

Certificate No: PC2025-2361  
Date: 28 March 2025  
Applicants Ref: Tamworth Hospital

**PLANNING CERTIFICATE  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

*Applicant:*

Mr O Klein  
33/129 Spit Road  
MOSMAN NSW 2088

*Owner (as recorded by Council):*

Hunter New England Local Health District -  
Regional Office  
Locked Bag 9783  
NEMSC NSW 2348

*Land:* Tamworth Base Hospital 31-35 Dean Street NORTH TAMWORTH NSW 2340  
Lot 1 DP 1181268

This certificate is provided pursuant to Section 10.7(2)(5) of the Act. At the date of this certificate, the subject land is affected by the following matters.

***Names of relevant planning instruments and development control plans***

Note: Current environmental planning instruments (State environmental planning policies, regional environmental plans and local environmental plans) may be viewed at the NSW Government legislation web-site – [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

***Names of relevant State Environmental Planning Policies***

1. State Environmental Planning Policy (Building Sustainability Index BASIX) 2004
2. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
3. State Environmental Planning Policy (Housing) 2021
4. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
5. State Environmental Planning Policy (Biodiversity and Conservation) 2021
6. State Environmental Planning Policy (Industry and Employment) 2021
7. State Environmental Planning Policy (Planning Systems) 2021
8. State Environmental Planning Policy (Primary Production) 2021
9. State Environmental Planning Policy (Resilience and Hazards) 2021
10. State Environmental Planning Policy (Resources and Energy) 2021
11. State Environmental Planning Policy (Transport and Infrastructure) 2021
12. State Environmental Planning Policy (Precincts—Central River City) 2021
13. State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021
14. State Environmental Planning Policy (Precincts—Regional) 2021
15. State Environmental Planning Policy (Precincts—Western Parkland City) 2021

***Local Environmental Plan***

16. Tamworth Regional Local Environmental Plan 2010

***Development Control Plans***

17. Tamworth Regional Development Control Plan 2010.

## ***Draft Environmental Planning Policies and Draft Development Control Plans***

18. The following proposed environmental planning instruments and draft development control plans are or have been the subject of community consultation or on public exhibition under the Environmental Planning and Assessment Act 1979, may apply to the carrying out of development on the land:

- **Planning Proposal: Phase 1 Housekeeping Amendments 2024 of Tamworth Regional Local Environmental Plan 2010**

The Phase 1 Review of Tamworth Regional Local Environmental Plan 2010 and amendments was adopted by Council on the 13 August 2024. To view the planning proposal and Council report, visit Council's website at [Planning for our future | Tamworth Regional Council \(nsw.gov.au\)](https://www.tamworth.nsw.gov.au/Planning-for-our-future)

- **Tamworth Regional Development Control Plan 2010 – Amendment No. 17**

The Tamworth Regional Development Control Plan 2010 – Amendment No. 17 was adopted by Council on the 23rd July 2024. To view the document, planning proposal, visit Council's website at [www.tamworth.nsw.gov.au/develop/planning-controls/development-control-plans](https://www.tamworth.nsw.gov.au/develop/planning-controls/development-control-plans)

Detailed information on all Draft Environmental Planning Policies are available at the NSW Department of Planning and Environment website.

## ***Zoning and land use under relevant LEPs***

19. The subject land is affected by the Tamworth Regional Local Environmental Plan 2010. Under this plan, the land is zoned –

### ***R1 General Residential***

#### **1. Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities;
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

#### **2. Permitted without consent**

Home-based child care; Home occupations; Moorings; Roads

#### **3. Permitted with consent**

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

#### **4. Prohibited**

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Pubs; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicles repair stations; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies.

**Additional permitted uses**

20. The land is not subject to additional permissible uses under Schedule 1 of the Regional Local Environmental Plan 2010.

**Development standards for the erection of a dwelling house**

21. There are no development standards that apply to the land with fixed minimum land dimensions for the erection of a dwelling house.

**Biodiversity Conservation Act 2016**

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

**Conservation Area**

23. The land is not identified in the Tamworth Regional Local Environmental Plan 2010 as being located in a conservation area.

**Environmental Heritage Item**

24. The Tamworth Regional Local Environmental Plan 2010 identifies a heritage item is situated on the land to which this certificate relates. For further information, see clause 5.10 of the Plan.

**Contributions Plan**

25. The name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans.

- Tamworth Regional Council Section 94 (Direct) Development Contributions Plan 2013 applies to the land.
- Tamworth Regional Council Section 94 (Indirect) Development Contributions Plan 2013 applies to the land.

The land is not land in a special contributions area under the Act, Division 7.1.

