



New South Wales

# **Orange Local Environmental Plan 2000 (Amendment No 1)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S01/02499/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

## 2003 No 691

Clause 1 Orange Local Environmental Plan 2000 (Amendment No 1)

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# Orange Local Environmental Plan 2000 (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

## 1 Name of plan

This plan is *Orange Local Environmental Plan 2000 (Amendment No 1)*.

## 2 Aims of plan

The aims of this plan are as follows:

- (a) to update references in *Orange Local Environmental Plan 2000* (the **principal plan**) to the date that Orange City Council adopted *Orange Development Control Plan 1/99—Exempt and Complying Development* so that they reflect the date that Council adopted the most recent version of that plan,
- (b) to add to the criteria relating to complying development,
- (c) to clarify the operation of clause 31 (5) of the principal plan (which concerns subdivision of land within Zone 1 (c) (Rural Residential Zone) under that plan) where the subdivision is a staged subdivision,
- (d) to clarify that clause 35 (1) (b) of the principal plan (which currently allows the erection of a dwelling on vacant rural land if the land is an allotment created in accordance with clause 31 of the plan) does not extend to an allotment of land within Zone 1 (a) (General Farming Zone) under that plan created under clause 31 (4),
- (e) to rezone certain land in the vicinity of Perc Griffith Way from Zone 7 (Water Supply Catchments Zone) and Zone 1 (a) to Zone 3 (b) (Business Services Zone) under the principal plan and to restrict the development that may be carried out on the rezoned land,
- (f) to rezone certain land from Zone 2 (a) (Urban Residential Zone) to Zone 6 (Open Space and Recreation Zone) under the principal plan,

- (g) to rezone certain land from Zone 6 to Zone 2 (a) under the principal plan,
- (h) to allow development for the purpose of small-scale intensive aquaculture on land within Zone 7 with the consent of the Council,
- (i) to allow on-site sale of primary produce on land within Zone 7 with the consent of the Council,
- (j) to allow development to be carried out on certain land for specified additional purposes with the consent of the Council,
- (k) to reclassify certain land from community land to operational land under the principal plan,
- (l) to specify development for the purpose of utility installations for use in establishing underground telecommunication facilities as exempt development under the principal plan,
- (m) to allow the Council to grant consent to post offices within Zone 2 (a).

### **3 Land to which plan applies**

- (1) The amendments made by this plan apply to land situated within the local government area of Orange, being:
  - (a) to the extent the amendments implement the aim referred to in clause 2 (c), all land within the Zone 1 (c) (Rural Residential Zone) under *Orange Local Environmental Plan 2000* (the ***principal plan***), and
  - (b) to the extent the amendments implement the aim referred to in clause 2 (d), all land within Zone 1 (a) (General Farming Zone) or Zone 1 (c) under the principal plan, and
  - (c) to the extent the amendments implement the aim referred to in clause 2 (e), Lot 3 DP 777470 and Lot 11 DP 621368, as shown edged heavy black and coloured mid blue on Sheet 4 of the map marked “Orange Local Environmental Plan 2000 (Amendment No 1)” deposited in the office of Orange City Council, and
  - (d) to the extent the amendments implement the aim referred to in clause 2 (f), Part Lot 64 DP 706356, as shown edged heavy black and coloured green on Sheet 3 of the map referred to in paragraph (c), and

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- (e) to the extent the amendments implement the aim referred to in clause 2 (g), Lot 2 DP 507625, Lots 4, 8, 9, 10 and Part Lot 11 Section 4D DP 979858, Lot 1 DP 995826 and Lot 7 DP 995761, as shown edged heavy black and coloured pink on Sheet 2 of the map referred to in paragraph (c), Part Lot 104 DP 818264, as shown edged heavy black and coloured pink on Sheet 1 of that map, and Part Lot 63 DP 706356, as shown edged heavy black and coloured pink on Sheet 3 of that map, and
  - (f) to the extent the amendments implement the aim referred to in clause 2 (h) and (i), all land within Zone 7 (Water Supply Catchments Zone) under the principal plan, and
  - (g) to the extent the amendments implement the aim referred to in clause 2 (j), Part Lot 3 DP 655804, and Lots 8 and 9 DP 13996, Lot 1 DP 375760 and Lot A DP 383920, and
  - (h) to the extent the amendments implement the aim referred to in clause 2 (k), Part Lot 104 DP 818264, Part Lot 63 DP 706356, Lot 2 DP 507625, Lot 1 DP 995826, Lot 7 DP 995761, Lots 4, 8, 9, 10 and Part Lot 11 Sec 4D DP 979858, Lot 2 DP 738366 and Lot 4 DP 778788, and
  - (i) to the extent the amendments implement the aim referred to in clause 2 (m), all land within Zone 2 (a) (Urban Residential), under the principal plan.
- (2) The amendments made by this plan that implement the aims referred to in clause 2 (a), (b) and (l) apply to all of the land to which *Orange Local Environmental Plan 2000* applies.

