



PLANNING AND DEVELOPMENT COMMITTEE

AGENDA

9 JULY 2024

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **PLANNING AND DEVELOPMENT COMMITTEE MEETING of ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE** on **Tuesday, 9 July 2024**.

David Waddell

CHIEF EXECUTIVE OFFICER

For apologies please contact Executive Support on 6393 8391.

AGENDA

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1 INTRODUCTION

1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons given for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussion or voting on that matter, and requires that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code of Conduct also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

It is recommended that Committee Members now disclose any conflicts of interest in matters under consideration by the Planning and Development Committee at this meeting.

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

RECORD NUMBER: 2024/897

AUTHOR: Paul Johnston, Manager Development Assessments

EXECUTIVE SUMMARY

Following is a list of more significant development applications approved by the Chief Executive Officer and the Western Regional Planning Panel (WRPP) under the delegated authority of Council. Not included in this list are residential scale development applications that have also been determined by staff under the delegated authority of Council (see last paragraph of this report for those figures).

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan Strategy “8.1. Plan for growth and development that balances liveability with valuing the local environment”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council resolves to acknowledge the information provided in the report by the Manager Development Assessments on Items Approved Under the Delegated Authority of Council.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

Reference: DA35/2006(2)

Determination Date: 20 June 2024

PR Number PR15167

Applicant/s: Peter Basha Planning & Development

Owner/s: Mrs SJ Gordon

Location: Lot A DP 354554 - Bowd Road and Lot 178 DP 7750406 - 1260 Vittoria Road, Orange

Proposal: Modification of development consent - subdivision (three lot rural). The modification involves relocating and increasing the size of the building envelope on proposed Lot 2.

Value: \$0

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 304/2007(3) **Determination Date:** 31 May 2024
PR Number PR1671
Applicant/s: Martin Gleeson Pty Ltd
Owner/s: Martin Gleeson Pty Ltd
Location: Lot 22 DP 791830 - 5 Borrodell Drive, Orange
Proposal: Modification of development consent - tree removal. The modified development sought to remove a tree and associated conditions from original subdivision consent.
Value: \$0

Reference: DA 206/2018(4) **Determination Date:** 20 June 2024
PR Number PR28455
Applicant/s: Charms Developments Pty Ltd and Fenlor Group Pty Ltd
Owner/s: Mr KR and Mrs JA Kramer
Location: Lots 101-139 DP 1260733, Lots 201-251 DP 1267827 and Lot 51 DP 1256004 - Shiralee Road and Balmoral Drive, Orange (formerly known as Lots 92, 93 and 95 DP 750401 - 124, 136 And 148 Shiralee Road, Orange)
Proposal: Modification of development consent - subdivision (102 lots - comprising 101 residential lots and 1 open space lot) and demolition (dwellings x 2 and outbuildings).The modification involves further subdivision of approved Lot 101 (known as 148 Shiralee Road) into three lots.
Value: \$99,000

Reference: DA 423/2018(2) **Determination Date:** 5 June 2024
PR Number PR6420
Applicant/s: Hitech Austwide Pty Limited
Owner/s: Mrs D L Nikitin
Location: Lot 169 DP 260088 - 37 Kurim Avenue, Orange
Proposal: Modification of development consent - dual occupancy (new moveable dwelling). The proposed modification involves amending the location of the Entry/Porch of the moveable dwelling by bringing it closer to the existing driveway. The approved Bedroom 1 will be flipped to the entry side. The modification will provide easier access into the dwelling for the user by reducing the path of travel.
Value: \$150,000

Reference: DA 242/2022(3) **Determination Date:** 30 May 2024
PR Number PR11525
Applicant/s: Quiet Lights Pty Ltd
Owner/s: Vimwill Pty Limited
Location: Lot 29 DP 597288 - 301-303 Summer Street, Orange
Proposal: Modification of development consent - small bar. The modified proposal sought to modify the consent to allow for the preparation and serving of plated simple dishes, within already approved bar/kitchen area under section4.55(2) of OLEP 2011.
Value: \$22,000.00

