



Information Sheet

10.7 (formerly 149) Certificates

What is a 10.7 Certificate?

A 10.7 Certificate is a planning certificate, under section 10.7 of the *Environmental Planning and Assessment Act 1979* (the Act) that provides information about planning controls or property issues that affect a property within the local government area of which the certificate has been issued. The information that is contained within a planning certificate is as it applies on the day that the certificate has been issued. Planning controls may change at any time and the applicable controls are not guaranteed to be in place for any period of time after a certificate has been issued.

There are two types of 10.7 Certificates:

Certificates issued under Section 10.7(2) of the Act provide information about the zoning of the lot, the relevant state, regional and local planning controls affecting the property and other property issues including any known presence of land contamination and proposed road widening

Certificates issued under Sections 10.7(2) and 10.7(5) of the Act provide the standard information required under Section 10.7(2) and additional advice that may be available from other authorities, development approvals and refusals that affect the property and decisions of Council to review any planning controls that affect the land

A 10.7 Certificate does not contain information about any specific development standards that may apply to development or terms of any relevant planning instrument (e.g. local environmental plan) that may affect the land. A 10.7 Certificate is also not a development approval for any development that is present or proposed on the subject land.

The Council does not provide any advice as to which 10.7 Certificate should be purchased. You should seek your own legal or professional advice if you are uncertain as to what suits your purposes best.

What purpose does a 10.7 Certificate serve?

A 10.7 Certificate is required to be attached as part of any sale contract for a land transaction under the *Conveyancing Act 1919*. 10.7 Certificates may also be useful in helping existing or prospective landowners to make land use and other related decisions about any parcel of land.

Do I need the approval of a landowner to make an application for a 10.7 Certificate?

There is no statutory requirement to obtain an approval or agreement from the existing landowner of a property that is the subject of a 10.7 Certificate application.

I am interested in a parcel of land consisting of more than 1 lot. How does this affect my 10.7 Certificate enquiry?

Council only issues 10.7 Certificates per individual lot (i.e. based on the real property description). Land parcels consisting of more than 1 lot will incur a need to obtain a 10.7 certificate for each of the nominated lots. This can include selected or all of the lots within the parcel. Each lot is treated as a separate application and incurs its own fee although provision is made to help simplify the application process within a single form.

What is the fee for a 10.7 Certificate application?

Fees for 10.7 Certificates are set under the provisions of the State's Environmental Planning and Assessment Regulation 2000 as follows:

10.7(2) Certificate only:	\$53.00
10.7(2) and 10.7(5) Certificate combined:	\$133.00
10.7(5) Certificate only:	\$80.00

How long does it take to process a 10.7 Certificate application?

The processing of certificates can be influenced by a range of factors. Generally, applications for 10.7 Certificates are dealt with by Council within four business days before they are ready for posting or to be picked up by an applicant.

Can I have my 10.7 Certificate application dealt with urgently?

An application for a 10.7 Certificate can be dealt urgently by Council for an additional fee of \$108.00

How do I apply for a 10.7 Certificate?

An application form must be lodged for each 10.7 Certificate application. The application form makes provision for a number of lots (ie lots that are part of a parcel of land or where a number of individual lots are or interest). The relevant fee is payable for each certificate to be issued in accordance with the type of 10.7 Certificate requested for each of the lots.

An application can be emailed to council@kyogle.nsw.gov.au : The form can be found on Council's website here.

http://www.kyogle.nsw.gov.au/cp_themes/default/page.asp?p=DOC-ISP-32-15-87

Hard copy forms can also be obtained by visiting the Council's Offices in Kyogle. Once 10.7 Certificates have been processed, the Council prefers to send the certificates electronically to applicants by email. Completed certificates can also be mailed upon request or picked up by an applicant or representative (authority required), once completed by Council at its offices in Kyogle during normal business hours.

Payment Methods

If emailing completed form, payment can be made with Credit Card (0.6% surcharge applies) by phoning 6632 1611 or direct deposit to Kyogle Council – BSB 062-563 Account No 00000011 (email remittance advice to council@kyogle.nsw.gov.au)

If posting completed form, a cheque is to accompany the form, or a direct deposit can be made into Council's account and the remittance advice sent with the form.

Further Contact:

Postal Address: PO Box 11 Kyogle NSW 2474
Office Location: 1 Stratheden St Kyogle NSW 2474
Telephone: 02 6632 1611 (business hours)
Webpage: www.kyogle.nsw.gov.au