition 11.
- 11.4 The Purchaser shall use all proper and accepted methods of horticulture/agriculture in the working of the land and in particular shall comply with all reasonable requests of the Vendor in this regard.
- 11.5 Should the Purchaser default in performance of this Contract in any way the Vendor may request the Purchaser to cease working the land forthwith and the Purchaser shall on receiving such notice in writing immediately cease working the land.
- 11.6 The Purchaser will not without the prior written consent of the Vendor effect any structural alterations to any of the fixed and permanent improvements on the land nor remove any vines or trees at present growing thereon.
- 11.7 At the Date for Completion all rates and taxes and similar outgoings shall be adjusted between the parties as at the date the Purchaser commenced working possession.
- 11.8 The parties will read the rural water meter and the electricity meter (excluding any residential meters, if any) relating to the land upon the Purchaser commencing working possession of the land. The Purchaser agrees to pay or reimburse the Vendor at settlement for all electricity and water usage fees, levies charges from the date of working possession until the Date for Completion.
- 11.9 (a) The risk in the land (including all improvements thereon) or such part thereof (as the case may be) passes to the Purchaser on the date that the Purchaser commences any right of working possession of the land pursuant to this Special Condition.
- (b) The Purchaser shall at his/her own cost and with a reputable and solvent insurance company take out and maintain an insurance policy in the name of Purchaser noting the Vendor as an interested party for following insurances:
- (i) A policy insuring any fixed improvements on the land for their full insurable value against destruction and damage and other usual and prudent risks;
 - (j) A public liability risk policy with a cover not less than \$20,000,000.00 for any one insurable event.

(c) Upon signing of this Contract the Purchaser must provide the Vendor with a certificate of currency in relation to the insurances referred to in this Special Condition 11.9.

11.10 The Purchaser hereby indemnifies and agrees to keep indemnified the Vendor from and against all claims demands liabilities cause of actions loss damages costs and expenses including legal costs and expenses on a solicitor client basis arising from or incidental to:

(a) Any damage, death or injury to person or property arising on the land or such part thereof (as the case may be) from and including the date which the Purchaser commenced working possession of the land.

(b) Possession and use of the Land or such part thereof (as the case may be) by the Purchaser.

11.12 This Special Condition 11 shall not merge on settlement but shall continue to enure for the benefit of the Vendor and Purchaser.

12. WESTERN MURRAY IRRIGATION ENTITLEMENTS*TBC**

12.1 The Vendor shall at settlement transfer to the Purchaser the following Western Murray Irrigation Limited ('WMI') entitlements in association with the land hereby sold:

- i) ONE (1) Stock & Garden Water Entitlement Certificate;
- ii) FIVE (5) Delivery Entitlement Certificates; and
- iii) ONE (1) Share Entitlement Certificate.

12.2 In the event the Vendor holds more Water Entitlement Certificates and Delivery Entitlement Certificates in association with the land hereby sold than those stated in Special Condition 12.1, the Vendor will do all things and sign all documents which are reasonably required to remove any such Water Entitlement Certificates and Delivery Entitlement Certificates not included in this sale and pay to WMI all fees, charges and levies (including termination fees) in respect of the removal, from the land hereby sold, of the said Water Entitlement Certificates and Delivery Entitlement Certificates not included in this sale.

12.3 The Purchaser acknowledges that some of the annual allocation to the Water Entitlement Certificates included in this sale may have been used by the Vendors.

12.4 The Vendor shall not be responsible for any changes in relation to the water restrictions which may occur from time to time and the Purchaser shall not be entitled to any claim for compensation or right to withdraw from the Contract in this regard.

12.5 Each party must do all things and sign all documents reasonably required in order to give effect to Special Condition 11.1. The Purchaser must sign any WMI forms and submit same to the Vendors Solicitor no later than fourteen (14) days prior to settlement. The Purchaser's solicitor when applying for the Statement of Liabilities from WMI must advise WMI of the number of Water Entitlement Certificates and Delivery Entitlement Certificates which are included in this sale.

12.6 In the event that the transfer of any water allocation is effected prior to settlement and the Purchaser does not complete this Contract then the Purchaser shall hold such

allocation of water upon Trust for the Vendor and must upon demand transfer the said water allocation to the Vendor. The Purchaser shall not be permitted to use transfer or sell the said water allocation.

12.7 This Special Condition 12 shall not merge on settlement but shall continue to enure for the benefit of the parties.

13. SUBJECT TO FINANCE APPROVAL*TBC**

(a) This sale is subject to:-

This sale is subject to the Purchaser obtaining written approval of finance as follows:

Lender: Any Reputable Lender
Loan: Not being less than sufficient funds to complete this contract
Approval date: 14 days after the Contract date.

(b) If a Lender is nominated at Special Condition 13(a) this Contract is subject to the Lender approving the Loan on the security of the property by the Approval Date referred to at Special Condition 13(a) or any later approval date allowed by the Vendor. The Purchaser may end this Contract if the Loan is not approved by the Approval Date only if the Purchaser:-

- (i) has made immediate application for the Loan
- (ii) has done everything reasonably required to obtain approval of the Loan
- (iii) serves written notice ending the contract on the Vendor on or before two business days after the Approval Date, and
- (iv) is not in default under any other condition of this Contract when the notice is given.

In the event that this Contract is ended in accordance with this Special Condition 13 then all monies paid by the Purchaser shall be refunded to the Purchaser in full and without deduction.

14. SUBJECT TO TERMITE INSPECTION REPORT*TBC**

The Purchaser may, at its expense, obtain a written Termite Inspection Report in relation to any residential dwelling on the property from a registered pest controller within 14 days of the date of this Contract to ascertain whether the said residential dwelling is free from termite damage. In the event that termite damage is found and the value to repair such damage exceeds the sum of \$1,100.00 inclusive of GST as determined by a registered builder acting independently, then the Purchasers may end this Contract by serving on the Vendor or his Solicitor the following within 16 days of the date of this Contract:

- (a) written notice; and
- (b) a copy of the written Termite Inspection Report; and
- (c) a copy of the registered builder's written assessment of termite damage

In the event that this Contract is ended in accordance with this Special Condition 14 then all monies paid by the Purchaser shall be refunded to the Purchaser in full and without deduction.

15. LIST OF PLANT AND EQUIPMENT*TBC**

Included in this Contract and the Price is the Plant and Equipment referred to in the list headed "Machinery" annexed hereto and marked with the letter "B".

16. APPORTIONMENT*TBC**

The parties agree that the purchase price shall be apportioned as follows

(a)	Real Property	\$
(B)	Plant and Equipment	\$
TOTAL		\$

The Vendor gives no warranty or representation that the apportionment of the price will be acceptable to the Office of State Revenue and the Purchasers shall not make any requisition, objection, claim or take any action against the Vendor in respect of the amount of duty assessed by the Office of State Revenue as payable by the Purchasers in connection with this Contract.

17. DAMAGE TO SHED AND INSURANCE

The Purchaser hereby acknowledges that some shedding located on the land hereby sold has been substantially damaged and/or destroyed and the Purchaser shall make no claim or seek compensation in respect thereof and hereby further acknowledges any insurance recovery relating thereto which is the subject of a current claim by the Vendor shall at all times remain the absolute property of the Vendor whether received before or after the Date for Completion. This Special Condition 15 shall not merge on settlement but shall continue to enure for the benefit of the Vendor.

GUARANTEE AND INDEMNITY

TO: The withinnamed and described Vendor
(hereinafter called "the Vendor")

IN CONSIDERATION of the Vendor having at the request of the person whose name address and description are set forth in the Schedule hereto (hereinafter called "the Guarantors") agreed to sell the land described in the within Contract of Sale to the withinnamed Purchaser (hereinafter called "the Purchaser") the Guarantors HEREBY GUARANTEE to the Vendor the due and punctual payment by the Purchaser of the purchase money and interest payable thereon as detailed in the said Contract of Sale and all other monies that are payable or may become payable pursuant thereto (hereinafter called "the monies hereby secured") AND ALSO the due performance and observance by the Purchaser of all and singular the covenants provisions and stipulations contained or implied in the said Contract of Sale and on the part of the Purchaser to be performed and observed AND THE GUARANTORS HEREBY EXPRESSLY ACKNOWLEDGE AND DECLARE that it has examined the said Contract of Sale and has access to a copy thereof and further that this Guarantee is given upon and subject to the following conditions:-

- A. THAT in the event of the Purchaser failing to pay the Vendor as and when due the monies referred to in the within Contract of Sale the Guarantors will immediately pay such monies to the Vendor.
- B. THAT in the event of the Purchaser failing to carry out or perform any of its obligations under the said Contract of Sale the Guarantor will immediately carry out and perform the same.
- C. THE Guarantors shall be deemed to be jointly and severally liable with the Purchaser (in lieu of being merely a surety for it) for the payment of the purchase moneys interest and all other monies if any payable pursuant to the within Contract of Sale in the performance of the obligations herein contained and it shall not be necessary for the Vendor to make any claim or demand on or to take any action or proceedings against the Purchaser before calling on the Guarantors to pay the moneys or to carry out and perform the obligations herein contained.
- D. THAT no time or other indulgence whatsoever that may be granted by the Vendor to the Purchaser shall in any manner whatsoever affect a liability of the Guarantors hereunder and the liability of the Guarantors shall continue to remain in full force and effect until all monies owing to the Vendor have been paid and all obligations have been performed.

SCHEDULE

Vendor:

Purchaser:

Guarantors:

IN WITNESS whereof the said Guarantors have set their hands and seals this day of
2020

SIGNED SEALED and DELIVERED by the)
said Guarantor in the)
presence of:)

SIGNED SEALED and DELIVERED by the)
said Guarantor in the)
presence of:)

SIGNED SEALED and DELIVERED by the)
said Guarantor in the)
presence of:)

Machinery

- 1x TD 55D New holland Tractor 4x4 and Hustler Forklift
- 1x Ferguson 4x4 4610 103HP Cab tractor
- 1x Deutz Fahr 4x4 420 Agropius Profiline Tractor
- 1x Ferguson 362 Cab tractor & Hesco forklift
- 10 x 3038E 4x4 John Deere tractors
- 1x Lindy H 25 Gas Forklift
- 1x Lindy H 25 Diesel Forklift
- 1x Fork Bucket
- 1x Trolley jack
- 1x Vicon Spreader
- 1x 3 blade citrus Pruning hedger
- 1x Hesco Skirting machine
- 1x Hydraulic 2+1 Blade citrus skirting machine
- 1x 3 Gearbox Harding slasher
- 1x Krone 80 inch rotary hoe
- 1x Kubota RTV 900 4x4 Diesel
- 1x seeder Agro Master
- 1x Vine yarder 3000 HYD Spreader
- 2x Grizzly discs
- 1x Water tank & trailer
- 1x hilling up disc
- 1x flatbed trailer
- 1x Ripper
- 1x Small super spreader
- 1x Air rator
- 1x tipping trailer
- 10x new picking trailers
- 11x old picking trailers
- 4x Scarifiers
- 2x tool bars
- 3x mulchers
- 1x 2000 LT Silvan Sprayer
- 1x 4000 LT Interlink sprayer
- 1x Polaris 325 2x4 bike
- 3x Polaris 570 4x4 Bike
- 1x 600 LT weed sprayer
- 1x 400 LT weed sprayer tow behind
- 1x 200 LT weed spray tank (Kubota)
- 1x tow spray mist weedicide unit
- 28 x all picking ladders
- 1 bulk bag stand

Buildings

- 3x open sheds at Delta Road
- 1 x Four-bedroom house and Salon/room
- 1x Two bedroom cottage
- 2 large sheds, one which is enclosed
- 3 pump sheds & pumps

Approx 148 Acres

Approx 396 Megaliters of water



LAND
REGISTRY
SERVICES



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/47671

SEARCH DATE	TIME	EDITION NO	DATE
17/12/2020	5:42 PM	1	26/11/2018

LAND

LOT 2 IN DEPOSITED PLAN 47671
AT CURLWAA IRRIGATION AREA
LOCAL GOVERNMENT AREA WENTWORTH
PARISH OF WENTWORTH COUNTY OF WENTWORTH
TITLE DIAGRAM DP47671

FIRST SCHEDULE

DEAN JOHN FINCH

(T AN872210)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- 2 DP804044 RIGHT OF CARRIAGEWAY APPURTENANT TO THE LAND WITHIN DESCRIBED AFFECTING THE WHOLE OF LOT 2 IN DP804044

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

af02300005

PRINTED ON 17/12/2020

PLAN FORM 1

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

OFFICE USE ONLY

Council Clerk's Certificate
 I hereby certify that -
 (a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans); and
 (b) the requirements of section 34B of the Metropolitan Water, Sewerage and Drainage Act, 1924, and section 40(2) as amended.
 have been complied with by the applicant in relation to the proposed subdivision of the land shown on the plan (insert "new road", "subdivision" or "contiguous lot") set out herein.
 Subdivision No. 2136
 Date 9th December 1996
 (Signature) *[Signature]*
 Council Clerk

Surveyor's Certificate
 I, ROBERT BRUCE FREEMAN
 of P.O. BOX 2135, MELBURN 3551,
 a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that the survey represented in this plan IN RESPECT TO LOT 1
 is accurate and has been made (1) by me (2) under my immediate supervision and accordance with the Survey Practice Regulations, 1937, and was completed on 21st OCTOBER, 1996.
 Signature R. Freeman
 Surveyor registered under Surveyors Act, 1929, as amended.
 (Strike out either (1) or (2). Insert date of survey.)

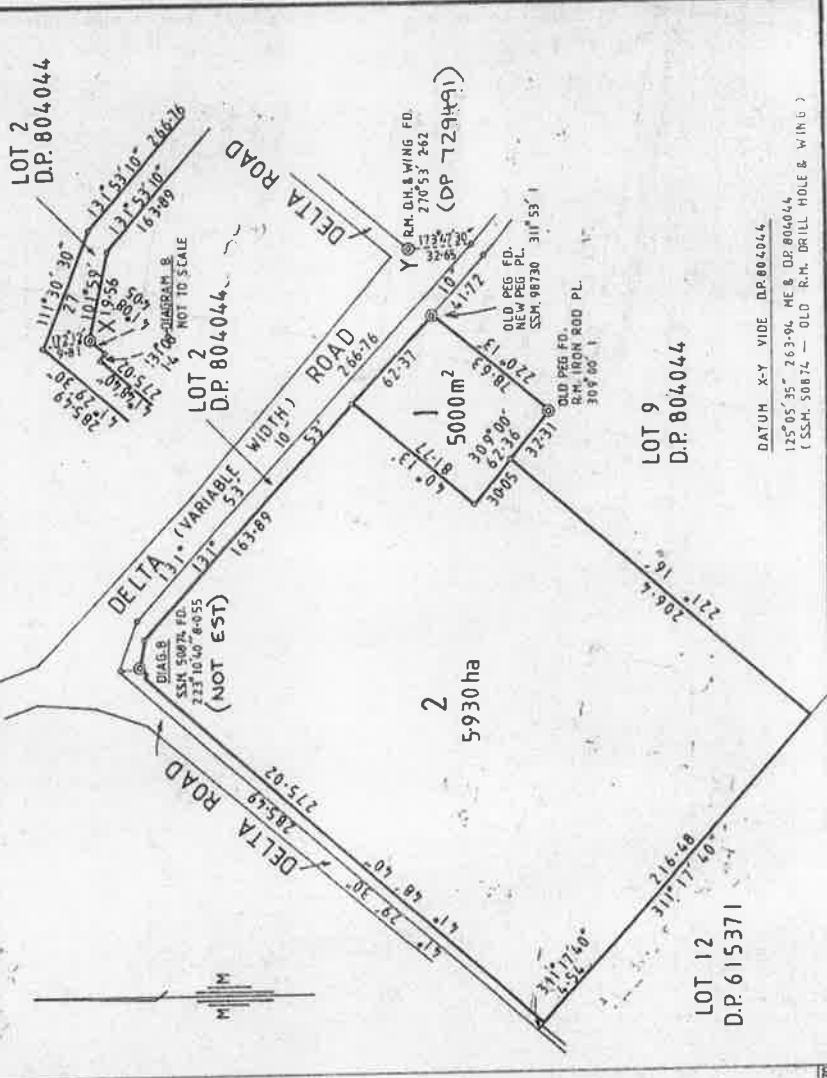
PLAN OF SUBDIVISION OF
 LOT 8 IN D.P.804044

Locality: CURLWAA
 County: WENTWORTH
 Parish: WENTWORTH
 Reduction Ratio 1: 2 500
 Lengths are in metres

DP 47671

Registered: 145-3-1997
 C.A.:
 Title System: TORRENS
 Purpose: SUBDIVISION
 Ref. Map: PARISH
 Last Plan: DP 804046 #

Signatures, seals and statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to user.



CROWN LANDS OFFICE APPROVAL
 PLAN APPROVED B. Morgan 26-2-97
 AUTHORISED OFFICER
 PAPER No.: WL95H69
 LAND DISTRICT: WENTWORTH

STATUS OF PMS CHECKED
 IN LTO 3-3-1997

Table of mm 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170

SAVVAYOR'S REFERENCE 5868

Plan Drawing only to appear in this space

Plan Drawing only to appear in this space

DATUM X-Y VIDE DP.604044.
 125° 05' 35" 263.94. ME & DP.804044.
 (SSM, 508.74 - OLD R.H. GRILL HOLE & W.M.G.)



LAND
REGISTRY
SERVICES



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 12/615371

SEARCH DATE	TIME	EDITION NO	DATE
17/12/2020	5:43 PM	6	27/6/2018

LAND

LOT 12 IN DEPOSITED PLAN 615371
AT CURLWAA
LOCAL GOVERNMENT AREA WENTWORTH
PARISH OF WENTWORTH COUNTY OF WENTWORTH
TITLE DIAGRAM DP615371

FIRST SCHEDULE

DEAN JOHN FINCH (TZ AG40387)

SECOND SCHEDULE (1 NOTIFICATION)

1 DP804044 RIGHT OF CARRIAGEWAY APPURTENANT TO THE LAND WITHIN
DESCRIBED AFFECTING THE WHOLE OF LOT 1 IN DP804044

NOTATIONS

DP811021 NOTE: PLAN IS FOR ACQUISITION PURPOSES

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

af02300005

PRINTED ON 17/12/2020



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/1265137

SEARCH DATE	TIME	EDITION NO	DATE
17/12/2020	5:44 PM	1	27/7/2020

LAND

LOT 2 IN DEPOSITED PLAN 1265137
AT CURLWAA
LOCAL GOVERNMENT AREA WENTWORTH
PARISH OF WENTWORTH COUNTY OF WENTWORTH
TITLE DIAGRAM DP1265137

FIRST SCHEDULE

DEAN JOHN FINCH

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- 2 DP729491 RIGHT OF CARRIAGEWAY VARIABLE WIDTH APPURTENANT TO THE LAND ABOVE DESCRIBED





NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

af02300005

PRINTED ON 17/12/2020

PLAN FORM 6 (2017)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 1 of 2 Sheet(s)
Office use only Registered:  27/07/2020 Title System: TORRENS	 DP1265137 S	
PLAN OF SUBDIVISION OF LOT 1 IN DP 576501	LGA: WENTWORTH Locality: CURLWAA Parish: WENTWORTH County: WENTWORTH	
Survey Certificate I, <u>PETER ROBERT DANSON</u> of <u>177 WALNUT AVENUE MILDURA</u> a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that: *(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, is accurate and the survey was completed on, or *(b) The part of the land shown on the plan ("being/excluding"..... <u>LOT 1 AND CONNECTIONS</u>) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> , the part surveyed is accurate and the survey was completed on, <u>10-11-2019</u> the part not surveyed was compiled in accordance with that Regulation, or *(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>. Datum Line "X" - "Y" Type "Urban"/Rural The terrain is "Level-Undulating"/ Slope Mountainous Signature:  Dated: <u>10-11-2019</u> Surveyor Identification No: <u>902</u> Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> *Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.	 Crown lands NSW/Western Lands Office Approval I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: Date: File Number: Office: 	
Plans used in the preparation of survey/compilation. DP 47952 DP 119126 DP 576501 DP 729491 DP 804044 DP 1022488 DP 1092568 DP 1105602 DP 1141390P	Subdivision Certificate I, <u>Matthew Carlin</u> *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of the s. 109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature:  Accreditation number: Date of endorsement: <u>23 April 2020</u> Subdivision Certificate number: <u>05/2020</u> File Number: <u>DA 2019/077</u> *Strike through if inapplicable	
Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.	Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.	
Surveyor's Reference: 9512	Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	

PLAN FORM 6A (2017)

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 Sheet(s)

Registered:  27/07/2020

Office use only

DP1265137

PLAN OF SUBDIVISION OF
LOT 1 IN DP 576501

Subdivision Certificate number: 05/2020
Date of endorsement: 23 April 2020

- This sheet is for the provision of the following information as required:
- A Schedule of lots and addresses - See 60(c) *SSI Regulation 2017*
 - Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*.
 - Signatures and seals - see 195D *Conveyancing Act 1919*.
 - Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

STREET ADDRESSES OF ALL LOTS ARE NOT AVAILABLE

Dean Field

If space is insufficient use additional annexure sheet.

Surveyor's Reference: 9512

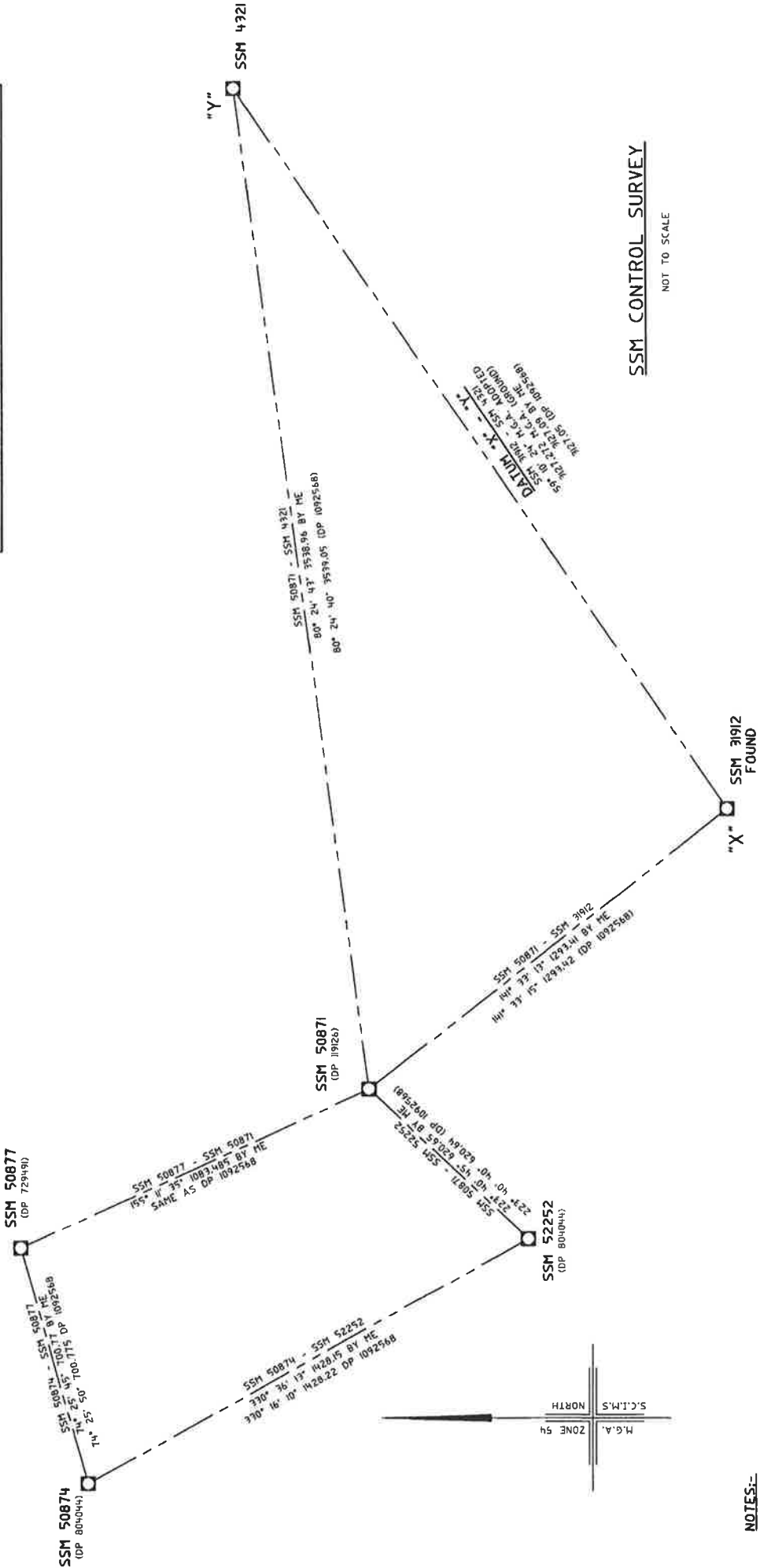
SURVEYING AND SPATIAL INFORMATION REGULATION 2017:
CLAUSE 70 COORDINATE SCHEDULE

MGA COORDINATES		CLASS ORDER	METHOD	STATE
EASTING	NORTHING			
SSM 50874	588 371	U	R.T.K. G.N.S.S.	FOUND
SSM 50877	589 041	U	R.T.K. G.N.S.S.	FOUND
SSM 50871	589 498	U	R.T.K. G.N.S.S.	FOUND
SSM 52252	589 079	U	R.T.K. G.N.S.S.	FOUND
SSM 3912	590 31644	B	S.C.I.M.S.	FOUND
SSM 4321	592 996284	B	S.C.I.M.S.	FOUND

DATE OF S.C.I.M.S.: M.G.A. ZONE 54
COORDINATES: 10-11-19
COMBINED SCALE FACTOR 0.999997
G.D.A. 94

G.N.S.S. VALIDATION SCHEDULE

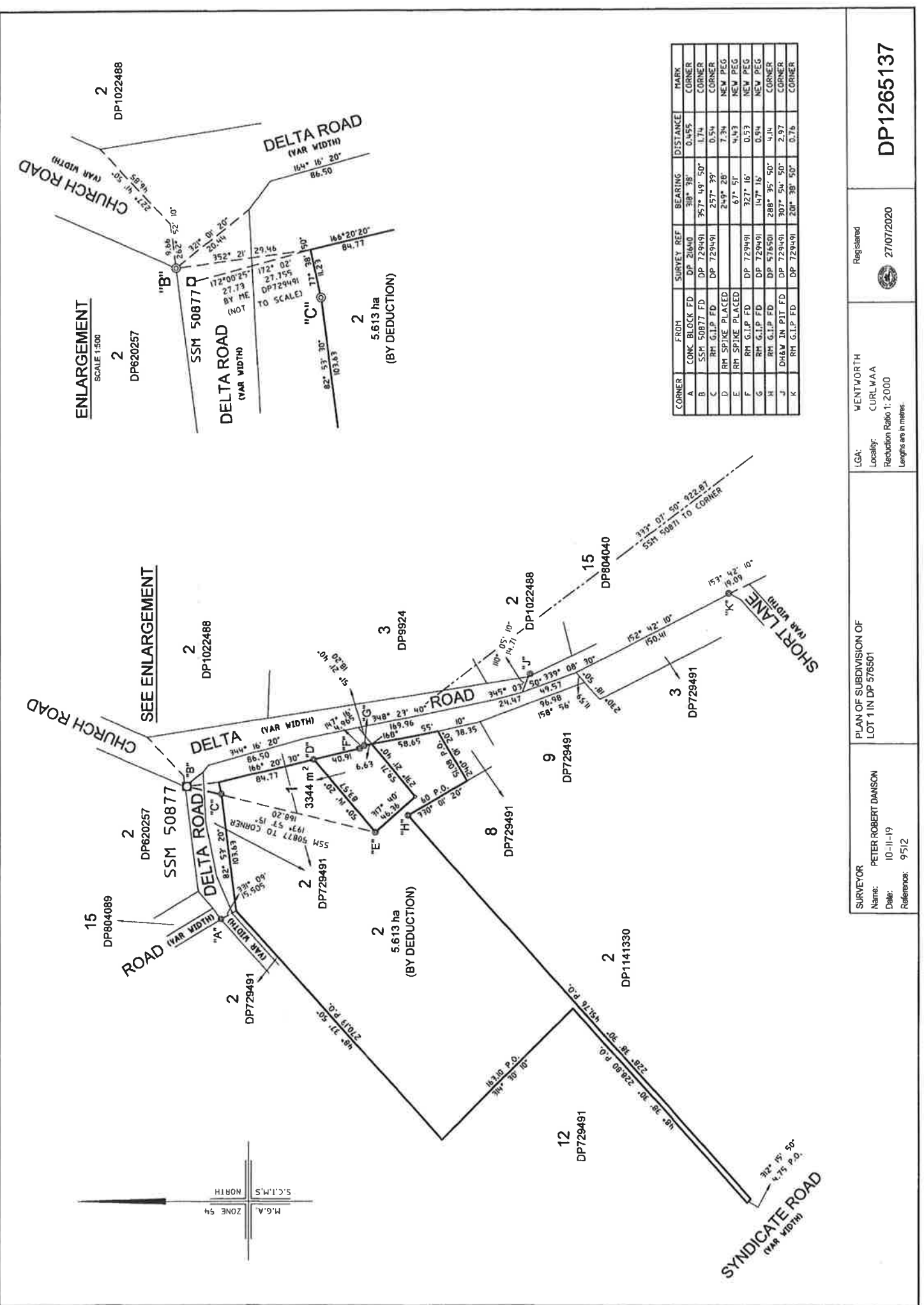
FROM	TO	GRID BEARING	DISTANCE	METHOD
SSM 3912	SSM 4321	59° 10' 24"	3127.08	R.T.K. G.N.S.S.
		59° 10' 24"	3127.272	S.C.I.M.S.



NOTES:-

G.N.S.S. OBSERVATIONS WERE USED TO DERIVE DIMENSIONS OF THE SURVEY CONTROL TRAVERSE AND CONNECTIONS ONLY.

SURVEYOR Name: PETER ROBERT DANSON Date: 10-11-19 Reference: 9512	PLAN OF SUBDIVISION OF LOT 1 IN DP 576501	LGA: Locality: CURLWAA Reduction Ratio 1:8000 Lengths are in metres.	Registered 27/07/2020	 DP1265137 P



CORNER	FROM	SURVEY REF	BEARING	DISTANCE	MARK
A	CONK BLOCK FD	DP 21640	$318^{\circ} 38'$	0.455	CORNER
B	SSM 50877 FD	DP 729491	$357^{\circ} 49' 50''$	1.74	CORNER
C	RM G.I.P FD	DP 729491	$257^{\circ} 39'$	0.54	CORNER
D	RM SPIKE PLACED		$249^{\circ} 28'$	1.34	NEW PEG
E	RM SPIKE PLACED		$67^{\circ} 51'$	4.43	NEW PEG
F	RM G.I.P FD	DP 729491	$327^{\circ} 16'$	0.53	NEW PEG
G	RM G.I.P FD	DP 729491	$157^{\circ} 16'$	0.94	NEW PEG
H	RM G.I.P FD	DP 575501	$288^{\circ} 35' 50''$	4.14	CORNER
J	DH&M IN PIT FD	DP 729491	$307^{\circ} 54' 50''$	2.97	CORNER
K	RM G.I.P FD	DP 729491	$201^{\circ} 38' 50''$	0.76	CORNER

SURVEYOR
 Name: PETER ROBERT DANSON
 Date: 10-11-19
 Reference: 9512

PLAN OF SUBDIVISION OF
 LOT 1 IN DP 576501

LGA: WENTWORTH
 Locality: CURL WAA
 Reduction Ratio 1: 2000
 Lengths are in metres.

