

Orange Local Environmental Plan 2000

[2000-196]



New South Wales

Status Information

Currency of version

Historical version for 22 November 2002 to 18 September 2003 (accessed 7 October 2024 at 22:42)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 25 November 2002

Orange Local Environmental Plan 2000



New South Wales

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Orange Local Environmental Plan 2000



New South Wales

Part 1 Preliminary

1 Name of plan

This plan is *Orange Local Environmental Plan 2000*.

2 Aims of plan

The aims of this plan are to:

- (a) encourage development which complements and enhances the character of the City,
- (b) provide for a range of development opportunities which contribute to the social, economic and environmental resources of the City in a manner that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,
- (c) conserve and enhance the water resources on which the City depends, particularly water supply catchments,
- (d) manage rural land as an environmental resource that provides economic and social benefits for the City,
- (e) provide a range of housing choices in planned urban and rural locations to meet population demands,
- (f) recognise and manage valued environmental heritage, landscape and scenic features of the City,
- (g) manage development in the vicinity of major industry and utilities for the benefit of the community,
- (h) improve accessibility within and around the urban area of Orange by providing for traffic relief routes.

3 Area where this plan applies

This plan applies to all land within the City of Orange.

4 Effect of this plan on other plans

- (1) This plan repeals all local environmental plans which applied to land within the City of Orange immediately before the day this plan takes effect.
- (2) This plan amends *State Environmental Planning Policy No 4—Development Without Consent* by inserting the following words in alphabetical order in Schedule 2 (Land excepted from clauses 6–10):

City of Orange

- (3) Environmental planning instruments as in force immediately before the appointed day continue to apply to a development application if:
 - (a) the application was made but had not been finally determined before the appointed day, and
 - (b) the proposed development is prohibited by provisions of this plan but could, with consent, have been carried out in accordance with those instruments in force at that time.
- (4) This clause does not operate so as to reclassify, or to alter, repeal or revoke the classification of any land classified as operational land prior to the appointed day under the *Local Government Act 1993*.

5 Consent authority

The Council is the consent authority for the purposes of this plan.

6 Relationship of this plan with covenants and other instruments

- (1) Any agreement, covenant or similar instrument which controls development that is otherwise permitted to be carried out either with or without consent under this plan does not apply to the extent necessary to allow that development.
- (2) Subclause (1) does not affect that part, if any, of any agreement, covenant or similar instrument that controls development according to density, floor space, site coverage, setbacks, external materials, fencing, building height, building location, car parking requirements, solar access, or the like.
- (3) Nothing in subclause (1) affects the rights or interests of the Council or any other public authority under any registered instrument.
- (4) In accordance with section 28 of the Act, the Governor approved of subclauses (1)–(3) before this plan was made.

7 Use of terms in this plan

- (1) In this plan:
 - (a) a reference to a building, work or place used for a purpose includes a reference to a building, work or place proposed to be used for the purpose, and
 - (b) terms used in this plan which are defined in Part 14 have the meanings given in that Part, and
 - (c) a reference to a map is a reference to a map kept in the office of the Council.
- (2) The list of contents of this plan and any notes in this plan do not form part of this plan.

Part 2 General provisions

8 General considerations for development

Before determining an application for consent to development, where relevant, consideration shall be given by the consent authority to:

- (a) the potential of that development to impact on:
 - (i) water quality of waterbodies, and
 - (ii) groundwater resources, and
 - (iii) the ability of rural land to be used for primary production, and
 - (iv) soil resources, and
 - (v) mineral resources, mines and extractive industries, and
 - (vi) existing vegetation, native flora and fauna, and
- (b) the cumulative impact on the environment of:
 - (i) the development, and
 - (ii) other development in the vicinity of the proposed development, and
- (c) the impact on the scenic, landscape or urban character of the area, and
- (d) the impact of development on energy conservation, and
- (e) the impact of the development on waste generation, and
- (f) any measures necessary to mitigate any of these impacts.

9 Temporary use of land

- (1) Consent may be granted to the temporary use of land, not being designated development, subject to subclause (2) and despite any other provision of this plan, for a maximum period of 52 days, whether consecutive or not, in any one year.
- (2) Development to which this clause applies may be granted consent only if, in the opinion of the consent authority:
 - (a) appropriate arrangements will be made for the provision of utility services, vehicular and pedestrian access, parking and restoration of the site to the condition prevailing immediately before the carrying out of the proposed use, and
 - (b) it would be compatible with the character and amenity of the locality during and immediately after the carrying out of the proposed use, and
 - (c) the environment will be protected from any potential adverse impacts resulting from the development, and
 - (d) the development would not adversely affect the viability of land uses in business zones, and
 - (e) the development is appropriate as temporary development, and
 - (f) the period for carrying out the development is reasonable.

10 Additional uses

Despite any other provision of this plan, development may be carried out, with the consent of the Council, on land identified in Schedule 1 if it is specified for that land in that Schedule, subject to any conditions that may be specified for the development in that Schedule.

11 Land classified or reclassified as operational land

- (1) Public land is classified or reclassified as operational land under this plan pursuant to Chapter 6 of the *Local Government Act 1993*, if it is specified in Schedule 2.
- (2) On the commencement of this plan the land described in Part 1 of Schedule 2, if it is a public reserve ceases to be a public reserve, and is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land except for:
 - (a) any reservations that except land out of a Crown grant relating to the land, and
 - (b) reservations of minerals (within the meaning of the *Crown Lands Act 1989*), and
 - (c) any conditions of a development consent relating to the land, and

- (d) any easements or rights of way affecting the land.
- (3) In accordance with section 30 of the *Local Government Act 1993*, a parcel of land described in Part 2 of Schedule 2, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for:
 - (a) any reservations that except land out of a Crown grant relating to the land, and
 - (b) reservations of minerals (within the meaning of the *Crown Lands Act 1989*), and
 - (c) any conditions of a development consent relating to the land, and
 - (d) any easements or rights of way affecting the land.
- (4) Before the relevant amending plan that inserted the description of a parcel of land into Part 2 of Schedule 2 was made, the Governor approved of subclauses (3) and (5) applying to the land.
- (5) In this clause, **the relevant amending plan**, in relation to a parcel of land described in Part 2 of Schedule 2, is the local environmental plan cited at the end of the description of the parcel.
- (6) Land described in Part 1 of Schedule 2 is not affected by the amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993*.

Part 3 Special environmental considerations

12 Objectives of the special environmental considerations

The objectives of this Part are:

- (a) to protect the City's water resources, and
- (b) to minimise the impact of development on the continued operation of existing major industry, utilities and infrastructure on which the City depends, and
- (c) to ensure that land is adequately serviced prior to use, and
- (d) to minimise the impact of development on the environment, and
- (e) to minimise the impact of development on the operation of existing and proposed major roads.

13 Sewage disposal

Before determining an application for consent to development that will result in the generation of sewage or other effluent, consideration shall be given by the consent authority to:

- (a) whether the site of the proposed development should be connected to public sewerage facilities and, if so, whether the land is capable of being connected to public sewerage facilities either now or in the future, and
- (b) the suitability of the site for on-site disposal of effluent and the ability of the effluent disposal system to function effectively over the long term without causing adverse effects on adjoining land, where public sewerage facilities are not to be provided to the land, and
- (c) the likely effect of any on-site effluent disposal area on:
 - (i) any waterbodies in the vicinity, or water supply catchments, and
 - (ii) groundwater resources, and
 - (iii) seasonally waterlogged soils, and
- (d) the cumulative environmental impacts of all on-site systems or works in the area with respect to water quality, soil degradation or odour, and
- (e) the potential for recycling and beneficial reuse of effluent on the land or land in the vicinity, and
- (f) the adequacy of the wet weather storage capacity of the proposed effluent systems or works, and
- (g) the proposed means of monitoring and reporting on the performance of the effluent systems or works.

14 Development in the vicinity of major industry and utility installations

Before determining an application for consent to development in or within the area shown on the map by red hatching, the consent authority must consider the suitability of the development in relation to:

- (a) the prospective effects of odour, noise, dust, fumes and visibility from any offensive industries, utility installations, waste disposal areas or extractive industries in the vicinity, and
- (b) the effectiveness of all measures employed and proposed to be employed according to the best available technology (not entailing excessive cost) to reduce or minimise the impact of offensive industries, utility installations, waste disposal areas or extractive industries in the vicinity.

15 Land shaping

- (1) Development consent is required for land shaping unless:
 - (a) it is carried out as exempt development, or
 - (b) it comprises soil conservation works undertaken for, or authorised by, the Department of Land and Water Conservation, or
 - (c) the consent authority is satisfied that the proposed development is of a minor nature.
- (2) Prior to determining an application for consent to development for the purposes of land shaping, consideration must be given by the consent authority to:
 - (a) the potential for the development to impact on:
 - (i) a water body, or
 - (ii) ground water quality and resources, or
 - (iii) stormwater drainage, or
 - (iv) flooding, or
 - (v) private property or public land, and
 - (b) measures required to mitigate possible impacts.

16 Contaminated land

- (1) Before the consent authority determines an application for consent to development on land which has been identified to the satisfaction of the consent authority as being contaminated land or in the consent authority's opinion is likely to be contaminated land:
 - (a) the type and extent of the land contamination must be identified to the satisfaction of the consent authority, and
 - (b) a plan for remediation must be prepared according to the contamination identified on the land to the satisfaction of the consent authority.
- (2) When consent is granted to development on land subject to this plan, conditions may be imposed which:
 - (a) require further investigation, sampling and testing of the site area, and
 - (b) require remediation to be carried out to an appropriate standard, and
 - (c) require evidence that remediation has been carried out in accordance with the plan of remediation and to the appropriate standard.

- (3) Nothing in this clause affects the application of *State Environmental Planning Policy No 55—Remediation of Land*.

17 Scenic areas

- (1) The objective of this clause is to ensure development of scenic areas complements the natural and modified landscape character of areas recognised as contributing to highly valued scenic and landscape qualities of the City.
- (2) This clause applies to a scenic area which is identified by green hatching on the map.
- (3) Before granting consent for development of land within a scenic area, the consent authority must be satisfied that the proposed development will blend into the landscape through the use of appropriate siting and design, external materials and colours, and by retaining existing trees, including remnant vegetation, and enhancing the skyline when viewed either from the urban area of Orange or from public places in the vicinity of the land.

Part 4 Zones and development

18 Zones which apply

A description of how each zone is depicted on the map is listed below:

| Column 1 | Column 2 |
|--------------------------------|-------------------|
| Zones | Map colour |
| <i>Rural:</i> | |
| Zone 1 (a)—General Farming | light brown |
| Zone 1 (c)—Rural Residential | khaki |
| <i>Residential:</i> | |
| Zone 2 (a)—Urban Residential | pink |
| Zone 2 (d)—Urban Transition | brown |
| Zone 2 (v)—Village | scarlet |
| <i>Business:</i> | |
| Zone 3 (a)—Regional Centre | light blue |
| Zone 3 (b)—Business Services | mid blue |
| Zone 3 (c)—Bulk Retail | dark blue |
| <i>Industrial:</i> | |
| Zone 4—Industry and Employment | purple |

Special Use:

Zone 5 (a)—Public Purposes yellow

Zone 5 (b)—Distributor Roads grey

Open Space:

Zone 6—Open Space and Recreation green

Rural Environment Protection:

Zone 7—Water Supply Catchments orange

19 Categories of development that apply

This plan provides that development will be in one of the following categories of development:

- (a) development that does not require development consent (which includes exempt development),
- (b) local development that requires development consent and comprises complying development,
- (c) other local development that requires development consent (which includes advertised development),
- (d) prohibited development.

20 Exempt development

- (1) Development listed in Schedule 3 is exempt development, except as provided by subclauses (2) and (3).
- (2) Development is exempt development only if:
 - (a) it does not cause interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and
 - (b) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
 - (c) it complies with any relevant development standards and requirements set for the development by this plan and by *Orange Development Control Plan 1/99—Exempt and Complying Development* as adopted by the Council on 17 February 2000, and
 - (d) it does not contravene any condition of a development consent applying to the land, and

- (e) it does not obstruct drainage of the site on which it is carried out, and
 - (f) it does not restrict any vehicular access to or from the site, and
 - (g) it complies with the requirements of the Council applying to the land for building adjacent to or over sewer mains, and
 - (h) it does not require a tree to be removed, and
 - (i) it is carried out behind the building line, where it is carried out in a heritage conservation area, except in the case of boundary fences that would comprise exempt development in the absence of this paragraph.
- (3) Development is not exempt development if it is carried out on land that:
- (a) is an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
 - (b) is reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
 - (c) is an aquatic reserve declared under the *Fisheries Management Act 1994*.

Notes—

- (1) Exempt development does not require assessment under Part 5 of the Act.
- (2) Section 76 (3) of the Act says that exempt development cannot be carried out on land that is:
 - (a) critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*), or
 - (b) within a wilderness area (within the meaning of the *Wilderness Act 1987*).

21 Development that does not require consent

- (1) The following development does NOT require development consent:
- (a) exempt development, or
 - (b) development listed in Schedule 4, or
 - (c) development identified, by the clause imposing general controls for the particular zone in which it is to be carried out, as development which may be carried out without consent, or
 - (d) development specified as development which may be carried out without consent in any other provision of this plan.
- (2) Development may be carried out without consent only if, where the development consists of or includes the erection of a building:
- (a) it meets the deemed-to-satisfy requirements of the *Building Code of Australia*, and

- (b) the building is erected in accordance with the manufacturer's instructions and any relevant Australian Standards, in the case of a prefabricated building or building assembled from a kit, and
 - (c) the building is constructed of new materials, unless otherwise allowed by this plan, and
 - (d) the building is not situated over a sewer main or within an easement, unless in accordance with the terms of the easement.
- (3) Nothing in this plan prohibits, restricts or requires development consent for, or allows the consent authority to prohibit or restrict, the use of existing buildings of the Crown by the Crown or the carrying out by public authorities of any development described in Schedule 4 (1).

Note—

Development that does not require consent may still require assessment under Part 5 of the Act, unless it is exempt development.

22 Complying development

- (1) Development listed in Schedule 5 is complying development if:
- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Act, except as provided by subclauses (2) and (3).
- (2) Development is **complying development** only if:
- (a) it complies with the deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
 - (b) it will achieve the outcomes listed in Schedule 5 for the development, and
 - (c) it complies with the relevant development standards and requirements set for the development by this plan and by *Orange Development Control Plan 1/99—Exempt and Complying Development* adopted by the Council on 17 February 2000, and
 - (d) it is consistent with any recovery plan or threat abatement plan in force under the *Threatened Species Conservation Act 1995* that apply to the land, and
 - (e) it does not contravene any condition of a development consent applying to the land.
- (3) Development is not complying development if it is carried out on land that:

- (a) is identified in this or any other environmental planning instrument, or in *Orange Development Control Plan 1/99—Exempt and Complying Development* adopted by the Council on 17 February 2000, as bushfire prone, flood liable or contaminated land or land subject to subsidence, slip or erosion, or
 - (b) comprises the site of a heritage item listed in Schedule 8, or
 - (c) is an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
 - (d) is reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
 - (e) is within an environmentally sensitive area comprising land which is:
 - (i) adjacent to land on which major industries or utility installations are carried out, being land shown on the map by red hatching, or
 - (ii) land adjacent to Orange Botanic Gardens to which clause 48 applies (shown by green hatching on the map), or
 - (iii) land to which clause 72 applies (shown by blue hatching on the map), or
 - (iv) within the Lucknow Heritage Conservation Area shown by crimson vertical hatching on the map in and around the Village of Lucknow, or
 - (f) is an aquatic reserve declared under the *Fisheries Management Act 1994*.
- (4) A complying development certificate issued for any such development is to be subject to the conditions for the development specified in *Orange Development Control Plan 1/99—Exempt and Complying Development* adopted by the Council on 17 February 2000, as in force when the certificate is issued.