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 265/2022(2) **Determination Date:** 30 May 2024
PR Number PR27634
Applicant/s: Lenco Projects Pty Ltd
Owner/s: Shale Developments 22
Location: Lot 11 DP 1228107 - 1 Summer Street
 Lot 12 DP 1228107 - 160 Woodward Street
Proposal: Modification of development consent - residential flat building (five units), multi dwelling housing (six dwellings) and subdivision (consolidation, eight lot community title and five lot strata title). The modified proposal sought to:

- amend approximately 47 conditions of consent, relating to items such as internal and external alterations, façade treatments, schedule of finishes, landscaping, fencing, levels and heights, manoeuvring, window locations, new walls, and the like.
- amend the staging to:

Stage	Proposal
1	Subdivision (consolidation), construction of RFB and multi dwelling housing
2	Community Title subdivision (eight lots)
3	Strata subdivision (five lots)

Value: \$0

Reference: DA 279/2022(1) **Determination Date:** 24 June 2024
PR Number PR25815
Applicant/s: Eastern Developments (NSW) Pty Ltd
Owner/s: Eastern Developments (NSW) Pty Ltd
Location: Lot 11 DP 1176470 - 4 Atlas Place, Orange
Proposal: Warehouse or distribution centre (three tenancies), and hardware and building supplies (three tenancies)
Value: \$1,800,000

Reference: DA 121/2023(3) **Determination Date:** 24 June 2024
PR Number PR26463
Applicant/s: Open Cut Mining Equipment Pty Ltd
Owner/s: Scanty Lane Investments Pty Ltd
Location: Lot 106 DP 1194589 - 24 Astill Drive, Orange
Proposal: Modification of development consent - vehicle sales or hire premises, business identification signage, earthworks and subdivision (two lot). The modification includes a minor change in the western elevation by removing two powder coated aluminium framed window from the parapet and to change the window size next to the entry door and to make wider from 900mm to 1500mm.
Value: \$0

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 229/2023(1) **Determination Date:** 18 June 2024
PR Number PR612
Applicant/s: The Uniting Church in Australia, Orange Parish
Owner/s: Uniting Church in Australia
Location: Lot 1 DP 996128 - 215-221 Anson Street, Orange
Proposal: Boarding house (change of use and alterations and additions to existing building)
Value: \$520,000

Reference: DA 367/2023(1) **Determination Date:** 30 May 2024
PR Number PR16621
Applicant/s: Emus Rugby Club Ltd (OCC)
Owner/s: Emus Rugby Club Ltd (OCC)
Location: Lot 1 DP 880736, Lot 4 Sec 1 DP 6662, Lots 11, 12 and 13 DP 1248554 - 84 Woodward Street and part 94 Woodward Street, Orange
Proposal: Demolition (existing amenities building) and Recreation Area (construction of new amenities building)
Value: \$330,000

Reference: DA 402/2023(1) **Determination Date:** 30 May 2024
PR Number PR29413
Applicant/s: Mr P Shaw
Owner/s: Rathla Pty Ltd
Location: Lot 1 DP 1286438 - 100 Shiralee Road, Orange
Proposal: Road
Value: \$765,545

Reference: DA 419/2023(1) **Determination Date:** 29 May 2024
PR Number PR6272
Applicant/s: Ms EA Sarks
Owner/s: Ms EA Sarks
Location: Lot 1 DP 199192 - 18-20 Kite Street, Orange
Proposal: Subdivision (two lot Torrens title)
Value: \$30,420

Reference: DA 426/2024(2) **Determination Date:** 5 June 2024
PR Number PR9348
Applicant/s: Ms AM McKenzie
Owner/s: Ms AM McKenzie
Location: Lot 68 DP 245220 - 8 Old Regret Road, Clifton Grove
Proposal: Modification of development consent - demolition (shed and carport), attached secondary dwelling and carport. Application has been made to modify development consent DA 426/2024(1) so as to correct a miscalculation in relation to the Section 7.11 contributions levied on the development.
Value: \$0