Registered
 27/07/2020

DP1265137



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 3/804044

<u>SEARCH DATE</u>	<u>TIME</u>	<u>EDITION NO</u>	<u>DATE</u>
18/12/2020	7:55 AM	1	26/11/2018

LAND

LOT 3 IN DEPOSITED PLAN 804044
AT CURLWAA IRRIGATION AREA
LOCAL GOVERNMENT AREA WENTWORTH
PARISH OF WENTWORTH COUNTY OF WENTWORTH
TITLE DIAGRAM DP804044

FIRST SCHEDULE

DEAN JOHN FINCH

(T AN872202)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

af02300005

PRINTED ON 18/12/2020

SIGNATURES, SEALS AND STATEMENTS OF INTENTION TO dedicate public roads or to create public reserves, easements, restrictions on the use of land or positive covenants.

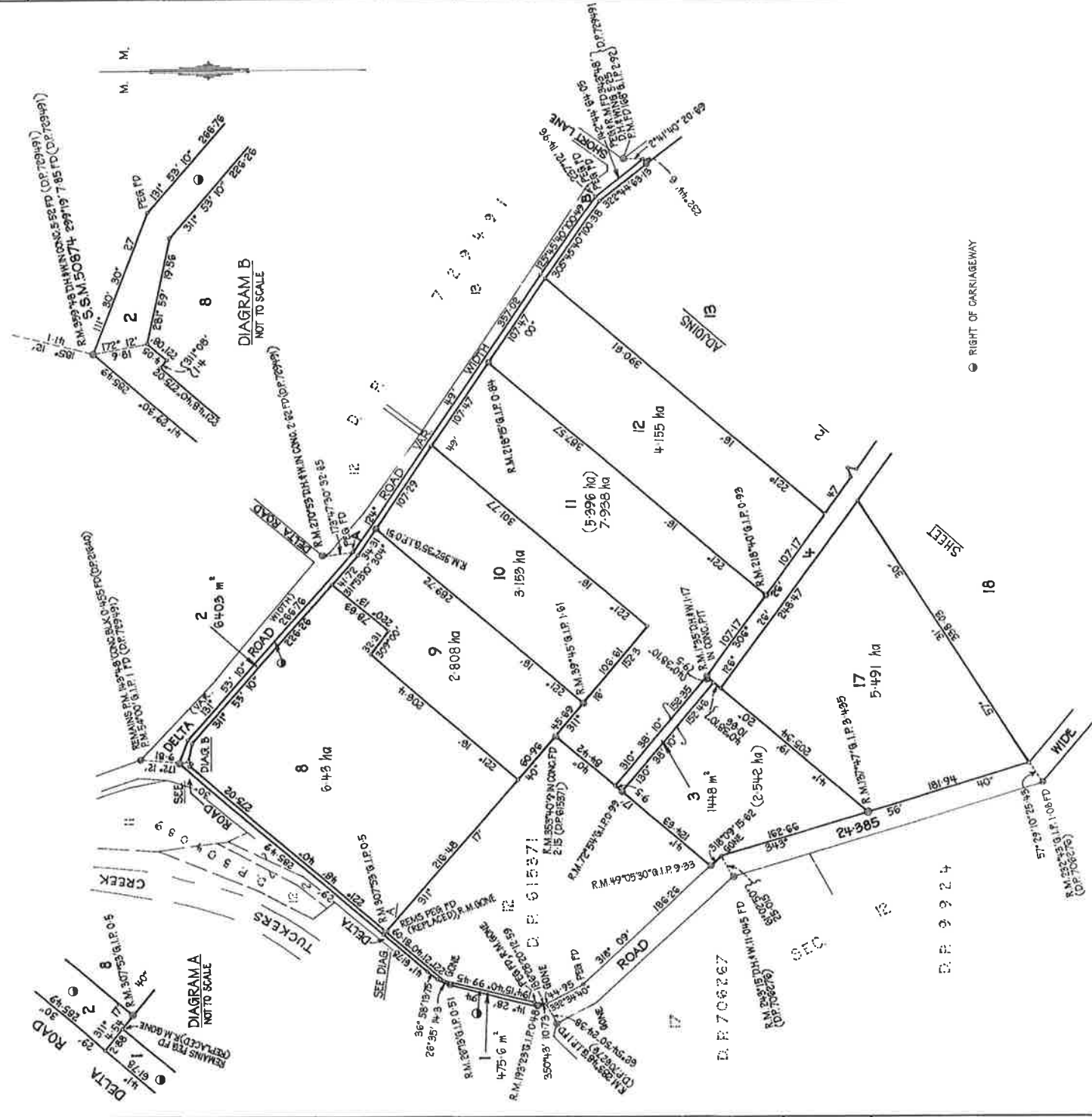
LOT/NO.	LEASE NO.	EXPIRY YEAR
3	PT. 123623	1996
5	PT. 03/7182	2003
7	PT. 175209	1999
8	L. 209266	1996
11	PT. 112625	1996
12	K. 96/918	1996
13	L. 437650	1997
14	PT. 123623	1996
15	L. 792023	1996
16	L. 792019	1999
17	M. 897341	2001
18	PT. 03/7182	2003

Plan Approved
 Lead Clerk
 Paper No.
 Field Book

I hereby certify that
 (to the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and the requirements of the Public Works Act, 1912 and the Metropolitan Water Supply and Sewerage Act, 1916)
 have been complied with by the applicant in relation to the proposed Subdivision
 "Street" "new road" "subdivision of 'unplanned land'" set out herein
 Subdivision No. 14/91
 Date 22nd March, 1991
 (Signature)
 Council File No.

This part of certificate to be certified when the application is only for a subdivision of a public reserve or when the land to be subdivided is wholly outside the area of operations of the Metropolitan Water Supply and Sewerage Board and the Municipal Water Board.
 1. Delete if inapplicable

Plan Drawing only to appear in this space



© RIGHT OF CARRIAGEWAY

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

OFFICE USE ONLY
 D.P. 804044

Registered 7. 6. 1991
 C.A. 14/91 of 22. 3. 1991

The System: TORRENS
 Purpose: SUBDIVISION

Ref. Map: D.P. 9924
 Last Plans: D.P. 448500 (D.P. 9924*)

PLAN OF SUBDIVISION OF SECTION 7 D.P. 9924, PART SECTION 12 D.P. 9924 AND PART LAND VESTED BY 50X/642, OF 7. 6. 1991 Folios 4274-5

Lengths are in metres. Reduction Ratio 1: 3000

Wentworth
 Locality: CURLWAA
 Parish: WENTWORTH
 County: WENTWORTH

This is sheet 1 of my plan in 2 sheets. (Delete if inapplicable).

NEIL DOUGLAS BENNETT
 DEPT. OF WATER RESOURCES
 I am a surveyor registered under the Surveyors Act, 1928, as amended. I hereby certify that the survey represented in this plan is accurate and was taken in accordance with the provisions of the Department of Lands, and was completed on 20th Nov. 1982.
 Signature: N. D. Bennett
 Station Line of Authority: A-5
 Date of Survey: 1982

Plans used in preparation of survey/completion.

PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to use.

IT IS INTENDED TO DEDICATE AGACIA ROAD AS A PUBLIC ROAD TO CREATE PURSUANT TO SEC. 86B OF THE CONVEYANCING ACT, 1919:
 1. RIGHT OF CARRIAGEWAY

D.P. 804044

Registered: 7. 6. 1991

This is sheet 2 of 2 sheets in the plan of 2 sheets shown on the plan of 2 sheets dated 30th NOV 1985

N.D. Buntz

Surveyor registered under Surveyors Act 1929

This is sheet 2 of the plan of 2 sheets shown on the plan of 2 sheets dated 22/11/91.

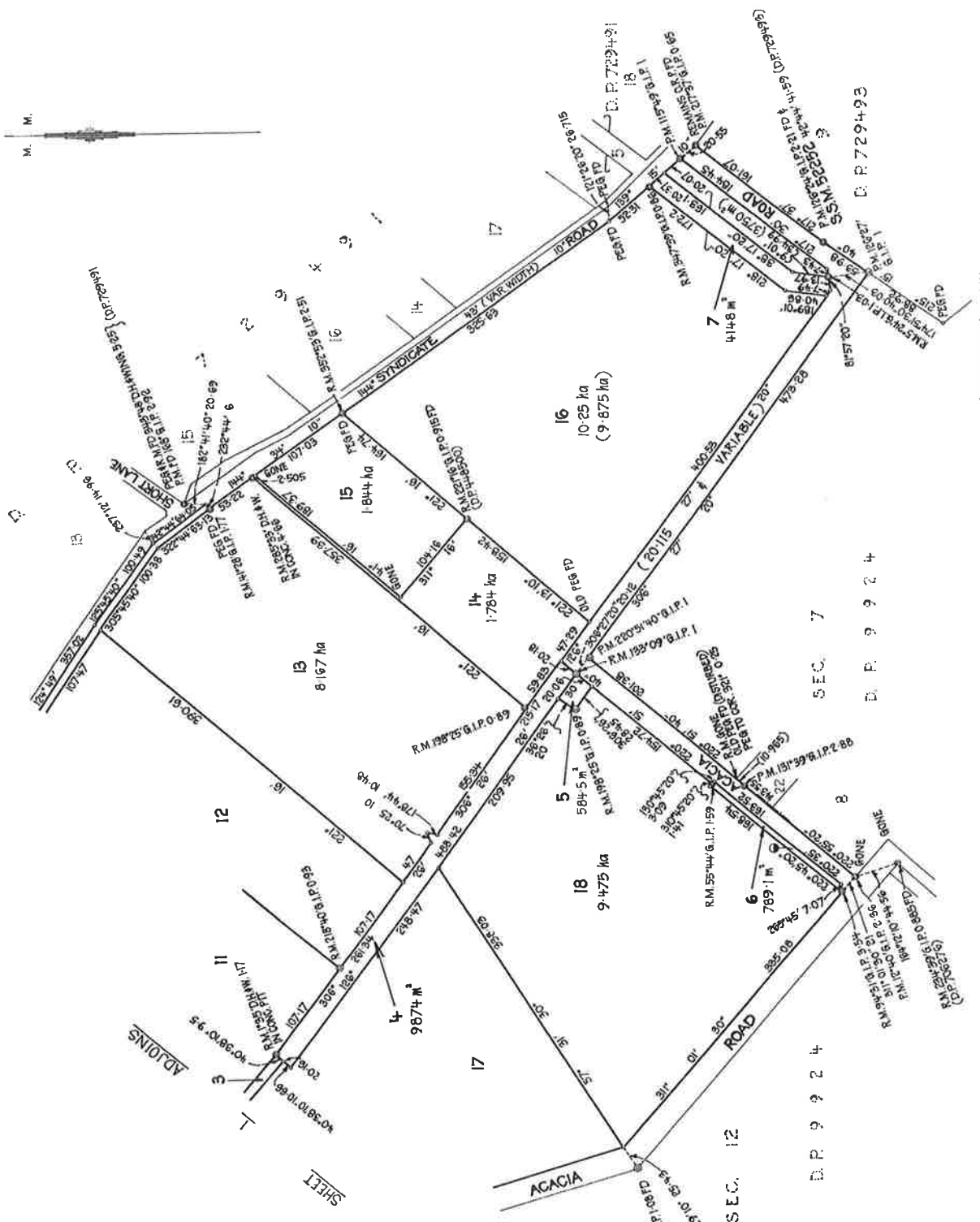
Municipal Clerk

For use where space is insufficient in any panel on Plan Form 2

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

To be used in conjunction with Plan Form 2

PLAN FORM 3



RIGHT OF CARRIAGEWAY

S.E.C. 7

D.P. 9924

S.E.C. 12

D.P. 9924



LAND
REGISTRY
SERVICES



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 9/804044

SEARCH DATE	TIME	EDITION NO	DATE
17/12/2020	5:45 PM	3	30/5/2018

LAND

LOT 9 IN DEPOSITED PLAN 804044
AT CURLWAA IRRIGATION AREA
LOCAL GOVERNMENT AREA WENTWORTH
PARISH OF WENTWORTH COUNTY OF WENTWORTH
TITLE DIAGRAM DP804044

FIRST SCHEDULE

DEAN JOHN FINCH

(T AK132462)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- 2 DP804044 RIGHT OF CARRIAGEWAY APPURTENANT TO THE LAND WITHIN DESCRIBED AFFECTING THE WHOLE OF LOT 2 IN DP804044

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

af02300005

PRINTED ON 17/12/2020

PLAN FORM 2

SIGNATURES, SEALS AND STATEMENTS of intention to dedicate public roads or to create reserves, drainage easements, restrictions on the use of land or positive covenants.

LOT#	LEASE N°	EXPIRY YEAR
3	PT. L123623	1976
5	PT. D317182	2003
7	PT. L792019	1999
8	L-209266	1996
11	PT. L123623	1996
12	K-961318	1996
13	L-457850	1997
14	PT. L123623	1996
15	L-792019	1996
16	L-792019	1999
17	M-897541	2001
18	PT. D317182	2003

OFFICE USE ONLY
D.P. 804044 (E)
 Registered: 7. 6. 1991
 C.A. 14/91 of 22. 3. 1991
 Title System: TORRENS
 Purpose: SUBDIVISION

Ref. Map: PARISIAN
 Last Plans: D.P. 526721, D.P. 448500 (DP93244*)

PLAN OF SUBDIVISION OF SECTION 7 D.P. 9924, PART SECTION 12 D.P. 9924 AND PART LAND VESTED BY PROCLAMATION 7. 6. 1991 FOLIOS 4274-5

Lengths are in metres. Reduction Ratio 1:3000
 Mer./Shire: WENTWORTH
 Locality: CURLWAA
 Parish: WENTWORTH
 County: WENTWORTH

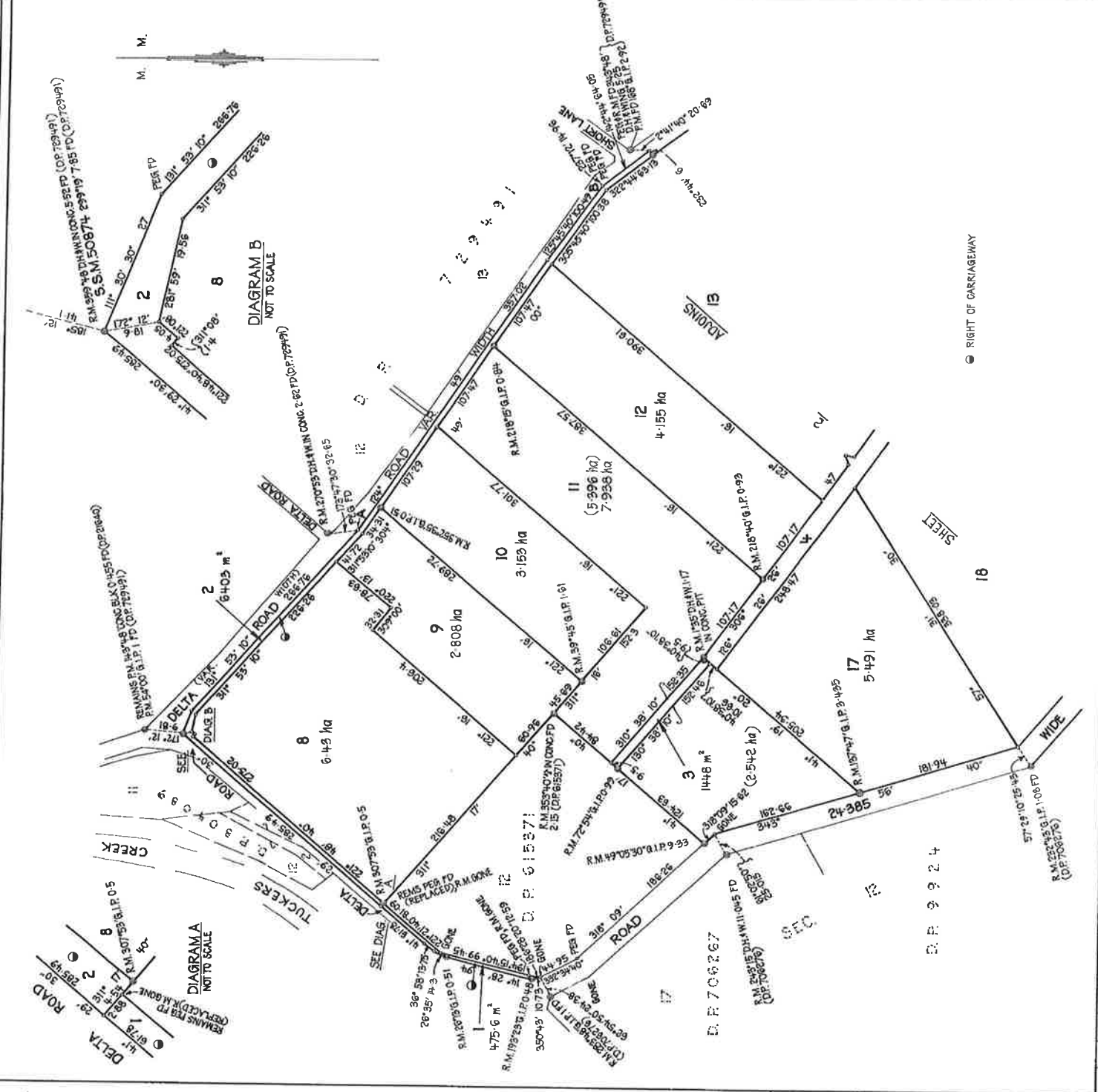
This is sheet 1 of my plan in 2 sheets. (Delete if inapplicable).
 I, NEIL DOUGLAS BENNETT, of DEPT. OF WATER RESOURCES a surveyor registered under the Surveyors Act, 1926, as amended, hereby certify that the survey represented in this plan was made in accordance with the Surveyors Act, 1926, and the Surveyors Regulations, 1932 and in accordance with the Survey Department of Lands, and was completed on 20th NOV. 1989.
 Signature: N. D. Bennett
 Date: 20th NOV. 1989
 Surveyor registered under Surveyors Act, 1926 as amended.
 Deput. Chief of Survey

Plans used in preparation of survey/completion.
 PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage easements, restrictions on the use of land.

IT IS INTENDED TO DEDICATE AGACIA ROAD AS A PUBLIC ROAD
 TO CREATE PURSUANT TO SEC. 885 OF THE CONVEYANCES ACT 1919
 1. RIGHT OF CARRIAGEWAY

Office of the Registrar-General / Rev: 18-Mar-1997 / NSM LR8 / Rgs: ALL / P/rt: 17-Dec-2020 17:45 / Seq: 1 of 2
 SURVEYORS REFERENCE: PPS 1908292
 E. B. C. M. N. C. SURVEY 08/14

Plan Drawing only to appear in this space



D.P. 804044

Registered: 7. 6. 1991

This is sheet 2 of 2 sheets

N.D. Bunnett

Surveyor registered under Surveyors Act 1925

This is sheet 2 of the plan of 2 sheets

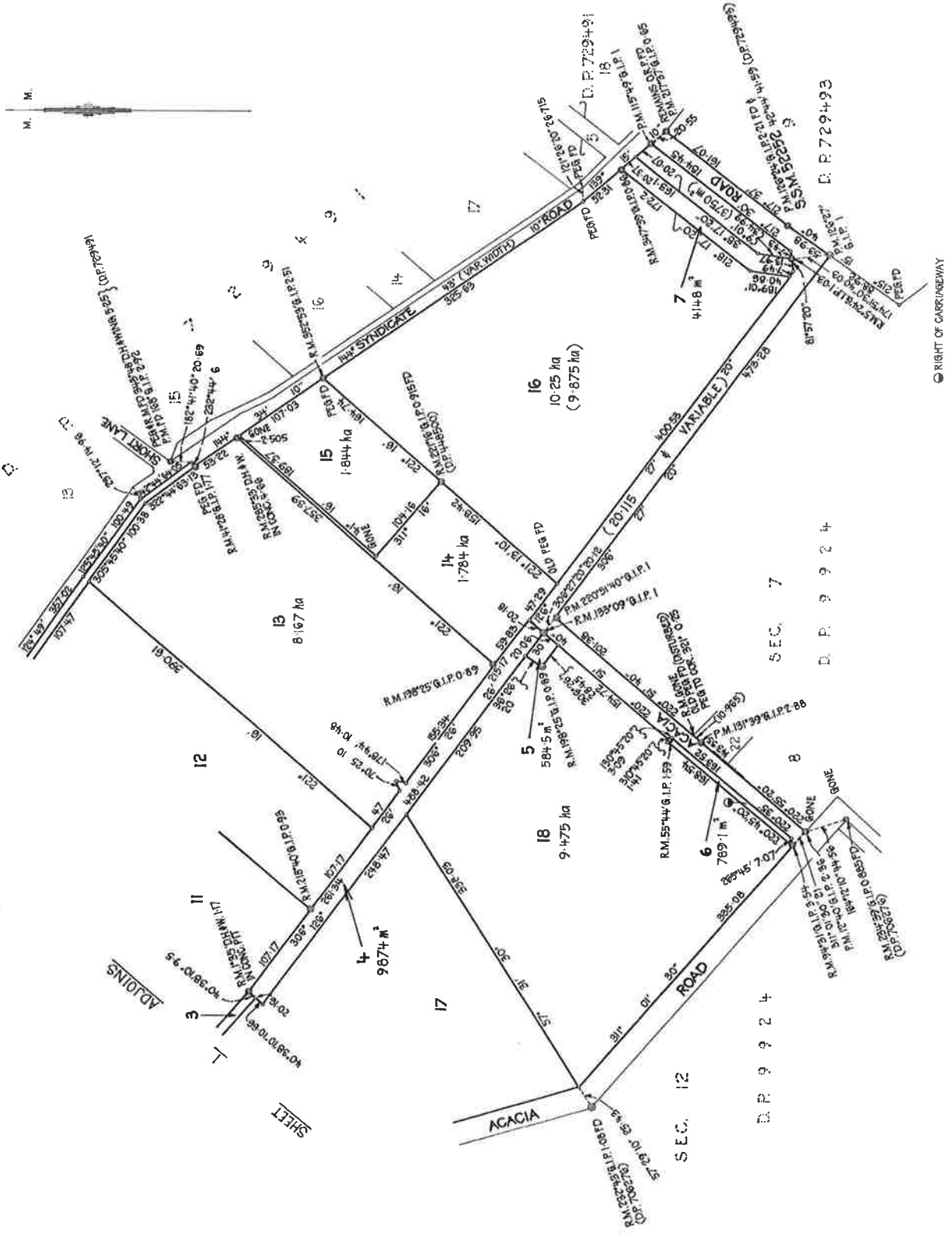


For use where space is insufficient in any panel on Plan Form 2.

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

To be used in conjunction with Plan Form 2

PLAN FORM 3





NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 10/804044

<u>SEARCH DATE</u>	<u>TIME</u>	<u>EDITION NO</u>	<u>DATE</u>
17/12/2020	5:45 PM	3	30/5/2018

LAND

LOT 10 IN DEPOSITED PLAN 804044
AT CURLWAA IRRIGATION AREA
LOCAL GOVERNMENT AREA WENTWORTH
PARISH OF WENTWORTH COUNTY OF WENTWORTH
TITLE DIAGRAM DP804044

FIRST SCHEDULE

DEAN JOHN FINCH

(T AK132462)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- 2 DP804044 RIGHT OF CARRIAGEWAY APPURTENANT TO THE LAND WITHIN DESCRIBED AFFECTING THE WHOLE OF LOT 2 IN DP804044

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

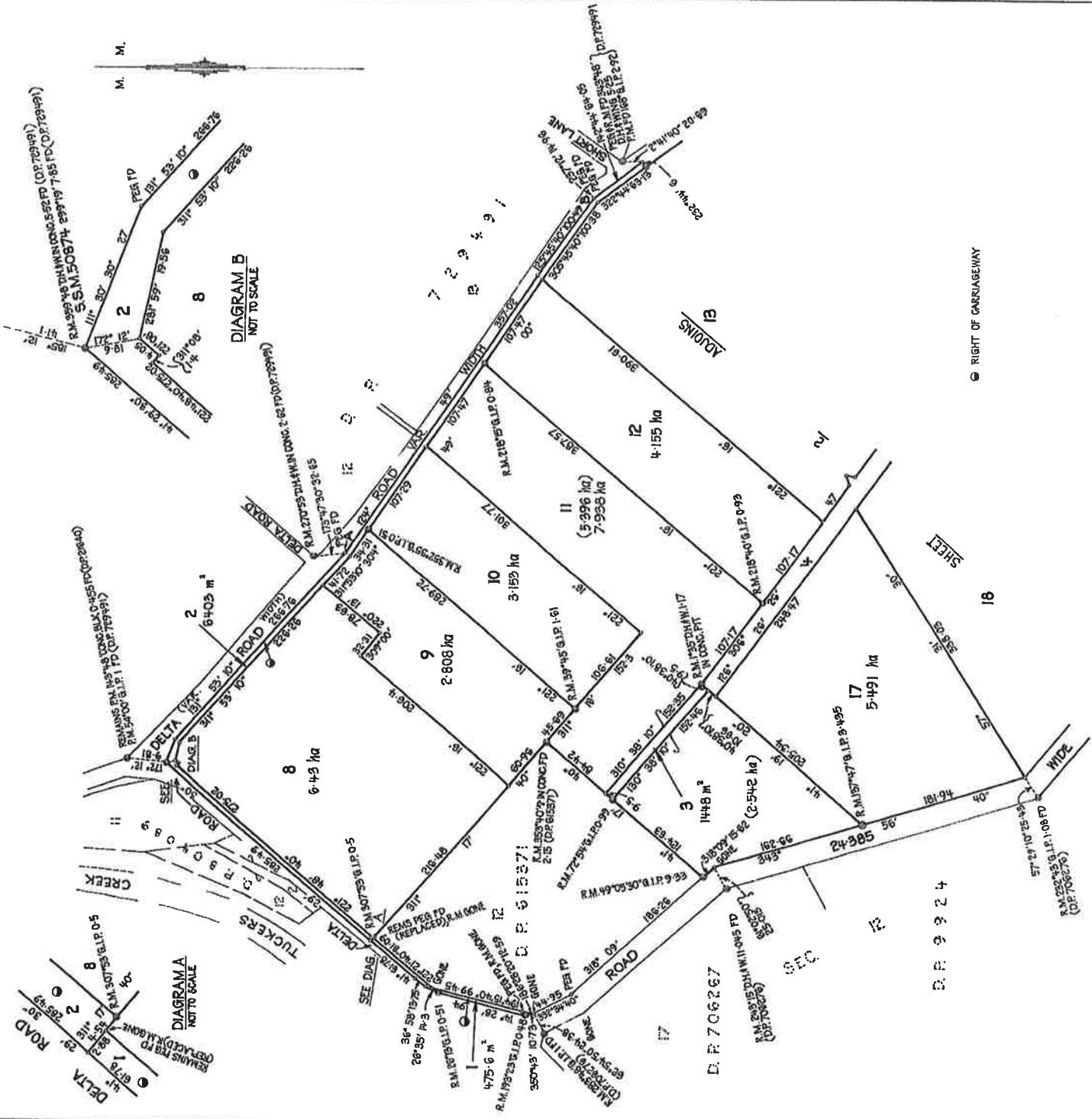
af02300005

PRINTED ON 17/12/2020

SIGNATURES, SEALS AND STATEMENTS of intention to dedicate public roads or to create reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

LOT#	LEASE N°	EXPIRY YEAR
3	FT.L.129673	1976
5/6	FT.L.0317182	2003
7	FT.L.732019	1999
8	L.209266	1996
11	FT.L.129623	1996
12	K.961918	1996
13	L.437650	1997
14	FT.L.129623	1996
15	L.726023	1996
16	L.732019	1999
17	M.897244	2001
18	FT.L.0317182	2003

Plan Drawing only to appear in this space



D. F. 7 0 6 2 6 7

D. F. 9 9 2 4

© RIGHT OF CARRIAGEWAY

*OFFICE USE ONLY
D.P. 804044 (E)

Registered 7. 6. 1991

CA: 14/91 of 22. 3. 1991

Title System: TORRENS
Purpose: SUBDIVISION

Ref. Map: PARISH
Last Plans: DP 9924, DP 9267, DP 9924, DP 448500 (DP 9924)

PLAN OF SUBDIVISION OF SECTION 7 AND PART SECTION 12 D.P. 9924 AND PART LAND VESTED BY GAZ. OF 7. 6. 1991 Folio 4274-5

Lengths are in metres. Reduction Ratio 1: 3000

Wentworth
City: WENTWORTH
Locality: CURLWAA
Parish: WENTWORTH
County: WENTWORTH

This is sheet 1 of my plan in 2 sheets. (Delete if inapplicable).

I, NEIL DOUGLAS BENNETT, of DEPT. OF WATER RESOURCES, a surveyor registered under the Surveyors Act, 1938, as amended, hereby certify that the survey represented in this plan was conducted in accordance with the Survey Act, 1938, and the Survey Regulations, 1940, and that the same is in accordance with the Survey Department of Lands, 1932, and was completed on 30th NOV 1988.

Plans used in preparation of survey/compilation.

PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to use.

IT IS INTENDED TO DEDICATE ACACIA ROAD AS A PUBLIC ROAD TO CREATE PURSUANT TO SEC. 88B OF THE CONVEYANCING ACT, 1919 - 1. RIGHT OF CARRIAGEWAY

D.P. 804044

Registered: *[Signature]* 7.6.1991

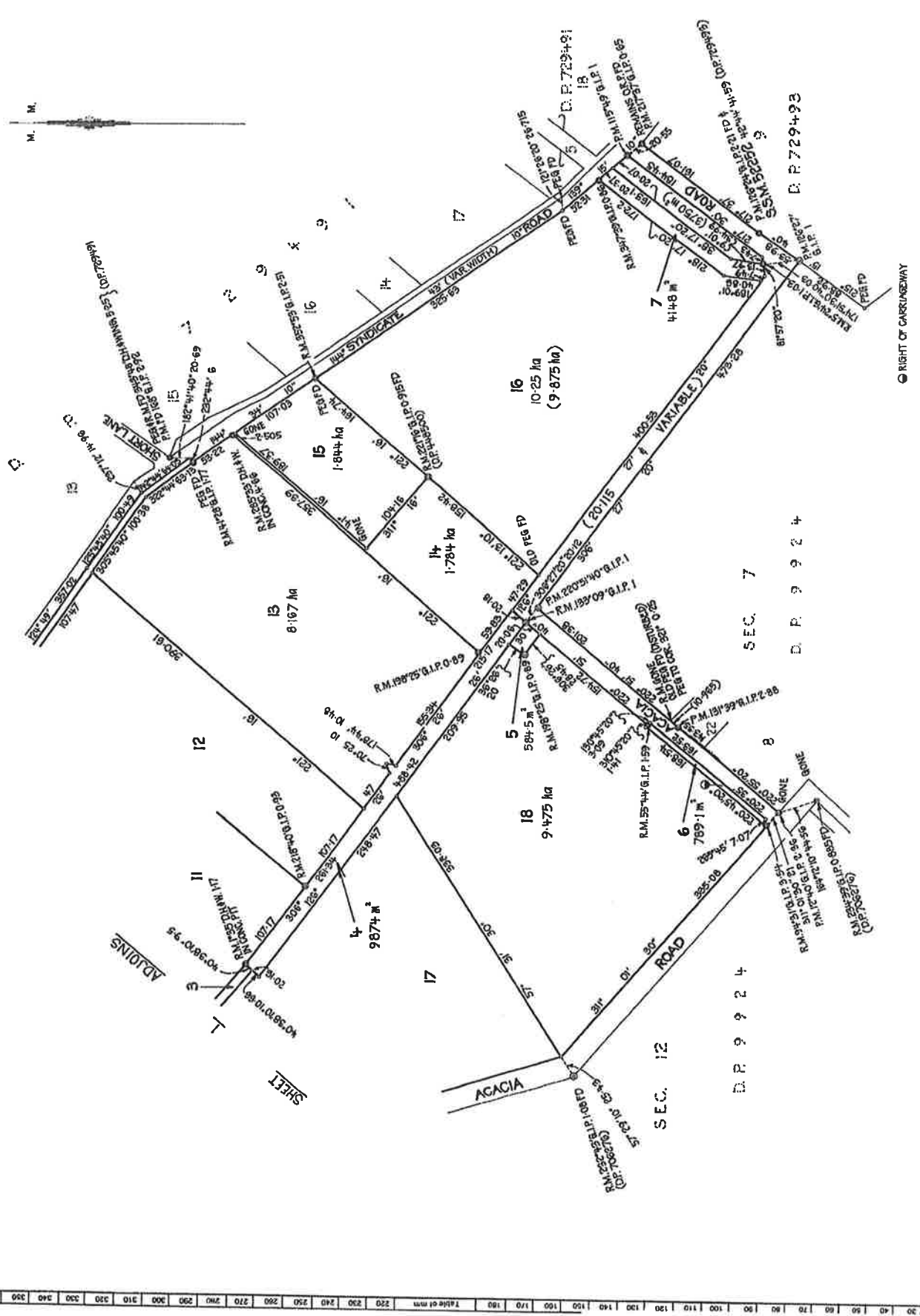
This is sheet 2 of the plan of 2 sheets
 dated 14/01/91
 22/1/91.