Notes—

- (1) An application may be made to the Council or an accredited certifier for a complying development certificate.
- (2) A complying development certificate can not be issued for development on land identified as an environmentally sensitive area.

23 Advertised development

- (1) Development described in Schedule 6 is declared to be **advertised development** for the purposes of the Act.
- (2) Subclause (1) does not make any subdivision advertised development.

24 The zones

- (1) Unless otherwise provided by this plan, the clause imposing general controls for each

zone specifies:

- (a) the objectives of the zone,
 - (b) the development, in addition to development listed in Schedule 4, which may be carried out without consent in that zone, and
 - (c) the development that may be carried out only with consent in that zone.
- (2) Development specified in the clause imposing general controls for a particular zone as development that may be carried out only with consent and highlighted in bold lettering is **complying development**, subject to clause 22.
- (3) Prior to determining an application for consent under this plan, the consent authority shall consider how the development meets:
- (a) the general aims of this plan, and
 - (b) the specific objectives of the zone in which it is proposed to be carried out, and
 - (c) any other relevant objectives and requirements of this plan.
- (4) Despite any other provision of this plan (except clause 21 (3)), **designated development** may be carried out within a zone only with the consent of the consent authority.

25 Prohibited development

- (1) Development is prohibited on land to which this plan applies if it does NOT comprise:
 - (a) exempt development identified by clause 20, or
 - (b) other development identified by clause 21 as being allowed to be carried out without consent, or
 - (c) development listed in the clause imposing general controls for the zone in which the land is situated, as development which may be carried out either with or without consent.
- (2) For the purposes of clauses imposing general controls for zones, the use or construction of aircraft facilities or helicopter landing sites in conjunction with a dwelling are not development for the purpose of the dwelling.

26 Development near zone boundaries

- (1) Development may be carried out with consent on land that is not within Zone 7 and that adjoins land within another zone if the development is allowed with or without consent within the other zone.
- (2) Subclause (1) does not allow subdivision of land within a zone which would result in

lots with areas less than the minimum area applicable to the zone.

- (3) Subclause (1) does not apply to land separated from land within a different zone by unzoned land.
- (4) Consent may be granted for development, as referred to in subclause (1), only if, in the opinion of the consent authority:
 - (a) the development is desirable due to planning, design, ownership, servicing or similar requirements relating to the optimum development of the land, and
 - (b) the development would not have an adverse impact on:
 - (i) a waterbody, or
 - (ii) the amenity of a residential area, and
 - (c) an area of land, sufficient and suitable for development allowed within the adjoining zone, is provided in the zone within which the development is carried out.

27 Unzoned land

Development may be carried out with development consent on land shown uncoloured on the map if it may be carried out either with or without consent on adjoining zoned land.

28 Subdivision

- (1) Subdivision may be carried out within any zone, but only with development consent.
- (2) A subdivision certificate may be issued by an accredited certifier for a subdivision which:
 - (a) comprises complying development, or
 - (b) involves subdivision works which have been carried out in accordance with quality assurance procedures that have been approved by the Council prior to the commencement of the subdivision works relating to the subdivision.

Part 5 Rural Zones

29 General controls for Zone 1 (a) (General Farming Zone)

- (1) **Zone objective** The objective of Zone 1 (a) is to provide for an area with an open rural character comprising agriculture, other primary industries and development consistent with a rural location, and which includes some rural living opportunities that do not reduce the potential for productive primary industries.
- (2) In Zone 1 (a), the following:

(a) is allowed without consent:

Development for the purpose of:

agriculture

Exempt development,

(b) is allowed only with consent:

Subdivision

Development for the purpose of:

abattoirs

advertisements associated with the use of the land

aircraft facilities

animal establishments

bed and breakfast accommodation

caravan parks

communication facilities

community facilities

convenience stores

dams

dual occupancies

dwelling houses

educational establishments

energy generation

entertainment establishments

extractive industries

forestry

group homes

guest houses

hazardous industries

hazardous storage establishments

helicopter landing sites

heliports

holiday accommodation

home businesses

hospitals

institutions

intensive horticulture

intensive livestock

industries

land shaping

materials recycling centre

mines

motels

offensive industries

offensive storage facilities

outbuildings

plant nurseries

recreation areas

recreation facilities

research facilities

restaurants

road transport terminals

roads

rural industries

sawmills

shops used primarily for selling art and crafts

stock selling centres

transport depots

utility installations

veterinary clinics

waste management facilities

Note—

Development indicated in **bold** in the above table may comprise complying development. An application may be made to the Council or an accredited certifier for a complying development certificate.

30 General controls for Zone 1 (c) (Rural Residential Zone)

(1) **Zone objective** The zone objective of Zone 1 (c) is to provide for rural lifestyle opportunities and complementary uses on small holdings with close proximity to the Orange urban area, which are compatible with the environmental characteristics of the land.

(2) In Zone 1 (c), the following:

(a) is allowed without consent:

Development for the purpose of:

agriculture

Exempt development,

(b) is allowed only with consent:

Subdivision

Development for the purpose of:

advertisements associated with the use of the land for holiday accommodation

land

home businesses

animal establishments

intensive horticulture

bed and breakfast accommodation

land shaping

communication facilities

outbuildings

community facilities

plant nurseries

convenience stores

recreation areas

dams

recreation facilities

dual occupancies

restaurants

dwelling houses

roads

educational establishments

shops for the purposes of selling

forestry

art and craft

group homes

utility installations

guest houses

veterinary clinics

Note—

Development indicated in **bold** in the above table may comprise complying development. An application may be made to the Council or an accredited certifier for a complying development certificate.

31 Minimum allotment sizes in rural areas

(1) Land in Zone 1 (a) or 1 (c) may be subdivided if each allotment created has an area not less than the area specified for each zone as follows:

| Zone | Minimum area of allotment |
|-------|--|
| 1 (a) | 100 hectares (subject to subclauses (2) and (3)) |

- 40 hectares (if subclause (2) applies)
 - 16 hectares (if subclause (3) applies)
 - 1 (c) 2 hectares (subject to subclause (5))
- (2) Land in Zone 1 (a) may be subdivided to create an allotment of less than 100 hectares but not less than 40 hectares if:
- (a) the consent authority is satisfied the allotment will be used for the purpose of agriculture, and
 - (b) the consent authority is satisfied that the proposed allotment will be used for sustainable agricultural production in accordance with a farm plan, and
 - (c) the applicant demonstrates to the consent authority that the creation of the allotment will not diminish the potential of the land or any other land to be used for agriculture.
- (3) Land in Zone 1 (a) may be subdivided to create an allotment of less than 40 hectares but not less than 16 hectares if:
- (a) the consent authority is satisfied the allotment will be used for the purpose of agriculture comprising horticulture or viticulture, and
 - (b) the allotment is being used, or arrangements have been made to the satisfaction of the consent authority for the use of the allotment as a productive horticultural or viticultural enterprise that is or will contribute to the agricultural output of the area as indicated in a farm plan endorsed by the Department of Agriculture, and
 - (c) the applicant demonstrates to the consent authority that the creation of the allotment will not diminish the potential of the land or any other land to be used for agriculture.
- (4) Land in Zone 1 (a) may be subdivided to create an allotment of any area if the consent authority is satisfied that the allotment will be used for a purpose permitted on the land, other than agriculture or dwellings.
- (5) Land in Zone 1 (c) may be subdivided to create allotments with areas of less than 2 hectares where the average area of the lots to be created is not less than 2 hectares if the consent authority is satisfied that:
- (a) the lots will be used for the purpose of dwelling houses, and
 - (b) each lot can sustain a dwelling house, taking into account the suitability of the land for construction and sewage management systems, and
 - (c) the lot layout provides for the rural character of the area and remnant bushland, if

any, to be conserved.

32 Concessional lots from existing holdings

- (1) Notwithstanding clause 31, consent may be granted to the subdivision of land within Zone 1 (a) by which one allotment with an area not greater than 2 hectares is excised from land if:
 - (a) the consent authority is satisfied that the allotment will be excised for the purpose of containing a dwelling house, and
 - (b) the land from which the allotment will be excised is:
 - (i) an existing holding having an area of at least 16 hectares, or
 - (ii) the residue of an existing holding from which, prior to the appointed day, one lot was excised having an area of at least 20 hectares, or
 - (iii) the residue of an existing holding from which, prior to the appointed day, up to two lots were excised with an area of at least 30 hectares each.
- (2) For the purposes of subclause (1) (b) (ii) or (iii), a lot is deemed to have been excised prior to the appointed day where a current development consent issued in accordance with clause 23 of *Orange Local Environmental Plan No 11* but a subdivision certificate had not been issued prior to the appointed day.
- (3) The Council must not grant consent to development referred to in subclause (1) after the date of the third anniversary of the appointed day or such later date as the Minister may, before that third anniversary, notify by order published in the Gazette.

33 Subdivision for managed agriculture

- (1) Consent may be granted to the subdivision of land in Zone 1 (a) to create allotments of any area which are to be used for, and in association with, agriculture for the purpose of horticulture or viticulture, where:
 - (a) the consent authority is satisfied that a farm plan demonstrates that the proposed allotment will be used and managed for sustainable agricultural production, and
 - (b) the lots will be subdivided to create a scheme under the [Community Land Development Act 1989](#).
- (2) The scheme referred to in subclause (1) (b) may contain lots for the purpose of dwelling houses subject to the number of lots not exceeding 1 for every 16 hectares of the total land within the scheme.

34 Monitoring of rural subdivision activities

The Council shall maintain:

- (a) a register which records all decisions made for subdivisions in Zone 1 (a) (in accordance with clauses 31, 32 and 33) and Zone 7, and
- (b) a map showing the location of all subdivisions made in accordance with those clauses, and the register and map shall be publicly available for inspection.

35 Dwelling houses in rural zones

- (1) A dwelling house may be erected on vacant land within Zone 1 (a) or 1 (c) where the land:
 - (a) comprises the whole of an existing holding, or
 - (b) is an allotment created in accordance with clause 31, or
 - (c) is an allotment created in accordance with a development consent granted in accordance with a previous environmental, or deemed environmental planning instrument, being an allotment on which a dwelling could have been erected immediately before the appointed day.
- (2) A dwelling house may be erected on vacant land within Zone 1 (a) where the land:
 - (a) is an allotment created in accordance with clause 32, or
 - (b) has an area of at least 16 hectares and the consent authority is satisfied that the land has been developed and is being used for sustainable horticultural, or viticultural, enterprises, or
 - (c) was created by a subdivision for the purpose of a dwelling house in accordance with clause 33 (2).
- (3) A dwelling house may be erected on land that contains an existing habitable dwelling house where it is intended to replace the existing dwelling house which shall be either demolished or altered so that it may be used for an outbuilding or other use allowed within the zone.

36 Dual occupancy in rural zones

Development for the purpose of a dual occupancy may be carried out, with consent, on land within Zone 1 (a) or 1 (c), but only where:

- (a) both dwellings are and continue to be located on the same lot or parcel, and
- (b) each dwelling is attached, or in close proximity, to the other, and
- (c) the land may be developed for the purpose of a dwelling house in accordance with clause 35.

37 On-site sale of primary produce

Consent may be granted for rural produce, including wine, substantially grown or produced on land within Zone 1 (a) or 1 (c) being offered for sale by the producer where the consent authority is satisfied that:

- (a) the building or place used for the sale of produce is situated wholly within the land, and
- (b) there are adequate parking and manoeuvring areas associated with the building or place used for the sale of produce, and adequate access to a public road, and
- (c) the building or place used for the sale of produce complements the rural character of the locality.

Part 6 Residential Zones

38 General controls for Zone 2 (a) (Urban Residential Zone)

(1) **Zone objective** The objective of Zone 2 (a) is to provide for a fully serviced urban residential environment with a range of housing forms and complementary community and business uses taking into account the distinct character of existing and proposed localities within the urban area.

(2) In Zone 2 (a), the following:

(a) is allowed without consent:

Development for the purpose of:

recreation areas on public land

Exempt development,

(b) is allowed only with consent:

Subdivision

Development for the purpose of:

| | |
|--|--------------------------------------|
| advertisements associated with the use of the land | guest houses |
| agriculture | health consulting rooms |
| animal establishments | hotels |
| bed and breakfast accommodation | home businesses |
| boarding houses | housing for aged or disabled persons |
| business premises in Schedule 7 | land shaping |
| child care centres | motels |
| communication facilities | outbuildings |
| community facilities | places of worship |
| caravan parks | plant nurseries |
| convenience stores | recreation areas |
| dams | recreation facilities |
| dual occupancies | residential units |
| dwelling houses | restaurants |
| educational establishments | roads |
| exhibition homes | shops in Schedule 7 |
| group homes | utility installations |
| | veterinary clinics |

Note—

Development indicated in **bold** in the above table may comprise complying development. An application may be made to the Council or an accredited certifier for a complying development certificate.

39 General controls for Zone 2 (d) (Urban Transition Zone)

(1) **Zone objective** The zone objective for Zone 2 (d) is to provide for an area with a predominantly rural character comprising housing and complementary uses on rural small holdings in a manner that will not restrict future serviced urban development in accordance with the Council's urban release strategy.

(2) In Zone 2 (d), the following:

(a) is allowed without consent:

Development for the purpose of:

agriculture, recreation areas on public land

Exempt development,

(b) is allowed only with consent:

Subdivision

Development for the purpose of:

| | |
|---|--------------------------------------|
| advertisements associated with the use of the | businesses |
| land | housing for aged or disabled persons |
| animal establishments | land shaping |
| bed and breakfast accommodation | outbuildings |
| communication facilities | places of public worship |
| community facilities | plant nurseries |
| convenience stores | recreation areas |
| dams | recreation facilities |
| dual occupancies | restaurants |
| dwelling houses | roads |
| educational establishments | utility installations |
| group homes | veterinary clinics |
| guest houses | |

Note—

Development indicated in **bold** in the above table may comprise complying development. An application may be made to the Council or an accredited certifier for a complying development certificate.

40 General controls for Zone 2 (v) (Village Zone)

(1) **Zone objective** The objective of Zone 2 (v) is to provide for a mix of housing, community uses, business and light industries which combine to provide a distinct village character, while recognising the significance of protecting water quality within the water supply catchment.

