



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

**Certificate under section 10.7
Environmental Planning and Assessment Act 1979
(and associated EP&A Regulation 2021)
(Planning Certificate)**

Certificate No **495/23**
Applicant Ref ---

To Planning Pty Ltd
oliverklein1968@gmail.com

Assessment No 20440 (PR25684)

Street Address 1530 Forest Road, Orange

Property Description Lot 10 DP 1174672

Owner HEALTH ADMINISTRATION CORPORATION

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.

1 NAMES OF RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

(1) Name of each environmental planning instrument and development control plan that applies to the carrying out of development on the land

Local Environmental Plan

Orange Local Environmental Plan 2011, as amended.

Development Control Plan/s

Orange Development Control Plan 2004 – adopted on 7 September 2021 and operative from 17 September 2021.

State Environmental Planning Policies (SEPPs)

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Primary Production) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Transport and Infrastructure) 2021

(2) Name of each proposed environmental planning instrument and draft development control plan, which is or has been subject to community consultation or public exhibition under the Act, that will apply to the carrying out of development on the land

There are no draft environmental planning instruments or draft development control plans that apply to the subject land.

2 ZONING AND LAND USE UNDER RELEVANT PLANNING INSTRUMENTS

(a) Identity of zone

SP2 Infrastructure

(b) Purposes for which development in the zone:

(i) may be carried out without development consent:

environmental protection works

(ii) may not be carried out except with development consent:

aquaculture; roads; the purpose shown on the land zoning map, including any development that is ordinarily incidental or ancillary to development for that purpose

(iii) is prohibited:

any development not specified in item (i) or (ii).

(c) Additional permitted uses that apply to the land

No additional permitted uses apply to the land.

(d) Development standards applying to the land that fix minimum land dimensions for the erection of a dwelling house on the land

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.

(e) Outstanding biodiversity value

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

(f) 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.

(g) Environmental heritage

A heritage item as listed in Part 1 of Schedule 5 and shown on the Heritage Map of Orange Local Environmental Plan 2011 is situated on the land.

The subject land is also a State Listed Heritage Item under the *Heritage Act 1977*.

3 CONTRIBUTIONS PLANS

(1) Name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans

Orange Development Contributions Plan 2017 applies to the land.

(2) Name of any special contributions area under the Act, Division 7.1 that the land is located within

The land is not located in any special contributions area.

4 COMPLYING DEVELOPMENT

Complying development may not be carried out on the land under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.17A.(1)(c)-(e), (2), (3) or (4), 1.18(1)(c3) or 1.19 for the following reasons:

- the land is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or is land on which such an item is located (except as may be provided for under clause 1.17A(2) of the Policy).
- the land comprises an item that is listed on the State Heritage Register under the *Heritage Act 1977* or is land on which such an item is located (except as may be provided for under clause 1.17A(2) of the Policy).

Advisory Note: Some properties in the Orange Local Government Area may be subject to the Greenfield Housing Code under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The "Greenfield Housing Code Area Map" can be accessed via this link:

[https://eplanningdlprod.blob.core.windows.net/pdfmaps/Orange Local Government Area Map.pdf](https://eplanningdlprod.blob.core.windows.net/pdfmaps/Orange%20Local%20Government%20Area%20Map.pdf)

5 EXEMPT DEVELOPMENT

The land may not be land on which exempt development may be carried out under each of the exempt development codes under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* because of that Policy, clause 1.16(1)(b1)-(d) for the reason/s that:

- the land comprises an item that is listed on the State Heritage Register under the *Heritage Act 1977* or is land on which such an item is located (except as may be provided for under clause 1.16(1A) of the Policy).

6 AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

- (a) Council is not aware that an affected building notice is in force in relation to the land.
- (b) Council is not aware that a building product rectification order is in force in relation to the land that has not been fully complied with.
- (c) Council is not aware that a notice of intention to make a building product rectification order given in relation to the land is outstanding.

7 LAND RESERVED FOR ACQUISITION

The land is not subject to acquisition by an authority of the State under an environmental planning instrument or proposed environmental planning instrument.

8 ROAD WIDENING AND ROAD REALIGNMENT

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

- (a) the *Roads Act 1993*, Part 3 Division 2, or
- (b) an environmental planning instrument, or
- (c) a resolution of the Council.

9 FLOOD RELATED DEVELOPMENT CONTROLS

- (1) The land or part of the land is not within the flood planning area and is not subject to flood related development controls.
- (2) The land or part of the land is not between the flood planning area and the probable maximum flood and is not subject to flood related development controls.

For further information regarding flooding, please see Council's "Flooding Fact Sheet" at: <https://www.orange.nsw.gov.au/wp-content/uploads/2021/07/Flood-Fact-Sheet.pdf>

10 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

The land is not affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.

11 BUSH FIRE PRONE LAND

The subject land is not bush fire prone land.

12 LOOSE-FILL ASBESTOS INSULATION

The land does not include residential premises, within the meaning of the *Home Building Act 1989*, Part 8, Division 1A, that are listed on the Register kept under that Division.

13 MINES SUBSIDENCE

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

14 PAPER SUBDIVISION INFORMATION

- (1) 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.
- (2) Council has not received notice that a subdivision order applies to the land.

15 PROPERTY VEGETATION PLANS

Council has not been notified of any property vegetation plan approved and in force under the *Native Vegetation Act 2003*, Part 4, that applies to the land.

16 BIODIVERSITY STEWARDSHIP SITES

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

17 BIODIVERSITY CERTIFIED LAND

Council has not been notified that the land is biodiversity certified land under the *Biodiversity Conservation Act 2016*, Part 8.

18 ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

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

19 ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS

Not affected.

20 WESTERN SYDNEY AEROTROPOLIS

Not affected.

21 DEVELOPMENT CONSENT CONDITIONS FOR SENIORS HOUSING

State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5 applies to the land.

Council is not aware of any conditions of a development consent granted after 11 October 2007 in relation to the land that are of a kind set out in section 88(2) of that Policy.

22 SITE COMPATIBILITY CERTIFICATES AND DEVELOPMENT CONSENT CONDITIONS FOR AFFORDABLE RENTAL HOUSING

- (1) Council is not aware that there is a current site compatibility certificate under State Environmental Planning Policy (Housing) 2021, or a former site compatibility certificate in relation to proposed development on the land.
- (2) Chapter 2 Part 2 Division 1 of State Environmental Planning Policy (Housing) 2021 does not apply to the land.
- (3) Chapter 2 Part 2 Division 5 of State Environmental Planning Policy (Housing) 2021 does not apply to the land.
- (4) There are no conditions of a development consent relating to the land that are of a kind referred to in State Environmental Planning Policy (Affordable Rental Housing) 2009 clause 17(1).
- (5) There are no conditions of a development consent relating to the land that are of a kind referred to in State Environmental Planning Policy (Affordable Rental Housing) 2009 clause 38(1).

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

Date received by Council	31 October 2023	Fee	\$62
Date of certificate	1 November 2023	Receipt number	3778828

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)



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

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

- 1 No development consents/complying development certificates have been issued with respect to the land within the previous five years.
- 2 The current approved use of the property is *health services facility*.

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

Date received by Council	31 October 2023	Fee	\$94
Date of certificate	1 November 2023	Receipt number	3778828

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(enclosure: asbestos information fact 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

Strategic Policy ST001 – Asbestos Management

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 <https://www.fairtrading.nsw.gov.au/loose-fill-asbestos-insulation-register>

Additional information regarding the loose fill asbestos insulation may be obtained from NSW Fair Trading on telephone 13 32 20.