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 439/2024(1) **Determination Date:** 6 June 2024
PR Number PR8798
Applicant/s: Bassmann Drafting Services
Owner/s: Mr JJ Pickering and Ms EA Hastilow
Location: Lot 3 DP 663098 - 74 Moulder Street, Orange
Proposal: Dwelling and attached garage
Value: \$1,173,454

Reference: DA 440/2024(1) **Determination Date:** 6 June 2024
PR Number PR6190
Applicant/s: B Johnson and S Johnson
Owner/s: Mr KW and Mrs HL Cochrane
Location: Lot 1 DP 197845 - 19 Kite Street, Orange
Proposal: Dwelling alterations and additions
Value: \$400,000

Reference: DA 449/2024(1) **Determination Date:** 6 June 2024
PR Number PR6274
Applicant/s: Designs@M
Owner/s: Mr LG and Mrs JM Musgrave
Location: Lot A DP 150705 - 14 Kite Street, Orange
Proposal: Dwelling house (additions to garage and new attached studio, deck and pergola)
Value: \$326,000

Reference: DA 466/2024(1) **Determination Date:** 20 June 2024
PR Number PR8824
Applicant/s: Mrs KL Morgan
Owner/s: Mr JL and Mrs NM Parkes
Location: Lot 91 DP 558830 - 30 Moulder Street, Orange
Proposal: Neighbourhood shop (alterations and additions) and demolition of shed
Value: \$417,000

Reference: DA 472/2024(1) **Determination Date:** 24 June 2024
PR Number PR29166
Applicant/s: Andrew Crump Town Planning
Owner/s: Mr RK Skelton and Ms KL Pasquali
Location: Lot 306 DP 1280002 - 155 Diamond Drive, Orange
Proposal: Subdivision (two lot Torrens title) and dwellings (two)
Value: \$700,000

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 483/2024(1) **Determination Date:** 27 May 2024
PR Number PR23187
Applicant/s: Ms LT Ta
Owner/s: Mr TH Tran and Ms LT Ta
Location: Lot 3332 DP 1135444 - 10 Ruby Street, Orange
Proposal: Home business (nail salon)
Value: \$8,000

Reference: DA 490/2024(1) **Determination Date:** 24 June 2024
PR Number PR8940
Applicant/s: Mr PR Cox
Owner/s: Mr PR and Mrs JR Cox
Location: Lot 36 DP 739209 - 9 Nandillion Ponds Drive, Orange
Proposal: Subdivision (two lot Torrens title)
Value: \$50,000

Reference: DA 503/2024(1) **Determination Date:** 24 June 2024
PR Number PR9486
Applicant/s: Mr DA Thurtell
Owner/s: Mr DA Thurtell
Location: Lot 1 Sec 9 DP 2986 - 14 Paling Street, Orange
Proposal: Subdivision (three lot Torrens title), demolition (dwelling, shed and tree removal) and dwellings (three new dwellings)
Value: \$1,196,000

Reference: DA 504/2024(1) **Determination Date:** 18 June 2024
PR Number PR25982
Applicant/s: Haderslev Pty Ltd
Owner/s: Kueb Pty Ltd
Location: Lot 2 DP 1180945 and Lot 10 DP 1268246 - 4 and 4A Hamer Street, Orange
Proposal: Subdivision (boundary adjustment)
Value: \$0

Reference: DA 508/2024(1) **Determination Date:** 30 May 2024
PR Number PR29494
Applicant/s: Mr GC Norton
Owner/s: Mr DR Finch
Location: Lot 36 DP 1289567 - 27 Sullivan Circuit, Orange
Proposal: Subdivision (two lot Torrens title)
Value: \$18,000

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 521/2024(1) **Determination Date:** 24 June 2024
PR Number PR28719
Applicant/s: Mr AL Commins
Owner/s: Mr AP and Mrs EM Commins
Location: Lot 1 DP 1267472 - 140 Malabar Road, Orange
Proposal: Farm building (shed)
Value: \$131,000

