



New South Wales

# **Orange Local Environmental Plan 2011 (Amendment No 24)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

**GARRY HOPKINS**

As delegate for the Minister for Planning and Public Spaces

## **Orange Local Environmental Plan 2011 (Amendment No 24)**

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### **1 Name of Plan**

This Plan is *Orange Local Environmental Plan 2011 (Amendment No 24)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to the land to which *Orange Local Environmental Plan 2011* applies.

### **4 Maps**

The maps adopted by *Orange Local Environment Plan 2011* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

## **Schedule 1      Amendment of Orange Local Environmental Plan 2011**

**[1] Land Use Table**

Insert “Dual occupancies;” in alphabetical order in item 3 of Zone RU1 Primary Production.

**[2] Land Use Table, Zones RU5, R1 and R2**

Insert “Bee keeping;” in alphabetical order in item 3.

**[3] Land Use Table, Zone R2 Low Density Residential, item 3**

Insert “Secondary dwellings;” in alphabetical order.

**[4] Land Use Table, Zone R5 Large Lot Residential, item 3**

Insert “Extensive agriculture;” in alphabetical order.

**[5] Land Use Table, Zone E3 Environmental Management, item 3**

Omit “Dual occupancies (attached);”. Insert “Dual occupancies;” in alphabetical order.

**[6] Clause 4.1C Exceptions to minimum lot sizes for certain residential development**

Omit “or multi dwelling housing” from clause 4.1C(2)(b)(ii).

**[7] Clause 4.1D**

Insert after clause 4.1C—

**4.1D Minimum lot sizes for certain split zones**

- (1) The objectives of this clause are—
  - (a) to provide for the subdivision of lots that are within more than 1 zone but cannot be subdivided under clause 4.1, and
  - (b) to ensure that subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to each lot (an *original lot*) that comprises land in more than 1 zone.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the *resulting lots*) if—
  - (a) one of the resulting lots comprises all of the land in the original lot that is not in a relevant zone, and
  - (b) each other resulting lot comprises only land in 1 relevant zone.
- (4) The resulting lot specified in subclause (3)(a) may be smaller than the minimum lot size for the land as shown on the Lot Size Map.
- (5) A resulting lot specified in subclause (3)(b) must not be—
  - (a) subject to more than 1 minimum lot size as shown on the Lot Size Map, or
  - (b) smaller than the minimum lot size for the land as shown on the Lot Size Map.
- (6) Development consent must not be granted for the erection of a dwelling house on the resulting lot specified in subclause (3)(a).

- (7) In this clause—  
*relevant zone* means Zone RU5 Village, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R5 Large Lot Residential.

**[8] Clause 4.2C**

Insert after clause 4.2B—

**4.2C Subdivision in Zone E3 Environmental Management**

- (1) This clause applies to land in Zone E3 Environmental Management.
- (2) Land to which this clause applies may, with development consent, be subdivided—
  - (a) for the following purposes—
    - (i) extensive agriculture,
    - (ii) intensive plant agriculture,
    - (iii) aquaculture, and
  - (b) to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (3) Development consent must not be granted if, as the result of the subdivision, an existing dwelling would be situated on a resulting lot.
- (4) A dwelling cannot be erected on a resulting lot.

**[9] Clause 7.2 Flood planning**

Omit clause 7.2(2). Insert instead—

- (2) This clause applies to land at or below the flood planning level.

**[10] Clause 7.2(4)**

Omit “*Floodplain Development Manual* (ISBN 0 7347 5476 0), published by the NSW Government in April 2005, unless it is otherwise defined in this clause”.

Insert instead “*Floodplain Development Manual*, unless it is otherwise defined in this Plan”.

**[11] Clause 7.2(5)**

Omit the subclause.

**[12] Clause 7.2A**

Insert after clause 7.2—

**7.2A Floodplain risk management**

- (1) The objectives of this clause are as follows—
  - (a) to enable evacuation of land subject to flooding in events exceeding the flood planning level,
  - (b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.
- (2) This clause applies to land between the flood planning level and the level of the probable maximum flood, but does not apply to land at or below the flood planning level.

- (3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land—
- (a) amusement centres,
  - (b) camping grounds,
  - (c) caravan parks,
  - (d) centre-based child care facilities,
  - (e) commercial premises,
  - (f) community facilities,
  - (g) correctional centres,
  - (h) eco-tourist facilities,
  - (i) educational establishments,
  - (j) emergency services facilities,
  - (k) entertainment facilities,
  - (l) extractive industries,
  - (m) function centres,
  - (n) health services facilities,
  - (o) industries,
  - (p) open cut mining,
  - (q) places of public worship,
  - (r) residential accommodation,
  - (s) respite day care centres,
  - (t) tourist and visitor accommodation,
  - (u) waste or resource management facilities.

