



New South Wales

Orange Local Environmental Plan 2000 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (DUB0108723/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2007 No 586

Clause 1 Orange Local Environmental Plan 2000 (Amendment No 5)

Orange Local Environmental Plan 2000 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Orange Local Environmental Plan 2000 (Amendment No 5)*.

2 Aims of plan

This plan aims to amend *Orange Local Environmental Plan 2000 (the 2000 plan)* so as:

- (a) to allow, with the consent of Orange City Council, development to be carried out on certain land for specified additional uses, and
- (b) to update references to the date that the Council adopted a recently amended *Orange Development Control Plan 2004*, and
- (c) to define exempt and complying development by reference to *Orange Development Control Plan 2004*, and
- (d) to rezone certain land from Zone 2 (a) Urban Residential to Zone 3 (b) Business Services, and
- (e) to effect minor law revision.

3 Land to which plan applies

- (1) With respect to the aim referred to in clause 2 (a), this plan applies to the following land:
 - (a) Lot 25, DP 986204, Shepherd Road, Spring Creek,
 - (b) Lot 2, DP 152541, 108–110 Bathurst Road, Orange,
 - (c) Lot 1, DP 105223, 95 Prince Street, Orange,
 - (d) Lot 121, DP 712215, Leeds Parade, Orange,
 - (e) Lot 1, DP 591927, 48 Peisley Street, Orange,
 - (f) Lot 4, DP 270204, 168–200 Lone Pine Avenue, Orange.
- (2) With respect to the aims referred to in clause 2 (b), (c) and (e), this plan applies to all land under the 2000 plan.

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- (3) With respect to the aim referred to in clause 2 (d), this plan applies to Lot 507, DP 712206, 52–54 Bathurst Road, Orange and Lot 3, DP 37362, 27 Eyles Street, Orange, as shown coloured mid blue on the map marked “Orange Local Environmental Plan 2000 (Amendment No 5)” deposited in the office of Orange City Council.

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

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(Clause 4)

[1] Clause 20 Exempt development

Omit clause 20 (1). Insert instead:

- (1) Development of minimal environmental impact listed in Part 16.1 of DCP 2004 is *exempt development*.

[2] Clause 20 (2) (c)

Omit “*Orange Development Control Plan 1/99—Exempt and Complying Development* as adopted by the Council on 5 December 2002”.

Insert instead “DCP 2004”.

[3] Clause 22 Complying development

Omit clause 22 (1). Insert instead:

- (1) Development listed in Part 16.2 of DCP 2004 is *complying development*.

[4] Clause 22 (2) (b) and (b1)

Omit clause 22 (2) (b). Insert instead:

- (b) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
- (b1) it is not an existing use, as defined in section 106 of the Act, and

[5] Clause 22 (2) (c) and (3) (a)

Omit “*Orange Development Control Plan 1/99—Exempt and Complying Development* adopted by the Council on 5 December 2002” wherever occurring.

Insert instead “DCP 2004”.

[6] Clause 22 (4)

Omit “*Orange Development Control Plan 1/99—Exempt and Complying Development* adopted by the Council on 5 December 2002”.

Insert instead “Part 16.3 of DCP 2004”.

[7] Clause 51 General controls for Zone 3 (b) (Business Services Zone)

Omit “shops subject to Schedule 5” from clause 51 (2) (b).

Insert instead “shops”.

[8] Clause 87 General terms

Insert in alphabetical order:

DCP 2004 means *Orange Development Control Plan 2004*, as adopted by the Council on 7 June 2007.

[9] Clause 87, definition of “The Map”

Insert in appropriate order:

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[10] Schedule 1 Additional uses

Insert after item 11 under the headings “Ref”, “Address”, “Property Description” and “Development”, respectively:

12	Shepherd Road, Spring Creek	Lot 25 DP 986204	Development for the purpose of a dwelling ancillary to an existing intensive plant nursery and orchard
13	108–110 Bathurst Road, Orange	Lot 2 DP 152541	Development for the purpose of an office
14	95 Prince Street, Orange	Lot 1 DP 105223	Development for the purpose of an office
15	Leeds Parade, Orange	Lot 121 DP 712215	Development for the purpose of bulk retail, subject to the condition that the site is provided with vehicular access from Leeds Parade
16	48 Peisley Street, Orange	Lot 1 DP 591927	Development for the purpose of a liquor store

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Schedule 1 Amendments

17	168–200 Lone Pine Avenue, Orange	Lot 4 DP 270204	<p>Development for the purpose of a discount variety store, being a building or place used for the sale by retail or auction, or the hire or display of a wide range of discounted general merchandise, subject to the following conditions:</p> <ul style="list-style-type: none">(a) the maximum area of the store does not exceed 3,200m²,(b) the area set aside for the sale of clothing and footwear does not exceed 95m²,(c) the area set aside for the sale of food and groceries does not exceed 250m²,(d) convenient and direct vehicular access to the store is provided, being access that is designed to enable the goods to be collected by customers after sale.
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[11] Schedules 3 (Exempt development) and 5 (Complying development)

Omit the Schedules.

BY AUTHORITY