Reference: DA 523/2024(1) **Determination Date:** 24 June 2024
PR Number PR2057
Applicant/s: Haderslev Pty Ltd
Owner/s: Kuruba1 Real Estate Pty Ltd
Location: Lot 1 DP 196893 - 236 Byng Street, Orange
Proposal: Demolition (garage/sheds), new carport and subdivision (two lot Torrens title)
Value: \$16,500

Reference: DA 535/2024(1) **Determination Date:** 20 June 2024
PR Number PR15491
Applicant/s: Haderslev Pty Ltd
Owner/s: 5 Corporation Pty Ltd
Location: Lot 629 DP 836599 - 5 Corporation Place, Orange
Proposal: Mixed use development (vehicle repair station and vehicle sales or hire premises) (change of use)
Value: \$0

TOTAL NET* VALUE OF DEVELOPMENTS APPROVED BY THE CEO UNDER DELEGATED AUTHORITY IN THIS PERIOD:	\$8,152,919.00
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** **Net** value relates to the value of modifications. If modifications are the same value as the original DA, then nil is added. If there is a plus/minus difference, this difference is added or taken out.*

2.2 DEVELOPMENT APPLICATION DA 514/2021(1) - 1 BATHURST ROAD

RECORD NUMBER: 2024/1080

AUTHOR: Summer Commins, Senior Planner

EXECUTIVE SUMMARY

Application lodged	24 November 2021 Amended Proposal lodged 7 May 2024 (870 STOP DAYS)
Applicant/s	Peter Basha Planning & Development
Owner/s	Mr JB and Mrs JE Chapman
Land description	Lot 12 DP 1259702 - 1 Bathurst Road, Orange
Proposed land use	Mixed Use Development (restaurant or cafe, small bar, shop; information or education facility; recreation facility (indoor)); and business identification signage
Value of proposed development	\$1,938,970.00

Council's consent is sought for proposed adaptive re-use of the former Five Ways Uniting Church at 1 Bathurst Road, Orange.



Figure 1 - Five Ways Uniting Church

The proposal involves a mixed-use development comprising a restaurant or café, small bar, and multi-use space for various pop-up activities (shop, gallery, exhibitions, yoga classes, discussion groups and the like). Minor demolition works and building alterations will be required to make the premises suitable for the proposed uses.

The following notable planning matters are considered in this assessment report:

- The former Church is listed as a Local heritage item under Orange Local Environmental Plan (LEP) 2011. Heritage NSW and Council's Heritage Advisor raised no objection to the proposal.
- The proposed development is made pursuant to the conservation incentives provisions at Clause 5.10(10) of Orange LEP 2011. This Clause enables development for any purpose, subject to satisfying pre-conditions.

- The proposal is assessed as compliant. The heritage item will be conserved; adopted conservation management policies will be implemented; the proposal will not impact on the significance of the heritage item; and the development will not have adverse impacts on neighbourhood amenity (subject to mitigation conditions).
- Supporting acoustic assessment demonstrates that the proposed development will satisfy adopted project noise triggers, subject to physical and operational controls.
- Parking requirements for the proposed development will not exceed historical parking credits applying to the land associated with the former Church. Onsite parking resources will not be required for the development. The demand for on street carparking is acknowledged. Nonetheless, it is assessed on street capacity exists at the site frontage and in surrounding streets.
- Upgrading of the existing building will be required to satisfy the fire safety and accessibility requirements commensurate to the proposed mixed uses. A National Construction Code (NCC) assessment was submitted in support of the proposal. Council's Building Certifier is satisfied that the proposal may comply with the NCC.
- Mitigation conditions are included to minimise impacts on neighbourhood amenity.

The proposed development was publicly exhibited for 14 days, pursuant to Council's Community Participation Plan 2023. Seventeen (17) public submissions were received—twelve in support and five in opposition. The opposing submissions cited landuse permissibility and adverse impacts on residential amenity due to noise, light, odour and traffic.

As outlined in this report, the proposed development will reasonably satisfy applicable Local and State planning controls. Impacts of the development will be within acceptable limit, subject to mitigation conditions. There are no aspects of the development site that are unsuitable for the proposal. Approval is recommended.

