



Civic Centre, Byng Street, Orange  
PO Box 35 Orange NSW 2800

**Certificate under section 10.7  
*Environmental Planning and Assessment Act 1979*  
(Planning Certificate)**

Certificate No     **608/20**  
Applicant Ref     BGWLA-NR

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To	Info Track GPO Box 4029 SYDNEY NSW 2001
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Assessment No	4253 (PR4344)
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Street Address	50 Frost Street, Orange
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Property Description	Lot 5 DP 36132
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Owner	NSW LAND AND HOUSING CORPORATION
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Pursuant to section 10.7(2) of the Act, the Council certifies that at the date of this certificate, the matters described below apply to the subject land.

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# **1 NAMES OF RELEVANT PLANNING INSTRUMENTS AND DCPs**

## **(1) Name of each environmental planning instrument that applies to the carrying out of development on the land**

### **Local Environmental Plan**

Orange Local Environmental Plan 2011.

### **State Environmental Planning Policies (SEPPs)**

- SEPP No 21 – Caravan Parks
- SEPP No 33 – Hazardous and Offensive Development
- SEPP No 36 – Manufactured Home Estates
- SEPP No 55 – Remediation of Land
- SEPP No 64 – Advertising and Signage
- SEPP No 65 – Design Quality of Residential Flat Development
- SEPP No 70 – Affordable Housing (Revised Schemes)
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (Miscellaneous Consent Provisions) 2007
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Rental Housing) 2009
- SEPP (State and Regional Development) 2011
- SEPP (Vegetation in Non-Rural Areas) 2017
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Concurrences) 2018

## **(2) 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 Planning Secretary has notified the Council that the making of the proposed instrument has been deferred indefinitely or has not been approved).**

Draft Orange Local Environmental Plan 2011 - Amendment 24 has been placed on exhibition from 26 July 2019 until 26 August 2019. The draft plan may be viewed online at:

<https://www.orange.nsw.gov.au/community-to-consider-new-lep-amendment-on-flood-study/>

A summary sheet of the matters covered by the draft Amendment is attached.

## **(3) Name of each development control plan that applies to the carrying out of development on the land**

Orange Development Control Plan 2004 – adopted by Council at its meeting of 19 November 2019 and operative from 30 November 2019.

## **2 ZONING AND LAND USE UNDER RELEVANT LEPs**

### **(a) Identity of Zone**

Zone R1 General Residential

### **(b) Permitted Without Consent**

Environmental protection works; home-based child care; home occupations.

### **(c) Permitted with consent**

Attached dwellings; boarding houses; building identification signs; business identification signs; camping grounds; caravan parks; centre-based child care facilities; community facilities; dwelling houses; electricity generating works; environmental facilities; exhibition homes; exhibition villages; group homes; home businesses; home industries; hostels; information and education facilities; kiosks; multi dwelling housing; neighbourhood shops; oyster aquaculture; places of public worship; pond-based aquaculture; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); residential accommodation; residential flat buildings; respite day care centres; roads; semi-detached dwellings; seniors housing; shop top housing; tank-based aquaculture; tourist and visitor accommodation; veterinary hospitals; water supply systems.

### **(d) Prohibited**

Farm stay accommodation; rural workers' dwellings; any other development not specified in item (b) or (c).

### **(e) Development Standard**

The subject land is not affected by any development standard relating to the land's dimensions that does not permit the erection of a dwelling house.

### **(f) Critical Habitat**

The land does not include or comprise critical habitat.

### **(g) Heritage Conservation Area**

The land is not located within a Heritage Conservation Area included in Part 2 of Schedule 5 and shown on the Heritage Map of Orange Local Environmental Plan 2011.

### **(h) Heritage Item**

A heritage item as listed in Part 1 of Schedule 5 and shown on the Heritage Map of Orange Local Environmental Plan 2011 is not situated on the land.

**Note** The above information is subject to the further provisions of the instrument.

## **3 COMPLYING DEVELOPMENT**

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 do not prevent complying development under each of the codes for complying development from being carried out on the land.

**4 COASTAL PROTECTION ACT**

Not affected.

**5 MINES SUBSIDENCE DISTRICT**

The land is not proclaimed to be a Mines Subsidence District.

**6 ROAD WIDENING AND ROAD REALIGNMENT**

The land is not affected by any road widening or road realignment proposal.

**7 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS**

Council has not by resolution or been notified by any public authority that they have adopted a policy to restrict development of the subject land because of the likelihood of landslip, bushfire, subsidence, acid sulphate soils or any other risk from hazards.

**7A FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

Development on the 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 living) or for any other purpose is not subject to flood related development controls.

**Note:** Draft Orange Local Environmental Plan 2011 - Amendment 24 has been placed on exhibition from 26 July 2019 until 26 August 2019. Part of Amendment 24 seeks to change the approach to flood planning controls. The draft plan may be viewed online at:

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**8 LAND RESERVED FOR ACQUISITION**

The land is not subject to acquisition by a public authority under an environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument.

**9 CONTRIBUTIONS PLAN**

Orange Development Contributions Plan 2017 was adopted by Council at its meeting of 4 July 2017 and applies to this land.