Surveyor registered under Surveyors Act 1929
N.D. Bennett

This is sheet 2 of the plan of 2 sheets
 dated 14/01/91
 22/1/91.

[Signature]
 General Clerk

For use where space is insufficient in any panel on Plan Form 2





LAND
REGISTRY
SERVICES



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 11/804044

SEARCH DATE	TIME	EDITION NO	DATE
18/12/2020	7:55 AM	1	26/11/2018

LAND

LOT 11 IN DEPOSITED PLAN 804044
AT CURLWAA IRRIGATION AREA
LOCAL GOVERNMENT AREA WENTWORTH
PARISH OF WENTWORTH COUNTY OF WENTWORTH
TITLE DIAGRAM DP804044

FIRST SCHEDULE

DEAN JOHN FINCH

(T AN872202)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- 2 DP804044 RIGHT OF CARRIAGEWAY APPURTENANT TO THE LAND WITHIN DESCRIBED AFFECTING THE WHOLE OF LOT 2 IN DP804044

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

af02300005

PRINTED ON 18/12/2020

D.P. 804044

Registered: 7.6.1991

This is sheet 2 of the plan in 2 sheets dated 30th NOV 1989

N.D. Bennett

Surveyor registered under Surveyors Act 1929

This is sheet 2 of the plan in 2 sheets dated 30th NOV 1989

For use where space is insufficient in any panel on Plan Form 2

Official Clerk

Reduction Ratio: 1:3000

PLAN FORM 3

To be used in conjunction with Plan Form 2

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 3

Office of the Registrar-General / S/C: GLOBM / Ref: 30230005

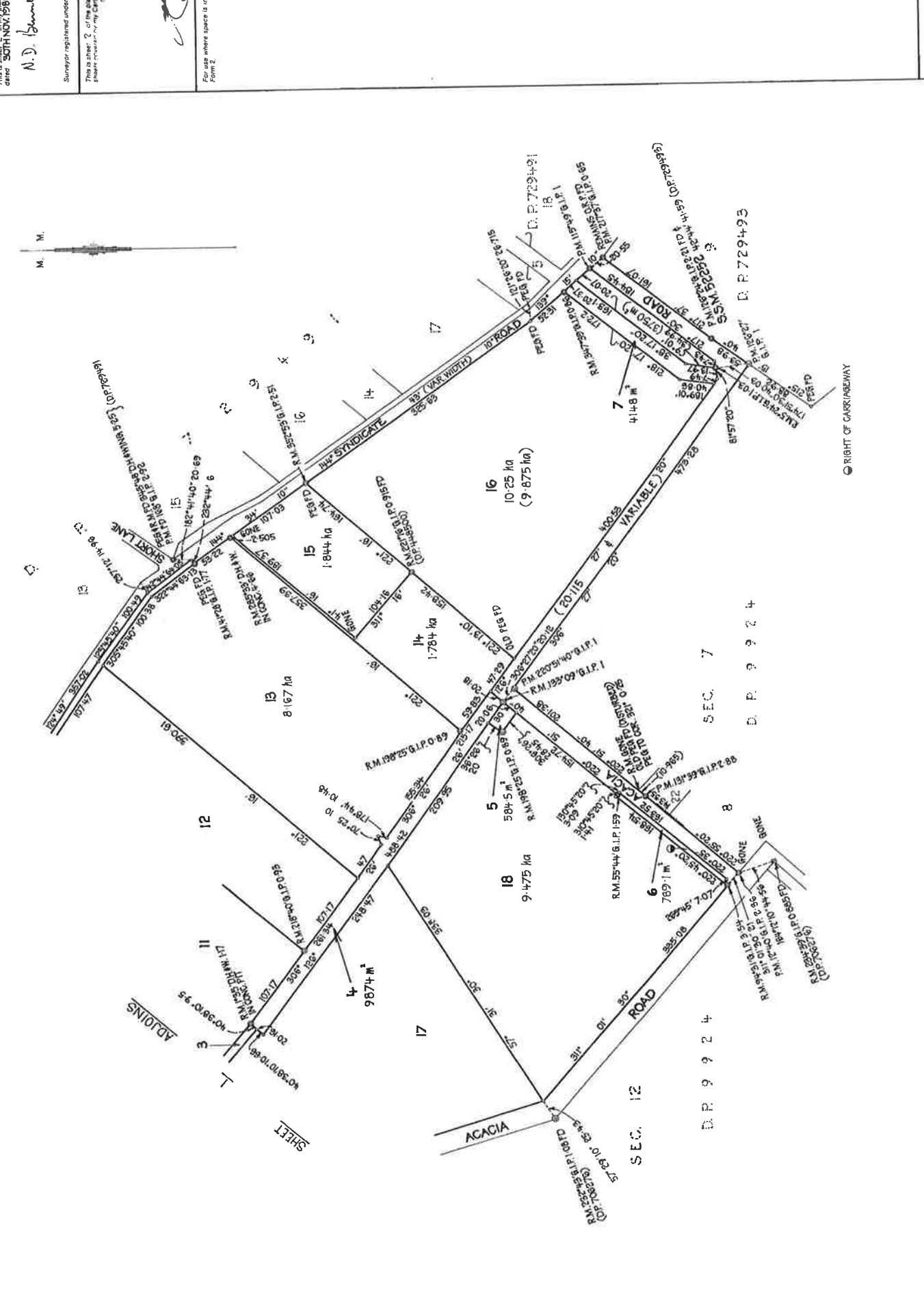
Doc: DP 804044 P / Rev: 18-Mar-1997 / NSW LRS / Pgs: AL / Prt: 18-Dec-2020 07:55 / Seq: 2 of 2

TRAC. CAT.D. 48/910

Plan Drawing only to appear in this space

PLAN FORM 3

Office of the Registrar-General / S/C: GLOBM / Ref: 30230005





LAND
REGISTRY
SERVICES



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 14/804089

SEARCH DATE	TIME	EDITION NO	DATE
17/12/2020	5:46 PM	3	30/5/2018

LAND

LOT 14 IN DEPOSITED PLAN 804089
AT CURLWAA IRRIGATION AREA
LOCAL GOVERNMENT AREA WENTWORTH
PARISH OF WENTWORTH COUNTY OF WENTWORTH
TITLE DIAGRAM DP804089

FIRST SCHEDULE

DEAN JOHN FINCH

(T AK132462)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

af02300005

PRINTED ON 17/12/2020

D.P. 804089

Registered: 18-1-1991

C.A. NO. 35/90 OF 31-8-1990

Title System: TORRENS

Purpose: SUBDIVISION

Rel. Map: PARUSH DP 9924

Last Plan: DP 9924

PLAN OF SUBDIVISION OF N.I.L.'S

18,714.95 & PART SEC 10 DP 8824,

LOTS 7, 9 & 10 D.P. 21640 & PART LAND

VESTED BY GOV. GAL. 18-1-1991

FOL 50

Length Unit in metres: Metric Scale: 1:2500

State/Province: WESTWORTH

Locality: CURLWAA

Parish: WESTWORTH

County: WESTWORTH

This is sheet 1 of any plan in 4 sheets (unless it specifies)

NEIL DOUGLAS BENNETT

DEPT. OF WATER RESOURCES

of the State of New South Wales

as a duly qualified and licensed Surveyor

under the Survey Act, 1980, as amended

and the Land Act, 1933, as amended

and the Survey Act, 1980, as amended

and the Land Act, 1933, as amended

and the Survey Act, 1980, as amended

and the Land Act, 1933, as amended

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and the Land Act, 1933, as amended

and the Survey Act, 1980, as amended

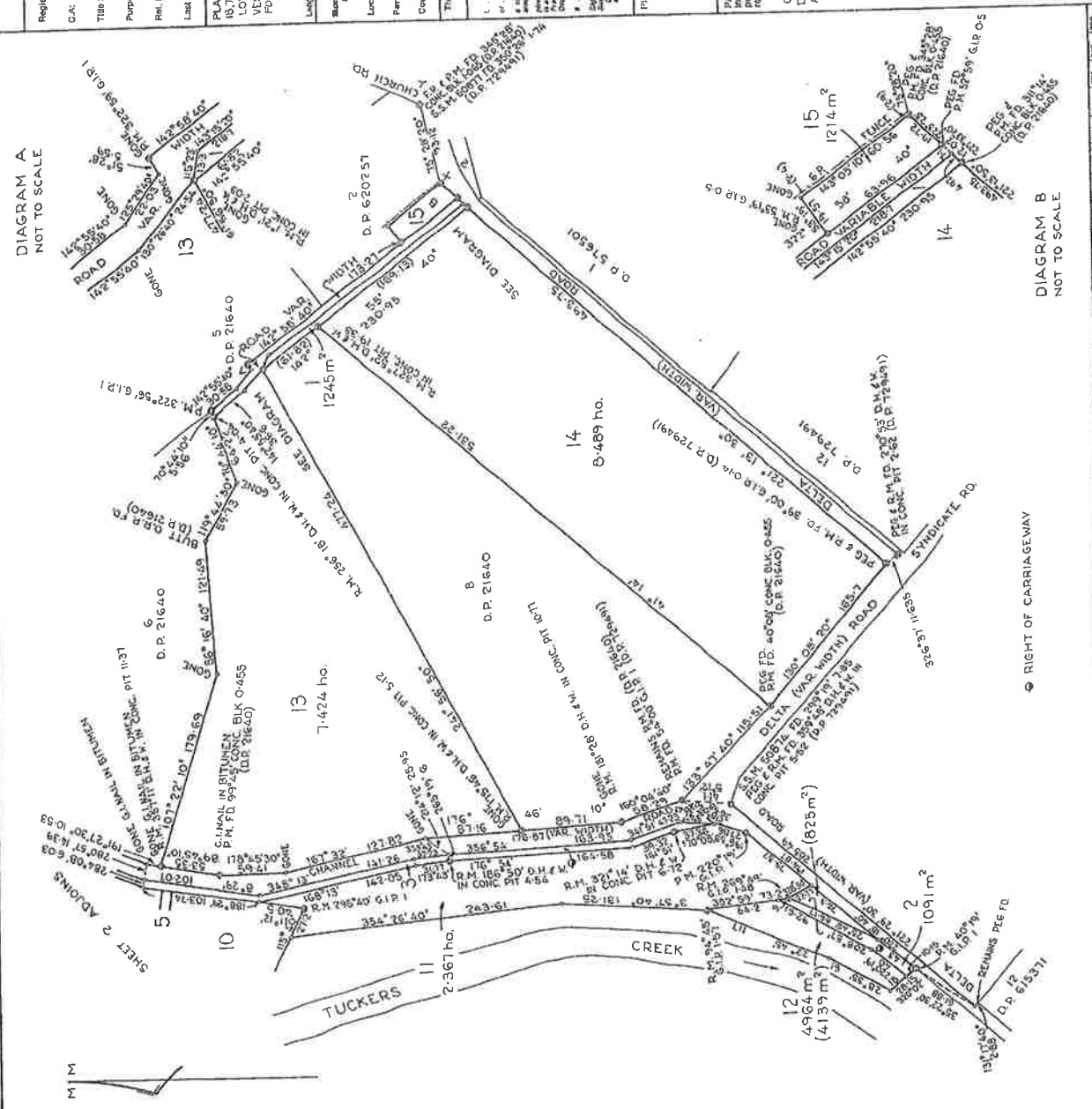


DIAGRAM A
NOT TO SCALE

DIAGRAM B
NOT TO SCALE

PLAN FORM 2

SIGNATURES, SEALS AND STATEMENTS OF SIGNIFICANCE TO

confirm public right of access to public roads, bridges,

waterways, and other public infrastructure.

and the Survey Act, 1980, as amended

and the Land Act, 1933, as amended

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and the Land Act, 1933, as amended

and the Survey Act, 1980, as amended

and the Land Act, 1933, as amended

and the Survey Act, 1980, as amended

LOT NO	LEASE NO	EXPIRY YEAR
2	PTM 917925	2001
4, 416	PTM 393680	2001
6 & 10 & 17	L 586765	1996
7	K 961321	1996
8	K 714867	1996
9	PTL 704984	1999
9	PTL 877618	1999
12	PTL 8917925	2001
13	L 173175	1996
15	P 612134	2005

Crown Lands Office Approval

Authorised Officer

Council Clerk's Certificate

Authorised Officer

Signature: _____

Date: _____

FILE NO 1808393

F.D. G.L. BALLY 89/5

Office of the Registrar-General / Src: GLOBALX / Ref: nr230005

Reg: R12653 / Doc: DP 0804089 P / Rev: 02-Nov-1992 / RSM LR3 / Pgs: 1 / Seq: 1 of 4

30th January, 1991



WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390 400 410 420 430 440 450 460 470 480 490 500 510 520 530 540 550 560 570 580 590 600 610 620 630 640 650 660 670 680 690 700 710 720 730 740 750 760 770 780 790 800 810 820 830 840 850 860 870 880 890 900 910 920 930 940 950 960 970 980 990 1000

D.P. 804089

Registered:  18-1-1991

This is sheet 2 of the plan of the area of 4.9895 ha. shown covered by my Certificate No. 35145 of 31-8-90

Surveyor registered under Surveyors Act 1989

This is sheet 2 of the plan of the area of 4.9895 ha. shown covered by my Certificate No. 35145 of 31-8-90

For any other copies or amendments in any other of the Plans.



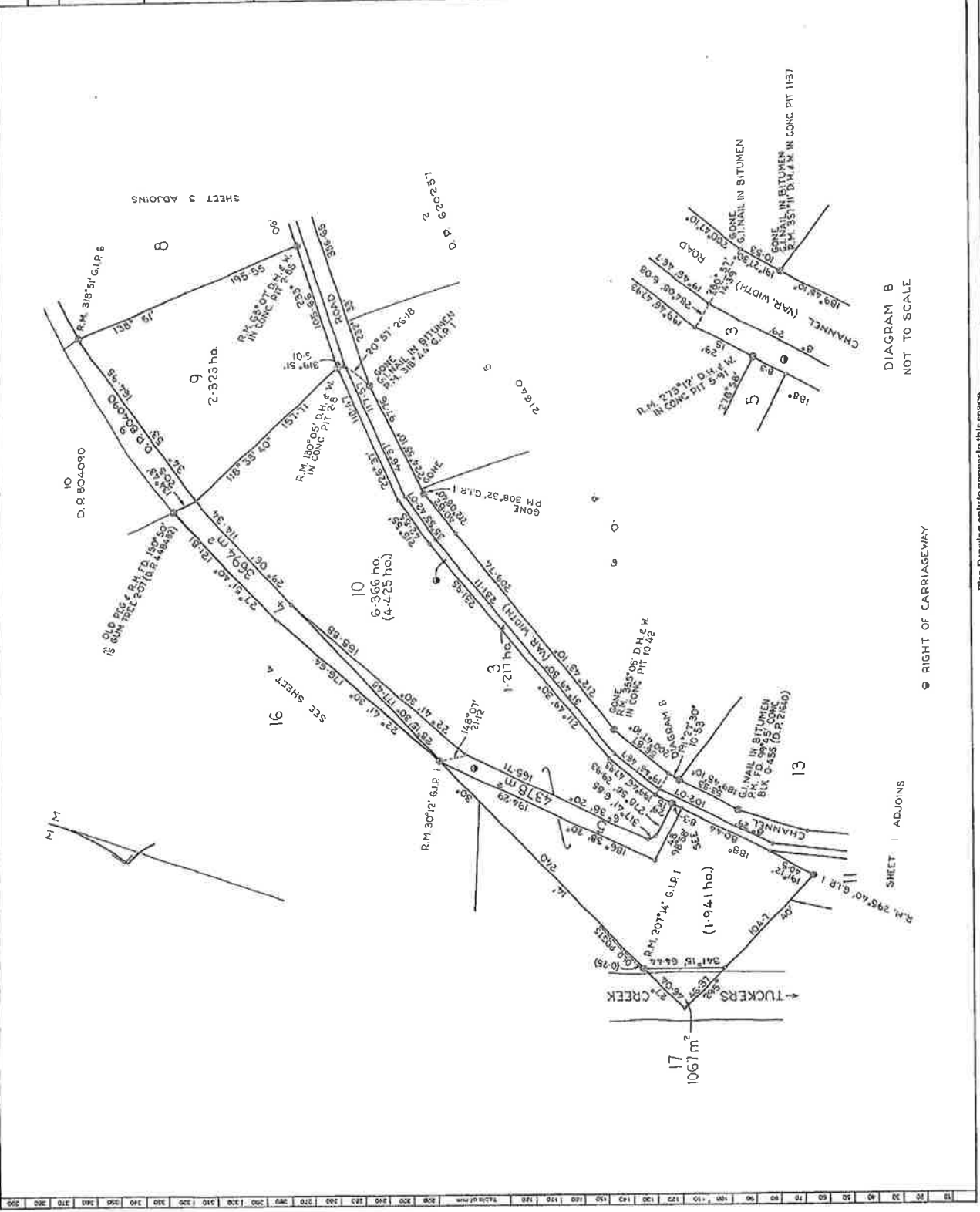


DIAGRAM B NOT TO SCALE

RIGHT OF CARRIAGEWAY

SHEET 1 ADJOINS

Plan Drawing only to appear in this space

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day, 30th January, 1991

10	120	130	140	150	160	170	180	190	200
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D.P. 804089

Registered: 18-1-1971

This is a plan of land shown in 4 sheets

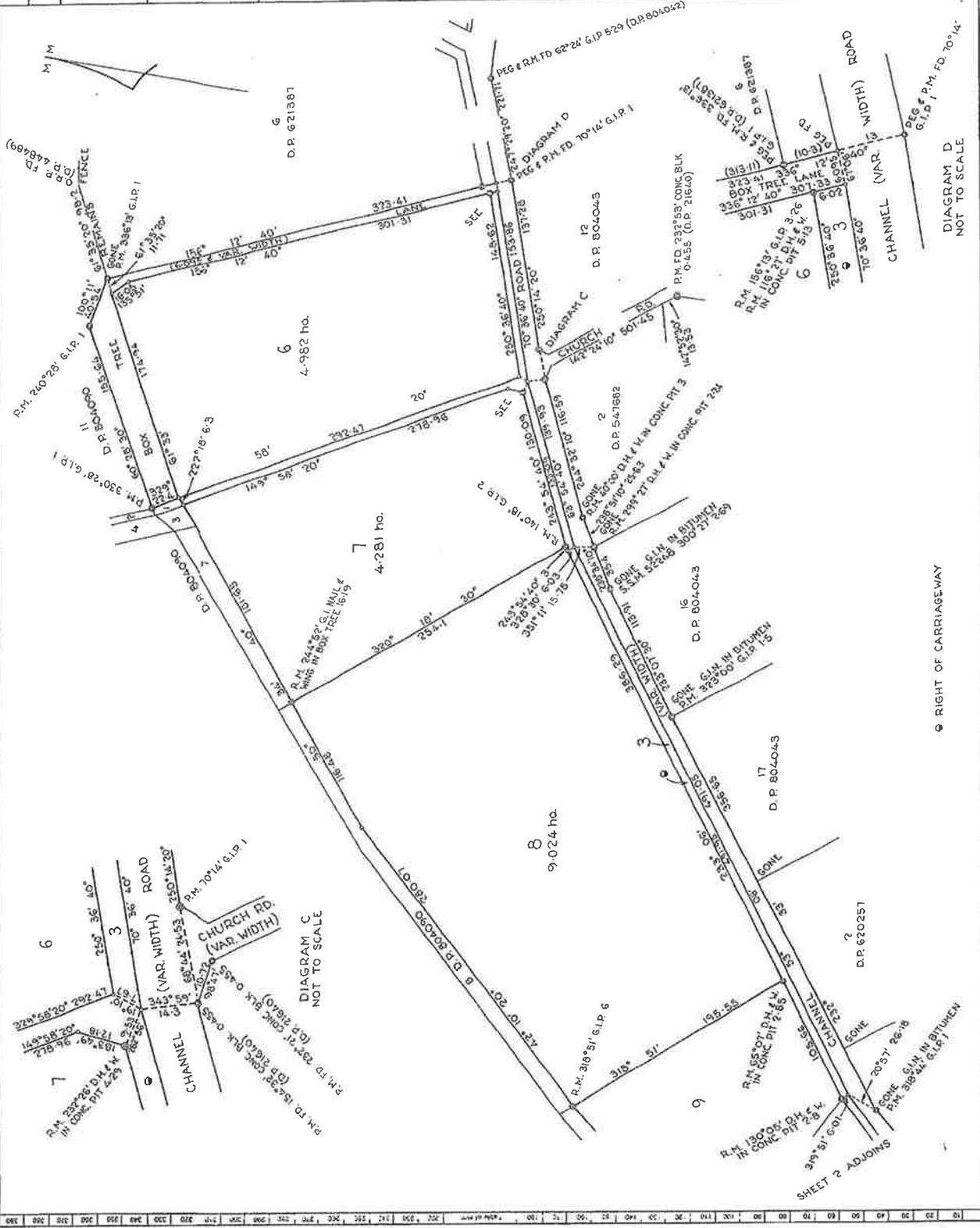
A. J. Bennett

This plan was registered under Surveyors Act 1959

Surveyor General's Office

30/1/90

For any other details to manufacturer or printer please refer to Form 2



Reduction Ratio: 2 000

FILE N° 1808293

REGISTERED PLAN

T.B. G.L. BAILY 89/5

Plan Drawing only to appear in this space

RIGHT OF CARRIAGEWAY

DIAGRAM D NOT TO SCALE

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day.

30th January, 1991

10 20 30 40 50 60 70 Table 31 mm 110 120 130 140



D.P. 804089

Registered:  28-1-1991

This plan is a copy of the original in the office of the Registrar of Land.

N.J. Bennett

Surveyor registered under the Surveyors Act 1979

This plan is a copy of the original in the office of the Registrar of Land.

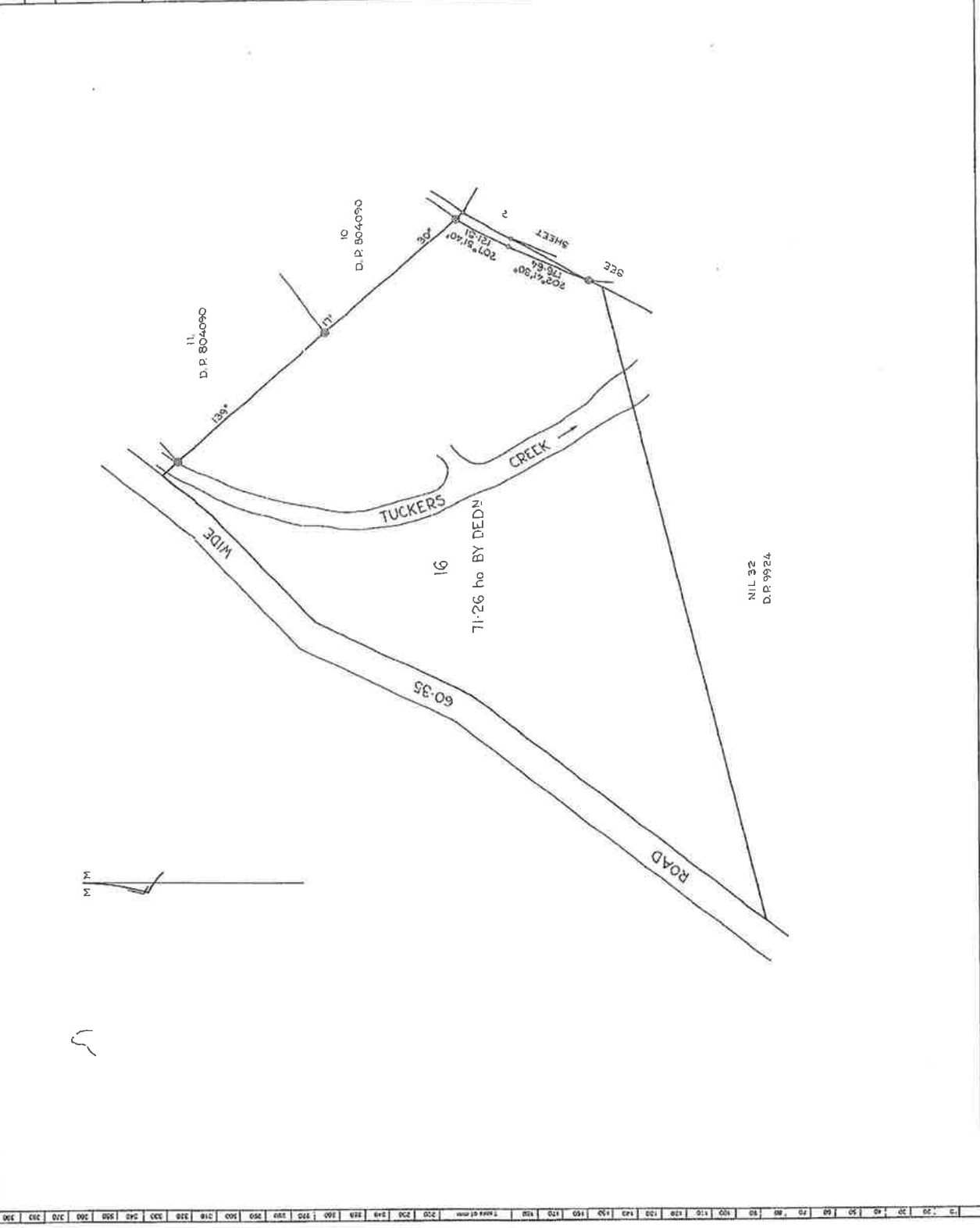
Also covered by the Certificate No. 304140 of 31-8-90



Surveyor who issues a certificate of survey or any part of Plan Form 2.

Reduction Ratio 1:15 000

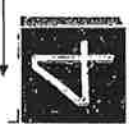
SURVEYOR'S REFERENCE:



Plan Drawing only to appear in this space

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day, 30th January, 1991

10	20	30	40	50	60	70	80	90	100	110	120	130	140
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LAND
REGISTRY
SERVICES



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 12/729491

SEARCH DATE	TIME	EDITION NO	DATE
17/12/2020	5:46 PM	3	30/5/2018

LAND

LOT 12 IN DEPOSITED PLAN 729491
AT CURLWAA IRRIGATION AREA
LOCAL GOVERNMENT AREA WENTWORTH
PARISH OF WENTWORTH COUNTY OF WENTWORTH
TITLE DIAGRAM DP729491

FIRST SCHEDULE

DEAN JOHN FINCH (T AK132462)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- 2 DP729491 RIGHT OF CARRIAGEWAY APPURTENANT TO THE LAND WITHIN DESCRIBED, AFFECTING THE WHOLE OF LOT 1 IN DP729491

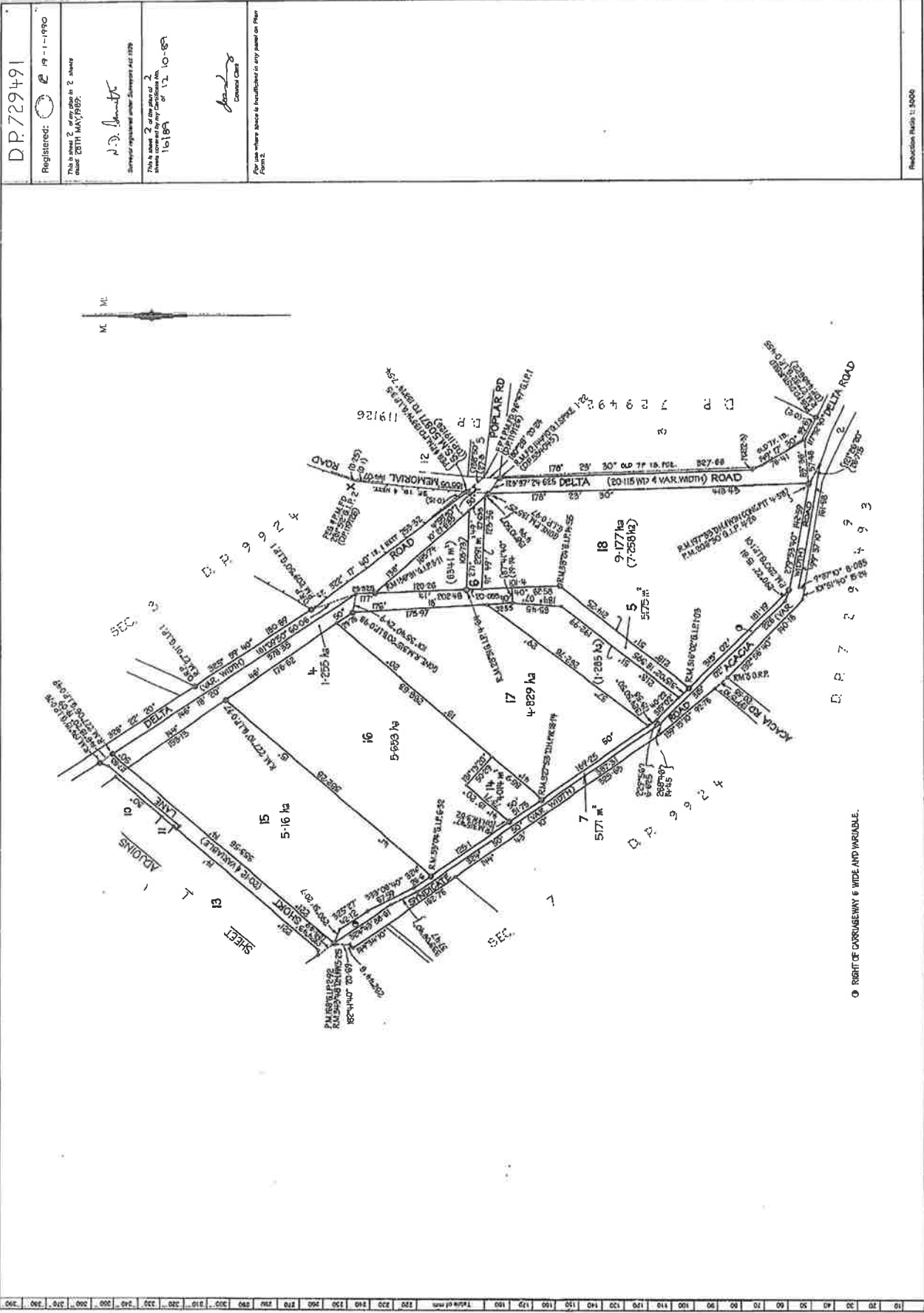
NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

af02300005

PRINTED ON 17/12/2020



Reduction Ratio: 1:5000

Surveyors reference: F.S. : A.D. ROBERT 1971

Plan Drawing only to appear in this space

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day, 6th FEBRUARY, 1990



10	20	30	40	50	60	70	Table of mm	110	120	130	140
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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1253124