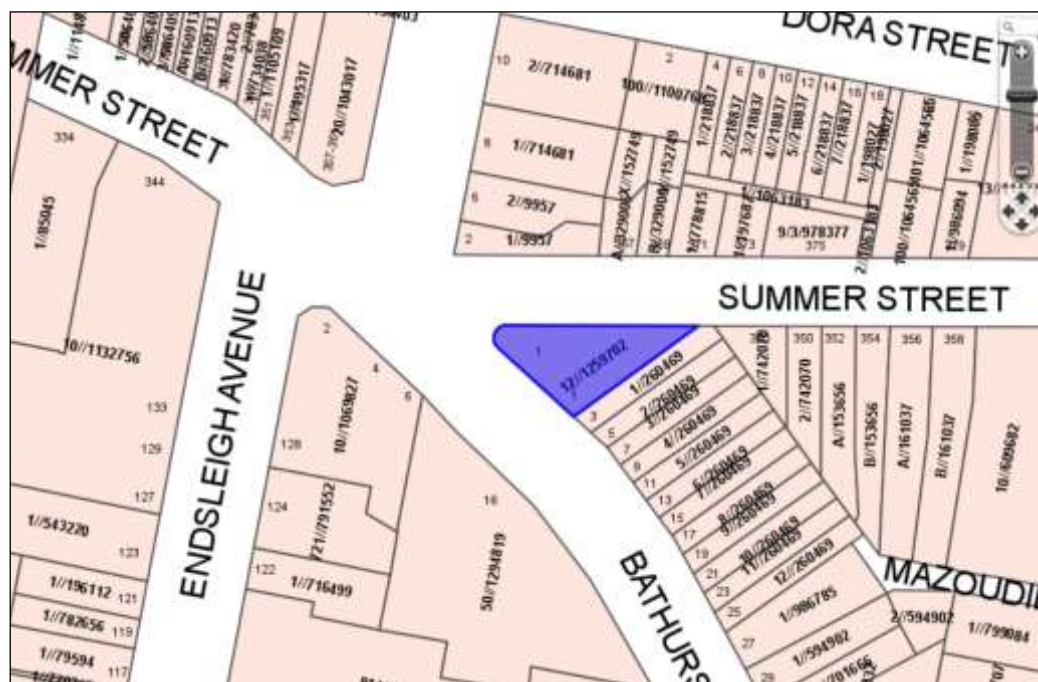


Figure 2 - locality

DECISION FRAMEWORK

Development in Orange is governed by two key documents Orange Local Environment Plan 2011 and Orange Development Control Plan 2004. In addition the Infill Guidelines are used to guide development, particularly in the heritage conservation areas and around heritage items.

Orange Local Environment Plan 2011 - The provisions of the LEP must be considered by the Council in determining the application. LEPs govern the types of development that are permissible or prohibited in different parts of the City and also provide some assessment criteria in specific circumstances. Uses are either permissible or not. The objectives of each zoning and indeed the aims of the LEP itself are also to be considered and can be used to guide decision making around appropriateness of development.

Orange Development Control Plan 2004 - the DCP provides guidelines for development. In general it is a performance based document rather than prescriptive in nature. For each planning element there are often guidelines used. These guidelines indicate ways of achieving the planning outcomes. It is thus recognised that there may also be other solutions of merit. All design solutions are considered on merit by planning and building staff. Applications should clearly demonstrate how the planning outcomes are being met where alternative design solutions are proposed. The DCP enables developers and architects to use design to achieve the planning outcomes in alternative ways.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan Strategy “11.1. Ensure plans for growth and development are respectful of our heritage”.

DIRECTOR’S COMMENT

This DA relates to the alteration and reuse of a very significant heritage building in East Orange, being the former Five Ways Uniting Church. Council’s LEP encourages the repurposing of heritage items to ensure their protection into the future. This application would change the use to a café, small bar and restaurant.