(2) In Zone 2 (v), the following:

(a) is allowed without consent:

Development for the purpose of:

agriculture, recreation areas on public land

Exempt development,

(b) is allowed only with consent:

Subdivision

Development for the purpose of:

advertisements associated with the use of the

land

animal establishments

bed and breakfast accommodation

boarding houses

business premises

car parks

caravan parks

child care centres

communication facilities

community facilities

convenience stores

dams

depots

dual occupancies

dwelling houses

educational establishments

exhibition homes

forestry

group homes

guest house

health consulting rooms

holiday accommodation

home businesses

hotels

housing for aged or disabled persons

land shaping

light industries

materials recycling centres

motels

passenger transport terminals

places of worship

plant nurseries

recreation areas

recreation facilities

research facilities

restaurants

road transport terminals

roads

rural industries

outbuildings

shops

transport depots

utility installations

veterinary clinics

waste management facilities for

the purposes of transfer stations

Note—

Development indicated in **bold** in the above table may comprise complying development. An application may be made to the Council or an accredited certifier for a complying development certificate.

41 Urban Residential Zone—general considerations

Consent may be granted for development on land within Zone 2 (a) only if, in the opinion of the consent authority:

- (a) the development would be compatible with the existing and likely future character and amenity of the residential locality in terms of:
 - (i) its scale, bulk, design, appearance, height, siting and landscaping, and
 - (ii) traffic generation and car parking, and
 - (iii) noise, dust, light and odour generation, and
 - (iv) privacy and overshadowing, and

- (v) hours of operation, and
- (b) adequate arrangements have been made for the supply of water, and the disposal of sewage and stormwater, and
- (c) the development incorporates measures for the conservation of energy, and waste management.

42 Development in the Urban Transition Zone

- (1) The objective of this clause is to ensure that subdivision of land in Zone 2 (d) is carried out in a manner that facilitates future urban development.
- (2) Land within Zone 2 (d) may be subdivided by excising an allotment with an area of not less than 2 hectares that is the site of a lawfully erected dwelling house that existed at the appointed day provided that the residue of the allotment has an area of at least 16 hectares or the subdivision enables the residue of the allotment to be consolidated with another allotment to create an allotment or allotments with an area of at least 16 hectares.
- (3) Land within Zone 2 (d) in the area west of Ploughmans Lane in the Suburb of Calare may be subdivided for the purpose of dwelling houses to create lots with areas of at least 2 hectares where:
 - (a) the land is suitable for on-site sewage management systems, and
 - (b) a house site is identified which will not diminish the future development of the land for urban residential purposes.
- (4) Land in Zone 2 (d) in the area west of Ploughmans Lane in the Suburb of Calare may be subdivided for the purpose of dwelling houses to create allotments with areas less than 2 hectares where the average area of the lots to be created is not less than 2 hectares and where the consent authority is satisfied that:
 - (a) each lot can sustain a dwelling house taking into account the suitability of the land for construction and sewage management systems, and
 - (b) the lot layout relates to the site's topographical features, provides for the rural residential character of the area to be maintained pending future urban residential development and for any remnant bushland to be conserved, and
 - (c) a house site is identified which will not diminish the future development of the land for urban residential purposes.
- (5) Land within Zone 2 (d) may be subdivided for the purpose of dwelling houses to create allotments with areas not less than 4,000 square metres where:
 - (a) the allotments will be serviced by public sewerage facilities provided by or on

behalf of the Council, and

- (b) a house site is identified on each allotment that will not diminish the future development of the land for urban residential purposes including provision for roads, public utility undertakings, communication facilities and open space.

43 Shops and business premises in residential zones

- (1) Consent may granted for a shop or business premises in Zone 2 (a) only where:
 - (a) the shop or business premises are listed in Schedule 7, and
 - (b) the consent authority is satisfied that the shop or business premises is required to serve the convenience needs of residents within the surrounding residential area taking into account the number and size of existing shops in the surrounding residential area.
- (2) Development for the purpose of business premises may be carried out only within a neighbourhood centre or established group of shops and business premises.
- (3) Supermarkets, department stores or discount department stores or substantial shopping centres are prohibited within residential zones.

44 Exhibition homes or land sales offices

Consent may be granted for exhibition homes or business premises used for the purpose of a land sales office on land within Zone 2 (a) only if:

- (a) they are designed in such a way that they will not adversely affect the existing and likely future character and amenity of nearby residential areas, and
- (b) they are designed in such a way that they will accommodate the demand for car parking and will not adversely affect traffic movement on nearby residential areas, and
- (c) their use for exhibition or sales is restricted by a condition of development consent to a limited period.

45 Home businesses

- (1) Consent may be granted for a home business in Zone 1 (c), 2 (a) or 2 (d) where:
 - (a) the business is carried out on land upon which is erected a dwelling house, and
 - (b) a maximum of 3 people carry out business activities at any one time, including residents, and
 - (c) the development is compatible with the character and amenity of the surrounding residential area in terms of:

- (i) traffic generation and car parking, and
- (ii) design, scale, bulk, height, siting and landscaping, and
- (iii) hours and method of operation, and
- (iv) noise, light, dust and odour generation, and
- (v) privacy, and
- (vi) overshadowing.

46 Dual occupancies and residential units

Consent may be granted for dual occupancies or residential units on land in Zone 2 (a) where:

- (a) the land is situated in an area which is suitable for dual occupancy housing or residential units taking into account the residential character of the area, and
- (b) the development is compatible with the character and amenity of the surrounding residential area in terms of:
 - (i) site area and shape, and
 - (ii) traffic generation and car parking, and
 - (iii) design, scale, bulk, height, siting and landscaping, and
 - (iv) privacy, and
 - (v) overshadowing.

47 Development in the Village of Lucknow

Due to the former mining activity in the Village of Lucknow, consent may be granted for development in the Village of Lucknow and on land adjacent to the Village which is likely to have been used for mining, only where the consent authority has considered a professionally prepared geotechnical report which indicates that the land is suitable for the development and which at least addresses the following:

- (a) the suitability of the land taking into account the effect of the development on mine shafts, mine spoil and other mining relics, and
- (b) the potential of mine subsidence or land contamination to affect the development, and
- (c) measures to ensure that development complements the character of the Village represented by former mining activity and relics.

48 Development in the vicinity of the Orange Botanic Gardens

To ensure that development in the vicinity of the Orange Botanic Gardens complements the setting of the gardens, consent may be granted for a building to be erected in the Scenic Area adjacent to Orange Botanic Gardens, as indicated by green hatching on the map, only if the consent authority is satisfied that:

- (a) it will be located at a sufficient distance from the boundary of the Orange Botanic Gardens, and
- (b) it will have a building height which does not unreasonably intrude on the landscape features and views from the Orange Botanic Gardens.

49 Residential development in Ploughmans Valley Release Area

- (1) This clause applies to land within Zone 2 (a) generally bounded by Forbes Road, Gorman Road and the proposed distributor road route commonly known as "Area 2" in the Ploughmans Valley Release Area.
- (2) To ensure that development takes into account the unique landscape qualities of the Valley and provides suitable separation between houses and arterial roads, consent may be granted only to subdivisions which create large lots adjoining arterial roads and along the western boundary of Zone 2 (a) in the vicinity of the western ridge.

Part 7 Business Zones

50 General Controls for Zone 3 (a) (Regional Centre Zone)

(1) **Zone objective** The objective of Zone 3 (a) is to promote development which contributes to the role of the Orange central business district (CBD) as the primary retail and business centre in the City and region. Redevelopment of public car parking areas is essential to ensure the long term viability of the CBD.

(2) In Zone 3 (a), the following:

(a) is allowed without consent:

Development for the purpose of:

recreation areas on public land, street furniture including shelters and landscaping in public places undertaken by or on behalf of the Council

Exempt development,

(b) is allowed only with consent:

Subdivision

Development for the purpose of:

| | |
|--|---------------------------------|
| advertisements | |
| agribusiness | motels |
| bed and breakfast accommodation | motor showrooms |
| boarding houses | offices |
| bulk retail | outbuildings |
| business premises | passenger transport terminals |
| car parks | places of worship |
| child care centres | plant hire |
| communication facilities | plant nurseries |
| community facilities | public buildings |
| convenience stores | recreation areas |
| depots | recreation facilities |
| dual occupancy | registered clubs |
| dwelling houses | research facilities |
| educational establishments | residential units |
| energy generation | restaurants |
| entertainment establishments | roads |
| fast food outlets | service stations |
| group homes | shops |
| guest houses | technology centres |
| health consulting rooms | transport depots |
| home businesses | utility installations |
| hospitals | vehicle repair stations |
| hotels | veterinary clinics |
| housing for aged or disabled persons | warehouses |
| land shaping | waste management facilities for |
| light industries | the purposes of waste transfer |
| materials recycling centres | |

Note—

Development indicated in **bold** in the above table may comprise complying development. An application may be made to the Council or an accredited certifier for a complying development certificate.

51 General Controls for Zone 3 (b) (Business Services Zone)

- (1) **Zone objective** The objective of Zone 3 (b) is to provide a range of commercial activities, primarily professional and trade services, and offices which support but do not detract from the role of the CBD as the primary business centre within the City. In order to protect the role of the CBD, retailing is limited and, as such, shopping centres, bulk retail centres, supermarkets or other major retail facilities are not appropriate within this zone.
- (2) In Zone 3 (b), the following:
 - (a) is allowed without consent:

Development for the purpose of:

recreation areas on public land, street furniture including shelters and landscaping in public places undertaken by or on behalf of the Council

Exempt development,

(b) is allowed only with consent:

Subdivision

Development for the purpose of:

advertisements

agribusiness

bed and breakfast accommodation

boarding houses

brothels

business premises

car parks

child care centres

communication facilities

community facilities

convenience stores

dams

depots

dual occupancies

dwelling houses

educational establishments

energy generation

entertainment establishments

exhibition homes

fast food outlets

group homes

guest houses

health consulting rooms

home businesses

hospitals

hotels

housing for aged or disabled persons

land shaping

light industries

materials recycling centres

motels

motor showrooms

offices

passenger transport terminal

place of public worship

plant hire

plant nurseries

public buildings

recreation areas

recreation facilities

registered clubs

research facilities

residential units

restaurants

road transport terminals

roads

service stations

shops subject to Schedule 5

shops subject to clause 54

technology centres

utility installations

vehicle repair stations

veterinary hospitals

warehouses

waste management facilities for the purposes of recycling or waste transfer

Note—

Development indicated in **bold** in the above table may comprise complying development. An application may be made to the Council or an accredited certifier for a complying development certificate.

52 General controls for Zone 3 (c) (Bulk Retail Zone)

(1) **Zone objective** The objective of Zone 3 (c) is to facilitate the establishment of a limited range and type of retail outlets and associated uses, predominantly large floor space uses, which because of their particular operational requirements are less suited to city centre locations.

(2) In Zone 3 (c), the following:

(a) is allowed without consent:

Development for the purpose of:

agriculture

Exempt development,

(b) is allowed only with consent:

Subdivision

Development for the purpose of:

advertisements

bulk retail

car parks

caravan parks

child care centres

communication facilities

community facilities

dams

depots

educational establishments

entertainment establishments

exhibition homes

fast food outlets

hotels

land shaping

motels

motor showrooms

passenger transport terminals

places of worship

plant hire

plant nurseries

public buildings

recreation areas

recreation facilities

registered clubs

research facilities

restaurants

roads

service stations

technology centres

utility installations

vehicle repair stations

waste management facilities for

the purposes of recycling or waste

transfer

Note—

Development indicated in **bold** in the above table may comprise complying development. An application may be made to the Council or an accredited certifier for a complying development certificate.

53 Development within Zone 3 (a) in the Orange CBD

Consent may be granted for development comprising the erection of a building on land within Zone 3 (a) in the Orange CBD, only where the consent authority is satisfied that:

- (a) it encourages continuity in streetscape character through consistent building alignments and heights, facade treatment, and provision of verandahs, awnings or similar means of protection for pedestrians within and adjacent to the land, and
- (b) it can accommodate the demand for car parking, whether by on-site provision or contribution towards public parking facilities, or both.

54 Retailing in Zone 3 (b)

- (1) Consent may be granted for shops within Zone 3 (b) only where the consent authority is satisfied that the development will not detract from the role of the CBD as the major business centre in the City.
- (2) This clause does not allow the establishment of supermarkets, bulk retail centres, department stores or discount department stores or substantial shopping centres or complexes within Zone 3 (b).

55 Bulk retail in Zone 3 (c)

- (1) Consent may be granted for development for the purpose of bulk retail within Zone 3 (c) only where:
 - (a) the sale of items is limited to those specified in paragraph (b), and
 - (b) the gross floor area of the part of the building used for the sale, storage and display of each of the following items offered for sale at the bulk retail, is not less than the area shown below:

| Bulk retail items | Gross floor area |
|----------------------------------|-------------------------|
| furniture | 500 square metres |
| electrical goods | 500 square metres |
| toy and sporting equipment | 500 square metres |
| office supplies | 500 square metres |
| hardware and building supplies | 500 square metres |
| outdoor products | 500 square metres |
| floor coverings | 250 square metres |
| automotive parts and accessories | 250 square metres |
| lighting | 250 square metres |
| antiques and second hand goods | 250 square metres |
| kitchen or bathroom showrooms | 150 square metres |
| tiles (floor, ceiling, wall) | 150 square metres |

(c) the consent authority is satisfied that the proposed development will not have an adverse impact on the viability of land within Zone 3 (a) in the Orange central business district.

(2) This clause does not permit the establishment of supermarkets, department stores or specialty stores for the primary purposes of selling food for home consumption, clothes, footwear and fashion accessories within Zone 3 (c).

56 Eastern Gateway Development

(1) This clause applies to land within Zone 3 (c) situated on the Mitchell Highway comprising Lot 1 DP 153167 and Part Lot 25 DP 750401.

(2) Consent may be granted for development on the land to which this clause applies only if:

(a) in the opinion of the consent authority:

(i) the bulk, scale, height and siting of any proposed buildings and the landscaping of the site of the proposed development would contribute to and enhance the character and amenity of the land as the “eastern gateway” to Orange, and are compatible with the amenity of the nearby residential areas, and

(ii) the development will not have an adverse impact on the City’s drinking water catchment area, and

(iii) traffic generated by the development and access to the site of the development will not have an adverse impact on the existing and likely future function of the Mitchell Highway as the major transport route to and from Orange, and

(b) the ratio of the gross floor area of buildings to the site area does not exceed 0.25:1.

(3) Consent may be granted for restaurants on the land to which this clause applies, in conjunction with a use listed in clause 55 or a fast food outlet, only where in the opinion of the consent authority the restaurant will not have an adverse impact on the role of the CBD or other business centres.

Part 8 Industry and Employment Zone

57 General controls for Zone 4 (Industry and Employment Zone)

(1) **Zone objectives** The objectives of Zone 4 are to provide areas for a range of industrial and employment-generating uses, and permit commercial development where it is ancillary to and associated with an industrial or employment-generating use of land within the zone, or it serves the convenience needs of the workforce in the area,

provided that commercial development does not have an adverse impact on the continued viability of land within business zones in Orange.