<u>SEARCH DATE</u>	<u>TIME</u>	<u>EDITION NO</u>	<u>DATE</u>
18/12/2020	7:56 AM	1	2/5/2019

LAND

LOT 1 IN DEPOSITED PLAN 1253124
AT CURLWAA
LOCAL GOVERNMENT AREA WENTWORTH
PARISH OF WENTWORTH COUNTY OF WENTWORTH
TITLE DIAGRAM DP1253124

FIRST SCHEDULE

DEAN JOHN FINCH

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

af02300005

PRINTED ON 18/12/2020

PLAN FORM 6 (2017)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 1 of 2 Sheet(s)
Office use only Registered: 2/05/2019 Title System: TORRENS	 DP1253124 S	use only
PLAN OF CONSOLIDATION OF LOTS 14 AND 15 IN DP 804044	LGA: WENTWORTH Locality: CURLWAA Parish: WENTWORTH County: WENTWORTH	
<p style="text-align: center;">Survey Certificate</p> I, <u>PETER ROBERT DANSON</u> of <u>177 WALNUT AVENUE MILDURA</u> a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that:	<p style="text-align: center;">Crown lands NSW/Western Lands Office Approval</p> I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: Date: File Number: Office:	
<p>* (a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, is accurate and the survey was completed on, or</p> <p>* (b) The part of the land shown on the plan ("being"/"excluding".....) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on..... the part not surveyed was compiled in accordance with that Regulation, or</p> <p>* (c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>.</p> Datum Line Type Urban Rural The terrain is "Level-Undulating" Steep Mountainous	<p style="text-align: center;">Subdivision Certificate</p> I, *Authorised Person*/General Manager*/Accredited Certifier, certify that the provisions of the s. 109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: Accreditation number: Date of endorsement: Subdivision Certificate number: File Number: *Strike through if inapplicable	
Signature: Dated: <u>05-02-19</u> Surveyor Identification No: <u>902</u> Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> *Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.	Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.	
Plans used in the preparation of survey/compilation. DP 804044	Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	
Surveyor's Reference: 9512A		

PLAN FORM 6A (2017)

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 Sheet(s)

Office use only
Registered:  2/05/2019

PLAN OF CONSOLIDATION OF
LOTS 14 AND 15 IN DP 804044

Subdivision Certificate number:
Date of endorsement:

Public use only
DP1253124

- This sheet is for the provision of the following information as required:
- A Schedule of lots and addresses - See 60(c) *SSI Regulation 2017*
 - Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*.
 - Signatures and seals - see 195D *Conveyancing Act 1919*.
 - Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

STREET ADDRESSES OF ALL LOTS ARE NOT AVAILABLE

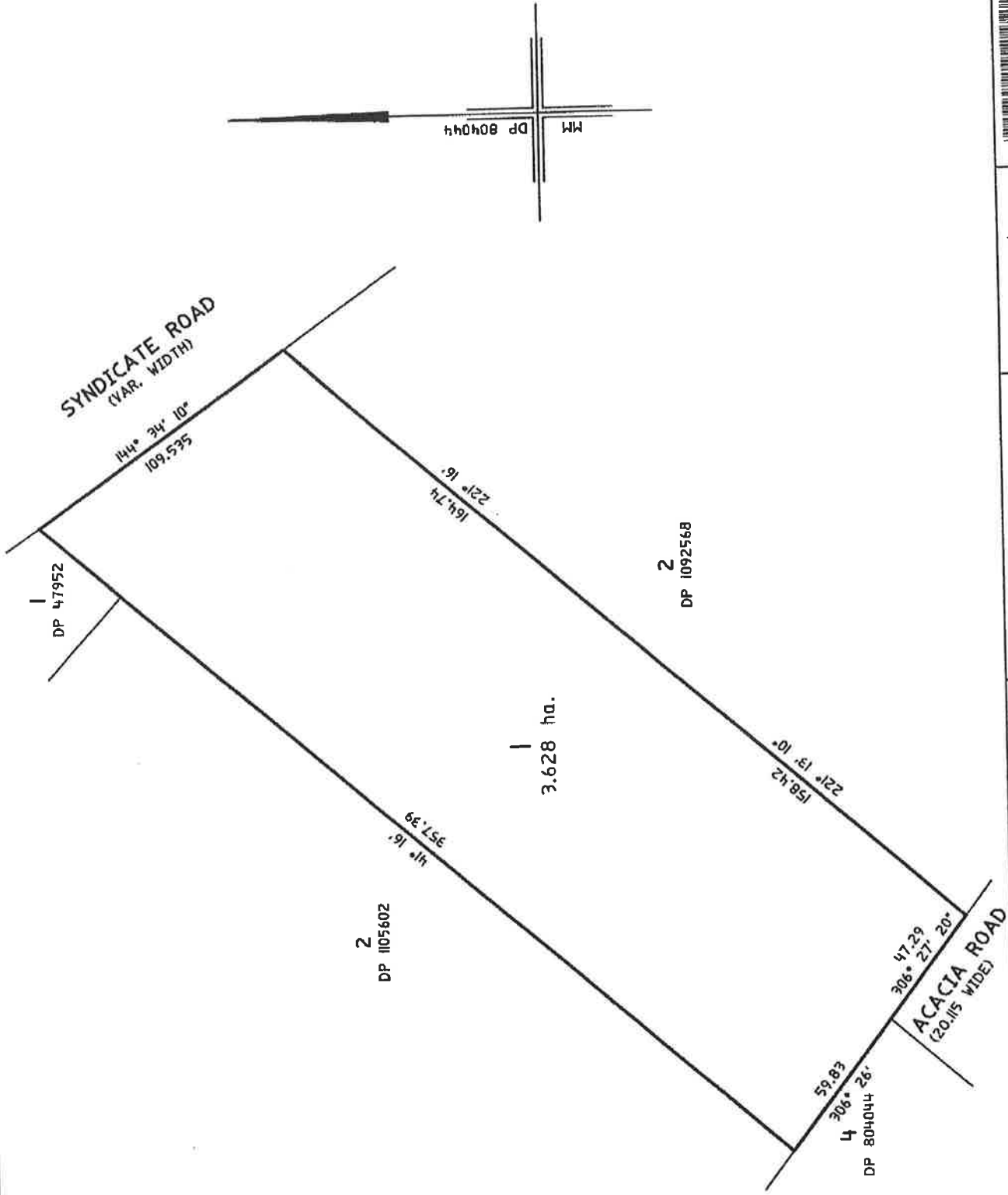


If space is insufficient use additional annexure sheet.

Surveyor's Reference: 9512A

WARNING: Creasing or folding will lead to rejection

PLAN FORM 2 (A3)



Registered
2/05/2019

LGA: WENTWORTH
Locality: CURL WAA
Reduction Ratio 1:1500
Lengths are in metres.

PLAN OF CONSOLIDATION OF
LOTS 14 AND 15 IN DP 804044

SURVEYOR
Name: PETER ROBERT DANSON
Date: 05-02-2019
Reference: 9512A



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/1105602

<u>SEARCH DATE</u>	<u>TIME</u>	<u>EDITION NO</u>	<u>DATE</u>
17/12/2020	5:47 PM	2	26/11/2018

LAND

LOT 2 IN DEPOSITED PLAN 1105602
AT CURLWAA
LOCAL GOVERNMENT AREA WENTWORTH
PARISH OF WENTWORTH COUNTY OF WENTWORTH
TITLE DIAGRAM DP1105602

FIRST SCHEDULE

DEAN JOHN FINCH (T AN872191)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- 2 DP804044 RIGHT OF CARRIAGEWAY APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

af02300005

PRINTED ON 17/12/2020

SIGNATURES, AND SEALS ONLY

M. B. Cook



CERTIFIED CORRECT FOR THE PURPOSES OF THE REAL PROPERTY ACT 1900 BY THE CORPSEMAN WITHED BELOW THE COMMON SEAL OF WHICH I AM AFFIDED PURSUANT TO THE AUTHORITY SPECIFIED AND IN THE PRESENCE OF ME APPOINTED PERSONS WHOSE SIGNATURES APPEAR BELOW
 CORPORATION: HCP FINANCE LTD
 AUTHORITY: SECTION 137 OF THE CORPORATIONS ACT 2001

SIGNATURE OF AUTHORIZED PERSON
 NAME: M. B. COOK
 AUTHORIZED BY: BETTIE HIGGINS
 OFFICE: HCP DIRECTOR

SIGNATURE OF APPLICANT
 NAME: X ROBIN M. GARDNER
 OFFICE: LAND

[Signature]
 MANAGER
 LAND ADMINISTRATION
 WESTERN DISTRICTS
 DEPT OF LANDS

Crown Lands Office Approval
 PLAN APPROVED: BY: *[Signature]*
 Land District: CURLEBA
 Paper No.: 1515155
 File Book: _____ pages: _____

Subdivision Certificate
 I certify that the provisions of s. 89A of the Conveyancing and Land Management Act 1919 have been satisfied in relation to the proposed Subdivision
 Date of Subdivision: 11 August 2006
 Date of Subdivision: 11 August 2006
 Subdivision Certificate No.: 15106
 File No.: DA 162104

Note: This plan is to be lodged electronically to the Land Titles Office. If it should be a signature on an electronic or digital format approved by the Registrar-General.
 I DELETE WHEREAS IS INAPPLICABLE

DP1105602

Register 17/4/2007

Title System: TORRENS
 Purpose: SUBDIVISION
 Ref. Map: PARISH
 Last Plan: DP 804044
 DP 47952

PLAN OF SUBDIVISION OF LOT 12 IN DP 804044 AND LOT 2 IN DP 47952

Lengths are in metres. Reduction Ratio 1: 2000

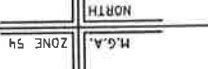
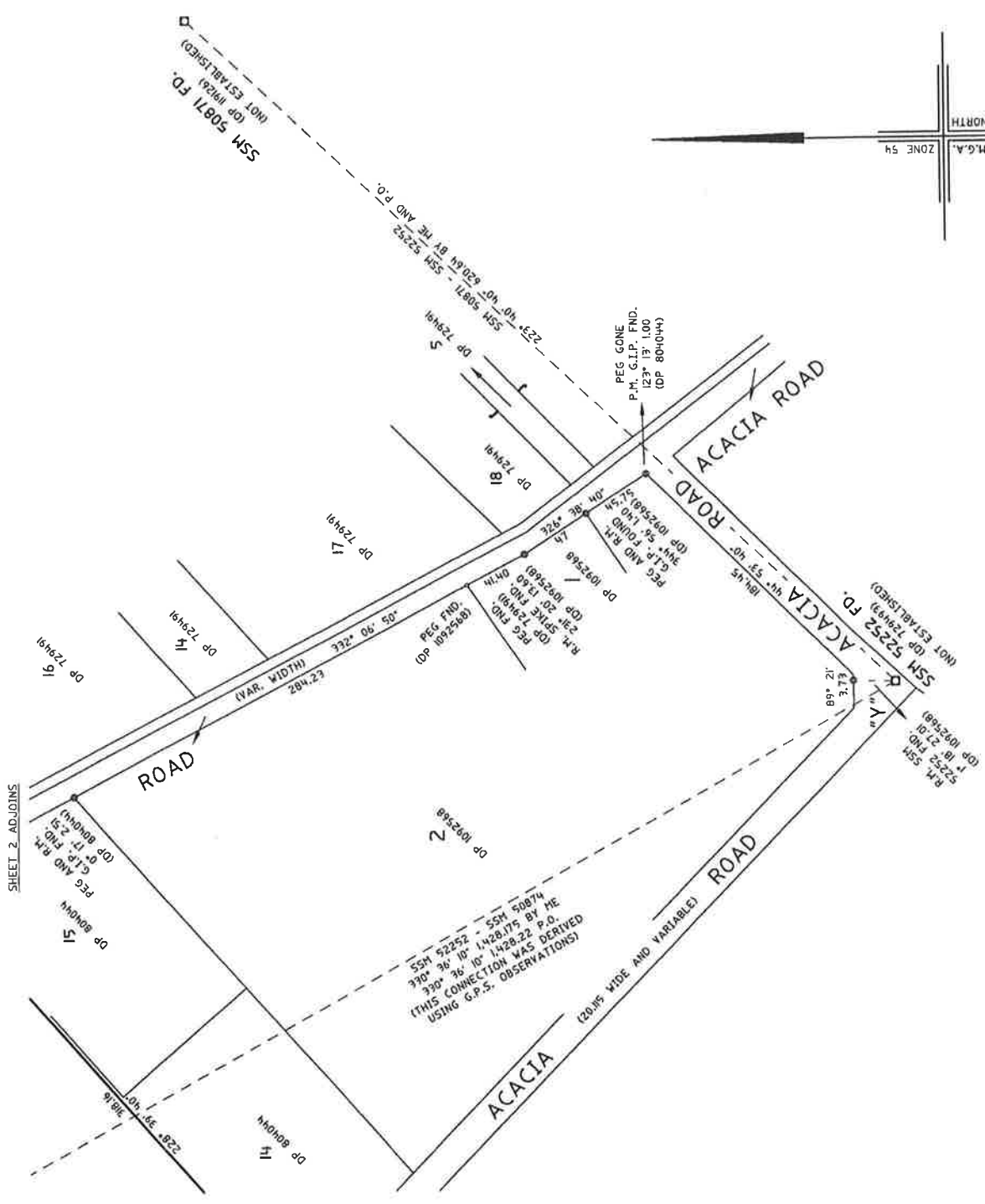
L.G.A. WENTWORTH
 Locality: CURLEBA
 Parish: WENTWORTH
 County: WENTWORTH ('2)

This is sheet 1 of my plan in 3 sheets.
 (Delete if inapplicable).

Surveying Regulation 2001
 I, PETER ROBERTSON, of the firm of PETER ROBERTSON & ASSOCIATES, 117 LAUREL AVENUE, MILDURA, VIC 3214, certify that the survey represented in this plan is correct, has been made in accordance with the Survey Act, 2002, and that the plan is a true and correct copy of the original plan as filed with the Survey Department on 15TH NOVEMBER, 2005.
 The survey relates to LOT 12
 I have specified the land actually surveyed or surveyed or any land shown in the plan that is not the subject of the survey.
 Date: 15/11/05
 Signature: *[Signature]*
 Title: Surveyor for 1975

Plans used in preparation of Survey/Compilation
 DP 47952
 DP 729491
 DP 804044

PANEL FOR USE ONLY for statements of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.
 PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919, AS AMENDED, IT IS INTENDED TO CREATE:
 LEASEMENT FOR WATER SUPPLY 6 WIDE



10	20	30	40	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200	210	220	230	240	250	260	270	280	290	300	310	320	330	340	350	360	370	380	390	400
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DP1105602

Registered: 17.4.2007

This is sheet 2 of my plan in 3 sheets dated 15TH NOVEMBER 2005

Surveyor registered under Surveyor's Act 1929

This is sheet 2 of the plan of 3 sheets covered by subdivision certificate No. 15126

Authorised Professional Engineer/Accountant/Contractor

This plan is a copy of the original as submitted in my permit no. 15126

* AMENDMENTS MADE IN LPI AT SURVEYOR'S REQUEST

Reduction Ratio 1: 2000

Drawn Pursuant to the provisions in their statute.

PLAN FORM 3 (CHECK LIST)



DP1105602

Registered:  17-14-2007

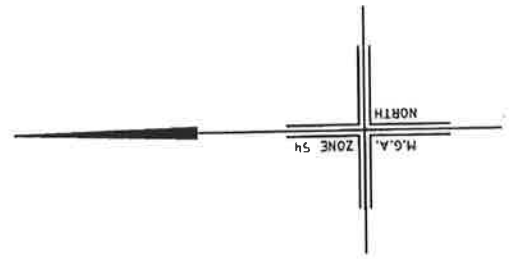
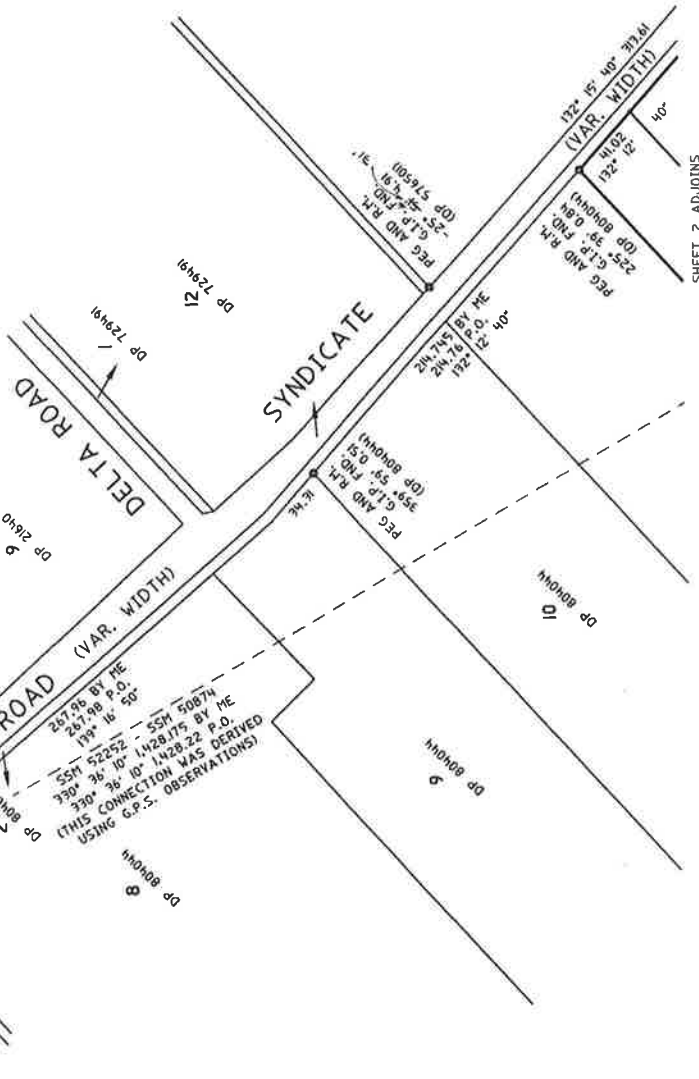
This is sheet 3 of 3 sheets dated 15TH NOVEMBER 2005

Surveyor registered under Surveyor's Act 1929
Lucy Roberts

This is sheet 3 of the plan of 3 plots covered by subdivision certificate No. E106 of

MJ
Authorised Professional Engineer (Structural Certificate)

For use where tests in accordance with any part of Plan Form 2



Your Reference: 202573 Finch
Applicant name: Maloney Anderson Legal - Mildura
Applicant address: PO Box 5107
MILDURA PRIVATE BOXES VIC 3502
Applicant email: smulder@maloneyandersonlegal.com.au
Certificate no: 2020-462
Subject land: Delta Road Lot 12 DP 615371 CURLWAA
Date of certificate: 18 December 2020

DISCLAIMER

Wentworth Shire Council gives notice and points out to all users of the information supplied herein, that the information herein has been compiled by Council from sources outside of Council's control. While the information herein is provided with all due care and in good faith, it is provided on the basis that Council will not accept any responsibility for and will not be liable for its contents or for any consequence arising from its use, and every user of such information is advised to make all necessary enquiries from the appropriate organisations, institutions and the like.

Wentworth Shire Council also gives notice to all users of the information supplied herein, wherever any particular enquiry herein remains unanswered or has not been elaborated upon, such silence should not be interpreted as meaning or inferring either a negative or a positive response as the case may be.

ABOUT THIS CERTIFICATE – Information for Applicant

This certificate has been prepared pursuant to Section 10.7 of the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2000 (NSW). The number system in this Certificate follows Schedule 4 of the Regulation. Please note that Council has omitted:

- 2A of this Schedule as the Wentworth Shire Council is not in a Sydney Region Growth Centre
- 4B of this Schedule as Wentworth Shire Council is not in a coastal region

CERTIFICATE 10.7(2) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

1. Names of relevant planning instruments and DCPs

- | | |
|--|---|
| a) The name of each environmental planning instrument that applies to the carrying out of development on the land. | a) <i>Wentworth Local Environmental Plan 2011</i> applies to this land. |
| b) 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 Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved). | b) See Annexure 1. |
| c) The name of each development control plan that applies to the carrying out of development on the land. | c) Wentworth Development Control Plan December 2011. |
| d) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument. | d) Not applicable. |

2. Zoning and land use under relevant LEPs

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):

The following information will assist in determining how the subject land may be developed. It is recommended that you read this section in conjunction with a full copy of any relevant environmental planning instrument as there may be additional provisions that affect how the land may be developed.

- | | |
|---|--|
| <ul style="list-style-type: none"> 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. | <ul style="list-style-type: none"> a) Wentworth Local Environmental Plan (WLEP) 2011
ZONE: RU1 – Primary Production
 b) In addition to the controls contained in the <i>Wentworth Local Environmental Plan 2011</i>, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 sets out further circumstances where development consent will be required for development involving certain types of buildings, the demolition of buildings or the subdivision of land. These circumstances may include development that does not require consent under the <i>Wentworth Local Environmental Plan 2011</i>. c) See Annexure 1.
 d) See Annexure 1. e) 10 Hectares
 f) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. g) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. h) No. |
|---|--|

3. Complying development

- | | |
|---|--|
| <ul style="list-style-type: none"> a) 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 <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>. b) 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 that clause. c) 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. | <ul style="list-style-type: none"> a) : Yes, the land is land on which complying development may be carried out subject to the disclaimer at 3c) below.
 Not applicable.
 Not applicable. |
|---|--|

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 .	Not applicable.
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.	Not applicable.
7. Council and other public authority policies on hazard risk restrictions relating to land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)	
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.	Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on land which have been previously used for certain purposes. Council records do not have sufficient information about previous uses of this land to determine whether the land is contaminated. Consideration of Councils adopted policy and the application or provisions under relevant state legislation is warranted.
7A. Flood related development controls information	
a) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls. b) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls. c) Words and expressions in this clause have the same meanings as in the Standard Instrument.	a) Not applicable. b) Not applicable.
Words and expressions in this clause have the same meanings as in the Standard Instrument.	
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.	Not applicable
9. Contribution plans	
The name of each contributions plan applying to the land.	Development Contribution Plan

9A. Biodiversity certified land	
<p>If the land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, a statement to that effect.</p> <p>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.</p>	<p>Council has not been notified that this land has been determined to be biodiversity specified land.</p>
10. Biodiversity stewardship sites	
<p>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).</p> <p>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.</p>	<p>No, Wentworth Shire Council has not been notified of the existence of a biodiversity stewardship agreement by the Office of Environment & Heritage in relation to this property.</p>
10A. Native vegetation clearing set asides	
<p>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).</p>	<p>Council has not been notified of the existence of a set aside area by Local Land Services or that a set aside area has been registered.</p>
11. Bush fire prone land	
<p>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.</p> <p>If none of the land is bush fire prone land, a statement to that effect.</p>	<p>No, the land is not bushfire prone</p>
This information has been sourced from mapping provided by the NSW Rural Fire Service.	
12. Property vegetation plans	
<p>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).</p>	<p>Council has not been notified of a Property Vegetation Plan under the Native Vegetation Act 2003 affecting this land. For further details please contact Local Land Services.</p>
This information has been sourced from NSW Local Land Services.	
13. Orders under Trees (Disputes Between Neighbours) Act 2006	
<p>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).</p>	<p>Council has not been notified of an Order under Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to any tree on the land.</p>
14. Directions under Part 3A	
<p>If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an</p>	<p>No, there is no direction in force from the Minister under Section 75P (2) (c1) in relation to this property.</p>

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

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.

The land is land to which the State Environmental Planning Policy (Housing for Seniors with a Disability) 2004 does apply. However, no current compatibility certificate exists of which Council is aware.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

- a) A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate 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 valid, and
 - (ii) that a copy may be obtained from the head office of the Department.

Council is not aware of any site compatibility certificates for infrastructure applying to this land.

17. Site compatibility certificates and conditions for affordable rental housing

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

Council is not aware of any site compatibility certificates for affordable rental housing applying to this land.

18. Paper subdivision information

- 1) The name of any development plan adopted by a relevant authority 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.

Council is unaware of any development plan or 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 the Environmental Planning & Assessment Regulation.

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 and, 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.

Council is not aware of any site verification certificates applying to this land.

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.

Not applicable

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.

Not applicable

(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*.

CERTIFICATE 10.7(5) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

You are advised that at the date of this certificate the subject land is affected by the following matters:-

Information Requested	Reply
a) Is the land subject to a Tree Preservation Order?	No.
b) Has any development consent with respect to the land been granted within the previous five years?	No.
c) Any known non-compliance with matters relating to development approval?	No.
d) Any known non-compliance on matters relating to, or delegated to Council and notices requiring work to be carried out in relation to building and/or health items?	No.
e) Any other known matter of which Council is aware that applies to the subject land?	<p>Yes</p> <p>*The following allotments also form part of this assessment – Lot 2 DP 615371</p> <p>*The comments and information contained in this certificate relate to the property described in the section "Description of Land".</p> <p>*The information contained in this certificate has been compiled from Council's records – no physical inspection of the property was carried out.</p>

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

Signed: **MATTHEW CARLIN**
DIRECTOR HEALTH & PLANNING
under delegation on behalf of the Shire of Wentworth

Contact: T 03 5027 5027
E council@wentworth.nsw.gov.au
W wentworth.nsw.gov.au

26-28 Adelaide Street WENTWORTH NSW 2648
PO Box 81 WENTWORTH NSW 2648
ABN 96 283 886 815

ANNEXURE 1 TO CERTIFICATE PURSUANT TO SECTION 10.7(1) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

RU1 Primary Production Zone as at 16 December 2011

You are advised that as at the date of this Certificate the subject land is affected by the following matters:-

(a) **STATE ENVIRONMENTAL PLANNING POLICIES**

No 21 - Caravan Parks – Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

No 33 - Hazardous and Offensive Development – Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

No 36 - Manufactured Home Estates – Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approve development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.

No 50 – Canal Estate Development – Bans new canal estates from the date of gazettal (10th November 1997), to ensure coastal and aquatic environments are not affected by these developments.

No 55 – Remediation of Land – Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared [Managing Land Contamination: Planning Guidelines](#).

No 64 - Advertising and Signage - Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. [Transport Corridor Outdoor Advertising and Signage Guidelines](#) (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications.

No 65 - Design Quality of Residential Apartment Development - Improves the design quality of residential apartment development across the state through the application of a series of design principles. The SEPP recognises that the design quality of residential apartment development is of significance for

environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. The SEPP operates to ensure that residential apartment development contributes to sustainable development of the state, achieves better built form and aesthetics of buildings and streetscapes, supports housing affordability for wide range of people, better satisfies the increasing demand, the changing social and demographic profile of the community, and maximises amenity, safety and security for the benefit of its occupants and the wider community. The SEPP facilitates timely and efficient assessment of applications for residential apartment development by providing a consistent policy framework and mechanism across the State. The policy provides for the establishment of design Review Panels to provide independent expert advice to councils on the merit of residential flat development.

SEPP (Affordable Rental Housing) 2009 – Establishes a consistent planning regime for the provision of affordable rental housing. The SEPP facilitates the effective delivery of new affordable rental housing by providing planning control incentives and expanding the role for not-for-profit-providers of affordable rental housing. The SEPP also establishes approaches to facilitate the retention and mitigate the loss of existing affordable rental housing. The SEPP aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004 - This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

SEPP (Concurrences) 2018 – Authorises the Planning Secretary to elect to act in place of a concurrence authority for the for the purposes of deciding whether to grant concurrence to a development if the concurrence authority fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so.

SEPP (Educational Establishments and Child Care Facilities) 2017 - Facilitates the effective delivery of educational establishments and early education and care facilities across the State. The SEPP improves regulatory certainty and efficiency for educational establishments and early education and care facilities through a consistent planning regime that simplifies and standardises planning approval pathways and establishes consistent State-wide assessment requirements and design considerations for these developments. The policy provides for the consultation with relevant public authorities during the assessment process or prior to development commencing for educational establishments and early education and care facilities. The SEPP also aligns the NSW planning framework with the National Quality Framework for early education and care services to enable proponents and consent authorities ensure that new developments or modified premises meet the applicable requirements of the National Quality Framework for the services. The policy supports joint and shared use of the facilities of educational establishments with the community through appropriate design.

SEPP (Exempt and Complying Development Codes) 2008 - Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*.

SEPP (Housing for Seniors or People with a Disability) 2004 – Encourages the provision of adequate, diverse and high quality housing for aged persons and people with disabilities. The SEPP achieves its aims by overriding local planning controls that would prevent the development of housing for seniors or people with a disability and setting out design principles to achieving built form that is in keeping with the site and local neighbourhood.

SEPP (Infrastructure) 2007 - Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available at www.planning.nsw.gov.au.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 – Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. This Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Miscellaneous Consent Provisions) 2007 - Permits the erection of temporary structures with development consent across the state. The SEPP aims to ensure the safety of persons using temporary structures and protect the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration.

SEPP (Primary Production and Rural Development) 2019 - Facilitates the orderly and economic use and development of lands for primary production. The aims to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The SEPP encourages sustainable aquaculture and outlines the criteria for categorising aquaculture as designated development. The SEPP identifies State significant agricultural land, simplifies the regulatory process for water supply in irrigation areas and districts and sets out the considerations for assessing the impact of all proposed development oyster aquaculture.

SEPP (State and Regional Development) 2011 – Identifies and declares development as a State significant development, State significant infrastructure, critical State significant infrastructure or regionally significant development based on a number of factors including location, purpose and capital investment value etc.

SEPP (State Significant Precincts) 2005 - Facilitates the orderly development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the state. The SEPP aims to facilitate service delivery outcomes for a range of public services, the development of major sites for a public purpose and redevelopment of major sites no longer appropriate or suitable for public purposes.

SEPP (Urban Renewal) 2010 - Establishes the process for assessing and identifying sites as urban renewal precincts and facilitates the orderly and economic development and redevelopment of sites in and around such precincts. The SEPP aims to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

SEPP (Vegetation in Non-Rural Areas) 2017 - Protects the biodiversity values of trees and other vegetation in non-rural areas of the State. The SEPP aims to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The policy establishes the approval pathways for clearing in non-rural areas.

SEPP (Koala Habitat Protection) 2019 – Encourages the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat. Local councils must ensure approvals for development on a land affected by this policy is consistent with the approved koala plan of management for the land. If there is no approved koala plan of management for a land affected by the policy, local councils must consider requirements of the koala habitat protection guideline or information prepared by a suitably qualified and experienced person in accordance with the guideline before approving development on the land.

(b) **REGIONAL ENVIRONMENTAL PLANS**

Willandra Lakes REP No 1 – World Heritage Property - Applies to the Willandra Lakes Region in the Shires of Wentworth and Balranald. The purpose of the plans is to protect, conserve and manage this World Heritage Property in accordance with any strategic plan of management. The plan also aims to provide a process of consultation with stakeholders on development and related decisions.

Murray REP 2 -Riverine Land - Ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinates planning along the Murray River and the implementation of planning related aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.

(c) **LOCAL ENVIRONMENTAL PLANS – RU1 PRIMARY PRODUCTION ZONE**

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Dual occupancies (detached); Schools; Any other development not specified in item 2 or 3

Your Reference: 202573 FINCH

Applicant name: Maloney Anderson Legal - Mildura

Applicant address: PO Box 5107MILDURA PRIVATE BOXES VIC 3502

Applicant email: smulder@maloneyandersonlegal.com.au

Certificate no: 2020-463

Subject land: 394 Delta Road Lot 2 DP1265137 Curlwaa

Date of certificate: 18 December 2020

DISCLAIMER

Wentworth Shire Council gives notice and points out to all users of the information supplied herein, that the information herein has been compiled by Council from sources outside of Council's control. While the information herein is provided with all due care and in good faith, it is provided on the basis that Council will not accept any responsibility for and will not be liable for its contents or for any consequence arising from its use, and every user of such information is advised to make all necessary enquiries from the appropriate organisations, institutions and the like.