**9A BIODIVERSITY CERTIFIED LAND**

Council has not been notified that the land is biodiversity certified land within the meaning of Part 8 of the *Biodiversity Conservation Act 2016*.

**10 BIODIVERSITY STEWARDSHIP SITES**

Council has not been notified that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016*

**10A NATIVE VEGETATION CLEARING SET ASIDES**

Council has not been notified that land contains a set aside area under section 60ZC of the *Local Land Services Act 2013*.

**11 BUSH FIRE PRONE LAND**

The subject land is not bush fire prone land.

**12 PROPERTY VEGETATION PLANS**

The land is not land to which a property vegetation plan under the *Native Vegetation Act 2003* applies.

**13 ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

Council has not received notification of an order made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

**14 DIRECTION UNDER PART 3A**

Council has not received a direction by the Minister in force under section 75P(2)(c1) of the *Environmental Planning and Assessment Act 1979* that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of that Act does not have effect.

**15 SITE COMPATIBILITY CERTIFICATE AND CONDITIONS FOR SENIORS HOUSING**

The land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

Council is not aware whether there is a current site compatibility certificate issued under clause 25 of that Policy in respect of proposed development on the land.

**16 SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE**

Council is not aware that there is a valid compatibility certificate issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

**17 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

Council is not aware that there is a current site compatibility certificate (affordable rental housing) in respect of proposed development on the land.

**18 PAPER SUBDIVISION INFORMATION**

Council has not received notice of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.

Council has not received notice that a subdivision order applies to the land.

**19 SITE VERIFICATION CERTIFICATES**

Council is not aware that there is a current site verification certificate in respect of the land.

## 20 LOOSE-FILL ASBESTOS INSULATION

Council has not been advised that a residential dwelling erected on this land has been identified in the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation.

## 21 AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

Council is not aware that there is an affected building notice in force in respect of the land.

Council is not aware that there is a building rectification order in force in respect of the land.

Council is not aware of any notice of intention to make a building product rectification order in respect of the land.

## MATTERS PRESCRIBED BY SECTION 59(2) OF THE *CONTAMINATED LAND MANAGEMENT ACT 1997*

Council has not received notice under the *Contaminated Land Management Act 1997*:

- (a) that the land is significantly contaminated land within the meaning of that Act
- (b) that the land is subject to a management order within the meaning of that Act
- (c) that the land is the subject of an approved voluntary management proposal within the meaning of that Act
- (d) that the land is subject to an ongoing maintenance order within the meaning of that Act
- (e) that the land is the subject of a site audit statement within the meaning of that Act.

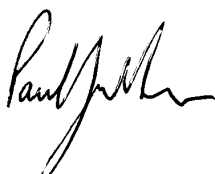
**The above information has been taken from Council's records, but Council cannot accept responsibility for any omission or inaccuracy.**

<b>Date receipted by Council</b>	16 November 2020	<b>Fee</b>	\$53
<b>Date of certificate</b>	24 November 2020	<b>Receipt number</b>	3087164

David Waddell

**CHIEF EXECUTIVE OFFICER**

Per



**Any request for further information in connection with the above should be marked for the attention of Council's Manager Development Assessments, Mr Paul Johnston - (02) 6393 8260.**

For information on matters other than those pertaining to this certificate, contact Council's Customer Service number - (02) 6393 8000.

*Some information contained within this certificate has been provided by Land and Property NSW. If that information is vital for the end use, that information should be verified by the applicant for the certificate with Land and Property NSW.*

(enclosure: asbestos information fact sheet)

(enclosure: draft Amendment 24 summary sheet)



Civic Centre, Byng Street, Orange  
PO Box 35 Orange NSW 2800

Certificate No	<b>608/20</b>
Property Description	50 Frost Street, Orange - Lot 5 DP 36132
Owner	NSW Land and Housing Corporation
Applicant	Info Track GPO Box 4029 SYDNEY NSW 2001

**Annexure to Certificate under section 10.7**  
**Pursuant to Section 10.7(5)**  
***Environmental Planning and Assessment Act 1979***  
**(Planning Certificate)**

**ADVICE ON OTHER RELEVANT MATTERS AFFECTING THE ABOVEMENTIONED LAND OF WHICH COUNCIL IS AWARE:**

- 1 No development consents have been issued with respect to the land within the previous five years.
- 2 The current approved use of the property is *dwelling house*.