(2) In Zone 4, the following:

(a) is allowed without consent:

Development for the purpose of:

agriculture, recreation areas on public land provided by or on behalf of the Council, street furniture and landscaping in public places provided or undertaken by or on behalf of the Council

Exempt development,

(b) is allowed only with consent:

Subdivision

Development for the purpose of:

abattoirs

advertisements
agribusiness
animal establishments
brothels
bulk retail allowed by clause 58
car parks
child care centres
communication facilities
community facilities
convenience stores
dams
depots
dwelling houses in association with and on the same land as another use allowed in the zone
educational establishments
energy generation
entertainment establishments
exhibition homes
extractive industries
forestry
hazardous industries
hazardous storage establishments
helicopter landing sites
heliports
home businesses
industries
intensive horticulture
land shaping

light industries

materials recycling centres
motor showrooms
offensive industries
offensive storage facility
offices used in conjunction with another use permissible in the zone
outbuildings
passenger transport terminals
places of worship
plant nurseries
plant hire
public buildings
recreation areas
recreation facilities
research facilities
road transport facilities
roads
rural industries
sawmills
service stations
shops
stock selling centres
technology centres
transport depots
utility installations
vehicle repair stations
veterinary clinics
warehouses
waste management facilities

Note—

Development indicated in **bold** in the above table may comprise complying development. An application may be made to the Council or an accredited certifier for a complying development certificate.

58 Retailing in industrial areas

- (1) Consent may be granted for a shop in Zone 4 only if:
 - (a) the consent authority is of the opinion that the shop will serve the needs of the workforce within the industrial area and will not prejudice the viability and function of zoned business areas, or
 - (b) the shop is ancillary to, and situated on the same land as, other purposes

permitted in the zone.

- (2) Subclause (1) does not prevent consent from being granted for bulk retail in Zone 4 for the principal purpose of selling:
 - (a) agricultural produce, supplies, plant or equipment, or
 - (b) building products, or
 - (c) motor vehicle parts or accessories or tyres, in which case consent may also be granted for tyre fitting, or
 - (d) second hand or office furniture.

59 Development near a residential zone

Consent may be granted for development within Zone 4 which is in the vicinity of land within a residential zone only if, in the opinion of the consent authority, it would be compatible with the character and amenity of the existing and likely future nearby residential areas in terms of:

- (a) its design, siting and landscaping, and
- (b) its methods and hours of operation, traffic generation and car parking, and
- (c) noise, light, dust and odour nuisance, and
- (d) privacy and overshadowing.

Part 9 Special Uses and Roads Zone

60 General controls for Zone 5 (a) (Public Purposes Zone)

- (1) **Zone objectives** The objectives of Zone 5 (a) are to identify land used or required to be used for a public purpose, including uses undertaken by, on behalf of, or under the authority of a public authority, and to identify land which is used for a purpose which has specific land use requirements not otherwise provided for in adjoining zones.
- (2) In Zone 5 (a), the following:
 - (a) is allowed without consent:
 - Development for the purpose of:
 - agriculture
 - Exempt development,
 - Use of a building lawfully erected for, or ancillary to, the particular land use specified on the map.

(b) is allowed only with consent:

Subdivision

Development for the purpose of:

| | | |
|--|------------------|--|
| advertisements associated with the use of the land | public buildings | recreation areas |
| car parks | roads | the particular land use specified on the map |
| communication facilities | | utility installations |
| dams | | |
| land shaping | | |

Note—

Development indicated in **bold** in the above table may comprise complying development. An application may be made to the Council or an accredited certifier for a complying development certificate.

61 General controls for Zone 5 (b) (Distributor Roads Zone)

(1) **Zone objective** The objective of Zone 5 (b) is to identify land required for proposed roads to provide for an alternate heavy vehicle route around the City Centre and to distribute local traffic through the City. The zone is also intended to protect the land from incompatible development pending the construction of these roads.

(2) In Zone 5 (b), the following:

(a) is allowed without consent:

Development for the purpose of:

agriculture

roads and associated works

Exempt development,

(b) is allowed only with consent:

Subdivision

Development for the purpose of:

| | |
|--------------------------|-----------------------|
| car parks | land shaping |
| communication facilities | recreation areas |
| dams | utility installations |

Note—

Development indicated in **bold** in the above table may comprise complying development. An application may be made to the Council or an accredited certifier for a complying development certificate.

62 Land acquisition within Zone 5 (b)

(1) The owner of land within Zone 5 (b) may, in writing, request the Council to acquire the

land.

- (2) On receipt of a request, the Council must make arrangements to acquire the land if:
 - (a) the land is included in a 5 year works program of the Council, current at the time of the request to acquire, or
 - (b) the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (3) The Council is not required to acquire the land if it might reasonably be required to be dedicated as a condition of consent to the carrying out of development.

63 Use of land within Zone 5 (b)

- (1) Consent may be granted to development on land within Zone 5 (b) prior to its acquisition by the Council:
 - (a) if the development may be carried out either with or without consent on land in an adjoining zone, or
 - (b) if the development is compatible with development which may be carried out on land in an adjoining zone.
- (2) In considering an application for such a consent, the consent authority must consider:
 - (a) the imminence of acquisition, and
 - (b) the likely additional cost to the Council resulting from carrying out of the proposed development.
- (3) Consent may be granted to any development of land in Zone 5 (b) if the land is, in the opinion of the consent authority, no longer required for the specified land use shown on the map.

64 Distributor roads

New vehicular access, other than a public road opened with the approval of the Council, must not be created to a road indicated on the map as *restricted access* to a distributor road.

65 Development along transport routes

- (1) Consent may be granted to development on land which adjoins an arterial road only where the consent authority has considered:
 - (a) the likely impact of the development, including its visual impact, on the safety, efficiency and function of the road, and
 - (b) whether access can be provided to the site of the development by a road other

than an arterial road, and

(c) the adequacy of the location and design of any access to the road, and

(d) whether any measures are required to alleviate noise impacts from the adjoining road.

(2) Consent may be granted to development on land which adjoins Cadia Road, being a principal access route to Cadia Mines, only where the consent authority has considered:

(a) the likely impact of the development on the safety, efficiency and function of the road, and

(b) whether any measures are required to be carried out in conjunction with the development to mitigate potential noise impacts from the adjoining road.

66 Use of land at Orange (Spring Hill) Airport

(1) Consent may be granted to development on land at, adjoining or adjacent to, Orange Airport for aircraft-related purposes, including industries or business premises, or other land uses associated with air transport.

(2) In considering an application for such a consent, the consent authority must take into account the following:

(a) the demand for, and availability of utility services,

(b) whether any measures are necessary to protect the water catchment area from development impacts.

67 Development in the vicinity of Orange (Spring Hill) Airport

(1) Consent may be granted for development on land in the vicinity of Orange Airport, only where the consent authority has considered:

(a) the potential impact of the airport on the development to which the application relates, and

(b) the current *Obstacle Limitation Surfaces Plan for Orange Airport* completed by or on behalf of the airport operator and kept in the office of the Council.

(2) A building may be erected on land in the vicinity of Orange Airport within the area indicated by red hatching on the map only if the building complies with Australian Standard AS 2021-1994 *Acoustics—Aircraft noise intrusion—Building Siting and Construction*).

Part 10 Open Space and Recreation Zone

68 General controls for Zone 6 (Open Space and Recreation Zone)

(1) **Zone objective** The objective of Zone 6 is to ensure that public and private open space meets a range of recreational needs of residents of the City, and enhances and protects the environment of Orange.

(2) In Zone 6, the following:

(a) is allowed without consent:

Development for the purpose of:

agriculture, recreation areas on Crown or public land

(b) is allowed only with consent:

Subdivision

Development for the purpose of:

advertisements associated with a land use

allowed in the zone

car parks

caravan parks

communication facilities

community facilities

dams

forestry

helicopter landing sites

holiday accommodation on land other than public land

motels on land other than public land

recreation areas on land other than Crown or public land

recreation facilities

registered clubs

restaurants

roads

utility installations

Note—

Development indicated in **bold** in the above table may comprise complying development. An application may be made to the Council or an accredited certifier for a complying development certificate.

69 Land acquisition within Zone 6

(1) The owner of land within Zone 6 may, in writing, request the Council to acquire the land.

(2) On receipt of a request the Council must make arrangements to acquire the land, unless the land might reasonably be required to be dedicated as a condition of consent to the carrying out of development.

(3) This clause does not apply to Crown land held by a public authority for the purpose for which it is reserved or land that is used or is proposed to be developed for recreational purposes by a private or community organisation, such as a club or organisation

established for golf, bowls or other sporting or recreational purposes.

70 Use of public land within Zone 6

- (1) Consent may be granted for any development on land within Zone 6 being community land as defined under the *Local Government Act 1993* where the development is consistent with an adopted plan of management prepared in accordance with that Act.
- (2) In assessing a development application for consent to development on community land within Zone 6 the consent authority shall consider:
 - (a) the need for the proposed development on that land, and
 - (b) the impact of the proposed development on the existing or likely future use of the land, and
 - (c) how any proposed building complements the use of the land as public open space, and
 - (d) whether public use of, and access to, the site will be affected and to what extent.

Part 11 Rural Environment Protection Zone

71 General controls for Zone 7 (Water Supply Catchment Zone)

- (1) **Zone objective** The objective of Zone 7 is to manage development within those rural areas which comprise water supply catchments in a way that conserves and enhances the City's and district's water resources while maintaining the rural function and character of the area generated by productive primary industries and some living opportunities.
- (2) In Zone 7, the following:
 - (a) is allowed without consent:

Development for the purpose of:

agriculture
 - (b) is allowed only with consent:

Subdivision

Development for the purpose of:

advertisements associated with the use of the

land

aircraft facilities

animal establishments

bed and breakfast accommodation

caravan parks serviced by public

sewerage facilities

communication facilities

community facilities

convenience stores

dams

depots

dual occupancies

dwelling houses

energy generation

extractive industries

forestry

group homes

guest houses

helicopter landing sites

heliports

holiday accommodation

home businesses

land shaping

mines

offensive industries

offensive storage facilities

outbuildings

plant nurseries

recreation areas

recreation facilities

research facilities

restaurants

road transport terminals

roads

rural industries

sawmills

transport depots

utility installations

veterinary hospitals

Note—

Development indicated in **bold** in the above table may comprise complying development. An application may be made to the Council or an accredited certifier for a complying development certificate.

72 Water quality protection area

Consent must not be granted for development on land shown on the map by blue hatching unless in the opinion of the consent authority:

(a) the development provides for:

(i) the stability of streambanks or foreshores of the water body, and

(ii) protection and enhancement of aquatic and riparian ecosystems, and

(iii) retaining drainage patterns, and

(iv) protecting water quality, and

(v) the needs of existing and potential users of water from that waterbody, and

(b) the development will not result in:

(i) destruction of native riparian vegetation in the area, or

- (ii) siltation of the water body, or
- (iii) an on-site sewage management facility being located on the land from which effluent or nutrients are likely to enter the water body.

73 Subdivision and housing

- (1) Clauses 31, 32, 33 and 35 apply to Zone 7 in the same way as these clauses apply to Zone 1 (a).
- (2) Consent may be granted to dual occupancy development on land within Zone 7 only where:
 - (a) each dwelling is attached or in close proximity to the other, and
 - (b) the area of the land is not less than 16 hectares.
- (3) Where land is partly within Zone 7 and partly within another zone, development which includes provision for an on-site sewage management facility shall be situated within that part of the land within a zone other than Zone 7.
- (4) Subclause (3) applies to, but is not limited only to, concessional lots comprising vacant land created in accordance with clause 32 (as applied by subclause (1)), dwelling houses, dual occupancies, group homes and holiday accommodation.
- (5) Clause 32 does not apply to lots 1 and 2 DP 8381, Giles Road, Springside.

Part 12 Heritage

74 Objectives for heritage conservation

The objectives of this Part are:

- (a) to conserve the environmental heritage of the City of Orange, and
- (b) to provide the opportunity for public information and participation in heritage matters, and
- (c) to ensure that development is consistent with the heritage character of the City of Orange.

75 Heritage items and heritage conservation areas

- (1) Development consent is required, subject to subclause (2), for the following development:

Heritage items

- (a) demolishing or moving a heritage item, or a building, work, relic or tree on the site of a heritage item,

(b) altering a heritage item by making structural or non-structural changes to its exterior, including changes to the detail, fabric, finish or appearance,

(c) erecting a building on land, or subdividing land on which a heritage item is located,

Relics

(d) moving a relic, or excavating land for the purpose of discovering or exposing a relic,

(e) demolishing, dismantling, moving or altering a relic,

In heritage conservation areas

(f) demolishing or moving a building, work, relic or place within a heritage conservation area,

(g) altering a building, work, relic or place within a heritage conservation area by making structural or non-structural changes to its exterior, including changes to the detail, fabric, finish or appearance,

(h) erecting a building on land, or subdividing land, which is within a heritage conservation area.

(2) Development consent is not required by this clause if:

(a) the proposed development is exempt development, or

(b) the consent authority is satisfied that the proposed development is of a minor nature or consists of maintenance of a heritage item or of a building, work, relic or place within a heritage conservation area and the consent authority is satisfied that the proposed development would not adversely affect the heritage significance of the heritage item or conservation area.

76 Consideration of development affecting heritage items or heritage conservation areas

(1) When determining a development application required by this Part, the consent authority shall take into account the extent to which the development would have an impact on the heritage significance of heritage items or heritage conservation areas.

(2) The consent authority may decline to grant consent for development in respect of a heritage item designated in Schedule 8 as having “national”, “State” or “regional” significance until it has considered a conservation management plan, explaining the heritage significance of the item and the impact of the proposed development on the significance of the item and its setting.

(3) Before granting a consent for demolition of a building required by this Part, the consent authority shall consider a plan or description of any building which is

proposed to take the place of the building to be demolished.

77 Development in the vicinity of heritage items

The consent authority may grant consent to development affecting land in the vicinity of a heritage item, heritage conservation area, archaeological site or potential archaeological site only after considering an assessment of the impact that the development would have on the heritage significance, curtilage and setting of the item or heritage conservation area as well as the impact of the development on any significant views to or from the heritage item or conservation area.

78 Heritage proposals being advertised development

- (1) The following development for which consent is required by this Part is *advertised development* for the purposes of the Act:
 - (a) the complete or substantial demolition of a building or work that is a heritage item,
 - (b) the complete or substantial demolition of any significant feature of a heritage item,
 - (c) the demolition of a building, work, relic or place within a heritage conservation area,
 - (d) the carrying out of any development under clause 79.
- (2) Any application for consent for demolition of a heritage item designated in Schedule 8 as having “national”, “State” or “regional” significance must not be granted until the application has been notified to the Heritage Council and any comments received from it within 28 days of being so notified have been taken into account in the determination of the application.