Wentworth Shire Council also gives notice to all users of the information supplied herein, wherever any particular enquiry herein remains unanswered or has not been elaborated upon, such silence should not be interpreted as meaning or inferring either a negative or a positive response as the case may be.

ABOUT THIS CERTIFICATE – Information for Applicant

This certificate has been prepared pursuant to Section 10.7 of the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2000 (NSW). The number system in this Certificate follows Schedule 4 of the Regulation. Please note that Council has omitted:

- 2A of this Schedule as the Wentworth Shire Council is not in a Sydney Region Growth Centre
- 4B of this Schedule as Wentworth Shire Council is not in a coastal region

CERTIFICATE 10.7(2) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

1. Names of relevant planning instruments and DCPs

- | | |
|--|---|
| a) The name of each environmental planning instrument that applies to the carrying out of development on the land. | a) <i>Wentworth Local Environmental Plan 2011</i> applies to this land. |
| b) 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 Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved). | b) See Annexure 1. |
| c) The name of each development control plan that applies to the carrying out of development on the land. | c) Wentworth Development Control Plan December 2011. |
| d) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument. | d) Not applicable. |

2. Zoning and land use under relevant LEPs

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):

The following information will assist in determining how the subject land may be developed. It is recommended that you read this section in conjunction with a full copy of any relevant environmental planning instrument as there may be additional provisions that affect how the land may be developed.

- | | |
|---|---|
| <ul style="list-style-type: none"> 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. | <ul style="list-style-type: none"> a) Wentworth Local Environmental Plan (WLEP) 2011
ZONE: RU1 – Primary Production
 b) In addition to the controls contained in the <i>Wentworth Local Environmental Plan 2011</i>, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 sets out further circumstances where development consent will be required for development involving certain types of buildings, the demolition of buildings or the subdivision of land. These circumstances may include development that does not require consent under the <i>Wentworth Local Environmental Plan 2011</i>. c) See Annexure 1.
 d) See Annexure 1. e) 10 Hectares.
 f) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. g) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. h) Yes -Item .I21 General Dwelling |
|---|---|

3. Complying development

- | | |
|---|--|
| <ul style="list-style-type: none"> a) 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 <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>. b) 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 that clause. c) 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. | <ul style="list-style-type: none"> a) : Yes, the land is land on which complying development may be carried out subject to the disclaimer at 3c) below.
 Not applicable.
 Not applicable. |
|---|--|

<p>Whether or not the land is proclaimed to be a mine subsidence district within the meaning of the Coal Mine Subsidence Compensation Act 2017.</p>	<p>5. Mine subsidence Not applicable.</p>
<p>Whether or not the land is affected by any road widening or road realignment under:</p> <p>a) Division 2 of Part 3 of the Roads Act 1993, or b) any environmental planning instrument, or c) any resolution of the council.</p>	<p>6. Road widening and road realignment Not applicable.</p>
<p>7. Council and other public authority policies on hazard risk restrictions relating to land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)</p> <p>Whether or not the land is affected by a policy:</p> <p>a) adopted by the council, or</p> <p>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.</p>	<p>Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on land which have been previously used for certain purposes. Council records do not have sufficient information about previous uses of this land to determine whether the land is contaminated. Consideration of Councils adopted policy and the application or provisions under relevant state legislation is warranted.</p>
<p>7A. Flood related development controls information</p> <p>a) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.</p> <p>b) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.</p> <p>c) Words and expressions in this clause have the same meanings as in the Standard Instrument.</p>	<p>a) Not applicable.</p> <p>b) Not applicable.</p>
<p>Words and expressions in this clause have the same meanings as in the Standard Instrument.</p>	
<p>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.</p>	<p>8. Land reserved for acquisition Not applicable</p>
<p>The name of each contributions plan applying to the land.</p>	<p>9. Contribution plans Development Contribution Plan</p>

9A. Biodiversity certified land	
<p>If the land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, a statement to that effect.</p> <p>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.</p>	<p>Council has not been notified that this land has been determined to be biodiversity specified land.</p>
10. Biodiversity stewardship sites	
<p>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).</p> <p>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.</p>	<p>No, Wentworth Shire Council has not been notified of the existence of a biodiversity stewardship agreement by the Office of Environment & Heritage in relation to this property.</p>
10A. Native vegetation clearing set asides	
<p>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).</p>	<p>Council has not been notified of the existence of a set aside area by Local Land Services or that a set aside area has been registered.</p>
11. Bush fire prone land	
<p>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.</p> <p>If none of the land is bush fire prone land, a statement to that effect.</p>	<p>No, the land is not bushfire prone</p>
This information has been sourced from mapping provided by the NSW Rural Fire Service.	
12. Property vegetation plans	
<p>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).</p>	<p>Council has not been notified of a Property Vegetation Plan under the Native Vegetation Act 2003 affecting this land. For further details please contact Local Land Services.</p>
This information has been sourced from NSW Local Land Services.	
13. Orders under Trees (Disputes Between Neighbours) Act 2006	
<p>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).</p>	<p>Council has not been notified of an Order under Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to any tree on the land.</p>
14. Directions under Part 3A	
<p>If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an</p>	<p>No, there is no direction in force from the Minister under Section 75P (2) (c1) in relation to this property.</p>

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

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.

The land is land to which the State Environmental Planning Policy (Housing for Seniors with a Disability) 2004 does apply. However, no current compatibility certificate exists of which Council is aware.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

- a) A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate 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 valid, and
 - (ii) that a copy may be obtained from the head office of the Department.

Council is not aware of any site compatibility certificates for infrastructure applying to this land.

17. Site compatibility certificates and conditions for affordable rental housing

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

Council is not aware of any site compatibility certificates for affordable rental housing applying to this land.

18. Paper subdivision information

- 1) The name of any development plan adopted by a relevant authority 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.

Council is unaware of any development plan or 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 the Environmental Planning & Assessment Regulation.

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 and, 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.

Council is not aware of any site verification certificates applying to this land.

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.

Not applicable

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.

Not applicable

(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*.

**CERTIFICATE 10.7(5) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT
ACT 1979**

You are advised that at the date of this certificate the subject land is affected by the following matters:-

Information Requested	Reply
a) Is the land subject to a Tree Preservation Order?	No.
b) Has any development consent with respect to the land been granted within the previous five years?	No.
c) Any known non-compliance with matters relating to development approval?	No.
d) Any known non-compliance on matters relating to, or delegated to Council and notices requiring work to be carried out in relation to building and/or health items?	No
e) Any other known matter of which Council is aware that applies to the subject land?	<p align="center">No</p> <p>*The comments and information contained in this certificate relate to the property described in the section "Description of Land".</p> <p>*The information contained in this certificate has been compiled from Council's records – no physical inspection of the property was carried out.</p>

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

Signed: **MATTHEW CARLIN**
DIRECTOR HEALTH & PLANNING
under delegation on behalf of the Shire of Wentworth

Contact: T 03 5027 5027
E council@wentworth.nsw.gov.au
W wentworth.nsw.gov.au

26-28 Adelaide Street WENTWORTH NSW 2648
PO Box 81 WENTWORTH NSW 2648
ABN 96 283 886 815

ANNEXURE 1 TO CERTIFICATE PURSUANT TO SECTION 10.7(1) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

RU1 Primary Production Zone as at 16 December 2011

You are advised that as at the date of this Certificate the subject land is affected by the following matters:-

(a) **STATE ENVIRONMENTAL PLANNING POLICIES**

No 21 - Caravan Parks – Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

No 33 - Hazardous and Offensive Development – Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

No 36 - Manufactured Home Estates – Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approve development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.

No 50 – Canal Estate Development – Bans new canal estates from the date of gazettal (10th November 1997), to ensure coastal and aquatic environments are not affected by these developments.

No 55 – Remediation of Land – Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared [Managing Land Contamination: Planning Guidelines](#).

No 64 - Advertising and Signage - Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. [Transport Corridor Outdoor Advertising and Signage Guidelines](#) (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications.

No 65 - Design Quality of Residential Apartment Development - Improves the design quality of residential apartment development across the state through the application of a series of design principles. The SEPP recognises that the design quality of residential apartment development is of significance for

environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. The SEPP operates to ensure that residential apartment development contributes to sustainable development of the state, achieves better built form and aesthetics of buildings and streetscapes, supports housing affordability for wide range of people, better satisfies the increasing demand, the changing social and demographic profile of the community, and maximises amenity, safety and security for the benefit of its occupants and the wider community. The SEPP facilitates timely and efficient assessment of applications for residential apartment development by providing a consistent policy framework and mechanism across the State. The policy provides for the establishment of design Review Panels to provide independent expert advice to councils on the merit of residential flat development.

SEPP (Affordable Rental Housing) 2009 – Establishes a consistent planning regime for the provision of affordable rental housing. The SEPP facilitates the effective delivery of new affordable rental housing by providing planning control incentives and expanding the role for not-for-profit-providers of affordable rental housing. The SEPP also establishes approaches to facilitate the retention and mitigate the loss of existing affordable rental housing. The SEPP aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004 - This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

SEPP (Concurrences) 2018 – Authorises the Planning Secretary to elect to act in place of a concurrence authority for the for the purposes of deciding whether to grant concurrence to a development if the concurrence authority fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so.

SEPP (Educational Establishments and Child Care Facilities) 2017 - Facilitates the effective delivery of educational establishments and early education and care facilities across the State. The SEPP improves regulatory certainty and efficiency for educational establishments and early education and care facilities through a consistent planning regime that simplifies and standardises planning approval pathways and establishes consistent State-wide assessment requirements and design considerations for these developments. The policy provides for the consultation with relevant public authorities during the assessment process or prior to development commencing for educational establishments and early education and care facilities. The SEPP also aligns the NSW planning framework with the National Quality Framework for early education and care services to enable proponents and consent authorities ensure that new developments or modified premises meet the applicable requirements of the National Quality Framework for the services. The policy supports joint and shared use of the facilities of educational establishments with the community through appropriate design.

SEPP (Exempt and Complying Development Codes) 2008 - Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*.

SEPP (Housing for Seniors or People with a Disability) 2004 – Encourages the provision of adequate, diverse and high quality housing for aged persons and people with disabilities. The SEPP achieves its aims by overriding local planning controls that would prevent the development of housing for seniors or people with a disability and setting out design principles to achieving built form that is in keeping with the site and local neighbourhood.

SEPP (Infrastructure) 2007 - Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available at www.planning.nsw.gov.au.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 – Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. This Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Miscellaneous Consent Provisions) 2007 - Permits the erection of temporary structures with development consent across the state. The SEPP aims to ensure the safety of persons using temporary structures and protect the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration.

SEPP (Primary Production and Rural Development) 2019 - Facilitates the orderly and economic use and development of lands for primary production. The aims to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The SEPP encourages sustainable aquaculture and outlines the criteria for categorising aquaculture as designated development. The SEPP identifies State significant agricultural land, simplifies the regulatory process for water supply in irrigation areas and districts and sets out the considerations for assessing the impact of all proposed development oyster aquaculture.

SEPP (State and Regional Development) 2011 – Identifies and declares development as a State significant development, State significant infrastructure, critical State significant infrastructure or regionally significant development based on a number of factors including location, purpose and capital investment value etc.

SEPP (State Significant Precincts) 2005 - Facilitates the orderly development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the state. The SEPP aims to facilitate service delivery outcomes for a range of public services, the development of major sites for a public purpose and redevelopment of major sites no longer appropriate or suitable for public purposes.

SEPP (Urban Renewal) 2010 - Establishes the process for assessing and identifying sites as urban renewal precincts and facilitates the orderly and economic development and redevelopment of sites in and around such precincts. The SEPP aims to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

SEPP (Vegetation in Non-Rural Areas) 2017 - Protects the biodiversity values of trees and other vegetation in non-rural areas of the State. The SEPP aims to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The policy establishes the approval pathways for clearing in non-rural areas.

SEPP (Koala Habitat Protection) 2019 – Encourages the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat. Local councils must ensure approvals for development on a land affected by this policy is consistent with the approved koala plan of management for the land. If there is no approved koala plan of management for a land affected by the policy, local councils must consider requirements of the koala habitat protection guideline or information prepared by a suitably qualified and experienced person in accordance with the guideline before approving development on the land.

(b) **REGIONAL ENVIRONMENTAL PLANS**

Willandra Lakes REP No 1 – World Heritage Property - Applies to the Willandra Lakes Region in the Shires of Wentworth and Balranald. The purpose of the plans is to protect, conserve and manage this World Heritage Property in accordance with any strategic plan of management. The plan also aims to provide a process of consultation with stakeholders on development and related decisions.

Murray REP 2 - Riverine Land - Ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinates planning along the Murray River and the implementation of planning related aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.

(c) **LOCAL ENVIRONMENTAL PLANS – RU1 PRIMARY PRODUCTION ZONE**

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Dual occupancies (detached); Schools; Any other development not specified in item 2 or 3

Your Reference: 202573 FINCH

Applicant name: Maloney Anderson Legal - Mildura

Applicant address: PO Box 5107 MILDURA PRIVATE BOXES VIC 3502

Applicant email: smulder@maloneyandersonlegal.com.au

Certificate no: 2020-465

Subject land: Syndicate Road Lot 3 DP 804044 Curlwaa

Date of certificate: 18 December 2020

DISCLAIMER

Wentworth Shire Council gives notice and points out to all users of the information supplied herein, that the information herein has been compiled by Council from sources outside of Council's control. While the information herein is provided with all due care and in good faith, it is provided on the basis that Council will not accept any responsibility for and will not be liable for its contents or for any consequence arising from its use, and every user of such information is advised to make all necessary enquiries from the appropriate organisations, institutions and the like.

Wentworth Shire Council also gives notice to all users of the information supplied herein, wherever any particular enquiry herein remains unanswered or has not been elaborated upon, such silence should not be interpreted as meaning or inferring either a negative or a positive response as the case may be.

ABOUT THIS CERTIFICATE – Information for Applicant

This certificate has been prepared pursuant to Section 10.7 of the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2000 (NSW). The number system in this Certificate follows Schedule 4 of the Regulation. Please note that Council has omitted:

- 2A of this Schedule as the Wentworth Shire Council is not in a Sydney Region Growth Centre
- 4B of this Schedule as Wentworth Shire Council is not in a coastal region

CERTIFICATE 10.7(2) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

1. Names of relevant planning instruments and DCPs

- | | |
|--|--|
| <p>a) The name of each environmental planning instrument that applies to the carrying out of development on the land.</p> <p>b) 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 Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).</p> <p>c) The name of each development control plan that applies to the carrying out of development on the land.</p> <p>d) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.</p> | <p>a) <i>Wentworth Local Environmental Plan 2011</i> applies to this land.</p> <p>b) See Annexure 1.</p> <p>c) Wentworth Development Control Plan December 2011.</p> <p>d) Not applicable.</p> |
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2. Zoning and land use under relevant LEPs

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):

The following information will assist in determining how the subject land may be developed. It is recommended that you read this section in conjunction with a full copy of any relevant environmental planning instrument as there may be additional provisions that affect how the land may be developed.

<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> a) Wentworth Local Environmental Plan (WLEP) 2011 ZONE: RU1 – Primary Production b) In addition to the controls contained in the <i>Wentworth Local Environmental Plan 2011</i>, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 sets out further circumstances where development consent will be required for development involving certain types of buildings, the demolition of buildings or the subdivision of land. These circumstances may include development that does not require consent under the <i>Wentworth Local Environmental Plan 2011</i>. c) See Annexure 1. d) See Annexure 1. e) 10 Hectares. f) No. This information has been sourced from mapping provided by NSW Environment & Heritage. g) No. This information has been sourced from mapping provided by NSW Environment & Heritage. h) No.
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3. Complying development

<ul style="list-style-type: none"> a) 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. b) 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 that clause. c) 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. d) 	<ul style="list-style-type: none"> a) : Yes, the land is land on which complying development may be carried out subject to the disclaimer at 3c) below. Not applicable. Not applicable
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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 .	Not applicable.
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.	Not applicable.
7. Council and other public authority policies on hazard risk restrictions relating to land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)	
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.	Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on land which have been previously used for certain purposes. Council records do not have sufficient information about previous uses of this land to determine whether the land is contaminated. Consideration of Councils adopted policy and the application or provisions under relevant state legislation is warranted.
7A. Flood related development controls information	
a) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls. b) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls. c) Words and expressions in this clause have the same meanings as in the Standard Instrument.	a) Not applicable. b) Not applicable.
Words and expressions in this clause have the same meanings as in the Standard Instrument.	
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.	Not applicable
9. Contribution plans	
The name of each contributions plan applying to the land.	Development Contribution Plan

9A. Biodiversity certified land	
<p>If the land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, a statement to that effect.</p> <p>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.</p>	<p>Council has not been notified that this land has been determined to be biodiversity specified land.</p>
10. Biodiversity stewardship sites	
<p>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).</p> <p>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.</p>	<p>No, Wentworth Shire Council has not been notified of the existence of a biodiversity stewardship agreement by the Office of Environment & Heritage in relation to this property.</p>
10A. Native vegetation clearing set asides	
<p>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).</p>	<p>Council has not been notified of the existence of a set aside area by Local Land Services or that a set aside area has been registered.</p>
11. Bush fire prone land	
<p>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.</p>	<p>No, the land is not bushfire prone</p>
This information has been sourced from mapping provided by the NSW Rural Fire Service.	
12. Property vegetation plans	
<p>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).</p>	<p>Council has not been notified of a Property Vegetation Plan under the Native Vegetation Act 2003 affecting this land. For further details please contact Local Land Services.</p>
This information has been sourced from NSW Local Land Services.	
13. Orders under Trees (Disputes Between Neighbours) Act 2006	
<p>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).</p>	<p>Council has not been notified of an Order under Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to any tree on the land.</p>
14. Directions under Part 3A	
<p>If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an</p>	<p>No, there is no direction in force from the Minister under Section 75P (2) (c1) in relation to this property.</p>

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

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.

The land is land to which the State Environmental Planning Policy (Housing for Seniors with a Disability) 2004 does apply. However, no current compatibility certificate exists of which Council is aware.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

- a) A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate 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 valid, and
 - (ii) that a copy may be obtained from the head office of the Department.

Council is not aware of any site compatibility certificates for infrastructure applying to this land.

17. Site compatibility certificates and conditions for affordable rental housing

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

Council is not aware of any site compatibility certificates for affordable rental housing applying to this land.

18. Paper subdivision information

- 1) The name of any development plan adopted by a relevant authority 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.

Council is unaware of any development plan or 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 the Environmental Planning & Assessment Regulation.

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 and, 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.

Council is not aware of any site verification certificates applying to this land.

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.

Not applicable

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.

Not applicable

{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*.

CERTIFICATE 10.7(5) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

You are advised that at the date of this certificate the subject land is affected by the following matters:-

Information Requested	Reply
a) Is the land subject to a Tree Preservation Order?	No.
b) Has any development consent with respect to the land been granted within the previous five years?	No.
c) Any known non-compliance with matters relating to development approval?	No.
d) Any known non-compliance on matters relating to, or delegated to Council and notices requiring work to be carried out in relation to building and/or health items?	No.
e) Any other known matter of which Council is aware that applies to the subject land?	<p>Yes</p> <p>*The following allotments also form part of this assessment – Lot 11 DP 804044 and Lot 1 DP 1253124.</p> <p>*The comments and information contained in this certificate relate to the property described in the section "Description of Land".</p> <p>*The information contained in this certificate has been compiled from Council's records – no physical inspection of the property was carried out.</p>

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.



Signed: **MATTHEW CARLIN**
DIRECT HEALTH & PLANNING
under delegation on behalf of the Shire of Wentworth

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ANNEXURE 1 TO CERTIFICATE PURSUANT TO SECTION 10.7(1) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
RU1 Primary Production Zone as at 16 December 2011

You are advised that as at the date of this Certificate the subject land is affected by the following matters:-

(a) **STATE ENVIRONMENTAL PLANNING POLICIES**

No 21 - Caravan Parks – Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

No 33 - Hazardous and Offensive Development – Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

No 36 - Manufactured Home Estates – Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approve development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.

No 50 – Canal Estate Development – Bans new canal estates from the date of gazettal (10th November 1997), to ensure coastal and aquatic environments are not affected by these developments.

No 55 – Remediation of Land – Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared [Managing Land Contamination: Planning Guidelines](#).

No 64 - Advertising and Signage - Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. [Transport Corridor Outdoor Advertising and Signage Guidelines](#) (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications.

No 65 - Design Quality of Residential Apartment Development - Improves the design quality of residential apartment development across the state through the application of a series of design principles. The SEPP recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. The SEPP operates to ensure that residential apartment development contributes to sustainable development of the state, achieves better built form and aesthetics of buildings and streetscapes, supports housing affordability for wide range of people, better satisfies the increasing demand, the changing social and demographic profile of the community, and maximises amenity, safety and security for the benefit of its occupants and the wider community. The SEPP facilitates timely and efficient assessment of applications for residential apartment development by providing a consistent policy framework and mechanism across the State. The policy provides for the establishment of design Review Panels to provide independent expert advice to councils on the merit of residential flat development.

SEPP (Affordable Rental Housing) 2009 – Establishes a consistent planning regime for the provision of affordable rental housing. The SEPP facilitates the effective delivery of new affordable rental housing by providing planning control incentives and expanding the role for not-for-profit-providers of affordable rental housing. The SEPP also establishes approaches to facilitate the retention and mitigate the loss of existing affordable rental housing. The SEPP aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004 - This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

SEPP (Concurrences) 2018 – Authorises the Planning Secretary to elect to act in place of a concurrence authority for the for the purposes of deciding whether to grant concurrence to a development if the concurrence authority fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so.

SEPP (Educational Establishments and Child Care Facilities) 2017 - Facilitates the effective delivery of educational establishments and early education and care facilities across the State. The SEPP improves regulatory certainty and efficiency for educational establishments and early education and care facilities through a consistent planning regime that simplifies and standardises planning approval pathways and establishes consistent State-wide assessment requirements and design considerations for these developments. The policy provides for the consultation with relevant public authorities during the assessment process or prior to development commencing for educational establishments and early education and care facilities. The SEPP also aligns the NSW planning framework with the National Quality Framework for early education and care services to enable proponents and consent authorities ensure that new developments or modified premises meet the applicable requirements of the National Quality Framework for the services. The policy supports joint and shared use of the facilities of educational establishments with the community through appropriate design.

SEPP (Exempt and Complying Development Codes) 2008 - Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*.

SEPP (Housing for Seniors or People with a Disability) 2004 – Encourages the provision of adequate, diverse and high quality housing for aged persons and people with disabilities. The SEPP achieves its aims by overriding local planning controls that would prevent the development of housing for seniors or people with a disability and setting out design principles to achieving built form that is in keeping with the site and local neighbourhood.

SEPP (Infrastructure) 2007 - Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available at www.planning.nsw.gov.au.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 – Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. This Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Miscellaneous Consent Provisions) 2007 - Permits the erection of temporary structures with development consent across the state. The SEPP aims to ensure the safety of persons using temporary

structures and protect the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration.

SEPP (Primary Production and Rural Development) 2019 - Facilitates the orderly and economic use and development of lands for primary production. The aims to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The SEPP encourages sustainable aquaculture and outlines the criteria for categorising aquaculture as designated development. The SEPP identifies State significant agricultural land, simplifies the regulatory process for water supply in irrigation areas and districts and sets out the considerations for assessing the impact of all proposed development oyster aquaculture.

SEPP (State and Regional Development) 2011 – Identifies and declares development as a State significant development, State significant infrastructure, critical State significant infrastructure or regionally significant development based on a number of factors including location, purpose and capital investment value etc.

SEPP (State Significant Precincts) 2005 - Facilitates the orderly development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the state. The SEPP aims to facilitate service delivery outcomes for a range of public services, the development of major sites for a public purpose and redevelopment of major sites no longer appropriate or suitable for public purposes.

SEPP (Urban Renewal) 2010 - Establishes the process for assessing and identifying sites as urban renewal precincts and facilitates the orderly and economic development and redevelopment of sites in and around such precincts. The SEPP aims to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

SEPP (Vegetation in Non-Rural Areas) 2017 - Protects the biodiversity values of trees and other vegetation in non-rural areas of the State. The SEPP aims to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The policy establishes the approval pathways for clearing in non-rural areas.

SEPP (Koala Habitat Protection) 2019 – Encourages the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat. Local councils must ensure approvals for development on a land affected by this policy is consistent with the approved koala plan of management for the land. If there is no approved koala plan of management for a land affected by the policy, local councils must consider requirements of the koala habitat protection guideline or information prepared by a suitably qualified and experienced person in accordance with the guideline before approving development on the land.

(b) **REGIONAL ENVIRONMENTAL PLANS**

Willandra Lakes REP No 1 – World Heritage Property - Applies to the Willandra Lakes Region in the Shires of Wentworth and Balranald. The purpose of the plans is to protect, conserve and manage this World Heritage Property in accordance with any strategic plan of management. The plan also aims to provide a process of consultation with stakeholders on development and related decisions.

Murray REP 2 - Riverine Land - Ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinates planning along the Murray River and the implementation of planning related aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.

(c) **LOCAL ENVIRONMENTAL PLANS – RU1 PRIMARY PRODUCTION ZONE**

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.

- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Dual occupancies (detached); Schools; Any other development not specified in item 2 or 3

Your Reference: 202573 FINCH

Applicant name: Maloney Anderson Legal - Mildura

Applicant address: PO Box 5107 MILDURA PRIVATE BOXES VIC 3502

Applicant email: smulder@maloneyandersonlegal.com.au

Certificate no:

Subject land: Syndicate Road Lot 9 DP 804044 Curlwaa

Date of certificate: 18 December 2020

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b) 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 Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).	b) See Annexure 1.
c) The name of each development control plan that applies to the carrying out of development on the land.	c) Wentworth Development Control Plan December 2011.
d) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.	d) Not applicable..

2. Zoning and land use under relevant LEPs

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):

The following information will assist in determining how the subject land may be developed. It is recommended that you read this section in conjunction with a full copy of any relevant environmental planning instrument as there may be additional provisions that affect how the land may be developed.

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| <ul style="list-style-type: none"> 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. | <ul style="list-style-type: none"> a) Wentworth Local Environmental Plan (WLEP) 2011
ZONE: RU1 – Primary Production
 b) In addition to the controls contained in the <i>Wentworth Local Environmental Plan 2011</i>, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 sets out further circumstances where development consent will be required for development involving certain types of buildings, the demolition of buildings or the subdivision of land. These circumstances may include development that does not require consent under the <i>Wentworth Local Environmental Plan 2011</i>. c) See Annexure 1.
 d) See Annexure 1.
 e) 10 Hectares.
 f) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. g) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. h) No. |
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3. Complying development

- | | |
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| <ul style="list-style-type: none"> a) 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 <u><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></u>. b) 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 that clause. c) 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. | <ul style="list-style-type: none"> a) : Yes, the land is land on which complying development may be carried out subject to the disclaimer at 3c) below.
 Not applicable.
 Not applicable |
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9A. Biodiversity certified land	
<p>If the land is biodiversity certified land under Part 8 of the <u>Biodiversity Conservation Act 2016</u>, a statement to that effect.</p> <p>Note: Biodiversity certified land includes land certified under Part 7AA of the <u>Threatened Species Conservation Act 1995</u> that is taken to be certified under Part 8 of the <u>Biodiversity Conservation Act 2016</u>.</p>	<p>Council has not been notified that this land has been determined to be biodiversity specified land.</p>
10. Biodiversity stewardship sites	
<p>If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the <u>Biodiversity Conservation Act 2016</u>, 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).</p> <p>Note: Biodiversity stewardship agreements include biobanking agreements under Part 7A of the <u>Threatened Species Conservation Act 1995</u> that are taken to be biodiversity stewardship agreements under Part 5 of the <u>Biodiversity Conservation Act 2016</u>.</p>	<p>No, Wentworth Shire Council has not been notified of the existence of a biodiversity stewardship agreement by the Office of Environment & Heritage in relation to this property.</p>
10A. Native vegetation clearing set asides	
<p>If the land contains a set aside area under section 60ZC of the <u>Local Land Services Act 2013</u>, 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).</p>	<p>Council has not been notified of the existence of a set aside area by Local Land Services or that a set aside area has been registered.</p>
11. Bush fire prone land	
<p>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.</p>	<p>No, the land is not bushfire prone</p>
This information has been sourced from mapping provided by the NSW Rural Fire Service.	
12. Property vegetation plans	
<p>If the land is land to which a property vegetation plan approved under Part 4 of the <u>Native Vegetation Act 2003</u> (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).</p>	<p>Council has not been notified of a Property Vegetation Plan under the <u>Native Vegetation Act 2003</u> affecting this land. For further details please contact Local Land Services.</p>
This information has been sourced from NSW Local Land Services.	
13. Orders under <u>Trees (Disputes Between Neighbours) Act 2006</u>	
<p>Whether an order has been made under the <u>Trees (Disputes Between Neighbours) 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).</p>	<p>Council has not been notified of an Order under <u>Trees (Disputes Between Neighbours) Act 2006</u> to carry out work in relation to any tree on the land.</p>
14. Directions under Part 3A	
<p>If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an</p>	<p>No, there is no direction in force from the Minister under Section 75P (2) (c1) in relation to this property.</p>

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

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.

The land is land to which the State Environmental Planning Policy (Housing for Seniors with a Disability) 2004 does apply. However, no current compatibility certificate exists of which Council is aware.

The land is land to which the State Environmental Planning Policy (Housing for Seniors with a Disability) 2004 does apply. A current compatibility certificate exists of which Council is aware.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

- a) A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate 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 valid, and
 - (ii) that a copy may be obtained from the head office of the Department.

Council is not aware of any site compatibility certificates for infrastructure applying to this land.

17. Site compatibility certificates and conditions for affordable rental housing

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

Council is not aware of any site compatibility certificates for affordable rental housing applying to this land.

18. Paper subdivision information

- 1) The name of any development plan adopted by a relevant authority 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.

Council is unaware of any development plan or 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 the Environmental Planning & Assessment Regulation.

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 and, 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.

Council is not aware of any site verification certificates applying to this land.

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.

Not applicable

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.

Not applicable

(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*.**

No 21 - Caravan Parks – Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

No 33 - Hazardous and Offensive Development – Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

No 36 - Manufactured Home Estates – Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approve development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.

No 50 – Canal Estate Development – Bans new canal estates from the date of gazettal (10th November 1997), to ensure coastal and aquatic environments are not affected by these developments.

No 55 – Remediation of Land – Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared [Managing Land Contamination: Planning Guidelines](#).

No 64 - Advertising and Signage - Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. [Transport Corridor Outdoor Advertising and Signage Guidelines](#) (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications.

No 65 - Design Quality of Residential Apartment Development - Improves the design quality of residential apartment development across the state through the application of a series of design principles. The SEPP recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. The SEPP operates to ensure that residential apartment development contributes to sustainable development of the state, achieves better built form and aesthetics of buildings and streetscapes, supports housing affordability for wide range of people, better satisfies the increasing demand, the changing social and demographic profile of the community, and maximises amenity, safety and security for the benefit of its occupants and the wider community. The SEPP facilitates timely and efficient assessment of applications for residential apartment development by providing a consistent policy framework and mechanism across the State. The policy provides for the establishment of design Review Panels to provide independent expert advice to councils on the merit of residential flat development.

SEPP (Affordable Rental Housing) 2009 – Establishes a consistent planning regime for the provision of affordable rental housing. The SEPP facilitates the effective delivery of new affordable rental housing by providing planning control incentives and expanding the role for not-for-profit-providers of affordable rental housing. The SEPP also establishes approaches to facilitate the retention and mitigate the loss of existing affordable rental housing. The SEPP aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004 - This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

SEPP (Concurrences) 2018 – Authorises the Planning Secretary to elect to act in place of a concurrence authority for the for the purposes of deciding whether to grant concurrence to a development if the concurrence authority fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so.