*Some residential homes located in the Orange City Council area have been identified as containing loose-fill asbestos insulation, for example in the roof space. NSW Fair Trading maintains a Register of homes that are affected by loose-fill asbestos insulation.*

*You should make your own enquiries as to the age of the buildings on the land to which this certificate relates and, if it contains a building constructed prior to 1980, the council strongly recommends that any potential purchaser obtain advice from a licensed asbestos assessor to determine whether loose-fill asbestos is present in any building on the land and, if so, the health risks (if any) this may pose for the building's occupants.*

*Contact NSW Fair Trading for further information.*

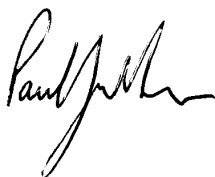
**The above information has been taken from Council's records, but Council cannot accept responsibility for any omission or inaccuracy.**

<b>Date receipted by Council</b>	16 November 2020	<b>Fee</b>	\$80
<b>Date of certificate</b>	24 November 2020	<b>Receipt number</b>	3087164

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(enclosure: asbestos information fact sheet)

(enclosure: draft Amendment 24 summary sheet)



## ASBESTOS INFORMATION FACT SHEET (attachment for 10.7 certificates)

### Naturally Occurring Asbestos

Some rocks and associated soils in the Orange City Local Government Area naturally contain asbestos minerals. When disturbed, these materials have the potential to release asbestos fibres into the air.

Mapping of these potential deposits has been released by the NSW Government - Trade & Investment NSW. These maps can be found on the SafeWork NSW website - see:

<https://trade.maps.arcgis.com/apps/PublicInformation/index.html?appid=87434b6ec7dd4aba8cb664d8e646fb06>

Orange City Council also has some more detailed information on naturally occurring asbestos - see:

**Asbestos Management Plan:**

[www.orange.nsw.gov.au/wp-content/uploads/2018/08/Asbestos-Management-Plan.pdf](http://www.orange.nsw.gov.au/wp-content/uploads/2018/08/Asbestos-Management-Plan.pdf)

**Strategic Policy ST001 – Asbestos Management**

[www.orange.nsw.gov.au/wp-content/uploads/2018/07/Asbestos-Management-ST001.pdf](http://www.orange.nsw.gov.au/wp-content/uploads/2018/07/Asbestos-Management-ST001.pdf)

### Asbestos products in buildings and other infrastructure

Asbestos was commonly used in the manufacture of building products until the mid-1980s, after which it was gradually phased out. Many buildings constructed prior to a total ban on the use of asbestos in 2003 are likely to have asbestos containing materials. Table 1 provides a 'general rule' of the likelihood that a building would contain asbestos materials.

**Table 1**  
**General Likelihood of a Building Containing Asbestos**  
(Source: Office of Local Government - *Model Asbestos Policy for NSW Councils*)

Date of Construction	Likelihood Structure Contains Asbestos
before the mid-1980s	Highly likely to contain asbestos containing materials;
between the mid 1980s and 1990	Likely to contain asbestos containing materials;
between 1990 and 31 December 2003	Unlikely to contain asbestos containing materials;
after 31 December 2003	Very unlikely to contain asbestos containing materials as a total ban on any activity involving asbestos products became effective on that date.

## Asbestos contamination resulting from disturbance of either of the above

Contamination may be the result of illegal dumping of asbestos containing materials, from incidents such as building fires or prior uncontrolled placement of asbestos containing materials.

### Loose Fill Asbestos Insulation

Finally, it is noted that in the 1960s and 1970s a loose fill asbestos ceiling insulation material was installed in commercial and residential premises by an ACT-based company trading as 'Mr Fluffy'. It is also understood that other companies may have installed similar insulation materials. This product was made of crushed, loose asbestos and was either pumped or spread by hand into the ceiling space. This material may be very easily disturbed, generating airborne asbestos fibres that may cause health risks if inhaled or ingested. Additionally, the material can migrate from the ceiling to other areas of the building, such as walls and subfloor areas.

There is increasing evidence to suggest that this loose fill asbestos insulation material was installed not only in the ACT, but also in many areas of NSW, including Orange. Residents are encouraged to make their own enquiries to determine the age of the buildings on the land to which this certificate relates and, if it contains a building constructed prior to 1980. Council strongly recommends that any potential purchaser obtain advice from a licensed asbestos assessor to determine whether or not loose fill asbestos is present in the building and if so, the health risks (if any) this may pose for the building's occupants.

The NSW Government administers the "Loose Fill Asbestos Insulation Register" which lists properties that have been positively identified as containing loose fill asbestos insulation. This register may be accessed by the public using the NSW Fair Trading Website [http://www.fairtrading.nsw.gov.au/ftw/Tenants\\_and\\_home\\_owners/Loose\\_fill\\_asbestos\\_insulation/Public\\_Search/LFAI\\_Public\\_Register.page](http://www.fairtrading.nsw.gov.au/ftw/Tenants_and_home_owners/Loose_fill_asbestos_insulation/Public_Search/LFAI_Public_Register.page)

Additional information regarding the loose fill asbestos insulation may be obtained from NSW Fair Trading on telephone 13 77 88.

## DRAFT AMENDMENT 24 SUMMARY SHEET

Orange City Council has placed draft Amendment 24 to Orange LEP 2011 on public exhibition for comment. The exhibition period runs from 26 July 2019 to 26 August 2019. The amendment seeks to make a number of changes as outlined below. Some matters have broad application across the Orange Local Government Area, others are more focused on particular locations or properties.