- (4) In this clause—

*probable maximum flood* has the same meaning as in the Floodplain Development Manual.

**Note.** The probable maximum flood is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.

**[13] Schedule 1 Additional permitted uses**

Omit clause 1(1). Insert instead—

- (1) This clause applies to land at 426 Molong Road (Mitchell Highway West), Orange, being Lot 209, DP 1018862, identified as item 1 on the Additional Permitted Uses Map.

**[14] Schedule 1, clause 2**

Omit subclause (1). Insert instead—

- (1) This clause applies to land at 2 Hanrahan Place, Orange, being Lot 87, DP 1167633, identified as item 2 on the Additional Permitted Uses Map.

**[15] Schedule 1, clauses 3 and 4**

Insert at the end of the schedule—

### 3 Restaurants and cafes in Zone R1 General Residential

- (1) This clause applies to the land in Zone R1 General Residential.
- (2) Development for the purposes of a restaurant or cafe is permitted with development consent if—
  - (a) the gross floor area of the restaurant or cafe is not greater than 100m<sup>2</sup>, and
  - (b) the development does not include—
    - (i) a drive-through service, or
    - (ii) more than 1 business identification sign, or
    - (iii) a business identification sign that is illuminated or animated, and
  - (c) any outdoor seating area is located forward of the front building line, and
  - (d) the restaurant or cafe operates only between—
    - (i) 8am and 10pm Monday to Friday, and
    - (ii) 8am and 3pm on Saturdays and public holidays, other than a public holiday on a Sunday.
- (3) In this clause—

***drive-through service*** means a service to enable customers to purchase food or drink from the cafe or restaurant while seated in a motor vehicle at the point of purchase.

### 4 Use of certain land at 120 Calton Road, Orange

- (1) This clause applies to the following land in Orange, identified as item 3 on the Additional Permitted Uses Map—
  - (a) 120 Calton Road, being Lot 41, DP 979808,
  - (b) part of 88 Malabar Road, being Lots 1 and 2, DP 1085790.
- (2) Development for the purposes of 1 single dwelling house is permitted, on all the land to which this clause applies, with development consent.
- (3) This clause does not apply to a development application lodged more than 2 years after the commencement of *Orange Local Environmental Plan 2011 (Amendment No 24)*.

#### [16] Schedule 5, Part 1

Omit items I254, I308, I158, I159, I58, I138, I309 and I292 in Part 1.

Insert in appropriate order—

Orange	“Former Ambulance Station”	291 Anson Street	Lot 502, DP 1249083	Local	I366
Orange	Dwelling	101–105 Burrendong Way	Lot 3, DP 1233201	Local	I138
Orange	Dwelling	26 Caroline Street	Lot 13, DP 16510	Local	I268

Orange	Canobolas Wool Topmaking building	390 Clergate Road and 463 Leeds Parade	Lot 2, DP 1226372, Lot 1, DP 1226372 and Lot 4, DP47259	Local	I309
Orange	Dwelling	170–174 Moulder Street	Lots A, B and C, DP 152958	Local	I110
Orange	Geolyse building	154 Peisley Street	Lot 200, DP 1231431	Local	I365
Orange	“Anson cottages”	107 Prince Street	Lot 100, DP 1195304	Local	I254
Orange	CSR Readymix site (Bluestone quarry)	Racecourse Road	Lot 1, DP 271090	State	I58
Orange	Shop	282-284 Summer Street	Lot 24, DP 587326	Local	I158
Orange	Gallagher building	286–294 Summer Street	Lot 22, DP 589346, Lot 20, DP 590691 and Lot 18, DP 590461	Local	I159
Orange	“Emmaville”	34 Telopea Way	Lot 31, DP 1215943	Local	I308
Spring Creek	“Failford” homestead	19 Failford Lane	Lot 2, DP 1172201	Local	I292

**[17] Schedule 5, Part 1, item I303**

Omit “Lot 2, Section 2, DP 758921”. Insert instead “Lot 3, Section 2, DP 758921”.

**[18] Schedule 5, Part 1, item I75**

Insert “Section 5,” after “Lots 3 and 4,”.

**[19] Dictionary**

Insert in alphabetical order—

***Additional Permitted Uses Map*** means the Orange Local Environmental Plan 2011 Additional Permitted Uses Map.

***flood planning level*** means the level of a 1% AEP (annual exceedance probability) flood event plus 0.5 metre freeboard, or other freeboard determined by an adopted floodplain risk management plan adopted by the Council.

***Floodplain Development Manual*** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.