



# ORANGE Heritage FACT SHEETS

## Heritage works

that may not require a development application

**This fact sheet provides information relating to the types of work that can be undertaken to a building, relic or place that is a heritage item and/or located within a Heritage Conservation Area, without needing a development application to be lodged with Council. The fact sheet also outlines the process that needs to be followed as required by Council's Local Environmental Plan.**

### CLAUSE 5.10(3) OF ORANGE LOCAL ENVIRONMENTAL PLAN 2011

Clause 5.10(3) of Orange Local Environmental Plan 2011 provides the ability for people to undertake certain works without needing to lodge a development application for works that are of a minor nature or for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site, or a building, relic, tree or place within a Heritage Conservation Area. This is provided such work would not adversely affect the heritage significance.

Additionally, consent is not required to remove a tree or other vegetation that Council is satisfied is a risk to human life or property.

To determine if a tree removal in a heritage conservation area can be dealt with under this clause, you'll need to fill out and submit the attached form, prior to beginning any work.

Head to the NSW Planning Portal online to work out whether your property is in a heritage conservation area.

There are other provisions within the subject clause that relate to cemeteries and burial grounds which are not covered in this fact sheet.

**Note:** Upon receipt of the application, Council may form the view the work extends beyond what is covered in the above clause. If this occurs the applicant will be notified that a development application will be required.

### TYPES OF WORKS

The types of works that could be considered minor or maintenance include (but are not limited to) the following

- exterior painting
- interior painting (of a heritage item)\*
- repairing or replacing roofing material in like-for-like materials and colour
- repairing or replacing guttering or downpipes in a like-for-like material and colour
- removing small insignificant trees
- repairing or replacing a boundary fence where at least one common boundary is shared by a listed heritage item.\*\*

### THE PROCESS

Before beginning work to a heritage item or a property within a heritage conservation area, please fill out the attached form and provide details as necessary (ie paint swatches, photos, specifications etc). Please submit this form to Council either in person or email [council@orange.nsw.gov.au](mailto:council@orange.nsw.gov.au) Council staff will then determine whether the proposed work can be done without the need for a development application.

Council will then be in touch either way.

As always, Council's free heritage advice service is available to discuss any proposed work to heritage areas and buildings.

\*Interior painting of a building in a heritage context that is not an individually listed item is exempt development under the State Environmental Planning Policy (Exempt and complying code) 2008.

\*\* Side boundary fencing between two non-listed properties in a heritage setting can potentially be carried out as exempt development under State Environmental Planning Policy (Exempt and complying code) 2008. Refer to the SEPP for more details:  
<http://www.legislation.nsw.gov.au/#/view/EPI/2008/572/part2/div1/subdiv17>

# Development Application (DA) Exemption - Minor or Maintenance Works - Heritage Item or property in Heritage Conservation Area

Pursuant to Section 4.1(1) of the Environmental Planning and Assessment Act and Clause 5.10(3) of Orange Local Environmental Plan 2011.

**This form is to be read in conjunction with the Fact Sheet titled 'Heritage Works That Do Not Require Development Consent'**

Has an approval/exemption been issued by NSW Heritage (if required)?

- No (application cannot be processed until provided)
- Yes (approval/exemption attached)
- Not required

## ASSESSMENT

- An exemption cannot be granted for works already or partly completed.
- This form cannot be used for any other approval.
- Council officers, guided by the expert advice of Council's Heritage Advisor, will only agree to this request if the works are consistent with Clause 5.10(3) of Orange LEP 2011.

## HOW TO COMPLETE THIS FORM:

Ensure that all fields in this form have been filled out correctly and any supporting material attached.

Once completed you are able to submit the application in person at Council, or alternatively electronically via [council@orange.nsw.gov.au](mailto:council@orange.nsw.gov.au)

Once the application has been assessed, Council will advise in writing whether or not the application is acceptable.

## APPLICANT DETAILS

Name in full

Phone number

Postal address

Residential address

Email address

## PROPERTY DESCRIPTION

We need this information to correctly identify the subject land. This information is shown on Rates Notices, Property Deeds, etc.

Full property address

Site area (m2):

Lot/s:

DP/SP:

## OWNER DETAILS AND CONSENT

**Every property owner must sign this section.** As the owner/s of the above property, I/we consent to this application and to any subsequent inspections required to be undertaken by Council officers in the assessment of this application.

Name or company name/s (in full)

Phone number

Postal address

Residential address

Email address

Signature(s)

Name(s) - please print

**Continued next page**

## DETAILS OF PROPOSED DEVELOPMENT

Brief description of development proposed:

## SUPPORTING DOCUMENTATION

Please list all supporting documentation attached to this form:

Existing use of the site:

Has pre-lodgement advice been obtained?

Yes – date of advice:

No

## Office use only

Record number:

### DETERMINATION

Accepted and formal advice provided to the applicant.

Further details/information requested.

Application is inconsistent with Clause 5.10(3) – advice provided to the applicant that a development application should be lodged for the proposed works.

For further information please contact  
Orange City Council on 6393 8000 or  
[council@orange.nsw.gov.au](mailto:council@orange.nsw.gov.au)