79 Conservation incentives for heritage items

- (1) The consent authority may grant consent to use of a building that is a heritage item for any purpose, or of the land on which a heritage item is situated, even though the use would otherwise be prohibited by this plan, if it is satisfied that the retention of the building or item depends on the granting of consent and:
 - (a) the condition of the heritage item is such that the use of the item for any purpose which is permissible in the zone would be impractical or undesirable, and
 - (b) the heritage item requires a substantial amount of capital expenditure (other than maintenance work) in order to conserve its heritage significance, and
 - (c) the proposed use is in accordance with a conservation management plan which is endorsed by the consent authority, and

- (d) the cost of conservation work identified in the conservation management plan is such that it is not reasonable that any use allowed in the zone would be economically viable for the current or future owner, and
 - (e) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
 - (f) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
 - (g) the proposed use would not adversely affect the amenity of the area, and
 - (h) in all other respects the proposed use complies with the provisions of this plan.
- (2) When considering an application for consent allowed by subclause (1) to erect a building on land on which a heritage item is to be retained and conserved, the consent authority may exclude the floor space of the building from its calculation of parking spaces for the proposed development if it is satisfied that:
- (a) any proposed carparking area would not adversely affect the heritage significance of the item, and
 - (b) any proposed car parking area would not adversely affect the amenity of the area and its streetscape qualities, and
 - (c) the conservation of the heritage item depends on the making of the exclusion.

80 Development of archaeological sites

- (1) Consent may be granted to the carrying out of development on an archaeological site which has Aboriginal cultural heritage significance or a potential archaeological site that is reasonably likely to have Aboriginal cultural heritage significance only if:
- (a) the consent authority has considered a heritage impact statement of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located on the site prepared in accordance with any guidelines notified to it by the Director-General of National Parks and Wildlife, and
 - (b) it has notified the Director-General of the proposed development of the site and taken into consideration any comments received from the Director-General within 28 days after the notice was given.
- (2) Consent may be granted to the carrying out of development on any other archaeological site or a potential archaeological site only if:
- (a) the consent authority has considered a heritage impact statement of how the

proposed development would affect the conservation of the site and any relic known or likely to be located at the site, and

- (b) where the development would involve disturbance of below-ground deposits it has notified the Heritage Council of its intention to do so and taken into consideration any comments received from the Heritage Council within 28 days of the notice being sent.

81 Register of potential heritage items

- (1) The Council may list a building, work, tree or place it considers has some heritage significance as a potential heritage item in a register held by the Council.
- (2) Within 12 months after listing a potential heritage item, the Council is to make an assessment of the heritage significance of the item and, if it is satisfied that sufficient heritage significance is established, should take appropriate steps to include it in this plan as a heritage item.
- (3) The Council must remove a potential heritage item from the register 12 months after it has been listed. The building, work, tree or place concerned can not be listed again as a potential heritage item.
- (4) The Council must give public notice in a newspaper circulating in the locality and notify the owner of the land concerned of its intention to list a potential heritage item at least 7 days before it lists the item in the register.
- (5) The demolition of a potential heritage item while it is listed in the register is **advertised development** for the purposes of the Act.
- (6) This clause does not apply to potential archaeological sites and does not prevent the Council from preparing a draft local environmental plan to include a heritage item in Schedule 8, whether or not the item concerned is or has been a potential heritage item.

Part 13 Advertisements

82 Objectives for advertisements

The objectives for this Part are:

- (a) to ensure that advertisements which are visible from public places are consistent with the character of the locality and do not detract from the amenity of the City of Orange, and
- (b) to provide for minor or temporary advertisements which are likely to have minimal impact on the character of the City.

83 Types of advertisements

(1) For the purposes of this plan, advertisements may take the following forms:

Above awning sign

an advertisement attached to and projecting above the roof of an awning

Fascia sign

an advertisement attached to the fascia or return of an awning

Flush wall sign

an advertisement on a wall which does not project more than 300 millimetres from that wall

Pole, pylon or free standing sign

a freestanding advertisement which may be erected on one or more poles or pylons

Projecting wall sign

an advertisement on a wall which projects more than 300 millimetres from that wall

Real estate sign

an advertisement that only contains a notice that the place or premises to which it is fixed is or are for sale or letting (together with particulars of the sale or letting) and which is removed within 14 days after the letting or completion of the sale

Temporary sign

an advertisement of a temporary nature that:

- announces any local event of a religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event, and
- does not include advertising of a commercial nature except the name of an event's sponsor

Under awning sign

an advertisement affixed to the underside of an awning

Window sign

an advertisement painted on a window or affixed to the inside of a window

(2) For the purposes of this plan, a ***business identification sign*** comprises an advertisement in a form described in subclause (1) that displays any or all of the following information relating to the place or premises to which it is fixed:

(a) the identity or a description of the place or the premises,

(b) the identity or a description of any persons residing or carrying on an occupation

at the place or premises,

- (c) particulars of any occupation carried on at the place or premises,
- (d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there,
- (e) particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act,
- (f) particulars relating to the type of goods, commodities or services dealt with or provided at the place or premises,
- (g) particulars of any activities held or to be held at the place or premises,
- (h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises.

84 Advertisements requiring consent

Development for the purpose of advertisements, including the erection of structures for the purpose of displaying advertisements, may be carried out on land to which this plan applies only with consent unless otherwise indicated in this plan, and only if the consent authority is satisfied that the advertisement will not interfere with the character and amenity of the locality.

85 Advertisements in high profile areas

Development for the purpose of advertisements that are visible from an arterial road may be carried out on land within Zone 1 (a), 1 (c), 2 (a), 2 (b), 2 (v), 6 or 7 only if they comprise business identification signs or public information signs.

Part 14 Definitions

86 Meanings of terms used to describe development

In this plan:

Abattoir means a building or place used for the slaughter of animals or for the processing of animal bodies or by-products, and includes a knackery.

Advertisement means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or carrying out of a work.

Agribusiness means the use of land associated with food and fibre industries, including research and development, production, processing, marketing, promotion, distribution and associated service industries.

Agriculture means:

- (a) the cultivation of pasture or crops, including cereals, fruit and vegetables and flowers, or
- (b) the keeping or breeding of livestock, bees, poultry or other birds,

or a combination of all or some of them, for commercial purposes, but does not include the use of *animal establishments*, or *intensive horticulture* or *intensive livestock industry*.

Aircraft facility means a place used for the taking off and landing of aircraft, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage, refuelling, maintenance or repair of aircraft.

Animal establishment means a building or place used for the breeding, boarding, training or keeping of, or caring for, animals for commercial purposes. It may consist of or include a riding school, horse training facility, cattery or kennels, but not a building or place used for an intensive livestock industry.

Bed and breakfast accommodation means a dwelling where the permanent residents of the dwelling or another dwelling on the same land provide short term accommodation, which may include meals, for paying guests.

Boarding house means a building or place where accommodation, meals and laundry services are provided to long-stay residents of the building or place but does not include a building or place elsewhere specifically defined in this plan.

Brothel means premises habitually used for the purpose of prostitution, whether or not by only one prostitute.

Bulk retail means a building or place used for the sale by retail or auction, or the hire or display, of goods, excluding clothing or food, which require:

- (a) a large area for handling, storage or display, and
- (b) convenient and direct vehicular access designed to enable the goods to be collected by customers after sale.

Bush fire hazard reduction means a reduction or modification (by controlled burning or by mechanical, chemical or manual means) of material that constitutes a bush fire hazard.

Business premises means a building or place in which there is carried on an occupation, profession, service, or trade which provides a service directly and regularly to the public, but does not include a building or place elsewhere specifically defined in this plan.

Caravan park means land (including a camping ground) on which caravans (or tents,

holiday cabins and other moveable dwellings) are, or are to be, placed or erected.

Car park means a building or place used for parking vehicles, and any manoeuvring space and access to it, whether operated for gain or not.

Child care centre means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring primarily for pre-school children (whether or not any of the children are related to the owner or operator).

Communications facility means a building, structure, work or place used primarily for transmitting or receiving signals for the purpose of communications, including radio masts, transmission towers, satellite discs and the like.

Community facility means a building or place used by a public authority, an organisation or group of persons for the physical, social, cultural, or intellectual development or welfare of the local community, but does not include a building or place elsewhere specifically defined in this plan.

Convenience store means a shop selling a variety of small grocery goods, whether or not goods are also available for hire there, or other associated services are provided there for the convenience of customers.

Dam means all works associated with artificial waterbodies, including stormwater retention basins, including filling and an excavation, involved in the permanent or temporary storage of water on land which alters the shape, natural form or drainage of land.

Depot means a building or place used for the storage (but not sale) of plant, machinery, goods or materials used or intended to be used by the owner or occupier of the building or place, but does not include a building or place elsewhere specifically defined in this plan.

Dual occupancy means two dwellings (whether attached or detached) on a single allotment or portion of land whether or not the dwellings are subsequently subdivided when the development resulting in the two dwellings has been carried out.

Dwelling means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

Dwelling house means a dwelling (whether attached to another dwelling or not) which is the only dwelling erected on an allotment of land.

Educational establishment means a building or place principally used for education and training and includes:

- (a) a school, and
- (b) a tertiary institution, including a university or TAFE college, providing formal education which is constituted by or under an Act, and

- (c) adult or community education, and
- (d) training facilities, and
- (e) a museum,

whether or not accommodation for staff or students is provided there and whether or not it is used for the purpose of gain.

Energy generation means a building or place used for the purpose of making or generating gas, electricity or other forms of energy, and which may include wind, hydro or solar power generation.

Entertainment establishment means a building or place used for the purpose of major sport events, entertainment or exhibitions and includes:

- (a) theatres, cinemas, exhibition centres, art galleries, amusement centres, fun parks, convention centres, music halls, or concert halls, and
- (b) sports stadiums, showgrounds, racecourses and motor race tracks, and open areas for concerts, exhibitions, displays and the like.

Exhibition home means a dwelling built for the purposes of display and marketing and which may include an office for sales or home financing, and a materials display, which is intended to be sold as a private dwelling after it has been used for those purposes.

Extractive industry means:

- (a) winning extractive material (including sand, gravel, turf, soil, rock, stone or similar substances), or
- (b) an undertaking, not being a mine, which depends for its operation on the winning of extractive material from the land on which it is carried out,

and includes an associated industry for the purposes of processing of the extractive material such as washing, crushing, grinding, milling, separating into different sizes or grades of that extractive material on that land.

Fast food outlet means a building or place used for serving take away food, whether or not food is also consumed on the premises, which requires car parking and facilities for the convenience of motorists, and which may include a drive-through service.

Forestry includes arboriculture, silviculture and harvesting of trees and shrubs for the purpose of:

- (a) afforestation, forest protection and management, the cutting, dressing and preparing (otherwise than in a sawmill) of wood and associated forest products, or
- (b) establishing roads necessary for the removal of wood and for forest protection.

Group home means a dwelling used to provide accommodation for disabled or socially disadvantaged persons in the form of a single household.

Guest house means a dwelling house used to provide accommodation and meals for paying guests and which may include a restaurant for use by guests and the public.

Hazardous industry means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Hazardous storage establishment means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including measures to isolate the establishment from existing or likely future development on the other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Health consulting rooms means a room or a number of rooms in a building used to provide professional medical treatment or health care services to members of the public.

Helicopter landing site means a place not open to the public used for the taking off and landing of helicopters.

Heliport means a place open to the public used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

Holiday accommodation means accommodation for tourists, visitors or travellers in a building or buildings and which includes one or more support facilities or services such as restaurants, conference facilities, recreation areas and facilities, and entertainment establishments, but does not include a building or place elsewhere specifically defined in this plan.

Home-based child care service means any service, provided at the premises where the person providing the service resides, for the purpose of educating, minding or caring for up to 7 children (including any children who are related to the person providing the

service), but only if:

- (a) the children (other than those related to the person providing the service) do not reside at the premises, and
- (b) the service is licensed within the meaning of the *Family Day Care and Home Based Child Care Services Regulation 1996*.

Home business means the use of a dwelling, an outbuilding or the land within the curtilage of a dwelling, for the purpose of an office, light industry, trade, business or occupation, but only if:

- (a) that use is undertaken by the permanent residents of the dwelling, whether or not others are employed, and
- (b) the use does not interfere unreasonably in any way with the amenity of adjoining properties or the locality in which the dwelling is situated, and
- (c) the use does not involve public display or retail sale of any goods from the premises, and
- (d) the use does not involve a brothel (except in a zone where a brothel may be carried out with consent).

Hospital means a building or place used for the purpose of providing professional health care services (such as preventative or rehabilitative care, diagnosis, medical or surgical treatment, care for people with disabilities, psychiatric care or counselling and services provided by health care professionals) to people who are admitted as in-patients (whether or not out-patient services are also provided), including any:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or restaurants and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers and whether or not any such use is a commercial use,

and includes a building or place that is used exclusively as a day surgery or day procedure centre.

Hotel means a building or place which is licensed for the principal purpose of selling alcohol for consumption on the premises, whether or not accommodation, restaurants or off-licence sales are also provided.

Housing for aged or disabled persons means residential accommodation that may take any building form, which is or is intended to be used as housing for the permanent accommodation of aged persons or disabled persons.

Industry means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods, articles, materials, liquids or gases for commercial purposes, but does not include a purpose elsewhere specifically defined in this plan.

Institution means a building or place used as a penal or remand centre, or reformatory facility.

Intensive horticulture means a building or place used for the artificial propagation or growing of plants, other than orchards or vineyards using traditional agricultural practices, including:

- (a) hydroponics, or
- (b) indoor plant growing including crops, ornamental trees or shrubs, flowers, fruit, nuts or vegetables.

Intensive livestock industry means use of a building or place for the keeping or breeding of livestock or poultry or other birds, which are fed wholly or substantially on prepared or manufactured feed, for commercial purposes, and which may include:

- (a) cattle feed lots,
- (b) aquaculture,
- (c) piggeries,
- (d) poultry farms, and
- (e) worm farms.

but excludes use of a building or place only for drought or similar emergency relief.

Land shaping means all works or activities involved in the placement of fill on land, or an excavation of land, for the purpose of altering the shape, natural form or drainage of land, but which does not result in a dam.

Light industry means an industry in which the processes carried on, or the transportation involved or the machinery or materials used, do not interfere unreasonably with the amenity of the neighbourhood.

Materials recycling facility means a building or place used for collecting, dismantling, storing, or recycling of second-hand or scrap materials for the purpose of resale or reuse.

Mine means the obtaining, by any mode or method, of minerals, metals, petroleum or natural gas and includes the storage, treatment and processing of the material obtained.

Motel means a building or buildings used for overnight or short term accommodation of travellers and their vehicles whether or not meals are also provided to those travellers or

the general public but excludes a building or place elsewhere specifically defined in this plan.

Motor showroom means a building or place used for the display or sale of motor vehicles, caravans, agricultural or mining plant and equipment, or boats, whether or not accessories are also sold or displayed there.

Offensive industry means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

Offensive storage facility means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

Office means a building or place used for the purpose of administration, clerical, technical, professional or like activities, where dealings with members of the public are not on a direct and regular basis or otherwise than by appointment, but excludes a building or place elsewhere defined in this plan.

Passenger transport terminal means any building or place used for the assembly and dispersal of passengers travelling by any form of transport, including any facilities required for parking, manoeuvring, storing or routine servicing of any vehicle forming part of that undertaking.

Place of worship means a building or place used for the purpose of religious worship, whether or not the building or place is also used for counselling, social events or religious training by a congregation or religious group.

Plant hire means a building or place used to hire out tools, plant and equipment used by industry, builders and “do-it-yourselfers” and for the service and maintenance of the tools, plant and equipment.

Plant nursery means a building or place used for selling plants, whether or not plants are grown or propagated on the premises, or landscape supplies or other landscape and horticultural products are also sold there.