SEPP (Educational Establishments and Child Care Facilities) 2017 - Facilitates the effective delivery of educational establishments and early education and care facilities across the State. The SEPP improves regulatory certainty and efficiency for educational establishments and early education and care facilities through a consistent planning regime that simplifies and standardises planning approval pathways and establishes consistent State-wide assessment requirements and design considerations for these developments. The policy provides for the consultation with relevant public authorities during the assessment process or prior to development commencing for educational establishments and early education and care facilities. The SEPP also aligns the NSW planning framework with the National Quality Framework for early education and care services to enable proponents and consent authorities ensure that new developments or modified premises meet the applicable requirements of the National Quality Framework for the services. The policy supports joint and shared use of the facilities of educational establishments with the community through appropriate design.

SEPP (Exempt and Complying Development Codes) 2008 - Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*.

SEPP (Housing for Seniors or People with a Disability) 2004 – Encourages the provision of adequate, diverse and high quality housing for aged persons and people with disabilities. The SEPP achieves its aims by overriding local planning controls that would prevent the development of housing for seniors or people with a disability and setting out design principles to achieving built form that is in keeping with the site and local neighbourhood.

SEPP (Infrastructure) 2007 - Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available at www.planning.nsw.gov.au.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 – Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. This Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Miscellaneous Consent Provisions) 2007 - Permits the erection of temporary structures with development consent across the state. The SEPP aims to ensure the safety of persons using temporary

structures and protect the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration.

SEPP (Primary Production and Rural Development) 2019 - Facilitates the orderly and economic use and development of lands for primary production. The aims to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The SEPP encourages sustainable aquaculture and outlines the criteria for categorising aquaculture as designated development. The SEPP identifies State significant agricultural land, simplifies the regulatory process for water supply in irrigation areas and districts and sets out the considerations for assessing the impact of all proposed development oyster aquaculture.

SEPP (State and Regional Development) 2011 – Identifies and declares development as a State significant development, State significant infrastructure, critical State significant infrastructure or regionally significant development based on a number of factors including location, purpose and capital investment value etc.

SEPP (State Significant Precincts) 2005 - Facilitates the orderly development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the state. The SEPP aims to facilitate service delivery outcomes for a range of public services, the development of major sites for a public purpose and redevelopment of major sites no longer appropriate or suitable for public purposes.

SEPP (Urban Renewal) 2010 - Establishes the process for assessing and identifying sites as urban renewal precincts and facilitates the orderly and economic development and redevelopment of sites in and around such precincts. The SEPP aims to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

SEPP (Vegetation in Non-Rural Areas) 2017 - Protects the biodiversity values of trees and other vegetation in non-rural areas of the State. The SEPP aims to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The policy establishes the approval pathways for clearing in non-rural areas.

SEPP (Koala Habitat Protection) 2019 – Encourages the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat. Local councils must ensure approvals for development on a land affected by this policy is consistent with the approved koala plan of management for the land. If there is no approved koala plan of management for a land affected by the policy, local councils must consider requirements of the koala habitat protection guideline or information prepared by a suitably qualified and experienced person in accordance with the guideline before approving development on the land.

(b) **REGIONAL ENVIRONMENTAL PLANS**

Willandra Lakes REP No 1 – World Heritage Property - Applies to the Willandra Lakes Region in the Shires of Wentworth and Balranald. The purpose of the plans is to protect, conserve and manage this World Heritage Property in accordance with any strategic plan of management. The plan also aims to provide a process of consultation with stakeholders on development and related decisions.

Murray REP 2 - Riverine Land - Ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinates planning along the Murray River and the implementation of planning related aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.

(c) **LOCAL ENVIRONMENTAL PLANS – RU1 PRIMARY PRODUCTION ZONE**

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.

- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Dual occupancies (detached); Schools; Any other development not specified in item 2 or 3

Your Reference: 202573 FINCH

Applicant name: Maloney Anderson Legal - Mildura

Applicant address: PO Box 5107 MILDURA PRIVATE BOXES VIC 3502

Applicant email: smulder@maloneyandersonlegal.com.au

Certificate no: 2020-467

Subject land: Delta Road Lot 2 DP 47671 CURLWAA

Date of certificate: 18 December 2020

DISCLAIMER

Wentworth Shire Council gives notice and points out to all users of the information supplied herein, that the information herein has been compiled by Council from sources outside of Council's control. While the information herein is provided with all due care and in good faith, it is provided on the basis that Council will not accept any responsibility for and will not be liable for its contents or for any consequence arising from its use, and every user of such information is advised to make all necessary enquiries from the appropriate organisations, institutions and the like.

Wentworth Shire Council also gives notice to all users of the information supplied herein, wherever any particular enquiry herein remains unanswered or has not been elaborated upon, such silence should not be interpreted as meaning or inferring either a negative or a positive response as the case may be.

ABOUT THIS CERTIFICATE – Information for Applicant

This certificate has been prepared pursuant to Section 10.7 of the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2000 (NSW). The number system in this Certificate follows Schedule 4 of the Regulation. Please note that Council has omitted:

- 2A of this Schedule as the Wentworth Shire Council is not in a Sydney Region Growth Centre
- 4B of this Schedule as Wentworth Shire Council is not in a coastal region

CERTIFICATE 10.7(2) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

1. Names of relevant planning instruments and DCPs

- | | |
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| a) The name of each environmental planning instrument that applies to the carrying out of development on the land. | a) <i>Wentworth Local Environmental Plan 2011</i> applies to this land. |
| b) 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 Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved). | b) See Annexure 1. |
| c) The name of each development control plan that applies to the carrying out of development on the land. | c) Wentworth Development Control Plan December 2011. |
| d) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument. | d) Not applicable. |

2. Zoning and land use under relevant LEPs

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):

The following information will assist in determining how the subject land may be developed. It is recommended that you read this section in conjunction with a full copy of any relevant environmental planning instrument as there may be additional provisions that affect how the land may be developed.

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| <ul style="list-style-type: none"> 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. | <ul style="list-style-type: none"> a) Wentworth Local Environmental Plan (WLEP) 2011
ZONE: RU1 – Primary Production b) In addition to the controls contained in the <i>Wentworth Local Environmental Plan 2011</i>, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 sets out further circumstances where development consent will be required for development involving certain types of buildings, the demolition of buildings or the subdivision of land. These circumstances may include development that does not require consent under the <i>Wentworth Local Environmental Plan 2011</i>. c) See Annexure 1. d) See Annexure 1. e) 10 Hectares f) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. g) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. h) No. |
|---|--|

3. Complying development

- | | |
|---|---|
| <ul style="list-style-type: none"> a) 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 <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>. b) 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 that clause. c) 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. | <ul style="list-style-type: none"> a) : Yes, the land is land on which complying development may be carried out subject to the disclaimer at 3c) below. b) Not applicable. c) Not applicable |
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<p>Whether or not the land is proclaimed to be a mine subsidence district within the meaning of the Coal Mine Subsidence Compensation Act 2017.</p>	<p>4 Mine subsidence Not applicable.</p>
<p>Whether or not the land is affected by any road widening or road realignment under:</p> <p>a) Division 2 of Part 3 of the Roads Act 1993, or b) any environmental planning instrument, or c) any resolution of the council.</p>	<p>5. Road widening and road realignment Not applicable.</p>
<p>Whether or not the land is affected by a policy:</p> <p>a) adopted by the council, or</p> <p>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.</p>	<p>6. Council and other public authority policies on hazard risk restrictions relating to land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)</p> <p>Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on land which have been previously used for certain purposes. Council records do not have sufficient information about previous uses of this land to determine whether the land is contaminated. Consideration of Councils adopted policy and the application or provisions under relevant state legislation is warranted.</p>
<p>a) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.</p> <p>b) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.</p> <p>c) Words and expressions in this clause have the same meanings as in the Standard Instrument.</p>	<p>7A. Flood related development controls information</p> <p>a) Not applicable.</p> <p>b) Not applicable.</p>
<p>Words and expressions in this clause have the same meanings as in the Standard Instrument.</p>	
<p>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.</p>	<p>7. Land reserved for acquisition Not applicable</p>
<p>The name of each contributions plan applying to the land.</p>	<p>8. Contribution plans Development Contribution Plan (All Zones)</p>

9A. Biodiversity certified land	
<p>If the land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, a statement to that effect.</p> <p>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.</p>	<p>Council has not been notified that this land has been determined to be biodiversity specified land.</p>
9. Biodiversity stewardship sites	
<p>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).</p> <p>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.</p>	<p>No, Wentworth Shire Council has not been notified of the existence of a biodiversity stewardship agreement by the Office of Environment & Heritage in relation to this property.</p>
10A. Native vegetation clearing set asides	
<p>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).</p>	<p>Council has not been notified of the existence of a set aside area by Local Land Services or that a set aside area has been registered.</p>
10. Bush fire prone land	
<p>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.</p>	<p>No, the land is not bushfire prone</p>
This information has been sourced from mapping provided by the NSW Rural Fire Service.	
11. Property vegetation plans	
<p>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).</p>	<p>Council has not been notified of a Property Vegetation Plan under the Native Vegetation Act 2003 affecting this land. For further details please contact Local Land Services.</p>
This information has been sourced from NSW Local Land Services.	
12. Orders under Trees (Disputes Between Neighbours) Act 2006	
<p>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).</p>	<p>Council has not been notified of an Order under Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to any tree on the land.</p>
13. Directions under Part 3A	
<p>If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an</p>	<p>No, there is no direction in force from the Minister under Section 75P (2) (c1) in relation to this property.</p>

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

14. 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.

The land is land to which the State Environmental Planning Policy (Housing for Seniors with a Disability) 2004 does apply. However, no current compatibility certificate exists of which Council is aware.

15. Site compatibility certificates for infrastructure, schools or TAFE establishments

- a) A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate 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 valid, and
 - (ii) that a copy may be obtained from the head office of the Department.

Council is not aware of any site compatibility certificates for infrastructure applying to this land.

16. Site compatibility certificates and conditions for affordable rental housing

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

Council is not aware of any site compatibility certificates for affordable rental housing applying to this land.

17. Paper subdivision information

- 1) The name of any development plan adopted by a relevant authority 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.

Council is unaware of any development plan or 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 the Environmental Planning & Assessment Regulation.

18. 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 and, 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.

Council is not aware of any site verification certificates applying to this land.

19. 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.

Not applicable

20. 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.

Not applicable

(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*.

CERTIFICATE 10.7(5) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

You are advised that at the date of this certificate the subject land is affected by the following matters:-

Information Requested	Reply
a) Is the land subject to a Tree Preservation Order?	No.
b) Has any development consent with respect to the land been granted within the previous five years?	No.
c) Any known non-compliance with matters relating to development approval?	No.
d) Any known non-compliance on matters relating to, or delegated to Council and notices requiring work to be carried out in relation to building and/or health items?	No
e) Any other known matter of which Council is aware that applies to the subject land?	Yes *The following allotments also form part of this assessment – Lot 12 DP 615371 *The comments and information contained in this certificate relate to the property described in the section "Description of Land". *The information contained in this certificate has been compiled from Council's records – no physical inspection of the property was carried out.

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.



Signed: **MATTHEW CARLIN**
DIRECTOR HEALTH & PLANNING
under delegation on behalf of the Shire of Wentworth

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 PO Box 81 WENTWORTH NSW 2648
 ABN 96 283 886 815

ANNEXURE 1 TO CERTIFICATE PURSUANT TO SECTION 10.7(1) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
RU1 Primary Production Zone as at 16 December 2011

You are advised that as at the date of this Certificate the subject land is affected by the following matters:-

- (a) **STATE ENVIRONMENTAL PLANNING POLICIES**

No 21 - Caravan Parks – Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

No 33 - Hazardous and Offensive Development – Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

No 36 - Manufactured Home Estates – Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approve development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.

No 50 – Canal Estate Development – Bans new canal estates from the date of gazettal (10th November 1997), to ensure coastal and aquatic environments are not affected by these developments.

No 55 – Remediation of Land – Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared [Managing Land Contamination: Planning Guidelines](#).

No 64 - Advertising and Signage - Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. [Transport Corridor Outdoor Advertising and Signage Guidelines](#) (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications.

No 65 - Design Quality of Residential Apartment Development - Improves the design quality of residential apartment development across the state through the application of a series of design principles. The SEPP recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. The SEPP operates to ensure that residential apartment development contributes to sustainable development of the state, achieves better built form and aesthetics of buildings and streetscapes, supports housing affordability for wide range of people, better satisfies the increasing demand, the changing social and demographic profile of the community, and maximises amenity, safety and security for the benefit of its occupants and the wider community. The SEPP facilitates timely and efficient assessment of applications for residential apartment development by providing a consistent policy framework and mechanism across the State. The policy provides for the establishment of design Review Panels to provide independent expert advice to councils on the merit of residential flat development.

SEPP (Affordable Rental Housing) 2009 – Establishes a consistent planning regime for the provision of affordable rental housing. The SEPP facilitates the effective delivery of new affordable rental housing by providing planning control incentives and expanding the role for not-for-profit-providers of affordable rental housing. The SEPP also establishes approaches to facilitate the retention and mitigate the loss of existing affordable rental housing. The SEPP aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004 - This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

SEPP (Concurrences) 2018 – Authorises the Planning Secretary to elect to act in place of a concurrence authority for the purposes of deciding whether to grant concurrence to a development if the concurrence authority fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so.

SEPP (Educational Establishments and Child Care Facilities) 2017 - Facilitates the effective delivery of educational establishments and early education and care facilities across the State. The SEPP improves regulatory certainty and efficiency for educational establishments and early education and care facilities through a consistent planning regime that simplifies and standardises planning approval pathways and establishes consistent State-wide assessment requirements and design considerations for these developments. The policy provides for the consultation with relevant public authorities during the assessment process or prior to development commencing for educational establishments and early education and care facilities. The SEPP also aligns the NSW planning framework with the National Quality Framework for early education and care services to enable proponents and consent authorities ensure that new developments or modified premises meet the applicable requirements of the National Quality Framework for the services. The policy supports joint and shared use of the facilities of educational establishments with the community through appropriate design.

SEPP (Exempt and Complying Development Codes) 2008 - Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*.

SEPP (Housing for Seniors or People with a Disability) 2004 – Encourages the provision of adequate, diverse and high quality housing for aged persons and people with disabilities. The SEPP achieves its aims by overriding local planning controls that would prevent the development of housing for seniors or people with a disability and setting out design principles to achieving built form that is in keeping with the site and local neighbourhood.

SEPP (Infrastructure) 2007 - Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available at www.planning.nsw.gov.au.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 – Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. This Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Miscellaneous Consent Provisions) 2007 - Permits the erection of temporary structures with development consent across the state. The SEPP aims to ensure the safety of persons using temporary

structures and protect the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration.

SEPP (Primary Production and Rural Development) 2019 - Facilitates the orderly and economic use and development of lands for primary production. The aims to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The SEPP encourages sustainable aquaculture and outlines the criteria for categorising aquaculture as designated development. The SEPP identifies State significant agricultural land, simplifies the regulatory process for water supply in irrigation areas and districts and sets out the considerations for assessing the impact of all proposed development oyster aquaculture.

SEPP (State and Regional Development) 2011 – Identifies and declares development as a State significant development, State significant infrastructure, critical State significant infrastructure or regionally significant development based on a number of factors including location, purpose and capital investment value etc.

SEPP (State Significant Precincts) 2005 - Facilitates the orderly development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the state. The SEPP aims to facilitate service delivery outcomes for a range of public services, the development of major sites for a public purpose and redevelopment of major sites no longer appropriate or suitable for public purposes.

SEPP (Urban Renewal) 2010 - Establishes the process for assessing and identifying sites as urban renewal precincts and facilitates the orderly and economic development and redevelopment of sites in and around such precincts. The SEPP aims to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

SEPP (Vegetation in Non-Rural Areas) 2017 - Protects the biodiversity values of trees and other vegetation in non-rural areas of the State. The SEPP aims to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The policy establishes the approval pathways for clearing in non-rural areas.

SEPP (Koala Habitat Protection) 2019 – Encourages the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat. Local councils must ensure approvals for development on a land affected by this policy is consistent with the approved koala plan of management for the land. If there is no approved koala plan of management for a land affected by the policy, local councils must consider requirements of the koala habitat protection guideline or information prepared by a suitably qualified and experienced person in accordance with the guideline before approving development on the land.

(b) **REGIONAL ENVIRONMENTAL PLANS**

Willandra Lakes REP No 1 – World Heritage Property - Applies to the Willandra Lakes Region in the Shires of Wentworth and Balranald. The purpose of the plans is to protect, conserve and manage this World Heritage Property in accordance with any strategic plan of management. The plan also aims to provide a process of consultation with stakeholders on development and related decisions.

Murray REP 2 - Riverine Land - Ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinates planning along the Murray River and the implementation of planning related aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.

(c) **LOCAL ENVIRONMENTAL PLANS – RU1 PRIMARY PRODUCTION ZONE**

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.

- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Dual occupancies (detached); Schools; Any other development not specified in item 2 or 3

Your Reference: 202573 FINCH
Applicant name: Maloney Anderson Legal - Mildura
Applicant address: PO Box 5107 MILDURA PRIVATE BOXES VIC 3502
Applicant email: smulder@maloneyandersonlegal.com.au
Certificate no: 2020-466
Subject land: 12 Delta Road Lot 10 DP 804044 Curlwaa
Date of certificate: 18 December 2020

DISCLAIMER

Wentworth Shire Council gives notice and points out to all users of the information supplied herein, that the information herein has been compiled by Council from sources outside of Council's control. While the information herein is provided with all due care and in good faith, it is provided on the basis that Council will not accept any responsibility for and will not be liable for its contents or for any consequence arising from its use, and every user of such information is advised to make all necessary enquiries from the appropriate organisations, institutions and the like.

Wentworth Shire Council also gives notice to all users of the information supplied herein, wherever any particular enquiry herein remains unanswered or has not been elaborated upon, such silence should not be interpreted as meaning or inferring either a negative or a positive response as the case may be.

ABOUT THIS CERTIFICATE – Information for Applicant

This certificate has been prepared pursuant to Section 10.7 of the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2000 (NSW). The number system in this Certificate follows Schedule 4 of the Regulation. Please note that Council has omitted:

- 2A of this Schedule as the Wentworth Shire Council is not in a Sydney Region Growth Centre
- 4B of this Schedule as Wentworth Shire Council is not in a coastal region

CERTIFICATE 10.7(2) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

1. Names of relevant planning instruments and DCPs

- | | |
|--|---|
| a) The name of each environmental planning instrument that applies to the carrying out of development on the land. | a) <i>Wentworth Local Environmental Plan 2011</i> applies to this land. |
| b) 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 Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved). | b) See Annexure 1. |
| c) The name of each development control plan that applies to the carrying out of development on the land. | c) Wentworth Development Control Plan December 2011. |
| d) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument. | d) Not applicable. |

2. Zoning and land use under relevant LEPs

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):

The following information will assist in determining how the subject land may be developed. It is recommended that you read this section in conjunction with a full copy of any relevant environmental planning instrument as there may be additional provisions that affect how the land may be developed.

- | | |
|--|--|
| <p>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)")</p> <p>b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,</p> <p>c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,</p> <p>d) the purposes for which the instrument provides that development is prohibited within the zone,</p> <p>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,</p> <p>f) whether the land includes or comprises critical habitat,</p> <p>g) whether the land is in a conservation area (however described),</p> <p>h) whether an item of environmental heritage (however described) is situated on the land.</p> | <p>a) Wentworth Local Environmental Plan (WLEP) 2011
ZONE: RU1 – Primary Production</p> <p>b) In addition to the controls contained in the <i>Wentworth Local Environmental Plan 2011</i>, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 sets out further circumstances where development consent will be required for development involving certain types of buildings, the demolition of buildings or the subdivision of land. These circumstances may include development that does not require consent under the <i>Wentworth Local Environmental Plan 2011</i>.</p> <p>c) See Annexure 1.</p> <p>d) See Annexure 1.</p> <p>e) 10 Hectares.</p> <p>f) No.
This information has been sourced from mapping provided by NSW Environment & Heritage.</p> <p>g) No.
This information has been sourced from mapping provided by NSW Environment & Heritage.</p> <p>h) No.</p> |
|--|--|

3. Complying development

- | | |
|--|--|
| <p>a) 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 <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>.</p> <p>b) 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 that clause.</p> <p>c) 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.</p> | <p>a) : Yes, the land is land on which complying development may be carried out subject to the disclaimer at 3c) below.</p> <p>b) Not applicable.</p> <p>c) Not applicable</p> |
|--|--|

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 .	Not applicable.
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.	Not applicable.
7. Council and other public authority policies on hazard risk restrictions relating to land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)	
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.	Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on land which have been previously used for certain purposes. Council records do not have sufficient information about previous uses of this land to determine whether the land is contaminated. Consideration of Councils adopted policy and the application or provisions under relevant state legislation is warranted.
7A. Flood related development controls information	
a) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls. b) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls. c) Words and expressions in this clause have the same meanings as in the Standard Instrument.	a) Not applicable. b) Not applicable.
Words and expressions in this clause have the same meanings as in the Standard Instrument.	
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.	Not applicable
9. Contribution plans	
The name of each contributions plan applying to the land.	Development Contribution Plan

9A. Biodiversity certified land	
<p>If the land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, a statement to that effect.</p> <p>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.</p>	<p>Council has not been notified that this land has been determined to be biodiversity specified land.</p>
10. Biodiversity stewardship sites	
<p>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).</p> <p>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.</p>	<p>No, Wentworth Shire Council has not been notified of the existence of a biodiversity stewardship agreement by the Office of Environment & Heritage in relation to this property.</p>
10A. Native vegetation clearing set asides	
<p>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).</p>	<p>Council has not been notified of the existence of a set aside area by Local Land Services or that a set aside area has been registered.</p>
11. Bush fire prone land	
<p>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.</p> <p>If none of the land is bush fire prone land, a statement to that effect.</p>	<p>No, the land is not bushfire prone</p>
This information has been sourced from mapping provided by the NSW Rural Fire Service.	
12. Property vegetation plans	
<p>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).</p>	<p>Council has not been notified of a Property Vegetation Plan under the Native Vegetation Act 2003 affecting this land. For further details please contact Local Land Services.</p>
This information has been sourced from NSW Local Land Services.	
13. Orders under Trees (Disputes Between Neighbours) Act 2006	
<p>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).</p>	<p>Council has not been notified of an Order under Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to any tree on the land.</p>
14. Directions under Part 3A	
<p>If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an</p>	<p>No, there is no direction in force from the Minister under Section 75P (2) (c1) in relation to this property.</p>

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

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.

The land is land to which the State Environmental Planning Policy (Housing for Seniors with a Disability) 2004 does apply. However, no current compatibility certificate exists of which Council is aware.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

- a) A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate 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 valid, and
 - (ii) that a copy may be obtained from the head office of the Department.

Council is not aware of any site compatibility certificates for infrastructure applying to this land.

17. Site compatibility certificates and conditions for affordable rental housing

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

Council is not aware of any site compatibility certificates for affordable rental housing applying to this land.

18. Paper subdivision information

- 1) The name of any development plan adopted by a relevant authority 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.

Council is unaware of any development plan or 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 the Environmental Planning & Assessment Regulation.

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 and, 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.

Council is not aware of any site verification certificates applying to this land.

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.

Not applicable

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.

Not applicable

(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*.

CERTIFICATE 10.7(5) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

You are advised that at the date of this certificate the subject land is affected by the following matters:-

Information Requested	Reply
a) Is the land subject to a Tree Preservation Order?	No.
b) Has any development consent with respect to the land been granted within the previous five years?	No.
c) Any known non-compliance with matters relating to development approval?	No.
d) Any known non-compliance on matters relating to, or delegated to Council and notices requiring work to be carried out in relation to building and/or health items?	No.
e) Any other known matter of which Council is aware that applies to the subject land?	<p>Yes</p> <p>*The following allotments also form part of this assessment – Lot 12 DP 729491; Lot 9 DP 804044 and Lot 14 DP 804089.</p> <p>*The comments and information contained in this certificate relate to the property described in the section "Description of Land".</p> <p>*The information contained in this certificate has been compiled from Council's records – no physical inspection of the property was carried out.</p>

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.



Signed: **MATTHEW CARLIN**
DIRECTOR HEALTH AND PLANNING
under delegation on behalf of the Shire of Wentworth

Contact: T 03 5027 5027
E council@wentworth.nsw.gov.au
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PO Box 81 WENTWORTH NSW 2648
ABN 96 283 886 815

ANNEXURE 1 TO CERTIFICATE PURSUANT TO SECTION 10.7(1) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

RU1 Primary Production Zone as at 16 December 2011

You are advised that as at the date of this Certificate the subject land is affected by the following matters:-

(a) **STATE ENVIRONMENTAL PLANNING POLICIES**

No 21 - Caravan Parks – Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

No 33 - Hazardous and Offensive Development – Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

No 36 - Manufactured Home Estates – Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approve development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.

No 50 – Canal Estate Development – Bans new canal estates from the date of gazettal (10th November 1997), to ensure coastal and aquatic environments are not affected by these developments.

No 55 – Remediation of Land – Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared [Managing Land Contamination: Planning Guidelines](#).

No 64 - Advertising and Signage - Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. [Transport Corridor Outdoor Advertising and Signage Guidelines](#) (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications.

No 65 - Design Quality of Residential Apartment Development - Improves the design quality of residential apartment development across the state through the application of a series of design principles. The SEPP recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. The SEPP operates to ensure that residential apartment development contributes to sustainable development of the state, achieves better built form and aesthetics of buildings and streetscapes, supports housing affordability for wide range of people, better satisfies the increasing demand, the changing social and demographic profile of the community, and maximises amenity, safety and security for the benefit of its occupants and the wider community. The SEPP facilitates timely and efficient assessment of applications for residential apartment development by providing a consistent policy framework and mechanism across the State. The policy provides for the establishment of design Review Panels to provide independent expert advice to councils on the merit of residential flat development.

SEPP (Affordable Rental Housing) 2009 – Establishes a consistent planning regime for the provision of affordable rental housing. The SEPP facilitates the effective delivery of new affordable rental housing by providing planning control incentives and expanding the role for not-for-profit-providers of affordable rental housing. The SEPP also establishes approaches to facilitate the retention and mitigate the loss of existing affordable rental housing. The SEPP aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004 - This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

SEPP (Concurrences) 2018 – Authorises the Planning Secretary to elect to act in place of a concurrence authority for the for the purposes of deciding whether to grant concurrence to a development if the concurrence authority fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so.

SEPP (Educational Establishments and Child Care Facilities) 2017 - Facilitates the effective delivery of educational establishments and early education and care facilities across the State. The SEPP improves regulatory certainty and efficiency for educational establishments and early education and care facilities through a consistent planning regime that simplifies and standardises planning approval pathways and establishes consistent State-wide assessment requirements and design considerations for these developments. The policy provides for the consultation with relevant public authorities during the assessment process or prior to development commencing for educational establishments and early education and care facilities. The SEPP also aligns the NSW planning framework with the National Quality Framework for early education and care services to enable proponents and consent authorities ensure that new developments or modified premises meet the applicable requirements of the National Quality Framework for the services. The policy supports joint and shared use of the facilities of educational establishments with the community through appropriate design.

SEPP (Exempt and Complying Development Codes) 2008 - Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*.

SEPP (Housing for Seniors or People with a Disability) 2004 – Encourages the provision of adequate, diverse and high quality housing for aged persons and people with disabilities. The SEPP achieves its aims by overriding local planning controls that would prevent the development of housing for seniors or people with a disability and setting out design principles to achieving built form that is in keeping with the site and local neighbourhood.

SEPP (Infrastructure) 2007 - Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available at www.planning.nsw.gov.au .

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 – Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. This Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Miscellaneous Consent Provisions) 2007 - Permits the erection of temporary structures with development consent across the state. The SEPP aims to ensure the safety of persons using temporary

structures and protect the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration.

SEPP (Primary Production and Rural Development) 2019 - Facilitates the orderly and economic use and development of lands for primary production. The aims to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The SEPP encourages sustainable aquaculture and outlines the criteria for categorising aquaculture as designated development. The SEPP identifies State significant agricultural land, simplifies the regulatory process for water supply in irrigation areas and districts and sets out the considerations for assessing the impact of all proposed development oyster aquaculture.

SEPP (State and Regional Development) 2011 – Identifies and declares development as a State significant development, State significant infrastructure, critical State significant infrastructure or regionally significant development based on a number of factors including location, purpose and capital investment value etc.

SEPP (State Significant Precincts) 2005 - Facilitates the orderly development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the state. The SEPP aims to facilitate service delivery outcomes for a range of public services, the development of major sites for a public purpose and redevelopment of major sites no longer appropriate or suitable for public purposes.

SEPP (Urban Renewal) 2010 - Establishes the process for assessing and identifying sites as urban renewal precincts and facilitates the orderly and economic development and redevelopment of sites in and around such precincts. The SEPP aims to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

SEPP (Vegetation in Non-Rural Areas) 2017 - Protects the biodiversity values of trees and other vegetation in non-rural areas of the State. The SEPP aims to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The policy establishes the approval pathways for clearing in non-rural areas.

SEPP (Koala Habitat Protection) 2019 – Encourages the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat. Local councils must ensure approvals for development on a land affected by this policy is consistent with the approved koala plan of management for the land. If there is no approved koala plan of management for a land affected by the policy, local councils must consider requirements of the koala habitat protection guideline or information prepared by a suitably qualified and experienced person in accordance with the guideline before approving development on the land.

(b) **REGIONAL ENVIRONMENTAL PLANS**

Willandra Lakes REP No 1 – World Heritage Property - Applies to the Willandra Lakes Region in the Shires of Wentworth and Balranald. The purpose of the plans is to protect, conserve and manage this World Heritage Property in accordance with any strategic plan of management. The plan also aims to provide a process of consultation with stakeholders on development and related decisions.

Murray REP 2 - Riverine Land - Ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinates planning along the Murray River and the implementation of planning related aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.

(c) **LOCAL ENVIRONMENTAL PLANS – RU1 PRIMARY PRODUCTION ZONE**

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.

- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Dual occupancies (detached); Schools; Any other development not specified in item 2 or 3

Your Reference: 202573 FINCH

Applicant name: Maloney Anderson Legal - Mildura

Applicant address: PO Box 5107 MILDURA PRIVATE BOXES VIC 3502

Applicant email: smulder@maloneyandersonlegal.com.au

Certificate no: 2020-469

Subject land: Syndicate Road Lot 11 DP 804044 Curlwaa

Date of certificate: 18 December 2020

DISCLAIMER

Wentworth Shire Council gives notice and points out to all users of the information supplied herein, that the information herein has been compiled by Council from sources outside of Council's control. While the information herein is provided with all due care and in good faith, it is provided on the basis that Council will not accept any responsibility for and will not be liable for its contents or for any consequence arising from its use, and every user of such information is advised to make all necessary enquiries from the appropriate organisations, institutions and the like.

Wentworth Shire Council also gives notice to all users of the information supplied herein, wherever any particular enquiry herein remains unanswered or has not been elaborated upon, such silence should not be interpreted as meaning or inferring either a negative or a positive response as the case may be.

ABOUT THIS CERTIFICATE – Information for Applicant

This certificate has been prepared pursuant to Section 10.7 of the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2000 (NSW). The number system in this Certificate follows Schedule 4 of the Regulation. Please note that Council has omitted:

- 2A of this Schedule as the Wentworth Shire Council is not in a Sydney Region Growth Centre
- 4B of this Schedule as Wentworth Shire Council is not in a coastal region

CERTIFICATE 10.7(2) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

1. Names of relevant planning instruments and DCPs

a) The name of each environmental planning instrument that applies to the carrying out of development on the land.	a) <i>Wentworth Local Environmental Plan 2011</i> applies to this land.
b) 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 Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).	b) See Annexure 1.
c) The name of each development control plan that applies to the carrying out of development on the land.	c) Wentworth Development Control Plan December 2011.
d) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.	d) Not applicable.