#### 4 Amendment of Orange Local Environmental Plan 2000

*Orange Local Environmental Plan 2000* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 4)

**[1] Clauses 20 (2) (c), 22 (2) (c), (3) (a) and (4), and clause 2 (a) of Schedule 3**

Omit “17 February 2000” wherever occurring.

Insert instead “5 December 2002”.

**[2] Clause 22 Complying development**

Insert at the end of clause 22 (2) (e):

, and

- (f) it is more than 1 metre from any easement or public sewer main, or complies with any requirements specified by the appropriate sewer authority for building over sewers, and
- (g) it has an approval (if required by the *Local Government Act 1993*) from the council for an on-site effluent disposal system if the development is undertaken on unsewered land.

**[3] Clause 31 Minimum allotment sizes in rural areas**

Insert after clause 31 (5):

- (6) For the purposes of subclause (5), the average area of lots to be created by a staged subdivision is to be determined by reference to all lots to be created by all stages of the subdivision.

**[4] Clause 35 Dwelling houses in rural zones**

Insert “(1), (2), (3) or (5)” after “clause 31” in clause 35 (1) (b).

**[5] Clause 51A**

Insert after clause 51:

**51A Development in vicinity of Perc Griffith Way**

- (1) Consent may be granted for development on land within Zone 3 (b) that is located within the water supply catchment only if:
  - (a) in the opinion of the consent authority:

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Orange Local Environmental Plan 2000 (Amendment No 1)

Schedule 1 Amendments

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- (i) the development will not have an adverse impact on the water supply catchment, and
    - (ii) the development (including any subdivision) provides for the integrated and effective management of stormwater runoff from all buildings and roads and other sealed surfaces (for example pathways and driveways), and
  - (b) the consent authority is satisfied that the development incorporates appropriate measures to ensure that pollutants (including elevated nutrient levels from stormwater runoff or sewage effluent) do not enter the water supply catchment.
- (2) Despite clause 51, consent must not be granted to development for the purpose of dwelling houses, group homes or residential units on land within Zone 3 (b) that is located within the water supply catchment.
- (3) Consent may be granted for development on land within Zone 3 (b) adjacent to Perc Griffith Way only if, in the opinion of the consent authority:
- (a) the bulk, scale, height and siting of any proposed buildings and the landscaping of the site would contribute to and enhance the character of the area as the “eastern gateway” to Orange, and
  - (b) traffic generated from the development will not have an adverse impact on the existing and likely future function of the Mitchell Highway as the major route to and from Orange.

### **[6] Clause 71 General controls for Zone 7 (Water Supply Catchments Zone)**

Insert “intensive livestock industry for aquaculture” in alphabetical order in clause 71 (2) (b).

### **[7] Clauses 73A and 73B**

Insert after clause 73:

#### **73A On-site sale of primary produce**

Clause 37 applies to Zone 7 in the same way as it applies to Zones 1 (a) and 1 (c).

**73B Aquaculture**

Consent may be granted for development for the purpose of aquaculture on land within Zone 7 only if:

- (a) the development does not comprise designated development, and
- (b) in the opinion of the consent authority:
  - (i) the development will not have an adverse impact on the water supply catchment, and
  - (ii) the development provides for an effective on-site waste water management facility to ensure minimal impact on the water supply catchment.

**[8] Clause 87 General terms**

Insert in appropriate order in the definition of *The Map*:

Orange Local Environmental Plan 2000 (Amendment No 1),  
Sheets 1–4

**[9] Schedule 1 Additional uses**

Insert at the end of the Schedule:

10	8 Forbes Road, Orange	Pt Lot 3 DP 655804	Development for the purpose of a motor showroom
11	22 and 24 Forbes Road, and 27 Molong Road, Orange	Lots 8 and 9 DP 13996, Lot 1 DP 375760, Lot A DP 383920	Development for the purposes of a motor showroom and carparks

**[10] Schedule 2 Land classified as operational land**

Insert in Part 2:

Address	Use when reclassified	Property description
Bowyer Place, Orange	Residential	Part Lot 104 DP 818264— <i>Orange Local Environmental Plan 2000 (Amendment No 1)</i>

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<b>Address</b>	<b>Use when reclassified</b>	<b>Property description</b>
Burrendong Way, Orange	Residential	Part Lot 63 DP 706356— <i>Orange Local Environmental Plan 2000 (Amendment No 1)</i>
2–18 Eyles Street, Orange	Orange Function Centre	Lot 2 DP 507625, Lot 1 DP 995826, Lot 7 DP 995761, Lots 4, 8, 9, 10 and Part Lot 11 Sec 4D DP 979858— <i>Orange Local Environmental Plan 2000 (Amendment No 1)</i>
Ophir Road, Narrambla	Rural land	Lot 2 DP 738366, Lot 4 DP 778788— <i>Orange Local Environmental Plan 2000 (Amendment No 1)</i>

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### [11] Schedule 3 Exempt development

Insert at the end of the Schedule:

#### **8 Minor works**

Development for the purpose of utility installations for use in establishing underground telecommunication facilities.

### [12] Schedule 7 Shops and business premises in residential areas

Insert at the end of the Schedule:

- (5) Post offices.

BY AUTHORITY