Public building means a building or place used as an office or for administrative or

business purposes by or on behalf of a public authority or an organisation established for public purposes.

Recreation area means:

- (a) a children's playground, or
- (b) an area used for sporting activities or facilities, or
- (c) an area provided by or on behalf of the Council for recreational facilities for the community, or
- (d) an area used by a body of persons associated for the purpose of the physical, cultural or intellectual welfare of the community to provide recreational facilities for that purpose and which may include associated club facilities,

but does not include entertainment facilities, racecourses, registered clubs and showgrounds.

Recreation facility means a building or an enclosed area provided for community sport, recreation or leisure activities by the community, whether or not operated for the purpose of gain, and may include:

- (a) a swimming pool, golf course, tennis courts, squash courts, basketball courts, bowling green, bowling alley, gymnasiums, skating rinks and the like, and
- (b) a paint ball park, gun or archery club.

Registered club means a building or place which is used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes and which is, or is intended to be, registered under the [Registered Clubs Act 1976](#).

Research facility means a building or place used for the design, testing, research or development associated with mining, agriculture, industrial goods, or commercial products.

Residential units means three or more dwellings (which may be attached or detached) on a single allotment of land, whether or not the allotment is to be subdivided.

Restaurant means a building or place, the principal purpose of which is the provision of food to people for consumption on the premises, whether or not take-away meals are also provided and includes a café, tea rooms, coffee shop and the like.

Road means a public thoroughfare used for the passage of vehicles or animals.

Road transport terminal means a building or place used for the bulk handling of goods for transport by motor vehicle and includes a building or place used for the loading and unloading of containers.

Rural industry means a business undertaking involving:

- (a) the handling, treating, processing or packing of primary products, or
- (b) regular servicing or repairing of plant or equipment used for the purpose of agriculture or a business referred to in paragraph (a).

Sawmill means a mill used for handling, cutting and processing timber from forestry operations.

Serviced apartment means a dwelling which is cleaned and otherwise serviced or maintained on a regular basis by a non-resident owner or manager of the building or an agent.

Service station means a building or place used for the fuelling of vehicles and retail sale of petrol, oil and other petroleum products, whether or not the building or place is also used for any one or more of the following:

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating or spray painting),
- (e) vehicle and trailer hire,
- (f) the retail selling or hiring of small consumer goods.

Shop means a building or place used for selling items, whether by retail or auction, or for hiring or displaying items for the purpose of selling or hiring, but does not include a building or place specifically defined elsewhere in this plan.

Soil conservation works means works undertaken specifically to protect land and water resources from erosion or sedimentation.

Stock selling centre means a building or place used for the purpose of offering livestock or poultry for sale.

Technology centre means a building or place used for telecommunications or information technology operations including call centres, Internet service providers, and the like.

Transport depot means a building or place used for the parking or storage of motor vehicles used in connection with a passenger transport undertaking, business, industry or shop.

Utility installation means a building or work used for a utility undertaking.

Utility undertaking means any undertaking carried on for the purpose of:

- (a) railway, road, water or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) telecommunications.

Vehicle repair station means a building or place used for the purpose of carrying out repairs, body building, panel beating or spray painting, or selling and fitting of accessories to vehicles or agricultural or mining machinery.

Veterinary clinic means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are also kept on the premises.

Warehouse means a building or place used for storing, handling or displaying items (whether goods or materials) for distribution to other premises for retail sale or for use in agriculture, business or industries.

Waste management facility means a building or place used to dispose of, store, sort or treat waste by any method and which may include a station used for the temporary storage of waste for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse.

87 General terms

In this plan:

Alter in relation to a heritage item, or a building or work within a heritage conservation area, means to:

- (a) make structural changes to the outside of the heritage item, building, work or relic, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work,

but not changes resulting from the partial alteration or maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item which are of a minor nature and do not adversely affect the heritage significance of the heritage item, building or work.

Appointed day means the day on which this plan takes effect.

Arterial road means:

- (a) a road declared to be a main road or State highway under the [Roads Act 1993](#), or

- (b) a road shown on the map as being within Zone 5 (b), or
- (c) a road shown on the map as a restricted access road.

Contaminated land means land which contains soil that has in it a concentration of chemical substances (including substances listed in the *Australian Dangerous Goods Code*) that is likely to pose an immediate or long term hazard to human health or the environment by making the land:

- (a) unsafe or unfit for habitation or occupation by people or animals, or
- (b) degraded in its capacity to support plant life, or
- (c) otherwise environmentally degraded.

Conservation management plan means a document prepared in accordance with the provisions of the *NSW Heritage Manual* current at the time, which establishes the heritage significance of the item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

Council means the Council of the City of Orange.

Demolish a heritage item or a building, work, relic, tree or place within a heritage conservation area means wholly or partly destroy, dismantle, pull down, damage or remove the heritage item, building, work, relic, tree or place.

Existing holding means:

- (a) an allotment, portion or parcel as it was on 24 January 1964, or
- (b) where 2 or more adjoining or adjacent allotments, portions or parcels of land were held in the same ownership at that date, the aggregation of those allotments, portions or parcels as they were on 24 January 1964.

Floor means that space within a building which is situated between one floor level and the floor level next above or, if there is no floor above, the ceiling or roof above.

Gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, excluding:

- (a) columns, fin walls, sun control devices, and any elements, projections or works outside the general lines of the outer face of the external wall, and
- (b) lift towers, cooling towers, machinery and plant rooms, ancillary storage space and air-conditioning ducts, and
- (c) car parking needed to meet any requirements of the Council and any internal

designated vehicular or pedestrian access to it, and

(d) space for the loading and unloading of goods.

Ground level means the level of a site as if no development has taken place other than any filling of the site to meet a requirement of the Council.

Height, in relation to a building, unless otherwise stated in the plan, means the vertical distance measured between ground level at any point at which the building is sited, and the ceiling of the topmost floor of the building above that point.

Heritage conservation area means an area identified on the map as a heritage conservation area.

Heritage item means a building, work, relic, tree or place specified in Schedule 8.

Heritage significance means historic, scientific, cultural, social archaeological, architectural, natural or aesthetic significance.

Heritage Study Inventory Sheet means a numbered entry in Volume 2 of the Orange Heritage Study held in the office of the Council.

Map means a map deposited in the office of the Council.

Orange Heritage Study means the report with that title in two volumes prepared in 1986 by Hughes Trueman Ludlow, subject to subsequent revision as adopted by Council resolution, held in the office of the Council.

Public sewerage facilities means works managed by or on behalf of the Council for sewerage the urban area of Orange and the villages of Lucknow and Spring Hill.

Relic means any deposit, object or material evidence relating to:

- (a) the use or settlement of the area of the City of Orange, not being Aboriginal habitation, which is more than 50 years old, or
- (b) Aboriginal habitation of that area, before or after its occupation by persons of European extraction, including human remains.

Site area in relation to development, means the area of land to which an application for consent to carry out the development relates, exclusive of any land on which the development is not permitted by this plan.

The Act means the [Environmental Planning and Assessment Act 1979](#).

The City means the City of Orange.

The Map means the series of maps marked "Orange Local Environmental Plan 1999", as amended by the maps (or specified sheets of the maps) marked as follows:

Orange Local Environmental Plan 2000 (Amendment No 2)

Vacant land where used in relation to the erection of dwelling houses means land that does not already contain a habitable dwelling house.

Waste means any matter or thing whether solid, gaseous, or liquid or a combination of solids, gases or liquids that is discarded or is refuse from processes or uses (such as domestic, medical, industrial, mining, agricultural or commercial processes or uses).

Water supply catchment means the catchment area prescribed by the responsible water supply authority in association with a public water supply.

Waterbody means:

- (a) a natural waterbody, including a river or stream, whether perennial or intermittent, flowing in a natural channel with an established bed or in a natural channel artificially modifying the course of the river or stream, or
- (b) an artificial water body, including any constructed waterway, canal, inlet, bay, channel, dam, pond or lake,

but does not include a dry detention basin or other construction that is only intended to hold water intermittently.

Schedule 1 Additional uses

(Clause 10)

| Ref | Address | Property Description | Development |
|-----|---------------------------------|--|---|
| 1 | 2-6 and 26-32 Forbes Rd, Calare | Cnr Lot 1 and Lot 2 DP 455129, Lot 2 DP 655379, Lots 110 and 111 DP 801384 | Development for the purpose of a motor showroom |
| 2 | 68 Nile Street, Bowen | Lot 1 DP 730599 | Development for the purpose of an administration centre and meeting room for community organisation |
| 3 | Phoenix Mine Road, Lucknow | Spl cnr lot 28 DP 777373 | Subdivision to create 2 lots with a minimum area of 7,100 square metres |
| 4 | 119 Molong Road, Calare | Proposed lot 190 in resubdivision of lot 90 DP 817052 | Development for the purpose of business premises—food catering |
| 5 | Ophir Road, Clifton Grove | Lot 1 DP 944229 | Subdivision into 2 lots, each with an area of at least 2 hectares and erection of a single dwelling house on each lot created |
| 6 | Cargo Road, Calare | Lot 2 DP 539039 | Erection of a dwelling house |

| | | | |
|---|--------------------------------|------------------------|--|
| 7 | Lysterfield Road, Canobolas | Lots 1 and 2 DP 456785 | Erection of one dwelling house on the land comprising lots 1 and 2 as a single holding |
| 8 | Cargo Road, Calare | Lot 6 DP 229896 | Subdivision to create lots with an average area of not less than 2 hectares, and erection of a single dwelling house on each lot created, subject to all of the land within the lots created draining towards Ploughmans Creek |
| 9 | Cadia Road, Springside | Lot 3 DP 571764 | Erection of a dwelling house |

Schedule 2 Land classified as operational land

(Clause 11)

Part 1

| Address | Use when reclassified | Property description |
|---|--|--------------------------|
| 205A Anson Street/ 22 Sale Street, Orange | Anson-Sale Street Car Park including the Orange Cultural Centre building | Lot 21 DP 1001843 |
| | | Lot 1 DP 529131 |
| | | Lot 2 DP 216466 |
| | | Lot 13 Sec 8 DP 758817 |
| | | Lot 1 DP 581702 |
| Kearneys Drive, Bletchington | Future distributor road land | Lot 52 DP 788488 |
| Rear of 77 Kite Street, Orange being the land having a depth of 35.3 metres from the rear boundary of the land | Anson—Sale Street Car Park | Part of Lot 22 DP 788488 |
| Rear of 79-81 Kite Street, Orange being the land having a depth of 35.5 metres from the rear boundary of the land | Anson—Sale Street Car Park | Part of Lot 50 DP 700122 |
| 85 Kite Street, Orange | Occasional Care | Pt Lots 1 and 2 |
| | | Sec 8 DP 758817 |
| 163 Kite Street/159 Lords Place, Orange | Ophir Car Park | Cnr Lot 1 DP 409517 |
| | | Lot 1 DP 444729 |
| Little Summer Street, Orange | Little Summer Street Car Park | Lot 1 DP 71369 |
| | | Lot 1 DP 74457 |
| | | Lot 1 DP 995730 |

| | | | |
|--|------------------------------|--|-----------|
| | | Lot 1 | DP 995731 |
| Lysterfield Road, Canobolas | Future distributor road land | Lot 1 | DP 827650 |
| Lysterfield Road, Canobolas | Future distributor road land | Lot 1 | DP 408518 |
| 29-39 McNamara Street/123 Kite Streets, Orange | McNamara Street Car Park | Lots 82-84 | DP 851906 |
| Land located between Dalton and McLachlan Streets, Bowen | Vacant land | So much of lot 119 DP 711976 as is within Zone 4 | |
| McNeilly Avenue | Orange Saleyards | Lot 102 | DP 856902 |
| 2 Edward Street | Saleyards land | Lot 5 | DP 252673 |
| 217 Peisley Street, Orange | Byng-Peisley Street Car Park | Lot 81 | DP 847857 |
| 272 Peisley Street, Orange | Covered drainage channel | Lot B | DP 154971 |
| Phillip Street, Narrambla | Phillip Street Quarry | Lot 1 | DP 738478 |
| 122A Phillip Street, Bletchington | Drainage corridor | Lot 1 | DP 438668 |
| Pinnacle Road, Canobolas | Gravel storage and quarry | Lots 62 and 65 DP 750401 | |
| 28 Prince Street, Orange | Services corridor | Lot 8 | DP 16593 |
| 38 Sale Street and associated land off Sale Street, Orange | Car park | Pt Lot 2 | DP 12353 |
| | | Pt Lot 2 | DP 324519 |
| | | Lot 1 | DP 321602 |
| | | Lot 8 | DP 312845 |
| | | Lot 1 | DP 312995 |
| | | Pt Lot 2 | DP 317004 |
| Spring Street, Spring Hill | Sewerage facilities | Lot 3 | DP 809208 |
| Spring Street, Spring Hill | Sewerage facilities | Lot 3 | DP 806008 |
| Rear of 11 Sampson Street | Vacant land | So much of Lot 7 DP 208120 as is within Zone 2 (a) | |

Part 2

Schedule 3 Exempt development

(Clause 20)

1 Advertisements, signs and displays

Erection of an advertising structure and display of an advertisement on it, or the display of

an advertisement that is not on an advertising structure in any of the following cases:

| Type of advertisement, sign or display | Criteria |
|---|--|
| (a) Business identification sign in rural zones or Zone 7 | One sign only for each property which is situated wholly within the land, with a maximum area of 2.5 square metres and which is not illuminated. |
| (b) Business identification sign in a residential zone | One sign only for each property which is situated wholly within the land, with a maximum area of 1 square metre and which is not illuminated. Not on land comprising the site of a heritage item or land within a heritage conservation area. <u>Under awning:</u> One sign only for each premises which does not exceed 1.5 square metres in area, is not lower than 2.6 metres above ground level if suspended above a public road and is setback a minimum of 600 millimetres from the kerb line or edge of carriageway. |
| (c) Business identification sign in a business zone | <u>Projecting wall sign:</u> One sign only for each premises which is not illuminated, does not exceed 2.5 square metres in area, is not lower than 2.6 metres above ground level if suspended above a public road and is setback a minimum of 600 millimetres from the kerb line or edge of carriageway. Not on land comprising the site of a heritage item. <u>Flush wall sign:</u> Does not exceed 2.5 square metres for the combined area of all flush wall signs on the premises and if projects over a public road is no less than 2.6 metres above ground level. Not on land comprising the site of a heritage item. |

- All signs shall be situated wholly within the site.
One pole or pylon sign (which may include a directory board for multiple occupancies on the land) not exceeding 5 square metres in area and 4.6 metres in height, which does not obscure sight distance for vehicles entering or leaving the site.
- (d) Business identification sign in the Industry and Employment zone
For multiple occupancies, a business identification sign comprising either a flush or projecting wall sign with a maximum area of 2.5 square metres attached to the relevant industrial unit.
For single occupancies, a business identification sign comprising a flush wall sign with an area that does not exceed 20% of the area of the front elevation of the building or a projecting wall sign with a maximum area of 5 square metres.
- (e) Internal signs
The advertisement and any ancillary structure are not visible from outside the premises on which it is displayed.
Not on premises comprising a heritage item.
The advertisement is behind the glass line of a display window, if in a business or industrial zone.
- (f) Public information sign
Displayed by the Council on public or other land with the consent of the owner, or on a public road. Must give information about a service, community event, directions or promotional information about the area.
- (g) Real estate sign
The advertisement and any ancillary structure together have a maximum area of 2.5 square metres on rural or residential premises, or 4.5 square metres on commercial or industrial premises.
- (h) Sportsfield advertising
Advertisements associated with sporting events only. Located on or adjacent to playing fields. Orientated towards spectator areas on the land, whether or not the land comprises public land. Any ancillary structure is clear of the playing area.
- (i) Street furniture signs
Signs on a public seat, bus shelter, or garbage bin on a public road only. Must be displayed in accordance with a contract being executed with the Council.
- (j) Temporary sign of the following kinds:

an advertisement announcing a local event approved on the land for a religious, educational, social, cultural or recreational purpose banner on or over a public road erected by or for the Council with the approval of the relevant roads authority for the purpose of announcing local events

Displayed no more than 28 days before the event and removed within 7 days after the event.