2. Zoning and land use under relevant LEPs

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):

The following information will assist in determining how the subject land may be developed. It is recommended that you read this section in conjunction with a full copy of any relevant environmental planning instrument as there may be additional provisions that affect how the land may be developed.

- | | |
|--|---|
| <p>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)")</p> <p>b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,</p> <p>c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,</p> <p>d) the purposes for which the instrument provides that development is prohibited within the zone,</p> <p>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,</p> <p>f) whether the land includes or comprises critical habitat,</p> <p>g) whether the land is in a conservation area (however described),</p> <p>h) whether an item of environmental heritage (however described) is situated on the land.</p> | <p>a) Wentworth Local Environmental Plan (WLEP) 2011
ZONE: RU1 – Primary Production</p> <p>b) In addition to the controls contained in the <i>Wentworth Local Environmental Plan 2011</i>, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 sets out further circumstances where development consent will be required for development involving certain types of buildings, the demolition of buildings or the subdivision of land. These circumstances may include development that does not require consent under the <i>Wentworth Local Environmental Plan 2011</i>.</p> <p>c) See Annexure 1.</p> <p>d) See Annexure 1.</p> <p>e) 10 Hectares</p> <p>f) No.
This information has been sourced from mapping provided by NSW Environment & Heritage.</p> <p>g) No.
This information has been sourced from mapping provided by NSW Environment & Heritage.</p> <p>h) No.</p> |
|--|---|

3. Complying development

- | | |
|--|---|
| <p>a) 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 <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>.</p> <p>b) 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 that clause.</p> <p>c) 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.</p> | <p>a) Yes, the land is land on which complying development may be carried out subject to the disclaimer at 3c) below.</p> <p>b) Not applicable.</p> <p>c) Not applicable.</p> |
|--|---|

4 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 .	Not applicable.
5. 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.	Not applicable.
6. Council and other public authority policies on hazard risk restrictions relating to land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)	
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.	Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on land which have been previously used for certain purposes. Council records do not have sufficient information about previous uses of this land to determine whether the land is contaminated. Consideration of Councils adopted policy and the application or provisions under relevant state legislation is warranted.
7A. Flood related development controls information	
a) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls. b) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls. c) Words and expressions in this clause have the same meanings as in the Standard Instrument.	a) Not applicable. b) Not applicable.
Words and expressions in this clause have the same meanings as in the Standard Instrument.	
7. 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.	Not applicable
8. Contribution plans	
The name of each contributions plan applying to the land.	Development Contribution Plan

9A. Biodiversity certified land	
<p>If the land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, a statement to that effect.</p> <p>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.</p>	<p>Council has not been notified that this land has been determined to be biodiversity specified land.</p>
9. Biodiversity stewardship sites	
<p>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).</p> <p>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.</p>	<p>No, Wentworth Shire Council has not been notified of the existence of a biodiversity stewardship agreement by the Office of Environment & Heritage in relation to this property.</p>
10A. Native vegetation clearing set asides	
<p>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).</p>	<p>Council has not been notified of the existence of a set aside area by Local Land Services or that a set aside area has been registered.</p>
10. Bush fire prone land	
<p>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.</p>	<p>No, the land is not bushfire prone</p>
This information has been sourced from mapping provided by the NSW Rural Fire Service.	
11. Property vegetation plans	
<p>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).</p>	<p>Council has not been notified of a Property Vegetation Plan under the Native Vegetation Act 2003 affecting this land. For further details please contact Local Land Services.</p>
This information has been sourced from NSW Local Land Services.	
12. Orders under Trees (Disputes Between Neighbours) Act 2006	
<p>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).</p>	<p>Council has not been notified of an Order under Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to any tree on the land.</p>
13. Directions under Part 3A	
<p>If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an</p>	<p>No, there is no direction in force from the Minister under Section 75P (2) (c1) in relation to this property.</p>

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

14. 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.

The land is land to which the State Environmental Planning Policy (Housing for Seniors with a Disability) 2004 does apply. However, no current compatibility certificate exists of which Council is aware.

15. Site compatibility certificates for infrastructure, schools or TAFE establishments

- a) A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate 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 valid, and
 - (ii) that a copy may be obtained from the head office of the Department.

Council is not aware of any site compatibility certificates for infrastructure applying to this land.

16. Site compatibility certificates and conditions for affordable rental housing

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

Council is not aware of any site compatibility certificates for affordable rental housing applying to this land.

17. Paper subdivision information

- 1) The name of any development plan adopted by a relevant authority 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.

Council is unaware of any development plan or 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 the Environmental Planning & Assessment Regulation.

18. 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 and, 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.

Council is not aware of any site verification certificates applying to this land.

19. 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.

Not applicable

20. 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.

Not applicable

(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*.

CERTIFICATE 10.7(5) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

You are advised that at the date of this certificate the subject land is affected by the following matters:-

Information Requested	Reply
a) Is the land subject to a Tree Preservation Order?	No.
b) Has any development consent with respect to the land been granted within the previous five years?	No.
c) Any known non-compliance with matters relating to development approval?	No.
d) Any known non-compliance on matters relating to, or delegated to Council and notices requiring work to be carried out in relation to building and/or health items?	No.
e) Any other known matter of which Council is aware that applies to the subject land?	<p>Yes</p> <p>*The following allotments also form part of this assessment – Lot 1 DP 1253124 and Lot 3 DP 804044.</p> <p>*The comments and information contained in this certificate relate to the property described in the section "Description of Land".</p> <p>*The information contained in this certificate has been compiled from Council's records – no physical inspection of the property was carried out.</p>

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.



Signed: **MATTHEW CARLIN**
DIRECTOR HEALTH & PLANNING
 under delegation on behalf of the Shire of Wentworth

Contact: T 03 5027 5027
 E council@wentworth.nsw.gov.au
 W wentworth.nsw.gov.au

26-28 Adelaide Street WENTWORTH NSW 2648
 PO Box 81 WENTWORTH NSW 2648
 ABN 96 283 886 815

ANNEXURE 1 TO CERTIFICATE PURSUANT TO SECTION 10.7(1) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

RU1 Primary Production Zone as at 16 December 2011

You are advised that as at the date of this Certificate the subject land is affected by the following matters:-

(a) **STATE ENVIRONMENTAL PLANNING POLICIES**

No 21 - Caravan Parks – Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

No 33 - Hazardous and Offensive Development – Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

No 36 - Manufactured Home Estates – Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approve development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.

No 50 – Canal Estate Development – Bans new canal estates from the date of gazettal (10th November 1997), to ensure coastal and aquatic environments are not affected by these developments.

No 55 – Remediation of Land – Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared [Managing Land Contamination: Planning Guidelines](#).

No 64 - Advertising and Signage - Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. [Transport Corridor Outdoor Advertising and Signage Guidelines](#) (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications.

No 65 - Design Quality of Residential Apartment Development - Improves the design quality of residential apartment development across the state through the application of a series of design principles. The SEPP recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. The SEPP operates to ensure that residential apartment development contributes to sustainable development of the state, achieves better built form and aesthetics of buildings and streetscapes, supports housing affordability for wide range of people, better satisfies the increasing demand, the changing social and demographic profile of the community, and maximises amenity, safety and security for the benefit of its occupants and the wider community. The SEPP facilitates timely and efficient assessment of applications for residential apartment development by providing a consistent policy framework and mechanism across the

State. The policy provides for the establishment of design Review Panels to provide independent expert advice to councils on the merit of residential flat development.

SEPP (Affordable Rental Housing) 2009 – Establishes a consistent planning regime for the provision of affordable rental housing. The SEPP facilitates the effective delivery of new affordable rental housing by providing planning control incentives and expanding the role for not-for-profit-providers of affordable rental housing. The SEPP also establishes approaches to facilitate the retention and mitigate the loss of existing affordable rental housing. The SEPP aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004 - This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

SEPP (Concurrences) 2018 – Authorises the Planning Secretary to elect to act in place of a concurrence authority for the for the purposes of deciding whether to grant concurrence to a development if the concurrence authority fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so.

SEPP (Educational Establishments and Child Care Facilities) 2017 - Facilitates the effective delivery of educational establishments and early education and care facilities across the State. The SEPP improves regulatory certainty and efficiency for educational establishments and early education and care facilities through a consistent planning regime that simplifies and standardises planning approval pathways and establishes consistent State-wide assessment requirements and design considerations for these developments. The policy provides for the consultation with relevant public authorities during the assessment process or prior to development commencing for educational establishments and early education and care facilities. The SEPP also aligns the NSW planning framework with the National Quality Framework for early education and care services to enable proponents and consent authorities ensure that new developments or modified premises meet the applicable requirements of the National Quality Framework for the services. The policy supports joint and shared use of the facilities of educational establishments with the community through appropriate design.

SEPP (Exempt and Complying Development Codes) 2008 - Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the [Environmental Planning and Assessment Act 1979](#).

SEPP (Housing for Seniors or People with a Disability) 2004 – Encourages the provision of adequate, diverse and high quality housing for aged persons and people with disabilities. The SEPP achieves its aims by overriding local planning controls that would prevent the development of housing for seniors or people with a disability and setting out design principles to achieving built form that is in keeping with the site and local neighbourhood.

SEPP (Infrastructure) 2007 - Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available at www.planning.nsw.gov.au.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 – Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. This Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Miscellaneous Consent Provisions) 2007 - Permits the erection of temporary structures with development consent across the state. The SEPP aims to ensure the safety of persons using temporary structures and protect the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration.

SEPP (Primary Production and Rural Development) 2019 - Facilitates the orderly and economic use and development of lands for primary production. The aims to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The SEPP encourages sustainable aquaculture and outlines the criteria for categorising aquaculture as designated development. The SEPP identifies State significant agricultural land, simplifies the regulatory process for water supply in irrigation areas and districts and sets out the considerations for assessing the impact of all proposed development oyster aquaculture.

SEPP (State and Regional Development) 2011 – Identifies and declares development as a State significant development, State significant infrastructure, critical State significant infrastructure or regionally significant development based on a number of factors including location, purpose and capital investment value etc.

SEPP (State Significant Precincts) 2005 - Facilitates the orderly development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the state. The SEPP aims to facilitate service delivery outcomes for a range of public services, the development of major sites for a public purpose and redevelopment of major sites no longer appropriate or suitable for public purposes.

SEPP (Urban Renewal) 2010 - Establishes the process for assessing and identifying sites as urban renewal precincts and facilitates the orderly and economic development and redevelopment of sites in and around such precincts. The SEPP aims to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

SEPP (Vegetation in Non-Rural Areas) 2017 - Protects the biodiversity values of trees and other vegetation in non-rural areas of the State. The SEPP aims to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The policy establishes the approval pathways for clearing in non-rural areas.

SEPP (Koala Habitat Protection) 2019 – Encourages the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat. Local councils must ensure approvals for development on a land affected by this policy is consistent with the approved koala plan of management for the land. If there is no approved koala plan of management for a land affected by the policy, local councils must consider requirements of the koala habitat protection guideline or information prepared by a suitably qualified and experienced person in accordance with the guideline before approving development on the land.

(b) **REGIONAL ENVIRONMENTAL PLANS**

Willandra Lakes REP No 1 – World Heritage Property - Applies to the Willandra Lakes Region in the Shires of Wentworth and Balranald. The purpose of the plans is to protect, conserve and manage this World Heritage Property in accordance with any strategic plan of management. The plan also aims to provide a process of consultation with stakeholders on development and related decisions.

Murray REP 2 - Riverine Land - Ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinates planning along the Murray River and the implementation of planning related aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.

(c) **LOCAL ENVIRONMENTAL PLANS – RU1 PRIMARY PRODUCTION ZONE**

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Dual occupancies (detached); Schools; Any other development not specified in item 2 or 3

Your Reference: 202573 FINCH
Applicant name: Maloney Anderson Legal - Mildura
Applicant address: PO Box 5107 MILDURA PRIVATE BOXES VIC 3502
Applicant email: smulder@maloneyandersonlegal.com.au
Certificate no: 2020-470
Subject land: Delta Road Lot 14 DP 804089 Curlwaa
Date of certificate: 18 December 2020

DISCLAIMER

Wentworth Shire Council gives notice and points out to all users of the information supplied herein, that the information herein has been compiled by Council from sources outside of Council’s control. While the information herein is provided with all due care and in good faith, it is provided on the basis that Council will not accept any responsibility for and will not be liable for its contents or for any consequence arising from its use, and every user of such information is advised to make all necessary enquiries from the appropriate organisations, institutions and the like.

Wentworth Shire Council also gives notice to all users of the information supplied herein, wherever any particular enquiry herein remains unanswered or has not been elaborated upon, such silence should not be interpreted as meaning or inferring either a negative or a positive response as the case may be.

ABOUT THIS CERTIFICATE – Information for Applicant

This certificate has been prepared pursuant to Section 10.7 of the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2000 (NSW). The number system in this Certificate follows Schedule 4 of the Regulation. Please note that Council has omitted:

- 2A of this Schedule as the Wentworth Shire Council is not in a Sydney Region Growth Centre
- 4B of this Schedule as Wentworth Shire Council is not in a coastal region

CERTIFICATE 10.7(2) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

1. Names of relevant planning instruments and DCPs

<p>a) The name of each environmental planning instrument that applies to the carrying out of development on the land.</p> <p>b) 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 Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).</p> <p>c) The name of each development control plan that applies to the carrying out of development on the land.</p> <p>d) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.</p>	<p>a) <i>Wentworth Local Environmental Plan 2011</i> applies to this land.</p> <p>b) See Annexure 1.</p> <p>c) Wentworth Development Control Plan December 2011.</p> <p>d) Not applicable.</p>
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2. Zoning and land use under relevant LEPs

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):

The following information will assist in determining how the subject land may be developed. It is recommended that you read this section in conjunction with a full copy of any relevant environmental planning instrument as there may be additional provisions that affect how the land may be developed.

- | | |
|---|--|
| <ul style="list-style-type: none"> 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. | <ul style="list-style-type: none"> a) Wentworth Local Environmental Plan (WLEP) 2011
ZONE: RU1 – Primary Production b) In addition to the controls contained in the <i>Wentworth Local Environmental Plan 2011</i>, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 sets out further circumstances where development consent will be required for development involving certain types of buildings, the demolition of buildings or the subdivision of land. These circumstances may include development that does not require consent under the <i>Wentworth Local Environmental Plan 2011</i>. c) See Annexure 1. d) See Annexure 1. e) 10 Hectares f) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. g) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. h) No. |
|---|--|

3. Complying development

- | | |
|---|--|
| <ul style="list-style-type: none"> a) 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 <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>. b) 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 that clause. c) 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. | <ul style="list-style-type: none"> a) Yes, the land is land on which complying development may be carried out subject to the disclaimer at 3c) below. b) Not applicable. c) Not applicable. |
|---|--|

<p>Whether or not the land is proclaimed to be a mine subsidence district within the meaning of the Coal Mine Subsidence Compensation Act 2017.</p>	<p>5. Mine subsidence Not applicable.</p>
<p>Whether or not the land is affected by any road widening or road realignment under:</p> <p>a) Division 2 of Part 3 of the Roads Act 1993, or b) any environmental planning instrument, or c) any resolution of the council.</p>	<p>6. Road widening and road realignment Not applicable.</p>
<p>7. Council and other public authority policies on hazard risk restrictions relating to land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)</p>	
<p>Whether or not the land is affected by a policy:</p> <p>a) adopted by the council, or</p> <p>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.</p>	<p>Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on land which have been previously used for certain purposes. Council records do not have sufficient information about previous uses of this land to determine whether the land is contaminated. Consideration of Councils adopted policy and the application or provisions under relevant state legislation is warranted.</p>
<p>7A. Flood related development controls information</p>	
<p>a) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.</p> <p>b) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.</p> <p>c) Words and expressions in this clause have the same meanings as in the Standard Instrument.</p>	<p>a) Not applicable.</p> <p>b) Not applicable.</p>
<p>Words and expressions in this clause have the same meanings as in the Standard Instrument.</p>	
<p>8. Land reserved for acquisition</p>	
<p>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.</p>	<p>Not applicable</p>
<p>9. Contribution plans</p>	
<p>The name of each contributions plan applying to the land.</p>	<p>Development Contribution Plan</p>

9A. Biodiversity certified land	
<p>If the land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, a statement to that effect.</p> <p>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.</p>	<p>Council has not been notified that this land has been determined to be biodiversity specified land.</p>
10. Biodiversity stewardship sites	
<p>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).</p> <p>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.</p>	<p>No, Wentworth Shire Council has not been notified of the existence of a biodiversity stewardship agreement by the Office of Environment & Heritage in relation to this property.</p>
10A. Native vegetation clearing set asides	
<p>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).</p>	<p>Council has not been notified of the existence of a set aside area by Local Land Services or that a set aside area has been registered.</p>
11. Bush fire prone land	
<p>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.</p> <p>If none of the land is bush fire prone land, a statement to that effect.</p>	<p>No, the land is not bushfire prone</p>
This information has been sourced from mapping provided by the NSW Rural Fire Service.	
12. Property vegetation plans	
<p>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).</p>	<p>Council has not been notified of a Property Vegetation Plan under the Native Vegetation Act 2003 affecting this land. For further details please contact Local Land Services.</p>
This information has been sourced from NSW Local Land Services.	
13. Orders under Trees (Disputes Between Neighbours) Act 2006	
<p>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).</p>	<p>Council has not been notified of an Order under Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to any tree on the land.</p>
14. Directions under Part 3A	
<p>If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an</p>	<p>No, there is no direction in force from the Minister under Section 75P (2) (c1) in relation to this property.</p>

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

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.

The land is land to which the State Environmental Planning Policy (Housing for Seniors with a Disability) 2004 does apply. However, no current compatibility certificate exists of which Council is aware.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

- a) A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate 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 valid, and
 - (ii) that a copy may be obtained from the head office of the Department.

Council is not aware of any site compatibility certificates for infrastructure applying to this land.

17. Site compatibility certificates and conditions for affordable rental housing

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

Council is not aware of any site compatibility certificates for affordable rental housing applying to this land.

18. Paper subdivision information

- 1) The name of any development plan adopted by a relevant authority 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.

Council is unaware of any development plan or 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 the Environmental Planning & Assessment Regulation.

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 and, 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.

Council is not aware of any site verification certificates applying to this land.

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.

Not applicable

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.

Not applicable

(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*.

**CERTIFICATE 10.7(5) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT
ACT 1979**

You are advised that at the date of this certificate the subject land is affected by the following matters:-

Information Requested	Reply
a) Is the land subject to a Tree Preservation Order?	No.
b) Has any development consent with respect to the land been granted within the previous five years?	No.
c) Any known non-compliance with matters relating to development approval?	No.
d) Any known non-compliance on matters relating to, or delegated to Council and notices requiring work to be carried out in relation to building and/or health items?	No.
e) Any other known matter of which Council is aware that applies to the subject land?	<p>Yes</p> <p>*The following allotments also form part of this assessment – Lot 12 DP 729491; Lot 10 DP 804044 and Lot 9 DP 804044.</p> <p>*The comments and information contained in this certificate relate to the property described in the section "Description of Land".</p> <p>*The information contained in this certificate has been compiled from Council's records – no physical inspection of the property was carried out.</p>

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.



Signed: **MATTHEW CARLIN**
DIRECTOR HEALTH & PLANNING
under delegation on behalf of the Shire of Wentworth

Contact: T 03 5027 5027
E council@wentworth.nsw.gov.au
W wentworth.nsw.gov.au

26-28 Adelaide Street WENTWORTH NSW 2648
PO Box 81 WENTWORTH NSW 2648
ABN 96 283 886 815

ANNEXURE 1 TO CERTIFICATE PURSUANT TO SECTION 10.7(1) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

RU1 Primary Production Zone as at 16 December 2011

You are advised that as at the date of this Certificate the subject land is affected by the following matters:-

(a) **STATE ENVIRONMENTAL PLANNING POLICIES**

No 21 - Caravan Parks – Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

No 33 - Hazardous and Offensive Development – Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

No 36 - Manufactured Home Estates – Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approve development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.

No 50 – Canal Estate Development – Bans new canal estates from the date of gazettal (10th November 1997), to ensure coastal and aquatic environments are not affected by these developments.

No 55 – Remediation of Land – Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared [Managing Land Contamination: Planning Guidelines](#).

No 64 - Advertising and Signage - Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. [Transport Corridor Outdoor Advertising and Signage Guidelines](#) (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications.

No 65 - Design Quality of Residential Apartment Development - Improves the design quality of residential apartment development across the state through the application of a series of design principles.

The SEPP recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. The SEPP operates to ensure that residential apartment development contributes to sustainable development of the state, achieves better built form and aesthetics of buildings and streetscapes, supports housing affordability for wide range of people, better satisfies the increasing demand, the changing social and demographic profile of the community, and maximises amenity, safety and security for the benefit of its occupants and the wider community. The SEPP facilitates timely and efficient assessment of applications for residential apartment development by providing a consistent policy framework and mechanism across the State. The policy provides for the establishment of design Review Panels to provide independent expert advice to councils on the merit of residential flat development.

SEPP (Affordable Rental Housing) 2009 – Establishes a consistent planning regime for the provision of affordable rental housing. The SEPP facilitates the effective delivery of new affordable rental housing by providing planning control incentives and expanding the role for not-for-profit-providers of affordable rental housing. The SEPP also establishes approaches to facilitate the retention and mitigate the loss of existing affordable rental housing. The SEPP aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004 - This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

SEPP (Concurrences) 2018 – Authorises the Planning Secretary to elect to act in place of a concurrence authority for the for the purposes of deciding whether to grant concurrence to a development if the concurrence authority fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so.

SEPP (Educational Establishments and Child Care Facilities) 2017 - Facilitates the effective delivery of educational establishments and early education and care facilities across the State. The SEPP improves regulatory certainty and efficiency for educational establishments and early education and care facilities through a consistent planning regime that simplifies and standardises planning approval pathways and establishes consistent State-wide assessment requirements and design considerations for these developments. The policy provides for the consultation with relevant public authorities during the assessment process or prior to development commencing for educational establishments and early education and care facilities. The SEPP also aligns the NSW planning framework with the National Quality Framework for early education and care services to enable proponents and consent authorities ensure that new developments or modified premises meet the applicable requirements of the National Quality Framework for the services. The policy supports joint and shared use of the facilities of educational establishments with the community through appropriate design.

SEPP (Exempt and Complying Development Codes) 2008 - Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*.

SEPP (Housing for Seniors or People with a Disability) 2004 – Encourages the provision of adequate, diverse and high quality housing for aged persons and people with disabilities. The SEPP achieves its aims by overriding local planning controls that would prevent the development of housing for seniors or people with a disability and setting out design principles to achieving built form that is in keeping with the site and local neighbourhood.

SEPP (Infrastructure) 2007 - Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities

along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available at www.planning.nsw.gov.au.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 – Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. This Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Miscellaneous Consent Provisions) 2007 - Permits the erection of temporary structures with development consent across the state. The SEPP aims to ensure the safety of persons using temporary structures and protect the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration.

SEPP (Primary Production and Rural Development) 2019 - Facilitates the orderly and economic use and development of lands for primary production. The aims to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The SEPP encourages sustainable aquaculture and outlines the criteria for categorising aquaculture as designated development. The SEPP identifies State significant agricultural land, simplifies the regulatory process for water supply in irrigation areas and districts and sets out the considerations for assessing the impact of all proposed development oyster aquaculture.

SEPP (State and Regional Development) 2011 – Identifies and declares development as a State significant development, State significant infrastructure, critical State significant infrastructure or regionally significant development based on a number of factors including location, purpose and capital investment value etc.

SEPP (State Significant Precincts) 2005 - Facilitates the orderly development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the state. The SEPP aims to facilitate service delivery outcomes for a range of public services, the development of major sites for a public purpose and redevelopment of major sites no longer appropriate or suitable for public purposes.

SEPP (Urban Renewal) 2010 - Establishes the process for assessing and identifying sites as urban renewal precincts and facilitates the orderly and economic development and redevelopment of sites in and around such precincts. The SEPP aims to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

SEPP (Vegetation in Non-Rural Areas) 2017 - Protects the biodiversity values of trees and other vegetation in non-rural areas of the State. The SEPP aims to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The policy establishes the approval pathways for clearing in non-rural areas.

SEPP (Koala Habitat Protection) 2019 – Encourages the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat. Local councils must ensure approvals for development on a land affected by this policy is consistent with the approved koala plan of management for the land. If there is no approved koala plan of management for a land affected by the policy, local councils must consider requirements of the koala habitat protection guideline or information prepared by a suitably qualified and experienced person in accordance with the guideline before approving development on the land.

(b) **REGIONAL ENVIRONMENTAL PLANS**

Willandra Lakes REP No 1 – World Heritage Property - Applies to the Willandra Lakes Region in the Shires of Wentworth and Balranald. The purpose of the plans is to protect, conserve and manage this World Heritage Property in accordance with any strategic plan of management. The plan also aims to provide a process of consultation with stakeholders on development and related decisions.

Murray REP 2 - Riverine Land - Ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinates planning along the Murray River and the implementation of planning related

aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.

(c) **LOCAL ENVIRONMENTAL PLANS – RU1 PRIMARY PRODUCTION ZONE**

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Dual occupancies (detached); Schools; Any other development not specified in item 2 or 3

Your Reference: 202573 FINCH
Applicant name: Maloney Anderson Legal - Mildura
Applicant address: PO Box 5107 MILDURA PRIVATE BOXES VIC 3502
Applicant email: smulder@maloneyandersonlegal.com.au
Certificate no: 2020-471
Subject land: 336 Delta Road Lot 12 DP 729491 Curlwaa
Date of certificate: 18 December 2020

DISCLAIMER

Wentworth Shire Council gives notice and points out to all users of the information supplied herein, that the information herein has been compiled by Council from sources outside of Council's control. While the information herein is provided with all due care and in good faith, it is provided on the basis that Council will not accept any responsibility for and will not be liable for its contents or for any consequence arising from its use, and every user of such information is advised to make all necessary enquiries from the appropriate organisations, institutions and the like.

Wentworth Shire Council also gives notice to all users of the information supplied herein, wherever any particular enquiry herein remains unanswered or has not been elaborated upon, such silence should not be interpreted as meaning or inferring either a negative or a positive response as the case may be.

ABOUT THIS CERTIFICATE – Information for Applicant

This certificate has been prepared pursuant to Section 10.7 of the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2000 (NSW). The number system in this Certificate follows Schedule 4 of the Regulation. Please note that Council has omitted:

- 2A of this Schedule as the Wentworth Shire Council is not in a Sydney Region Growth Centre
- 4B of this Schedule as Wentworth Shire Council is not in a coastal region

CERTIFICATE 10.7(2) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

1. Names of relevant planning instruments and DCPs

- | | |
|--|--|
| <p>a) The name of each environmental planning instrument that applies to the carrying out of development on the land.</p> <p>b) 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 Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).</p> <p>c) The name of each development control plan that applies to the carrying out of development on the land.</p> <p>d) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.</p> | <p>a) <i>Wentworth Local Environmental Plan 2011</i> applies to this land.</p> <p>b) See Annexure 1.</p> <p>c) Wentworth Development Control Plan December 2011.</p> <p>d) Not applicable.</p> |
|--|--|

2. Zoning and land use under relevant LEPs

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):

The following information will assist in determining how the subject land may be developed. It is recommended that you read this section in conjunction with a full copy of any relevant environmental planning instrument as there may be additional provisions that affect how the land may be developed.

- | | |
|---|--|
| <ul style="list-style-type: none"> 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. | <ul style="list-style-type: none"> a) Wentworth Local Environmental Plan (WLEP) 2011
ZONE: RU1 – Primary Production b) In addition to the controls contained in the <i>Wentworth Local Environmental Plan 2011</i>, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 sets out further circumstances where development consent will be required for development involving certain types of buildings, the demolition of buildings or the subdivision of land. These circumstances may include development that does not require consent under the <i>Wentworth Local Environmental Plan 2011</i>. c) See Annexure 1. d) See Annexure 1. e) 10 Hectares. f) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. g) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. h) No |
|---|--|

3. Complying development

- | | |
|--|---|
| <ul style="list-style-type: none"> a) 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. b) 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 that clause. c) 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. | <ul style="list-style-type: none"> a) Yes, the land is land on which complying development may be carried out subject to the disclaimer at 3c) below. b) Not applicable. c) Not applicable |
|--|---|

If the land is biodiversity certified land under Part 8 of the [Biodiversity Conservation Act 2016](#), a statement to that effect.

Council has not been notified that this land has been determined to be biodiversity specified land.

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](#).

9. 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).

No, Wentworth Shire Council has not been notified of the existence of a biodiversity stewardship agreement by the Office of Environment & Heritage in relation to this property.

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](#).

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 by Local Land Services or that a set aside area has been registered.

10. 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.

No, the land is not bushfire prone

This information has been sourced from mapping provided by the NSW Rural Fire Service.

11. 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).

Council **has not** been notified of a Property Vegetation Plan under the [Native Vegetation Act 2003](#) affecting this land. For further details please contact Local Land Services.

This information has been sourced from NSW Local Land Services.

12. 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 an Order under [Trees \(Disputes Between Neighbours\) Act 2006](#) to carry out work in relation to any tree on the land.

13. 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

No, there is no direction in force from the Minister under Section 75P (2) (c1) in relation to this property.

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

14. 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.

The land is land to which the State Environmental Planning Policy (Housing for Seniors with a Disability) 2004 does apply. However, no current compatibility certificate exists of which Council is aware.

15. Site compatibility certificates for infrastructure, schools or TAFE establishments

- a) A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate 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 valid, and
 - (ii) that a copy may be obtained from the head office of the Department.

Council is not aware of any site compatibility certificates for infrastructure applying to this land.

16. Site compatibility certificates and conditions for affordable rental housing

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

Council is not aware of any site compatibility certificates for affordable rental housing applying to this land.

17. Paper subdivision information

- 1) The name of any development plan adopted by a relevant authority 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.

Council is unaware of any development plan or 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 the Environmental Planning & Assessment Regulation.

18. 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 and, 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.

Council is not aware of any site verification certificates applying to this land.

19. 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.

Not applicable

20. 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.

Not applicable

(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*.

CERTIFICATE 10.7(5) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

You are advised that at the date of this certificate the subject land is affected by the following matters:-

Information Requested	Reply
a) Is the land subject to a Tree Preservation Order?	No.
b) Has any development consent with respect to the land been granted within the previous five years?	No.
c) Any known non-compliance with matters relating to development approval?	No.
d) Any known non-compliance on matters relating to, or delegated to Council and notices requiring work to be carried out in relation to building and/or health items?	No.
e) Any other known matter of which Council is aware that applies to the subject land?	<p>Yes</p> <p>*The following allotments also form part of this assessment – Lot 10 DP 804044 Lot 9 DP 804044 and Lot 14 DP 804089.</p> <p>*The comments and information contained in this certificate relate to the property described in the section "Description of Land".</p> <p>*The information contained in this certificate has been compiled from Council's records – no physical inspection of the property was carried out.</p>

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.



Signed: **MATTHEW CARLIN**
DIRECTOR HEALTH & PLANNING
under delegation on behalf of the Shire of Wentworth

Contact: T 03 5027 5027
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W wentworth.nsw.gov.au

26-28 Adelaide Street WENTWORTH NSW 2648
PO Box 81 WENTWORTH NSW 2648
ABN 96 283 886 815

ANNEXURE 1 TO CERTIFICATE PURSUANT TO SECTION 10.7(1) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

RU1 Primary Production Zone as at 16 December 2011

You are advised that as at the date of this Certificate the subject land is affected by the following matters:-

(a) **STATE ENVIRONMENTAL PLANNING POLICIES**

No 21 - Caravan Parks – Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

No 33 - Hazardous and Offensive Development – Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

No 36 - Manufactured Home Estates – Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approve development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.