More details are available on Council's website via the link below:

<https://www.orange.nsw.gov.au/community-to-consider-new-lep-amendment-on-flood-study/>

- 1 Amendments to the Heritage Map and associated Schedule 5 entries to correct a range of minor errors. This includes some items that were mapped correctly but were not in the schedule or were incorrectly identified in the schedule. Alternatively some items were correct in the schedule but had not been mapped properly. Finally one heritage conservation area C3 is proposed to be reduced in area by a single lot where the former house has been demolished and redeveloped into part of a motor vehicle display area.
- 2 Amendment to the LEP maps to correct minor cadastre misalignments. This arises from the land titles register switching to a new base model of the State. Maps derived from the former base model would therefore not integrate correctly with maps derived from the new model. Accordingly the LEP maps have been updated to the new model – this does not alter the property boundaries on the ground for any property.
- 3 Amendment to the Flood Planning controls, associated with an amendment to Orange Development Control Plan 2004, to place flood planning controls and mapping within the DCP. The existing Flood Planning Map will be removed from the LEP and new maps, derived from a new flood plain study, are to be inserted into chapter 4A of the DCP. Clause 7.2 in the LEP is to be amended to reference the DCP directly.
- 4 Adoption of Combined Local Map 1 Sheet 12 to complete a missing section of the urban water catchment boundary layer.
- 5 Amendment of Combined Local Map 1 Sheets 9, 10 and 15 to update the airport Obstacle Limitation Surface to reflect the changes arising from the runway extension.
- 6 Amendment of Clause 4.1C in relation to multi dwelling housing in Ploughmans Valley. The current clause, which relates only to the R2 zone, mentions multi dwelling housing despite such housing being prohibited in the R2 zone. To avoid confusion the reference to multi dwelling housing is to be removed.
- 7 Amendment to clause 4.2 to include the E3 Environmental Management zone in the list of zones to which the clause applies. The clause permits the subdivision of rural lands of any size provided no new dwelling entitlements are created. This clause enables, for example, farmers to buy or sell fields for primary production or other non-residential purposes.

- 8 Adoption of a new clause in relation to the subdivision of split-zoned and split-sized land parcels to reflect the intention of the zoning and lot size maps. Essentially where a zone boundary exists, particularly arising from a planning proposal to create a new housing estate, the proposal may logically end partway through a large property. This would have the effect of preventing the intended subdivision for the new estate, purely because it would create an undersized residue lot. The new clause enables an undersized lot to be created for the residue land so that the planning proposal can proceed as intended.
- 9 Adoption of a new clause in relation to small scale cafés in residential areas and associated amendment of clause 5.4 to provide a floor space limit for such development. Additionally small scale cafés would not be able to include a drive thru element as this would create additional traffic noise that is inconsistent with the residential intent of the zone.
- 10 Minor rezoning of land, and adjustment of the minimum lot size at Narrambla to align with cadastre boundaries. This adjustment results from previous subdivision approvals along the northern edge of Narrambla and the residential land beyond the SP2 zone to its north.
- 11 Minor adjustment/rezoning of land along the Teamsters Walkway to align with cadastre boundaries. The RE1 land is currently not aligned properly to the cadastre resulting in several neighbouring residential properties having small sections of RE1 land crossing over their boundaries. The proposal re-aligns the RE1 land to correctly follow the public open space known as Teamsters Walkway.
- 12 Amending the SP2 zone applying to the Rural Fire Service site in Forest Road to reflect the emergency services usage. Currently the site has no associated description on the map. The only development permitted on SP2 land is the purpose stated on the map, or development ancillary to that purpose. Therefore the current lack of a label would technically make all forms of development prohibited on the land. The proposal therefore seeks to include a label in relation to this property to become: SP2 “Emergency Services”.
- 13 Minor rezoning to change the designation of Jack Brabham Park from RE2 Private Recreation to RE1 Public Recreation. It is considered that an RE1 zone better reflects the status and usage of Jack Brabham Park.
- 14 Minor rezoning of neighbourhood shops in East Orange to B1 Neighbourhood Centre to better recognise the current use of the land at and around the East Orange Post Office. The existing post office, denture clinic, café and disused office premises form a neighbourhood cluster of small scale retail activity. The post office owner has acquired two houses at 150 and 152 McLachlan Street. It is anticipated the rear yards of these dwellings could provide capacity for the post office to expand to meet the changing nature of postal deliveries.
- 15 Minor amendment to the Minimum Lot Size map in relation to land intended for a future caravan park on the eastern edge of the city. The land was previously rezoned to RE2 Private Recreation but the minimum lot size map was not updated at that time and remains at 100ha in the south and no minimum in the North. This limits the ability of the site to be divided across associated Recreation uses, such as the go-kart track. The proposal seeks to remove the 100ha designation, resulting in the entire site having no minimum lot size.