Does not comprise commercial advertising other than the name or logo of the event's principal sponsor.

- (k) Traffic signs of the kinds described opposite.

Street name signs and directional signs or traffic control signs erected by the Council on a public road in accordance with AS 1742.1-1991 *Manual of uniform traffic control devices—general introduction and index of signs*.

Signs erected on a public road in accordance with an approved Traffic Control Plan.

2 Ancillary development

Development that is ordinarily incidental or ancillary to a lawful use of the land but only if:

- (a) the development conforms with the criteria for such development to be exempt development set out in *Orange Development Control Plan 1/99—Exempt and Complying Development* as adopted by the Council on 17 February 2000, and
- (b) it does not involve handling, storing or using hazardous chemicals or materials unless for domestic use (except on farms for agricultural use and at a distance of more than 25 metres to a habitable building) and does not release any hazardous chemicals or materials or pollutants into the environment, and
- (c) it does not involve a display of an advertisement unless allowed by some other provision, and
- (d) the development does not involve excavation below 600 millimetres below natural ground level, and
- (e) any ancillary structure associated with a dwelling is erected behind the front building line of the dwelling and extends no more than 3 metres above existing ground level (except for roof mounted telecommunications receiving devices), and
- (f) the development does not affect a feature or facade of a building, work, relic or place if the feature or facade is identified as being notable in a Heritage Study Inventory Sheet.

3 Building alterations

General

Building alterations (other than the making of, or an alteration to the size of, any opening in a wall or roof of a building, such as a doorway, window or skylight) comprising:

- (a) interior alterations to a building that do not affect the load-bearing capacity of any load-bearing component of the building, and
- (b) non-structural alterations to the exterior of a building (excluding buildings on the site of a heritage item, or on land in heritage conservation areas where the land is identified in a Heritage Study Inventory Sheet as having local heritage significance).

Heritage items and buildings in heritage conservation areas

Non-structural alterations to the exterior of a building on the site of a heritage item, or on land in a heritage conservation area identified as having local heritage significance in a Heritage Study Inventory Sheet, involving the removal of features identified as unsympathetic or inappropriate in the Heritage Study Inventory Sheet for the land carried out in accordance with recommendations made by the Council's heritage advisor.

Repainting of painted or rendered external surfaces of heritage items, or buildings in a heritage conservation area that are identified as having local heritage significance in a Heritage Study Inventory Sheet, where standard heritage colours are used relevant to the heritage of the building.

Restoration of external heritage features in accordance with recommendations made by the Council's heritage advisor.

Non-structural alterations to buildings on the site of a heritage item or within a heritage conservation area, which do not affect notable features identified on the Heritage Study Inventory Sheet for the land, in accordance with recommendations made by the Council's heritage advisor.

4 Demolition

Demolition, that is carried out in accordance with AS 2601-1991—*The demolition of structures*, of any structure that is not on the site of a heritage item or identified on the Heritage Study Inventory Sheet applying to the land as having local heritage significance and:

- (a) which is required to be demolished to provide for development which is allowed by a current development consent, or is subject to an order to demolish under section 124 of the [Local Government Act 1993](#), or
- (b) the erection of which would comprise exempt development under this plan, or that is a temporary building which is complying development under this plan.

5 Boundary or security fences and screens, retaining walls

Boundary fences:

Erection of boundary fences (excluding fences in front of the building line of a heritage item) that:

- (a) comply with any relevant covenant and Council policy, and
- (b) utilise materials consistent with the character of the area, and
- (c) do not alter the natural flow of run-off to or from the property, and
- (d) are no more than 1.8 metres high behind the front building line and 1.2 metres high if forward of the building line in a residential zone, but do not include masonry construction over 900 millimetres above ground level, and
- (e) if front fences in heritage conservation areas, are of a style consistent with the period style recorded on the Heritage Study Inventory Sheet for the land, and
- (f) if in rural or rural environment protection zones, are of post and wire construction, are not constructed of paling or metal screen fencing, and have front gates set back a minimum of 15 metres from the formed edge of the carriageway of a public road.

Security fences:

Erection of security fencing which:

- (a) is a security wire fence surrounding an enclosed park or recreation facility, a public utility undertaking or land within Zone 4, and is no more than 2 metres high, or
- (b) is a security wire fence behind the building line on land within Zone 3 (b) and is no more than 2 metres high.

Security screens:

Erection of security screens on the facade of premises in Zone 3 (a) only, provided that externally fitted screens (on the outside of the shopfront) shall be in the open position between the hours of 8.30 am to dusk every day including Sunday and shall be of open weave construction and be of a design and colour to match the shopfront decor.

Security/roller doors:

Erection of security roller doors at the rear of premises or located so that they are not visible from a public place in Zone 3 (a), or behind the building line in Zone 3 (b) or 4.

Retaining walls:

Construction of retaining walls, by or on behalf of the owner of the land on which they are located, to a maximum height of 900 millimetres and constructed so that they do not alter the natural flow of water to or from the land.

6 Subdivision

Boundary adjustment

An adjustment to the boundary of an allotment that:

- (a) will not result in any building contravening the deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (b) will not create any additional allotments, and
- (c) will not result in a lot contravening any development standard applicable to the land.

Rectifying an encroachment

An adjustment to a boundary to rectify an encroachment that:

- (a) will not result in any building contravening the deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (b) will not create any additional allotments.

Lease of community land

A subdivision for the purposes of a lease granted under Division 2 of Part 2 of Chapter 6 of the *Local Government Act 1993*.

Note—

Boundary adjustments resulting from subdivisions allowed by this item require a subdivision certificate under the Act in order to be registered at the Land Titles Office.

7 Use of a building

Temporary building:

Placing and using a portable classroom on land for which consent has been granted for its use as a school, or placing and using a site shed on a site while work for which consent has been granted is being carried out on permanent buildings on the site, if:

- (a) the temporary building is located wholly within the land or site and does not affect landscaping, access, car parking or loading areas in accordance with the consent, and
- (b) the portable classroom or shed is not used after the school building to replace it or the permanent building is completed and lawfully occupied, and
- (c) any portable classroom is located behind the existing building line and not used for more than 3 years.

Schools or clubs:

Use of buildings and land by the community or community organisations for recreational

or social purposes.

Different use of a building:

A new use of an existing lawful building in any of the following cases:

- (a) The new use is consistent with the classification of the building under the *Building Code of Australia* and replaces a former lawful use, and
 - (i) it is not actually or potentially a hazardous or offensive industry, and
 - (ii) it does not involve the preparation of food for sale or consumption unless a former lawful use involved the preparation of food for sale or consumption, and
 - (iii) it is not a prohibited use, and
 - (iv) it does not include the use of the building as a brothel or for the sale of articles which are primarily concerned with sexual behaviour, and
 - (v) where the former use is carried out in accordance with a development consent, the new use complies with that development consent.
- (b) The new use results from a change of building use from a shop, business premises or an office to another office, business premises or shop in Zone 3 (a) or 3 (b) that is not in the business of preparing food for sale or consumption, where:
 - (i) written notice is provided to the Council at least 5 days prior to commencement of the new use of the building, and
 - (ii) the new use replaces a former lawful use, and
 - (iii) it does not involve the preparation of food for sale or consumption, and
 - (iv) it does not include the use of the building as a brothel or for the sale of articles which are primarily concerned with sexual behaviour, and
 - (v) the use of not more than 500 square metres of floor space is changed, and
 - (vi) the new use is not a prohibited use.
- (c) The new use results from a change of building use from an industry to a light industry or a warehouse or from a warehouse to a light industry in Zone 4 where:
 - (i) written notice is provided to the Council at least 5 days prior to commencement of the new use of the building, and
 - (ii) the new use replaces a former lawful use, and
 - (iii) the use of not more than 2,000 square metres of floor space is changed, and
 - (iv) the new use is not a prohibited use.

- (d) The new use results from a change of building use from a building used for a business purpose, boarding house, residential units, group home or dual occupancy to a dwelling house where:
 - (i) the building is situated in a residential or business zone, and
 - (ii) the building was originally established and used as a dwelling house, and
 - (iii) any alterations or demolition involved are also exempt development.

Home business:

Use of an existing lawful dwelling for any of the following:

- (a) **Home occupation** which involves the use of a dwelling by the permanent residents that does not:
 - (i) involve a shop or a brothel, or
 - (ii) cause any interference to the amenity of the locality, or
 - (iii) include signs other than a sign the use of which is exempt development for the land under another provision of this plan.
- (b) **Home-based child care service** carried out in a dwelling house by a carer licensed by the Department of Community Services.
- (c) **Bed and breakfast accommodation** where only one bedroom is provided for a maximum of 4 paying guests.
- (d) **Serviced apartment/holiday letting**, comprising one serviced apartment for each dwelling, which is serviced between the hours of 7.00 am and 7.00 pm on any day and which may include the use of a sign which is exempt development for the land under another provision of this plan.
- (e) **Home business** involving the sale of fruit, vegetables or flowers grown in association with and ancillary to use of a dwelling house primarily for domestic use provided that the use does not involve erection of a structure in front of the building line and does not affect traffic movement in the area. It may include the use of a sign which is exempt development for the land under another provision of this plan.

Public meetings and entertainment:

- (a) Use of a building that is a class 9b building under the *Building Code of Australia* for the purpose of a public meeting.
- (b) Use of a lawful public building for public entertainment for a period of no more than 7 days.

Schedule 4 Development that does not require consent

(Clauses 21 and 24)

(1) Development by public authorities

Development by or on behalf of a public authority for the purpose of any of the following but does not involve the erection of a building with a height greater than 3 metres:

- (a) works for the purpose of utility undertakings for the provision of water, sewerage, drainage, electricity or gas services,
- (b) railways on railway land including buildings used for a railway purpose but excluding buildings used for purposes other than railway purposes,
- (c) road works by road authorities on public roads or land reserved for the purposes of public roads,
- (d) air transport undertakings on airport land,
- (e) forestry work by NSW State Forests on Crown land or land owned by NSW State Forests including afforestation, roads, soil conservation works, forest management practices, cutting and marketing of timber and other forestry purposes permitted under relevant Acts,
- (f) improving and maintaining travelling stock, camping and water reserves by a Rural Land Protection Board but which does not include the erection of buildings,
- (g) soil conservation works, afforestation, flood mitigation, water conservation or river improvement by, or on behalf of, the Department of Land and Water Conservation,
- (h) cemetery undertakings by, or on behalf of the Council on cemetery land,
- (i) landscaping recreation areas on public land by, or on behalf of, the Council consistently with a plan of management in accordance with the [Local Government Act 1993](#),
- (j) erecting or placing street furniture, shelters, garbage bins and the like on public roads by, for, or with the agreement of, the roads authority.

(2) Subdivision

Subdivision for the purpose of excising an allotment of land which is, or is intended to be used for public purposes, including drainage purposes, bushfire or other rescue service purposes or public conveniences.

(3) Bushfire hazard reduction

Bushfire hazard reduction carried out in accordance with a plan of operations approved by

the rural fires authority for the area.

(4) Railway sidings in industrial areas

Development for the purpose of railway sidings servicing land within Zone 4.

(5) Use of Crown reserves

Use of Crown land or Crown reserves for the purpose for which the land is dedicated or reserved, but excluding the erection of buildings or creation of access to a public road.

(6) Farm dams

Development for the purpose of a farm dam:

- (a) on land within Zone 1 (a), 1 (c) or 7, if the dam is required to be licensed under the [Water Act 1912](#), or
- (b) if the dam is not required to be licensed under the [Water Act 1912](#), constructed on land in Zone 1 (a) with a maximum surface area of 5,000 square metres, or
- (c) on land in Zone 7 (excluding land within the Water Quality Protection Area shown on the map) with a maximum surface area of 5,000 square metres, but only if a pipe with a minimum diameter of 150 millimetres is installed towards the base of the dam wall, which provides for the release of low flows up to the flow capacity of the pipe.

Schedule 5 Complying development

(Clause 22)

| Use | Outcomes |
|---|--|
| 1 Bed and breakfast accommodation | |
| The use of an existing lawful dwelling for bed and breakfast accommodation. | <ul style="list-style-type: none">(a) A maximum of 3 bedrooms are used by guests.(b) A minimum of 2 bathrooms/toilets are provided in the dwelling.(c) Fire safety measures are provided.(d) Only one dwelling of a dual occupancy is used for a bed and breakfast. |

2 Business uses

A change of building use from a non-food shop, business premises or office to a restaurant or food shop, or from a restaurant or food shop to a non-food shop, business premises or office in Zone 3 (a).

- (a) No more than 2,000 square metres is affected in the change of building use.
- (b) The use must replace a former use carried out in accordance with a development consent or a change of use under *State Environmental Planning Policy No 4—Development Without Consent*.

Note—

A change to a food shop or restaurant will need to comply with the *Food Act 1989* and associated regulations.

3 Business alterations and additions

- (1) Internal alterations to a building lawfully used as a shop, business premises, an office or a restaurant in Zone 3 (a) or 3 (b) that alter load-bearing elements within the building.
- (2) Rear additions to a building lawfully used for a shop, business premises or office in Zone 3 (a) or 3 (b) which will result in a total floor space not exceeding:
 - 2,000 square metres in Zone 3 (a), or
 - 400 square metres in Zone 3 (b).

- (a) Rear additions shall not be visible from a public place.
- (b) Adequate arrangements shall be made for provision of car parking for rear additions at the applicable rate for the building use.

4 Dual occupancies in residential zones

Internal alterations or additions to a lawfully erected dwelling house in a residential zone to create two dwellings.

- (a) Additions are single storey only.
- (b) Additions are at or behind the rear building line of the dwelling house.
- (c) The site coverage of the dual occupancy in a residential zone shall not exceed 50% or the existing site coverage of the dwelling house, whichever is the greater.
- (d) On-site parking shall be provided for each dwelling.

5 Dual occupancies in rural areas

- (a) On vacant land or land occupied by a single lawfully erected dwelling house only.
- (1) Dual occupancy on land within Zone 1 (a), 1 (c) or 7.
 - (b) The two dwellings are attached.
 - (c) The land area complies with development standards for allotments in the zone.
- (2) Outbuildings used for garages and carports at or behind the front building line of the dwelling.
 - (d) Each dwelling is constructed of matching external materials.
 - (e) Under cover parking is provided for each dwelling.