No 50 – Canal Estate Development – Bans new canal estates from the date of gazettal (10th November 1997), to ensure coastal and aquatic environments are not affected by these developments.

No 55 – Remediation of Land – Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared [Managing Land Contamination: Planning Guidelines](#).

No 64 - Advertising and Signage - Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. [Transport Corridor Outdoor Advertising and Signage Guidelines](#) (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications.

No 65 - Design Quality of Residential Apartment Development - Improves the design quality of residential apartment development across the state through the application of a series of design principles. The SEPP recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. The SEPP operates to ensure that residential apartment development contributes to sustainable development of the state, achieves better built form and aesthetics of buildings and streetscapes, supports housing affordability for wide range of people, better satisfies the increasing demand, the changing social and demographic profile of the community, and maximises amenity, safety and security for the benefit of its

occupants and the wider community. The SEPP facilitates timely and efficient assessment of applications for residential apartment development by providing a consistent policy framework and mechanism across the State. The policy provides for the establishment of design Review Panels to provide independent expert advice to councils on the merit of residential flat development.

SEPP (Affordable Rental Housing) 2009 – Establishes a consistent planning regime for the provision of affordable rental housing. The SEPP facilitates the effective delivery of new affordable rental housing by providing planning control incentives and expanding the role for not-for-profit-providers of affordable rental housing. The SEPP also establishes approaches to facilitate the retention and mitigate the loss of existing affordable rental housing. The SEPP aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004 - This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

SEPP (Concurrences) 2018 – Authorises the Planning Secretary to elect to act in place of a concurrence authority for the for the purposes of deciding whether to grant concurrence to a development if the concurrence authority fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so.

SEPP (Educational Establishments and Child Care Facilities) 2017 - Facilitates the effective delivery of educational establishments and early education and care facilities across the State. The SEPP improves regulatory certainty and efficiency for educational establishments and early education and care facilities through a consistent planning regime that simplifies and standardises planning approval pathways and establishes consistent State-wide assessment requirements and design considerations for these developments. The policy provides for the consultation with relevant public authorities during the assessment process or prior to development commencing for educational establishments and early education and care facilities. The SEPP also aligns the NSW planning framework with the National Quality Framework for early education and care services to enable proponents and consent authorities ensure that new developments or modified premises meet the applicable requirements of the National Quality Framework for the services. The policy supports joint and shared use of the facilities of educational establishments with the community through appropriate design.

SEPP (Exempt and Complying Development Codes) 2008 - Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*.

SEPP (Housing for Seniors or People with a Disability) 2004 – Encourages the provision of adequate, diverse and high quality housing for aged persons and people with disabilities. The SEPP achieves its aims by overriding local planning controls that would prevent the development of housing for seniors or people with a disability and setting out design principles to achieving built form that is in keeping with the site and local neighbourhood.

SEPP (Infrastructure) 2007 - Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available at www.planning.nsw.gov.au.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 – Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. This Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Miscellaneous Consent Provisions) 2007 - Permits the erection of temporary structures with development consent across the state. The SEPP aims to ensure the safety of persons using temporary structures and protect the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration.

SEPP (Primary Production and Rural Development) 2019 - Facilitates the orderly and economic use and development of lands for primary production. The aims to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The SEPP encourages sustainable aquaculture and outlines the criteria for categorising aquaculture as designated development. The SEPP identifies State significant agricultural land, simplifies the regulatory process for water supply in irrigation areas and districts and sets out the considerations for assessing the impact of all proposed development oyster aquaculture.

SEPP (State and Regional Development) 2011 – Identifies and declares development as a State significant development, State significant infrastructure, critical State significant infrastructure or regionally significant development based on a number of factors including location, purpose and capital investment value etc.

SEPP (State Significant Precincts) 2005 - Facilitates the orderly development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the state. The SEPP aims to facilitate service delivery outcomes for a range of public services, the development of major sites for a public purpose and redevelopment of major sites no longer appropriate or suitable for public purposes.

SEPP (Urban Renewal) 2010 - Establishes the process for assessing and identifying sites as urban renewal precincts and facilitates the orderly and economic development and redevelopment of sites in and around such precincts. The SEPP aims to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

SEPP (Vegetation in Non-Rural Areas) 2017 - Protects the biodiversity values of trees and other vegetation in non-rural areas of the State. The SEPP aims to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The policy establishes the approval pathways for clearing in non-rural areas.

SEPP (Koala Habitat Protection) 2019 – Encourages the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat. Local councils must ensure approvals for development on a land affected by this policy is consistent with the approved koala plan of management for the land. If there is no approved koala plan of management for a land affected by the policy, local councils must consider requirements of the koala habitat protection guideline or information prepared by a suitably qualified and experienced person in accordance with the guideline before approving development on the land.

(b) **REGIONAL ENVIRONMENTAL PLANS**

Willandra Lakes REP No 1 – World Heritage Property - Applies to the Willandra Lakes Region in the Shires of Wentworth and Balranald. The purpose of the plans is to protect, conserve and manage this World Heritage Property in accordance with any strategic plan of management. The plan also aims to provide a process of consultation with stakeholders on development and related decisions.

Murray REP 2 - Riverine Land - Ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinates planning along the Murray River and the implementation of planning related aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.

(c) **LOCAL ENVIRONMENTAL PLANS – RU1 PRIMARY PRODUCTION ZONE**

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Dual occupancies (detached); Schools; Any other development not specified in item 2 or 3

Your Reference: 202573 FINCH
Applicant name: Maloney Anderson Legal - Mildura
Applicant address: PO Box 5107 MILDURA PRIVATE BOXES VIC 3502
Applicant email: smulder@maloneyandersonlegal.com.au
Certificate no: 2020-464
Subject land: Syndicate Road Lot 1 DP 1253124 Curlwaa
Date of certificate: 18 December 2020

DISCLAIMER

Wentworth Shire Council gives notice and points out to all users of the information supplied herein, that the information herein has been compiled by Council from sources outside of Council's control. While the information herein is provided with all due care and in good faith, it is provided on the basis that Council will not accept any responsibility for and will not be liable for its contents or for any consequence arising from its use, and every user of such information is advised to make all necessary enquiries from the appropriate organisations, institutions and the like.

Wentworth Shire Council also gives notice to all users of the information supplied herein, wherever any particular enquiry herein remains unanswered or has not been elaborated upon, such silence should not be interpreted as meaning or inferring either a negative or a positive response as the case may be.

ABOUT THIS CERTIFICATE – Information for Applicant

This certificate has been prepared pursuant to Section 10.7 of the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2000 (NSW). The number system in this Certificate follows Schedule 4 of the Regulation. Please note that Council has omitted:

- 2A of this Schedule as the Wentworth Shire Council is not in a Sydney Region Growth Centre
- 4B of this Schedule as Wentworth Shire Council is not in a coastal region

CERTIFICATE 10.7(2) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

1. Names of relevant planning instruments and DCPs

<p>a) The name of each environmental planning instrument that applies to the carrying out of development on the land.</p> <p>b) 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 Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).</p> <p>c) The name of each development control plan that applies to the carrying out of development on the land.</p> <p>d) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.</p>	<p>a) <i>Wentworth Local Environmental Plan 2011</i> applies to this land.</p> <p>b) See Annexure 1.</p> <p>c) Wentworth Development Control Plan December 2011.</p> <p>d) Not applicable.</p>
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2. Zoning and land use under relevant LEPs

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):

The following information will assist in determining how the subject land may be developed. It is recommended that you read this section in conjunction with a full copy of any relevant environmental planning instrument as there may be additional provisions that affect how the land may be developed.

- | | |
|---|---|
| <ul style="list-style-type: none"> 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. | <ul style="list-style-type: none"> a) Wentworth Local Environmental Plan (WLEP) 2011
ZONE: RU1 – Primary Production
 b) In addition to the controls contained in the <i>Wentworth Local Environmental Plan 2011</i>, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 sets out further circumstances where development consent will be required for development involving certain types of buildings, the demolition of buildings or the subdivision of land. These circumstances may include development that does not require consent under the <i>Wentworth Local Environmental Plan 2011</i>. c) See Annexure 1.
 d) See Annexure 1. e) 10 Hectares.
 f) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. g) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. h) No. |
|---|---|

3. Complying development

- | | |
|---|---|
| <ul style="list-style-type: none"> a) 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 <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>. b) 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 that clause. c) 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. | <ul style="list-style-type: none"> a) : Yes, the land is land on which complying development may be carried out subject to the disclaimer at 3c) below.
 Not applicable.
 Not applicable |
|---|---|

<p>Whether or not the land is proclaimed to be a mine subsidence district within the meaning of the Coal Mine Subsidence Compensation Act 2017.</p>	<p>5. Mine subsidence Not applicable.</p>
<p>Whether or not the land is affected by any road widening or road realignment under:</p> <p>a) Division 2 of Part 3 of the Roads Act 1993, or b) any environmental planning instrument, or c) any resolution of the council.</p>	<p>6. Road widening and road realignment Not applicable.</p>
<p>Whether or not the land is affected by a policy:</p> <p>a) adopted by the council, or</p> <p>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.</p>	<p>7. Council and other public authority policies on hazard risk restrictions relating to land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)</p> <p>Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on land which have been previously used for certain purposes. Council records do not have sufficient information about previous uses of this land to determine whether the land is contaminated. Consideration of Councils adopted policy and the application or provisions under relevant state legislation is warranted.</p>
<p>a) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.</p> <p>b) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.</p> <p>c) Words and expressions in this clause have the same meanings as in the Standard Instrument.</p>	<p>7A. Flood related development controls information</p> <p>a) Not applicable.</p> <p>b) Not applicable.</p>
<p>Words and expressions in this clause have the same meanings as in the Standard Instrument.</p>	
<p>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.</p>	<p>8. Land reserved for acquisition Not applicable</p>
<p>The name of each contributions plan applying to the land.</p>	<p>9. Contribution plans Development Contribution Plan (All Zones)</p>

9A. Biodiversity certified land	
<p>If the land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, a statement to that effect.</p> <p>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.</p>	<p>Council has not been notified that this land has been determined to be biodiversity specified land.</p>
10. Biodiversity stewardship sites	
<p>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).</p> <p>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.</p>	<p>No, Wentworth Shire Council has not been notified of the existence of a biodiversity stewardship agreement by the Office of Environment & Heritage in relation to this property.</p>
10A. Native vegetation clearing set asides	
<p>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).</p>	<p>Council has not been notified of the existence of a set aside area by Local Land Services or that a set aside area has been registered.</p>
11. Bush fire prone land	
<p>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.</p>	<p>No, the land is not bushfire prone</p>
This information has been sourced from mapping provided by the NSW Rural Fire Service.	
12. Property vegetation plans	
<p>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).</p>	<p>Council has not been notified of a Property Vegetation Plan under the Native Vegetation Act 2003 affecting this land. For further details please contact Local Land Services.</p>
This information has been sourced from NSW Local Land Services.	
13. Orders under Trees (Disputes Between Neighbours) Act 2006	
<p>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).</p>	<p>Council has not been notified of an Order under Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to any tree on the land.</p>
14. Directions under Part 3A	
<p>If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an</p>	<p>No, there is no direction in force from the Minister under Section 75P (2) (c1) in relation to this property.</p>

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

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.

The land is land to which the State Environmental Planning Policy (Housing for Seniors with a Disability) 2004 does apply. However, no current compatibility certificate exists of which Council is aware.

The land is land to which the State Environmental Planning Policy (Housing for Seniors with a Disability) 2004 does apply. A current compatibility certificate exists of which Council is aware.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

- a) A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate 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 valid, and
 - (ii) that a copy may be obtained from the head office of the Department.

Council is not aware of any site compatibility certificates for infrastructure applying to this land.

17. Site compatibility certificates and conditions for affordable rental housing

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

Council is not aware of any site compatibility certificates for affordable rental housing applying to this land.

18. Paper subdivision information

- 1) The name of any development plan adopted by a relevant authority 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.

Council is unaware of any development plan or 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 the Environmental Planning & Assessment Regulation.

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 and, 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.

Council is not aware of any site verification certificates applying to this land.

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.

Not applicable

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.

Not applicable

(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*.

CERTIFICATE 10.7(5) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

You are advised that at the date of this certificate the subject land is affected by the following matters:-

Information Requested	Reply
a) Is the land subject to a Tree Preservation Order?	No.
b) Has any development consent with respect to the land been granted within the previous five years?	No.
c) Any known non-compliance with matters relating to development approval?	No.
d) Any known non-compliance on matters relating to, or delegated to Council and notices requiring work to be carried out in relation to building and/or health items?	No
e) Any other known matter of which Council is aware that applies to the subject land?	<p>*The following allotments also form part of this assessment – Lot 11 DP 804044 and Lot 3 DP 804044.</p> <p>*The comments and information contained in this certificate relate to the property described in the section "Description of Land".</p> <p>*The information contained in this certificate has been compiled from Council's records – no physical inspection of the property was carried out.</p>

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.



Signed: **MATTHEW CARLIN**
DIRECTOR HEALTH & PLANNING
under delegation on behalf of the Shire of Wentworth

Contact: T 03 5027 5027
E council@wentworth.nsw.gov.au
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26-28 Adelaide Street WENTWORTH NSW 2648
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ANNEXURE 1 TO CERTIFICATE PURSUANT TO SECTION 10.7(1) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

RU1 Primary Production Zone as at 16 December 2011

You are advised that as at the date of this Certificate the subject land is affected by the following matters:-

(a) **STATE ENVIRONMENTAL PLANNING POLICIES**

No 21 - Caravan Parks – Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

No 33 - Hazardous and Offensive Development – Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

No 36 - Manufactured Home Estates – Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approve development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.

No 50 – Canal Estate Development – Bans new canal estates from the date of gazettal (10th November 1997), to ensure coastal and aquatic environments are not affected by these developments.

No 55 – Remediation of Land – Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared [Managing Land Contamination: Planning Guidelines](#).

No 64 - Advertising and Signage - Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. [Transport Corridor Outdoor Advertising and Signage Guidelines](#) (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications.

No 65 - Design Quality of Residential Apartment Development - Improves the design quality of residential apartment development across the state through the application of a series of design principles. The SEPP recognises that the design quality of residential apartment development is of significance for

environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. The SEPP operates to ensure that residential apartment development contributes to sustainable development of the state, achieves better built form and aesthetics of buildings and streetscapes, supports housing affordability for wide range of people, better satisfies the increasing demand, the changing social and demographic profile of the community, and maximises amenity, safety and security for the benefit of its occupants and the wider community. The SEPP facilitates timely and efficient assessment of applications for residential apartment development by providing a consistent policy framework and mechanism across the State. The policy provides for the establishment of design Review Panels to provide independent expert advice to councils on the merit of residential flat development.

SEPP (Affordable Rental Housing) 2009 – Establishes a consistent planning regime for the provision of affordable rental housing. The SEPP facilitates the effective delivery of new affordable rental housing by providing planning control incentives and expanding the role for not-for-profit-providers of affordable rental housing. The SEPP also establishes approaches to facilitate the retention and mitigate the loss of existing affordable rental housing. The SEPP aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004 - This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

SEPP (Concurrences) 2018 – Authorises the Planning Secretary to elect to act in place of a concurrence authority for the for the purposes of deciding whether to grant concurrence to a development if the concurrence authority fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so.

SEPP (Educational Establishments and Child Care Facilities) 2017 - Facilitates the effective delivery of educational establishments and early education and care facilities across the State. The SEPP improves regulatory certainty and efficiency for educational establishments and early education and care facilities through a consistent planning regime that simplifies and standardises planning approval pathways and establishes consistent State-wide assessment requirements and design considerations for these developments. The policy provides for the consultation with relevant public authorities during the assessment process or prior to development commencing for educational establishments and early education and care facilities. The SEPP also aligns the NSW planning framework with the National Quality Framework for early education and care services to enable proponents and consent authorities ensure that new developments or modified premises meet the applicable requirements of the National Quality Framework for the services. The policy supports joint and shared use of the facilities of educational establishments with the community through appropriate design.

SEPP (Exempt and Complying Development Codes) 2008 - Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*.

SEPP (Housing for Seniors or People with a Disability) 2004 – Encourages the provision of adequate, diverse and high quality housing for aged persons and people with disabilities. The SEPP achieves its aims by overriding local planning controls that would prevent the development of housing for seniors or people with a disability and setting out design principles to achieving built form that is in keeping with the site and local neighbourhood.

SEPP (Infrastructure) 2007 - Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available at www.planning.nsw.gov.au.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 – Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. This Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Miscellaneous Consent Provisions) 2007 - Permits the erection of temporary structures with development consent across the state. The SEPP aims to ensure the safety of persons using temporary structures and protect the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration.

SEPP (Primary Production and Rural Development) 2019 - Facilitates the orderly and economic use and development of lands for primary production. The aims to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The SEPP encourages sustainable aquaculture and outlines the criteria for categorising aquaculture as designated development. The SEPP identifies State significant agricultural land, simplifies the regulatory process for water supply in irrigation areas and districts and sets out the considerations for assessing the impact of all proposed development oyster aquaculture.

SEPP (State and Regional Development) 2011 – Identifies and declares development as a State significant development, State significant infrastructure, critical State significant infrastructure or regionally significant development based on a number of factors including location, purpose and capital investment value etc.

SEPP (State Significant Precincts) 2005 - Facilitates the orderly development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the state. The SEPP aims to facilitate service delivery outcomes for a range of public services, the development of major sites for a public purpose and redevelopment of major sites no longer appropriate or suitable for public purposes.

SEPP (Urban Renewal) 2010 - Establishes the process for assessing and identifying sites as urban renewal precincts and facilitates the orderly and economic development and redevelopment of sites in and around such precincts. The SEPP aims to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

SEPP (Vegetation in Non-Rural Areas) 2017 - Protects the biodiversity values of trees and other vegetation in non-rural areas of the State. The SEPP aims to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The policy establishes the approval pathways for clearing in non-rural areas.

SEPP (Koala Habitat Protection) 2019 – Encourages the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat. Local councils must ensure approvals for development on a land affected by this policy is consistent with the approved koala plan of management for the land. If there is no approved koala plan of management for a land affected by the policy, local councils must consider requirements of the koala habitat protection guideline or information prepared by a suitably qualified and experienced person in accordance with the guideline before approving development on the land.

(b) **REGIONAL ENVIRONMENTAL PLANS**

Willandra Lakes REP No 1 – World Heritage Property - Applies to the Willandra Lakes Region in the Shires of Wentworth and Balranald. The purpose of the plans is to protect, conserve and manage this World Heritage Property in accordance with any strategic plan of management. The plan also aims to provide a process of consultation with stakeholders on development and related decisions.

Murray REP 2 - Riverine Land - Ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinates planning along the Murray River and the implementation of planning related aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.

(c) **LOCAL ENVIRONMENTAL PLANS – RU1 PRIMARY PRODUCTION ZONE**

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Dual occupancies (detached); Schools; Any other development not specified in item 2 or 3

Your Reference: 202573 FINCH
Applicant name: Maloney Anderson Legal - Mildura
Applicant address: PO Box 5107 MILDURA PRIVATE BOXES VIC 3502
Applicant email: smulder@maloneyandersonlegal.com.au
Certificate no: 2020-468
Subject land: Syndicate Road Lot 2 DP 1105602 Curlwaa
Date of certificate: 18 December 2020

DISCLAIMER

Wentworth Shire Council gives notice and points out to all users of the information supplied herein, that the information herein has been compiled by Council from sources outside of Council's control. While the information herein is provided with all due care and in good faith, it is provided on the basis that Council will not accept any responsibility for and will not be liable for its contents or for any consequence arising from its use, and every user of such information is advised to make all necessary enquiries from the appropriate organisations, institutions and the like.

Wentworth Shire Council also gives notice to all users of the information supplied herein, wherever any particular enquiry herein remains unanswered or has not been elaborated upon, such silence should not be interpreted as meaning or inferring either a negative or a positive response as the case may be.

ABOUT THIS CERTIFICATE – Information for Applicant

This certificate has been prepared pursuant to Section 10.7 of the Environmental Planning and Assessment Act 1979 (NSW) and the Environmental Planning and Assessment Regulation 2000 (NSW). The number system in this Certificate follows Schedule 4 of the Regulation. Please note that Council has omitted:

- 2A of this Schedule as the Wentworth Shire Council is not in a Sydney Region Growth Centre
- 4B of this Schedule as Wentworth Shire Council is not in a coastal region

CERTIFICATE 10.7(2) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

1. Names of relevant planning instruments and DCPs

- | | |
|--|--|
| <p>a) The name of each environmental planning instrument that applies to the carrying out of development on the land.</p> <p>b) 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 Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).</p> <p>c) The name of each development control plan that applies to the carrying out of development on the land.</p> <p>d) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.</p> | <p>a) <i>Wentworth Local Environmental Plan 2011</i> applies to this land.</p> <p>b) See Annexure 1.</p> <p>c) Wentworth Development Control Plan December 2011.</p> <p>d) Not applicable.</p> |
|--|--|

2. Zoning and land use under relevant LEPs

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):

The following information will assist in determining how the subject land may be developed. It is recommended that you read this section in conjunction with a full copy of any relevant environmental planning instrument as there may be additional provisions that affect how the land may be developed.

- | | |
|---|---|
| <ul style="list-style-type: none"> 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. | <ul style="list-style-type: none"> a) Wentworth Local Environmental Plan (WLEP) 2011
ZONE: RU1 – Primary Production b) In addition to the controls contained in the <i>Wentworth Local Environmental Plan 2011</i>, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 sets out further circumstances where development consent will be required for development involving certain types of buildings, the demolition of buildings or the subdivision of land. These circumstances may include development that does not require consent under the <i>Wentworth Local Environmental Plan 2011</i>. c) See Annexure 1. d) See Annexure 1. e) 10 Hectares. f) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. g) No.
This information has been sourced from mapping provided by NSW Environment & Heritage. h) No. |
|---|---|

3. Complying development

- | | |
|--|--|
| <ul style="list-style-type: none"> a) 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. b) 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 that clause. c) 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. | <ul style="list-style-type: none"> a) Yes, the land is land on which complying development may be carried out subject to the disclaimer at 3c) below. Not applicable. Not applicable. |
|--|--|

4 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 .	Not applicable.
5. 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.	Not applicable.
6. Council and other public authority policies on hazard risk restrictions relating to land slip, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)	
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.	Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on land which have been previously used for certain purposes. Council records do not have sufficient information about previous uses of this land to determine whether the land is contaminated. Consideration of Councils adopted policy and the application or provisions under relevant state legislation is warranted.
7A. Flood related development controls information	
a) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls. b) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls. c) Words and expressions in this clause have the same meanings as in the Standard Instrument.	a) Not applicable. b) Not applicable.
Words and expressions in this clause have the same meanings as in the Standard Instrument.	
7. 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.	Not applicable
8. Contribution plans	
The name of each contributions plan applying to the land.	Development Contribution Plan

9A. Biodiversity certified land	
<p>If the land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, a statement to that effect.</p> <p>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.</p>	<p>Council has not been notified that this land has been determined to be biodiversity specified land.</p>
9. Biodiversity stewardship sites	
<p>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).</p> <p>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.</p>	<p>No, Wentworth Shire Council has not been notified of the existence of a biodiversity stewardship agreement by the Office of Environment & Heritage in relation to this property.</p>
10A. Native vegetation clearing set asides	
<p>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).</p>	<p>Council has not been notified of the existence of a set aside area by Local Land Services or that a set aside area has been registered.</p>
10. Bush fire prone land	
<p>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.</p> <p>If none of the land is bush fire prone land, a statement to that effect.</p>	<p>No, the land is not bushfire prone</p>
This information has been sourced from mapping provided by the NSW Rural Fire Service.	
11. Property vegetation plans	
<p>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).</p>	<p>Council has not been notified of a Property Vegetation Plan under the Native Vegetation Act 2003 affecting this land. For further details please contact Local Land Services.</p>
This information has been sourced from NSW Local Land Services.	
12. Orders under Trees (Disputes Between Neighbours) Act 2006	
<p>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).</p>	<p>Council has not been notified of an Order under Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to any tree on the land.</p>
13. Directions under Part 3A	
<p>If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an</p>	<p>No, there is no direction in force from the Minister under Section 75P (2) (c1) in relation to this property.</p>

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

14. 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.

The land is land to which the State Environmental Planning Policy (Housing for Seniors with a Disability) 2004 does apply. However, no current compatibility certificate exists of which Council is aware.

15. Site compatibility certificates for infrastructure, schools or TAFE establishments

- a) A statement of whether there is a valid site compatibility certificate (infrastructure) or site compatibility certificate 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 valid, and
 - (ii) that a copy may be obtained from the head office of the Department.

Council is not aware of any site compatibility certificates for infrastructure applying to this land.

16. Site compatibility certificates and conditions for affordable rental housing

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

Council is not aware of any site compatibility certificates for affordable rental housing applying to this land.

17. Paper subdivision information

- 1) The name of any development plan adopted by a relevant authority 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.

Council is unaware of any development plan or 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 the Environmental Planning & Assessment Regulation.

18. 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 and, 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.

Council is not aware of any site verification certificates applying to this land.

19. 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.

Not applicable

20. 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.

Not applicable

(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*.

CERTIFICATE 10.7(5) ISSUED PURSUANT TO THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

You are advised that at the date of this certificate the subject land is affected by the following matters:-

Information Requested	Reply
a) Is the land subject to a Tree Preservation Order?	No.
b) Has any development consent with respect to the land been granted within the previous five years?	No.
c) Any known non-compliance with matters relating to development approval?	No.
d) Any known non-compliance on matters relating to, or delegated to Council and notices requiring work to be carried out in relation to building and/or health items?	No
e) Any other known matter of which Council is aware that applies to the subject land?	No. *The comments and information contained in this certificate relate to the property described in the section "Description of Land". *The information contained in this certificate has been compiled from Council's records – no physical inspection of the property was carried out.

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

Signed:



MATTHEW CARLIN
DIRECTOR HEALTH & PLANNING
 under delegation on behalf of the Shire of Wentworth

Contact:

T 03 5027 5027
 E council@wentworth.nsw.gov.au
 W wentworth.nsw.gov.au

26-28 Adelaide Street WENTWORTH NSW 2648
 PO Box 81 WENTWORTH NSW 2648
 ABN 96 283 886 815

ANNEXURE 1 TO CERTIFICATE PURSUANT TO SECTION 10.7(1) OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

RU1 Primary Production Zone as at 16 December 2011

You are advised that as at the date of this Certificate the subject land is affected by the following matters:-

(a) **STATE ENVIRONMENTAL PLANNING POLICIES**

No 21 - Caravan Parks – Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

No 33 - Hazardous and Offensive Development – Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

No 36 - Manufactured Home Estates – Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approve development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.

No 50 – Canal Estate Development – Bans new canal estates from the date of gazettal (10th November 1997), to ensure coastal and aquatic environments are not affected by these developments.

No 55 – Remediation of Land – Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared [Managing Land Contamination: Planning Guidelines](#).

No 64 - Advertising and Signage - Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. [Transport Corridor Outdoor Advertising and Signage Guidelines](#) (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications.

No 65 - Design Quality of Residential Apartment Development - Improves the design quality of residential apartment development across the state through the application of a series of design principles.

The SEPP recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. The SEPP operates to ensure that residential apartment development contributes to sustainable development of the state, achieves better built form and aesthetics of buildings and streetscapes, supports housing affordability for wide range of people, better satisfies the increasing demand, the changing social and demographic profile of the community, and maximises amenity, safety and security for the benefit of its occupants and the wider community. The SEPP facilitates timely and efficient assessment of applications for residential apartment development by providing a consistent policy framework and mechanism across the State. The policy provides for the establishment of design Review Panels to provide independent expert advice to councils on the merit of residential flat development.

SEPP (Affordable Rental Housing) 2009 – Establishes a consistent planning regime for the provision of affordable rental housing. The SEPP facilitates the effective delivery of new affordable rental housing by providing planning control incentives and expanding the role for not-for-profit-providers of affordable rental housing. The SEPP also establishes approaches to facilitate the retention and mitigate the loss of existing affordable rental housing. The SEPP aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004 - This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

SEPP (Concurrences) 2018 – Authorises the Planning Secretary to elect to act in place of a concurrence authority for the for the purposes of deciding whether to grant concurrence to a development if the concurrence authority fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so.

SEPP (Educational Establishments and Child Care Facilities) 2017 - Facilitates the effective delivery of educational establishments and early education and care facilities across the State. The SEPP improves regulatory certainty and efficiency for educational establishments and early education and care facilities through a consistent planning regime that simplifies and standardises planning approval pathways and establishes consistent State-wide assessment requirements and design considerations for these developments. The policy provides for the consultation with relevant public authorities during the assessment process or prior to development commencing for educational establishments and early education and care facilities. The SEPP also aligns the NSW planning framework with the National Quality Framework for early education and care services to enable proponents and consent authorities ensure that new developments or modified premises meet the applicable requirements of the National Quality Framework for the services. The policy supports joint and shared use of the facilities of educational establishments with the community through appropriate design.

SEPP (Exempt and Complying Development Codes) 2008 - Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*.

SEPP (Housing for Seniors or People with a Disability) 2004 – Encourages the provision of adequate, diverse and high quality housing for aged persons and people with disabilities. The SEPP achieves its aims by overriding local planning controls that would prevent the development of housing for seniors or people with a disability and setting out design principles to achieving built form that is in keeping with the site and local neighbourhood.

SEPP (Infrastructure) 2007 - Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities

along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available at www.planning.nsw.gov.au.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 – Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. This Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Miscellaneous Consent Provisions) 2007 - Permits the erection of temporary structures with development consent across the state. The SEPP aims to ensure the safety of persons using temporary structures and protect the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration.

SEPP (Primary Production and Rural Development) 2019 - Facilitates the orderly and economic use and development of lands for primary production. The aims to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The SEPP encourages sustainable aquaculture and outlines the criteria for categorising aquaculture as designated development. The SEPP identifies State significant agricultural land, simplifies the regulatory process for water supply in irrigation areas and districts and sets out the considerations for assessing the impact of all proposed development oyster aquaculture.

SEPP (State and Regional Development) 2011 – Identifies and declares development as a State significant development, State significant infrastructure, critical State significant infrastructure or regionally significant development based on a number of factors including location, purpose and capital investment value etc.

SEPP (State Significant Precincts) 2005 - Facilitates the orderly development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the state. The SEPP aims to facilitate service delivery outcomes for a range of public services, the development of major sites for a public purpose and redevelopment of major sites no longer appropriate or suitable for public purposes.

SEPP (Urban Renewal) 2010 - Establishes the process for assessing and identifying sites as urban renewal precincts and facilitates the orderly and economic development and redevelopment of sites in and around such precincts. The SEPP aims to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

SEPP (Vegetation in Non-Rural Areas) 2017 - Protects the biodiversity values of trees and other vegetation in non-rural areas of the State. The SEPP aims to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The policy establishes the approval pathways for clearing in non-rural areas.

SEPP (Koala Habitat Protection) 2019 – Encourages the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat. Local councils must ensure approvals for development on a land affected by this policy is consistent with the approved koala plan of management for the land. If there is no approved koala plan of management for a land affected by the policy, local councils must consider requirements of the koala habitat protection guideline or information prepared by a suitably qualified and experienced person in accordance with the guideline before approving development on the land.

(b) **REGIONAL ENVIRONMENTAL PLANS**

Willandra Lakes REP No 1 – World Heritage Property - Applies to the Willandra Lakes Region in the Shires of Wentworth and Balranald. The purpose of the plans is to protect, conserve and manage this World Heritage Property in accordance with any strategic plan of management. The plan also aims to provide a process of consultation with stakeholders on development and related decisions.

Murray REP 2 - Riverine Land - Ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinates planning along the Murray River and the implementation of planning related

aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.

(c) **LOCAL ENVIRONMENTAL PLANS – RU1 PRIMARY PRODUCTION ZONE**

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Dual occupancies (detached); Schools; Any other development not specified in item 2 or 3