- 16 Minor amendment to the water catchment boundary and zoning map in relation to land at Shadforth. The landowner at 4004 Mitchell Highway Lucknow undertook a site specific survey to demonstrate that the water catchment boundary, and by inference the zone boundary between the RU1 and E3 zones does not accurately match the topography of the site. The proposal therefore seeks to amend the relevant maps to reflect the improved survey data.
- 17 Creation of an Additional Permitted Use (APU) in relation to a dwelling entitlement at 120 Calton Road. The APU relates to three parcels of land being Lots 1 and 2 DP 1085790, and Lot 41 DP 979808.
- 18 Minor amendment to Land Use Tables to explicitly permit Bee Keeping in the R1, R2, R5 and RU5 zones.
- 19 Minor amendment to Land Use Tables to explicitly permit Extensive Agriculture in the R5 Large Lot Residential zone.
- 20 Minor amendment to Land Use Tables to explicitly permit Secondary Dwellings in the R2 Low Density Residential zone. this removes the need for such development to rely upon provisions in the State Environmental Planning Policy (Affordable Rental Housing) 2009 and may therefore utilise the 50% floor space provision in clause 5.4 of the LEP rather than the strict limit of 60m<sup>2</sup> under the SEPP.
- 21 Minor rezoning of land to excise a small portion of IN1 General Industrial land for residential purposes. Located at 1 Barrett Street orange the existing industrial premises has an unusable area of land behind the large shed. This land has potential to provide an alternative access point for the neighbouring residential property and associated multi dwelling housing approval.
- 22 Minor amendment to the minimum lot size map in relation to approved subdivisions in the Shiralee area. Existing residential subdivisions in Shiralee have required minor alterations to the layout and lot sizes. As a result the lot size map does not accurately reflect the approved pattern of development. The proposal seeks to change the lot size map to reflect the approved subdivisions.
- 23 Minor amendment to rectify the Land Application Map. The change seeks only to confirm that Lot 1 DP 744765 situated on the eastern edge of Orange is within the official boundaries of Orange, in accordance with the proclamation of boundaries published in the NSW Government Gazette No 144 on 11 December 1992.



Civic Centre, Byng Street, Orange  
PO Box 35 Orange NSW 2800

**Certificate under section 10.7**  
***Environmental Planning and Assessment Act 1979***  
**(Planning Certificate)**

Certificate No    **609/20**  
Applicant Ref    BGELA-NR

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To	Info Track GPO Box 4029 SYDNEY NSW 2001
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Assessment No	12313 (PR12334)
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Street Address	1 Waratah Avenue, Orange
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Property Description	Lot 6 DP 36132
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Owner	NSW LAND AND HOUSING CORPORATION
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### **(1) Name of each environmental planning instrument that applies to the carrying out of development on the land**

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Zone R1 General Residential

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**4 COASTAL PROTECTION ACT**

Not affected.

**5 MINES SUBSIDENCE DISTRICT**

The land is not proclaimed to be a Mines Subsidence District.

**6 ROAD WIDENING AND ROAD REALIGNMENT**

The land is not affected by any road widening or road realignment proposal.

**7 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS**

Council has not by resolution or been notified by any public authority that they have adopted a policy to restrict development of the subject land because of the likelihood of landslip, bushfire, subsidence, acid sulphate soils or any other risk from hazards.

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**Note:** Draft Orange Local Environmental Plan 2011 - Amendment 24 has been placed on exhibition from 26 July 2019 until 26 August 2019. Part of Amendment 24 seeks to change the approach to flood planning controls. The draft plan may be viewed online at:

<https://www.orange.nsw.gov.au/community-to-consider-new-lep-amendment-on-flood-study/>

A summary sheet of the matters covered by the draft Amendment is attached.

**8 LAND RESERVED FOR ACQUISITION**

The land is not subject to acquisition by a public authority under an environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument.

**9 CONTRIBUTIONS PLAN**

Orange Development Contributions Plan 2017 was adopted by Council at its meeting of 4 July 2017 and applies to this land.

**9A BIODIVERSITY CERTIFIED LAND**

Council has not been notified that the land is biodiversity certified land within the meaning of Part 8 of the *Biodiversity Conservation Act 2016*.

**10 BIODIVERSITY STEWARDSHIP SITES**

Council has not been notified that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016*

**10A NATIVE VEGETATION CLEARING SET ASIDES**

Council has not been notified that land contains a set aside area under section 60ZC of the *Local Land Services Act 2013*.

**11 BUSH FIRE PRONE LAND**

The subject land is not bush fire prone land.

**12 PROPERTY VEGETATION PLANS**

The land is not land to which a property vegetation plan under the *Native Vegetation Act 2003* applies.

**13 ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

Council has not received notification of an order made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

**14 DIRECTION UNDER PART 3A**

Council has not received a direction by the Minister in force under section 75P(2)(c1) of the *Environmental Planning and Assessment Act 1979* that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of that Act does not have effect.

**15 SITE COMPATIBILITY CERTIFICATE AND CONDITIONS FOR SENIORS HOUSING**

The land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

Council is not aware whether there is a current site compatibility certificate issued under clause 25 of that Policy in respect of proposed development on the land.

**16 SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE**

Council is not aware that there is a valid compatibility certificate issued under clause 19 of State Environmental Planning Policy (Infrastructure) 2007 in respect of proposed development on the land.

**17 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

Council is not aware that there is a current site compatibility certificate (affordable rental housing) in respect of proposed development on the land.

**18 PAPER SUBDIVISION INFORMATION**

Council has not received notice of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.