6 Group homes

The use of a lawfully erected dwelling house for a permanent group home.

- (a) A maximum of 5 bedrooms are provided to accommodate up to 2 persons per bedroom.
- (b) Off-street car parking is provided behind the building line.

7 Health consulting rooms

- (a) A change of building use from a dwelling house in a residential zone.
- (b) A maximum of 3 health care professionals and 3 support staff use the premises at any one time.
- (c) A minimum of 2 off-street car parking spaces per health care practitioner are provided behind the building line for use by staff and customers.
- (d) Rear alterations behind the building line are not visible from public places.

8 Houses and extensions in residential zones

- (1) Single storey detached dwelling house (including single storey alterations and additions).
 - (a) On vacant land.
 - (b) Set back from all boundaries.
 - (c) The land is fully serviced.
 - (d) Buildings are consistent with the character of the locality.
 - (e) The land complies with development standards for allotments in Zone 2 (d).
- (2) Outbuildings used for garages and carports at or behind the front building line of the dwelling house.
 - (f) The land has a minimum area of 800 square metres in Calare in Zone 2 (a).
 - (g) The land has a minimum area of 1,000 square metres in the Village of Spring Hill.
 - (h) For land other than that described in paragraph (e), (f) or (g), it has a minimum area of 550 square metres for lots other than battle-axe lots, or 650 square metres for battle-axe shaped lots, excluding the area of accessway.

9 Houses and extensions in rural areas

- (1) Detached dwelling house on vacant land within Zone 1 (a), (c) or 7.
 - (a) Set back at least 20 metres from each boundary or within a building envelope identified on the plan of subdivision.
- (2) Outbuildings used for garages and carports at or behind the front building line of the dwelling house.
 - (b) On land that has been created in accordance with clause 31 or 32 or that has a minimum area of 100 hectares in Zone 1 (a) or 7, or that has a minimum area of 2 hectares in Zone 1 (c), if a new dwelling house.
- (3) Extensions to a lawfully established existing dwelling house.
 - (c) All weather access is provided to the dwelling house from a public road.

10 Industrial and warehouse buildings

- (1) The erection of an industrial or warehouse building and its use consistent with the classification of the building under the *Building Code of Australia* in Zone 4, but not a building used for actually or potentially hazardous or offensive industries.
 - (a) The floor space of buildings on the land does not exceed 2,000 square metres for land in Clergate Road Industrial Area, Narrambla Business Park or Leewood Industrial Estate or the site coverage of buildings on the land does not exceed 50% of the land area, whichever is less.
 - (b) The floor space of buildings on land other than land described in paragraph (a) does not exceed 500 square metres or the site coverage of buildings on the land does not exceed 50% of the land area, whichever is less.
- (2) Ancillary buildings associated with industries or warehouses.
 - (c) Landscaping is provided within all or part of the front setback area.
 - (d) On-site parking and manoeuvring areas are provided.
 - (e) Buildings do not encroach into landscaping, car parking, manoeuvring or loading areas required by a development consent that applies to the land.

11 Rural outbuildings

- Erection and use of buildings in association with the use of land for agriculture in Zone 1 (a), 1 (c) or 7.
- (a) The site coverage of the building does not exceed 500 square metres.
 - (b) The building is located to the rear of any dwelling house on the land.

12 Subdivision

- (1) Subdivision creating lots on land within Zone 1 (a) or 7.
 - (a) All new lots have a minimum area of 100 hectares.
 - (b) All new lots have frontage and all weather access to a public road.

- (2) Subdivision creating lots for the purpose of a dwelling house in Zone 2 (a).
- (a) A maximum of 3 lots is to be created.
 - (b) All new lots have a minimum area of 500 square metres except for:
 - battle-axe shaped lots, which shall have a minimum area of 650 square metres excluding the area of the accessway, or
 - land in the suburb of Calare which shall have a minimum area of 800 square metres.
 - (c) All new lots have access to a public road.
 - (d) Does not involve the opening of a new road.
 - (e) Located within 400 metres of existing open space or proposed open space identified in a development control plan adopted by the Council.
- (3) Subdivision creating lots for the purpose of a dwelling house in Zone 2 (v) within the Village of Spring Hill.
- (a) A maximum of 3 lots is to be created.
 - (b) All new lots have a minimum area of 1,000 square metres.
 - (c) All new lots have access to a public road.
 - (d) Does not involve the opening of a new road.
 - (e) Lot boundaries conform to external and partition walls and fencelines as determined in the development consent applying to the land.
 - (b) Does not include development lots.
 - (c) Car parks required for residential units are allocated to each lot.
- (4) Strata subdivision.
- (d) Buildings are completed to lock-up stage.
 - (e) Fencing is complete.
 - (f) Driveways, landscaping, garbage and mail facilities are complete.
 - (g) Each lot is connected to a reticulated water and sewerage service.

9 Swimming pools

- Swimming pool in conjunction with a dwelling house.
- (a) On a lot over 550 square metres in area.
 - (b) Situated behind the building line of the dwelling house if in an urban zone.
 - (c) Set back from boundaries and incorporates privacy and noise control measures.

Schedule 6 Advertised development

(Clause 23)

- (1)** Development for the purpose of the following, but only if carried out on land within Zone 2 (a) or 2 (v):
- (a) animal establishments,
 - (b) caravan parks,
 - (c) child care centres,
 - (d) dual occupancies which are not complying development,
 - (e) educational establishments,
 - (f) exhibition homes,
 - (g) group homes other than complying development,
 - (h) guest houses,
 - (i) health consulting rooms other than complying development,
 - (j) home businesses other than home occupations which are exempt development,
 - (k) hotels,
 - (l) housing for aged or disabled people,
 - (m) motels,
 - (n) places of public worship,
 - (o) plant nurseries,
 - (p) recreation facilities,
 - (q) residential units,
 - (r) restaurants,
 - (s) shops other than shops located in neighbourhood centres,

(t) veterinary clinics,

(u) altering, or adding to, an existing use or changing an existing use to another use which would otherwise be prohibited in the Zone.

(2) Development for the purpose of brothels.

Schedule 7 Shops and business premises in residential areas

(Clause 43)

(1) Shops predominantly used as:

- milk bars
- sandwich shops
- pharmacies
- delicatessens
- convenience stores, “minimarts” and the like
- butchers
- newsagencies

(2) Shops selling:

- antiques
- art and craft
- bread, cakes, pies and pastries and the like
- fruit and vegetables
- pet food
- take away food

(3) Business premises in neighbourhood centres of the following kinds:

- laundromats/dry cleaners
- hairdressers, beauticians

(4) Business premises used as a land/home sales office on land or adjacent to land and/or dwellings being offered for sale.

Schedule 8 Heritage items

(Clause 87)

Column 1

Column 2

Column 3

Column 4

Column 5

| Property Title or Description | Address/Location | Item (including the site unless otherwise specified) | Heritage Study Reference | Significance |
|---|---------------------------------|--|---------------------------------|----------------------------|
| "Duntryleague" | Woodward Street | Mansion, gateway, gatekeeper's lodge, entry avenue and stables, excluding golf course layout | M1 | National |
| "Ammerdown" | Molong Road | Homestead | M11 | National |
| Orange Court House | Lords Place | Court Building | C3 | National |
| "St Josephs" | Byng Street | Church | C269 | National |
| "Holy Trinity" | Byng Street | Church, Rectory Bluestone Hall | C274 C29 C30 | National State Local |
| "Mena" | 50 Kite Street | Mansion | C372 | National |
| Orange Public School | Kite Street | School Buildings | C381 | National |
| Lands Office Kite Street | Kite Street | State Government offices | C384 | National |
| "Wolaroi" | Bathurst Road | Former mansion (main school building) | M2 | State |
| "Llanello" also known as "Croagh Patrick" | Park Street | Former mansion | M3 | State |
| "Clifton Grove" | Clifton Grove Coolabah Drive | Homestead | M4 | State |
| "Rosedale" | Ophir Road | Homestead | M5 | State |
| "Wellwood" | Mitchell Highway | Homestead | M6 | State |
| "Summer Hill" | Mitchell Highway | House and group of Farm buildings | M7 | State |
| "Endsleigh House" | 38 Endsleigh Avenue | House | M8 | State |
| "Colwood" | 12 McKay Crescent | Homestead | M9 | State |
| "Glenfield" | Forest Road | Country Inn | M10 | State |
| "Maroombah" | 24 Courallie Drive | Mansion | M14 | State |
| "Glengarra" | Mt Pleasant Lane | Homestead | M15 | State |
| "Roseteague" | Canobolas Road | Homestead and curtilage | M27 | State |

| | | | | |
|---------------------------|----------------------------------|--|--------------------|-------------------------|
| Bloomfield Hospital | Forest Road | "Nymagee Lodge" Landscape features: Entry gateway, Elm Avenue and grounds | M28 L4 | State Local |
| Orange Railway Station | Peisley Street | Railway station and pedestrian bridge | M40 | State |
| Wesley Uniting Church | 223 Anson Street | Church | C26 | State |
| Orange Town Hall | 247-249 Anson Street | Offices—former Town Hall | C28 | State |
| "Newstead" | 47-49 Hill Street | Club—former mansion | C84 | State |
| "Knocklong" | 73 Hill Street | House | C86 | State |
| HACBS | 87 Hill Street | Former Building Society | C91 | State |
| Cook Park | Summer Street | Park Fernery Blowes Conservatory | L1 C119 C340 | State State State |
| "Parkview" | 44 Clinton Street | House | C139 | State |
| "Trebanog" | 79-81 March Street | House—former Inn | C213 | State |
| Welcome Inn | 85 March Street | Restaurant— former Inn | C214 | State |
| | 65 Byng Street | House | C267 | State |
| Gladstone Hotel | 69 Byng Street | Hotel | C268 | State |
| Metropolitan Hotel | Corner Byng and Anson Streets | Hotel—former store | C275 | State |
| "Galbally" | 60 Byng Street | Mansion | C293 | State |
| | 62 Byng Street | Mansion | C294 | State |
| "Brownholm" | 82 Byng Street | House | C303 | State |
| "Union Bank" | 84 Byng Street | Restaurant/offices former Bank | C304 | State |
| "Craigielee" | 23 Summer Street | House | C315 | State |
| "Berrilee" | 29 Summer Street | Mansion | C317 | State |
| | 58 Summer Street | House | C342 | State |
| Orange Post Office | 222 Summer Street | Post Office | C345 | State |
| Palmer's Building | 226 Summer Street | Former AJS Bank | C346 | State |
| | 56 Kite Street | House | C374 | State |

| | | | | |
|----------------------------------|------------------------------------|---|------------|----------------|
| | 80 Kite Street | Former Headmaster's residence | C382 | State |
| | 86 Kite Street | Child care centre—former mansion | C383 | State |
| "Warrenbah" | 171 Edward Street | House | SE32 | State |
| | 160 Kite Street | Offices—former house | SE51 | State |
| "Bowen Terrace" | 3-25 Bathurst Road | Terrace houses | E1 | State |
| "Reform Mine" | Mitchell Highway, Lucknow | Mine building group and relics | M69 (a) | State |
| "Narrambla" | Ophir Road | Templar's Mill ruins and Banjo Patterson memorial | L7 | State |
| Orange Cemetery | Lone Pine Avenue | "Old Portion" | L9 | State |
| Chinamen's Bend Cemetery | Mitchell Highway | Cemetery | L10 | State |
| Robertson Park | Summer Street | Park | L2 | Regional |
| Newman Park | March Street | Park | L3 | Regional |
| Campbells Corner | Pinnacle Road | Park | L5 | Regional |
| Towac Pinnacle | Pinnacle Road | Park | L6 | Regional |
| CSR Readymix site | Laurel Street, off Racecourse Road | Bluestone quarry | L14 | Regional |
| "Melyra" | Ploughmans Lane | House | M12 | Local |
| "Suma Park" | Ophir Road | Homestead | M13 | Local |
| "Clearview" | Steeles Lane | House | M16 | Local |
| "Adavale" Gosling Road | | House | M17 | Local |
| Towac Park Racecourse | Towac Road | Timber grandstand, Pavilion, entry avenue | M18 | Local |
| Orange Showground | Leeds Parade | Dalton's Pavilion Agricultural Pavilion | M20 M21 | Local Local |
| "Rose", "Shamrock" and "Thistle" | Mitchell Highway, Shadforth | Group of 3 miners' cottages | M23 | Local |
| "Rose Cottage" | Canobolas Road | House—former post office | M25 | Local |
| Canobolas Public School | Canobolas Road | School | M26 | Local |

| | | | | |
|---------------------------|-----------------------|-------------------------------------|-----------|----------------|
| "Bloomfield House" | Catto Close | House Remains of Moulder's orchard | M29 L8 | Local Local |
| | 81 Woodward Street | House | M31 | Local |
| | 91 Woodward Street | House | M30 | Local |
| | 94 Woodward Street | House | M32 | Local |
| "Gobabla" | 100 Franklin Road | House | M34 | Local |
| "Garyowen" | 102 Franklin Road | House | M35 | Local |
| | 104 Franklin Road | House | M36 | Local |
| | 106 Franklin Road | House | M37 | Local |
| "Hiluneva" | 154 Moulder Street | House | M38 | Local |
| Wade Park | Moulder Street | 2 Cottages only | M39 | Local |
| | 158 Peisley Street | Stationmaster's house | M41 | Local |
| | 84-88 Peisley Street | Stores | M42 | Local |
| | 325 Peisley Street | House | M44 | Local |
| "Highgate" | 329 Lords Place | House | M46 | Local |
| "Middlesex" | 335 Lords Place | House | M47 | Local |
| "Glenelg" | 345 Lords Place | House | M48 | Local |
| | 349 Lords Place | House | M49 | Local |
| "Carinya" | 365 Lords Place | House | M50 | Local |
| "Eudora" | 67 Prince Street | House | M51 | Local |
| | 97 Prince Street | House | M52 | Local |
| | 127-129 Prince Street | House | M53 | Local |
| | 65 Dalton Street | House | M54 | Local |
| | 306 Anson Street | House | M55 | Local |
| | 35 William Street | House | M57 | Local |
| | 38 Autumn Street | House | M58 | Local |
| "Rowena" | 81 Autumn Street | House | M59 | Local |
| "Buena Vista" | 211 March Street | Community facility—former residence | M60 | Local |
| East Orange Public School | March Street | School | M61 | Local |

| | | | | |
|--|---------------------------|--------------------------------|-----|-------|
| | 34 Nile Street | House | M62 | Local |
| | 5 Spring Street | House | M67 | Local |
| | 21 Spring Street | House | M64 | Local |
| | 23 Spring Street | House | M65 | Local |
| "Caeleon" | 25 Spring Street | House | M66 | Local |
| "Strathroy" | 26 Spring Street | House | M63 | Local |
| Orange City Band Hall | William Street | Hall | M68 | Local |
| "Merungie" | Mitchell Highway, Lucknow | Raine family grave plot | L11 | Local |
| "Wentworth Mine" also known as "Great Western" | Mitchell Highway, Lucknow | Mine building group and relics | M69 | Local |