**Complying Development**

26. Complying Development may be carried out on the land under the following codes contained within the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- Part 3 - General Housing Code
- Part 3B - Low Rise Housing Diversity Code
- Part 3C - Greenfield Housing Code
- Part 3D - Inland Code
- Part 4 - Housing Alterations Code
- Part 4A - General Development Code
- Part 5 –Industrial and Business Alterations Code
- Part 5A - Industrial and Business Buildings Code
- Part 5B - Container Recycling Facilities Code
- Part 6 - Subdivisions Code
- Part 7 - Demolition Code
- Part 8 - Fire Safety Code
- Part 9 – Agritourism and Farm Stay Accommodation Code

If complying development may not be carried on the land under the above codes, it is because of the provisions of Clauses 1.17A(1)(c) to (e), (2), (3), and (4), 1.18(1)(c3) and 1.19 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Council does not have sufficient information to ascertain the reason why complying development may not be carried out under the Policy.

Contact Councils Development Hub on [development@tamworth.nsw.gov.au](mailto:development@tamworth.nsw.gov.au) for any enquiries relating to the reason why complying development may not be carried out on the land.

### ***Exempt development***

27. Exempt Development may be carried out on the land under the following codes contained within Part 2 of the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008:

- Division 1 - General Exempt Development Code
- Division 2 - Advertising and Signage Exempt Development Code
- Division 3 - Temporary Uses and Structures Exempt Development Code

### ***Affected building notices and building product rectifications orders***

28. Council is not aware of any affected building notice is in force on the land.

29. Council is not aware of any building product rectification order is in force on the land that has not been fully complied with.

30. Council is not aware of any notice of intention to make a building product rectification order on the land which is outstanding.

Note: In this section, affected building notice has the same meaning as in the Building Products (Safety) Act 2017, Part 4. Building product rectification order has the same meaning as in the Building Products (Safety) Act 2017.

### ***Land reserved for acquisition***

31. The land is not subject to acquisition by a public authority under any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument, as referred to in section 3.15 of the Act.

### ***Road widening and road realignment***

32. The subject land is not affected by any road widening or realignment proposal under either Division 2 of Part 3 of the Roads Act 1993, any environmental planning instrument or any resolution of Council.

### ***Flood related development control information***

33. The land is not within the mapped flood planning area (FPA) or overland flow. Flood related development controls do not apply to this land. However, the land may be subject to flooding in events not included in the identification of the FPA.

### ***Council and other public authority policies on hazard risk restrictions***

34. Council does have adopted policies or has been notified of adopted policies of another public authority on matters relating to the risk of bushfire; acid sulfate soils; contamination; aircraft noise; flooding; tidal inundation; sea level rise; and coastal hazards.

The information below identifies any adopted policies that apply to the land:

The land is identified as **bushfire prone land** and therefore development is restricted by the NSW Rural Fire Services policies relating to development on bushfire prone land. Additional information on this hazard restriction can be obtained from the NSW Rural Fire Service website.

### ***Bushfire Prone Land***

35. The land is identified as being "bushfire prone land" (either whole or part) on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 28 July 2022. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.

**Information Regarding Loose-Fill Asbestos Insulation**

36. Some residential homes located in the Tamworth Regional Council Local Government Area have been identified as containing loose fill asbestos insulation, for example in the roof space.

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, it is strongly recommended 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.

**Mine subsidence**

37. The land has not been proclaimed to be a mine subsidence district within the meaning of Coal Mine Subsidence Compensation Act 2017.

**Paper subdivision information**

38. a) There is no adopted development plan that applies to this land or that is proposed to be subject to a consent ballot.  
b) There is no subdivision order that applies to the land.

**Property vegetation plans**

39. Council has not been advised that a Property Vegetation Plan under the Local Land Services Act 2013 and the Biodiversity Conservation Act 2016 is in force

**Biodiversity stewardship sites**

40. Council has not been advised by the Chief Executive of the Office of Environment and Heritage that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act, 2016. 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.

**Biodiversity certified land**

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

**Orders under trees (disputes between neighbours) act 2006**

42. No 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).

**Annual charges under local government act 1993 for coastal protection services that relate to existing coastal protection works**

43. Not applicable to the subject land.

**Western Sydney aerotropolis**

44. Not applicable to the subject land.

**Development consent conditions for seniors housing**

45. Council is not aware of any current site compatibility certificate that has been issued under Clause 79 of State Environmental Planning Policy (Housing) 2021 in respect of proposed development on the land.

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***Site Compatibility Certificates and Conditions for Affordable Rental Housing***

46. Council is not aware of any valid site compatibility certificate being issued under Part 2 of State Environmental Planning Policy (Housing) 2021 or any former site compatibility certificate being issued under Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009, in respect of development on the land.

***Additional information provided pursuant to Section 10.7(2)&(5)***

47. For information regarding buildings and structures on the land, please obtain a Building Information Certificate under Section 6.26 of the Environmental Planning and Assessment Act 1979.

Development Division  
Liveable Communities Directorate

**28 March 2025**