Council has not received notice that a subdivision order applies to the land.

**19 SITE VERIFICATION CERTIFICATES**

Council is not aware that there is a current site verification certificate in respect of the land.

## 20 LOOSE-FILL ASBESTOS INSULATION

Council has not been advised that a residential dwelling erected on this land has been identified in the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation.

## 21 AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

Council is not aware that there is an affected building notice in force in respect of the land.

Council is not aware that there is a building rectification order in force in respect of the land.

Council is not aware of any notice of intention to make a building product rectification order in respect of the land.

## MATTERS PRESCRIBED BY SECTION 59(2) OF THE *CONTAMINATED LAND MANAGEMENT ACT 1997*

Council has not received notice under the *Contaminated Land Management Act 1997*:

- (a) that the land is significantly contaminated land within the meaning of that Act
- (b) that the land is subject to a management order within the meaning of that Act
- (c) that the land is the subject of an approved voluntary management proposal within the meaning of that Act
- (d) that the land is subject to an ongoing maintenance order within the meaning of that Act
- (e) that the land is the subject of a site audit statement within the meaning of that Act.

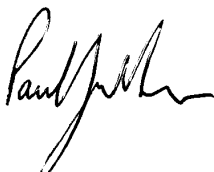
**The above information has been taken from Council's records, but Council cannot accept responsibility for any omission or inaccuracy.**

<b>Date receipted by Council</b>	16 November 2020	<b>Fee</b>	\$53
<b>Date of certificate</b>	24 November 2020	<b>Receipt number</b>	3087164

David Waddell

**CHIEF EXECUTIVE OFFICER**

Per



**Any request for further information in connection with the above should be marked for the attention of Council's Manager Development Assessments, Mr Paul Johnston - (02) 6393 8260.**

For information on matters other than those pertaining to this certificate, contact Council's Customer Service number - (02) 6393 8000.

*Some information contained within this certificate has been provided by Land and Property NSW. If that information is vital for the end use, that information should be verified by the applicant for the certificate with Land and Property NSW.*

(enclosure: asbestos information fact sheet)

(enclosure: draft Amendment 24 summary sheet)



Civic Centre, Byng Street, Orange  
PO Box 35 Orange NSW 2800

Certificate No	<b>609/20</b>
Property Description	1 Waratah Avenue, Orange - Lot 6 DP 36132
Owner	NSW LAND AND HOUSING CORPORATION
Applicant	Info Track GPO Box 4029 SYDNEY NSW 2001

**Annexure to Certificate under section 10.7**  
**Pursuant to Section 10.7(5)**  
***Environmental Planning and Assessment Act 1979***  
**(Planning Certificate)**

**ADVICE ON OTHER RELEVANT MATTERS AFFECTING THE ABOVEMENTIONED LAND OF WHICH COUNCIL IS AWARE:**

- 1 No development consents have been issued with respect to the land within the previous five years.
- 2 The current approved use of the property is *dwelling house*.

*Some residential homes located in the Orange City Council area have been identified as containing loose-fill asbestos insulation, for example in the roof space. NSW Fair Trading maintains a Register of homes that are affected by loose-fill asbestos insulation.*

*You should make your own enquiries as to the age of the buildings on the land to which this certificate relates and, if it contains a building constructed prior to 1980, the council strongly recommends that any potential purchaser obtain advice from a licensed asbestos assessor to determine whether loose-fill asbestos is present in any building on the land and, if so, the health risks (if any) this may pose for the building's occupants.*

*Contact NSW Fair Trading for further information.*

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

<b>Date receipted by Council</b>	16 November 2020	<b>Fee</b>	\$80
<b>Date of certificate</b>	24 November 2020	<b>Receipt number</b>	3087164

David Waddell

**CHIEF EXECUTIVE OFFICER**

Per



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(enclosure: asbestos information fact sheet)

(enclosure: draft Amendment 24 summary sheet)

## ASBESTOS INFORMATION FACT SHEET (attachment for 10.7 certificates)

### Naturally Occurring Asbestos

Some rocks and associated soils in the Orange City Local Government Area naturally contain asbestos minerals. When disturbed, these materials have the potential to release asbestos fibres into the air.

Mapping of these potential deposits has been released by the NSW Government - Trade & Investment NSW. These maps can be found on the SafeWork NSW website - see:

<https://trade.maps.arcgis.com/apps/PublicInformation/index.html?appid=87434b6ec7dd4aba8cb664d8e646fb06>

Orange City Council also has some more detailed information on naturally occurring asbestos - see:

**Asbestos Management Plan:**

[www.orange.nsw.gov.au/wp-content/uploads/2018/08/Asbestos-Management-Plan.pdf](http://www.orange.nsw.gov.au/wp-content/uploads/2018/08/Asbestos-Management-Plan.pdf)

**Strategic Policy ST001 – Asbestos Management**

[www.orange.nsw.gov.au/wp-content/uploads/2018/07/Asbestos-Management-ST001.pdf](http://www.orange.nsw.gov.au/wp-content/uploads/2018/07/Asbestos-Management-ST001.pdf)

### Asbestos products in buildings and other infrastructure

Asbestos was commonly used in the manufacture of building products until the mid-1980s, after which it was gradually phased out. Many buildings constructed prior to a total ban on the use of asbestos in 2003 are likely to have asbestos containing materials. Table 1 provides a 'general rule' of the likelihood that a building would contain asbestos materials.

**Table 1**  
**General Likelihood of a Building Containing Asbestos**  
(Source: Office of Local Government - *Model Asbestos Policy for NSW Councils*)

Date of Construction	Likelihood Structure Contains Asbestos
before the mid-1980s	Highly likely to contain asbestos containing materials;
between the mid 1980s and 1990	Likely to contain asbestos containing materials;
between 1990 and 31 December 2003	Unlikely to contain asbestos containing materials;
after 31 December 2003	Very unlikely to contain asbestos containing materials as a total ban on any activity involving asbestos products became effective on that date.

## Asbestos contamination resulting from disturbance of either of the above

Contamination may be the result of illegal dumping of asbestos containing materials, from incidents such as building fires or prior uncontrolled placement of asbestos containing materials.

### Loose Fill Asbestos Insulation

Finally, it is noted that in the 1960s and 1970s a loose fill asbestos ceiling insulation material was installed in commercial and residential premises by an ACT-based company trading as 'Mr Fluffy'. It is also understood that other companies may have installed similar insulation materials. This product was made of crushed, loose asbestos and was either pumped or spread by hand into the ceiling space. This material may be very easily disturbed, generating airborne asbestos fibres that may cause health risks if inhaled or ingested. Additionally, the material can migrate from the ceiling to other areas of the building, such as walls and subfloor areas.

There is increasing evidence to suggest that this loose fill asbestos insulation material was installed not only in the ACT, but also in many areas of NSW, including Orange. Residents are encouraged to make their own enquiries to determine the age of the buildings on the land to which this certificate relates and, if it contains a building constructed prior to 1980. Council strongly recommends that any potential purchaser obtain advice from a licensed asbestos assessor to determine whether or not loose fill asbestos is present in the building and if so, the health risks (if any) this may pose for the building's occupants.

The NSW Government administers the "Loose Fill Asbestos Insulation Register" which lists properties that have been positively identified as containing loose fill asbestos insulation. This register may be accessed by the public using the NSW Fair Trading Website [http://www.fairtrading.nsw.gov.au/ftw/Tenants\\_and\\_home\\_owners/Loose\\_fill\\_asbestos\\_insulation/Public\\_Search/LFAI\\_Public\\_Register.page](http://www.fairtrading.nsw.gov.au/ftw/Tenants_and_home_owners/Loose_fill_asbestos_insulation/Public_Search/LFAI_Public_Register.page)

Additional information regarding the loose fill asbestos insulation may be obtained from NSW Fair Trading on telephone 13 77 88.

## DRAFT AMENDMENT 24 SUMMARY SHEET

Orange City Council has placed draft Amendment 24 to Orange LEP 2011 on public exhibition for comment. The exhibition period runs from 26 July 2019 to 26 August 2019. The amendment seeks to make a number of changes as outlined below. Some matters have broad application across the Orange Local Government Area, others are more focused on particular locations or properties.

More details are available on Council's website via the link below:

<https://www.orange.nsw.gov.au/community-to-consider-new-lep-amendment-on-flood-study/>

- 1 Amendments to the Heritage Map and associated Schedule 5 entries to correct a range of minor errors. This includes some items that were mapped correctly but were not in the schedule or were incorrectly identified in the schedule. Alternatively some items were correct in the schedule but had not been mapped properly. Finally one heritage conservation area C3 is proposed to be reduced in area by a single lot where the former house has been demolished and redeveloped into part of a motor vehicle display area.
- 2 Amendment to the LEP maps to correct minor cadastre misalignments. This arises from the land titles register switching to a new base model of the State. Maps derived from the former base model would therefore not integrate correctly with maps derived from the new model. Accordingly the LEP maps have been updated to the new model – this does not alter the property boundaries on the ground for any property.
- 3 Amendment to the Flood Planning controls, associated with an amendment to Orange Development Control Plan 2004, to place flood planning controls and mapping within the DCP. The existing Flood Planning Map will be removed from the LEP and new maps, derived from a new flood plain study, are to be inserted into chapter 4A of the DCP. Clause 7.2 in the LEP is to be amended to reference the DCP directly.
- 4 Adoption of Combined Local Map 1 Sheet 12 to complete a missing section of the urban water catchment boundary layer.
- 5 Amendment of Combined Local Map 1 Sheets 9, 10 and 15 to update the airport Obstacle Limitation Surface to reflect the changes arising from the runway extension.
- 6 Amendment of Clause 4.1C in relation to multi dwelling housing in Ploughmans Valley. The current clause, which relates only to the R2 zone, mentions multi dwelling housing despite such housing being prohibited in the R2 zone. To avoid confusion the reference to multi dwelling housing is to be removed.
- 7 Amendment to clause 4.2 to include the E3 Environmental Management zone in the list of zones to which the clause applies. The clause permits the subdivision of rural lands of any size provided no new dwelling entitlements are created. This clause enables, for example, farmers to buy or sell fields for primary production or other non-residential purposes.



- 8 Adoption of a new clause in relation to the subdivision of split-zoned and split-sized land parcels to reflect the intention of the zoning and lot size maps. Essentially where a zone boundary exists, particularly arising from a planning proposal to create a new housing estate, the proposal may logically end partway through a large property. This would have the effect of preventing the intended subdivision for the new estate, purely because it would create an undersized residue lot. The new clause enables an undersized lot to be created for the residue land so that the planning proposal can proceed as intended.
- 9 Adoption of a new clause in relation to small scale cafés in residential areas and associated amendment of clause 5.4 to provide a floor space limit for such development. Additionally small scale cafés would not be able to include a drive thru element as this would create additional traffic noise that is inconsistent with the residential intent of the zone.
- 10 Minor rezoning of land, and adjustment of the minimum lot size at Narrambla to align with cadastre boundaries. This adjustment results from previous subdivision approvals along the northern edge of Narrambla and the residential land beyond the SP2 zone to its north.
- 11 Minor adjustment/rezoning of land along the Teamsters Walkway to align with cadastre boundaries. The RE1 land is currently not aligned properly to the cadastre resulting in several neighbouring residential properties having small sections of RE1 land crossing over their boundaries. The proposal re-aligns the RE1 land to correctly follow the public open space known as Teamsters Walkway.
- 12 Amending the SP2 zone applying to the Rural Fire Service site in Forest Road to reflect the emergency services usage. Currently the site has no associated description on the map. The only development permitted on SP2 land is the purpose stated on the map, or development ancillary to that purpose. Therefore the current lack of a label would technically make all forms of development prohibited on the land. The proposal therefore seeks to include a label in relation to this property to become: SP2 "Emergency Services".
- 13 Minor rezoning to change the designation of Jack Brabham Park from RE2 Private Recreation to RE1 Public Recreation. It is considered that an RE1 zone better reflects the status and usage of Jack Brabham Park.
- 14 Minor rezoning of neighbourhood shops in East Orange to B1 Neighbourhood Centre to better recognise the current use of the land at and around the East Orange Post Office. The existing post office, denture clinic, café and disused office premises form a neighbourhood cluster of small scale retail activity. The post office owner has acquired two houses at 150 and 152 McLachlan Street. It is anticipated the rear yards of these dwellings could provide capacity for the post office to expand to meet the changing nature of postal deliveries.
- 15 Minor amendment to the Minimum Lot Size map in relation to land intended for a future caravan park on the eastern edge of the city. The land was previously rezoned to RE2 Private Recreation but the minimum lot size map was not updated at that time and remains at 100ha in the south and no minimum in the North. This limits the ability of the site to be divided across associated Recreation uses, such as the go-kart track. The proposal seeks to remove the 100ha designation, resulting in the entire site having no minimum lot size.

- 16 Minor amendment to the water catchment boundary and zoning map in relation to land at Shadforth. The landowner at 4004 Mitchell Highway Lucknow undertook a site specific survey to demonstrate that the water catchment boundary, and by inference the zone boundary between the RU1 and E3 zones does not accurately match the topography of the site. The proposal therefore seeks to amend the relevant maps to reflect the improved survey data.
- 17 Creation of an Additional Permitted Use (APU) in relation to a dwelling entitlement at 120 Calton Road. The APU relates to three parcels of land being Lots 1 and 2 DP 1085790, and Lot 41 DP 979808.
- 18 Minor amendment to Land Use Tables to explicitly permit Bee Keeping in the R1, R2, R5 and RU5 zones.
- 19 Minor amendment to Land Use Tables to explicitly permit Extensive Agriculture in the R5 Large Lot Residential zone.
- 20 Minor amendment to Land Use Tables to explicitly permit Secondary Dwellings in the R2 Low Density Residential zone. this removes the need for such development to rely upon provisions in the State Environmental Planning Policy (Affordable Rental Housing) 2009 and may therefore utilise the 50% floor space provision in clause 5.4 of the LEP rather than the strict limit of 60m<sup>2</sup> under the SEPP.
- 21 Minor rezoning of land to excise a small portion of IN1 General Industrial land for residential purposes. Located at 1 Barrett Street orange the existing industrial premises has an unusable area of land behind the large shed. This land has potential to provide an alternative access point for the neighbouring residential property and associated multi dwelling housing approval.
- 22 Minor amendment to the minimum lot size map in relation to approved subdivisions in the Shiralee area. Existing residential subdivisions in Shiralee have required minor alterations to the layout and lot sizes. As a result the lot size map does not accurately reflect the approved pattern of development. The proposal seeks to change the lot size map to reflect the approved subdivisions.
- 23 Minor amendment to rectify the Land Application Map. The change seeks only to confirm that Lot 1 DP 744765 situated on the eastern edge of Orange is within the official boundaries of Orange, in accordance with the proclamation of boundaries published in the NSW Government Gazette No 144 on 11 December 1992.