The applicants have been working with Council staff for a considerable amount of time. Previous designs were more extensive and were the subject of objection from neighbours and also NSW Heritage. The amended design is considered to have taken many of the concerns into consideration. The amended design is substantially reduced in scale. It is considered that the proposal strikes a good balance of heritage protection; commercial development on the fringe of the CBD and a National Highway; and also adequately considers residential neighbourhood.

During exhibition of the DA, 17 submissions were received. Twelve (12) Submissions supported the DA, whilst five objected to the proposal. It is considered that the proposal and assessment has taken into account the concerns raised by the five objections.

This proposal would provide an excellent reuse of a significant building, providing a unique opportunity for the City. The reuse will be different, but it is considered that the proposal would not adversely impact on neighbours.

The recommendation of staff to approve the development application is supported.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council consents to development application DA 514/2021(1) for *Mixed Use Development (restaurant or cafe, small bar, shop; information or education facility; recreation facility (indoor)); and business identification signage* at Lot 12 DP 1259702 - 1 Bathurst Road, Orange pursuant to the conditions of consent in the attached Notice of Approval.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION / ASSESSMENT BACKGROUND & CHRONOLOGY

- DA 514/2024(1) was lodged on 25 November 2021. The original development (Revision A) involved a mixed use development comprising a restaurant or café, small bar, multi-use space for recreation and entertainment, and shop top housing. Building alterations and additions were proposed.
- The proposed uses are not all permitted in the subject R1 General Residential Zone. However, the original development was made pursuant to the conservation incentives provisions at Clause 5.10(10) Orange LEP 2011. This Clause enables the consent authority to grant consent for **any purpose of a building that is a heritage item**, even though that purpose would not usually be permitted. Consent is subject to pre-conditions being satisfied.
- Public exhibition of the original development proceeded. Thirteen (13) public submissions were received, comprising 6 submissions in support of the proposal and seven submissions in opposition. The issues raised in the opposing submissions related to impact on heritage values, and arising impacts on neighbourhood amenity.
- The original development was referred to Heritage NSW for consideration and comment. It is noted that the Authority does not have a concurrence role in determining the DA. Nonetheless, the subject land contains a Local heritage item and the adjoining Bowen Terraces is a State Heritage listed item. Heritage NSW considered that the proposed development *would have a permanent and detrimental impact on the heritage values of Bowen Terraces*. Council's Heritage Advisor had similar concerns.
- Concurrently, the original development was reviewed by Council's assessment staff. It was determined that additional details would be required to enable proper assessment, including acoustic and arborist reports.

- In February 2022, the proponent was requested to provide additional details or amend the proposal based on internal and external assessment referred to above. Discussions and site meetings ensued. Minor plan amendments (Revision B) and supporting documentation was lodged in April and May 2023.
- Assessment reporting of the original development was subsequently undertaken by Council's Senior Planner (BH). This assessment identified that the proposed development did not satisfy the conservation incentives pre-conditions at Clause 5.10(10) Orange LEP 2011. Of particular concern were the fulfilment of the following pre-conditions:
 - (c) which requires development in accordance with a heritage management document approved by the consent authority
 - (d) which requires that the proposed development will not adversely affect the heritage significance of the building or setting
 - (e) which requires that the proposed development will not adversely impact on amenity.
- To this end, it was assessed that the proposal was not permitted in the R1 General Residential Zone and could not be supported.
- In response to unfavourable assessment of the original development, the proponent advised Council that an amended proposal would be prepared to address the requirements of Clause 5.10(10).
- An amended DA (Revision C) was submitted on 7 May 2024. The amended proposal involves a reduced development scheme for the site, including the removal of dwelling, garage, amenities wing and fencing; fewer demolition works; and greater conversion of existing spaces. This assessment report is based on the amended proposal.

THE PROPOSAL

The proposal adaptive use of the former Five Ways Uniting Church for mixed use development.

Proposed uses include:

- A café (by day) and restaurant and small bar (by night) in the rear/east portion of the building.
- A multi-use space in the front/west portion of the building for pop-up activities including functions, retail, gallery, exhibitions, yoga classes, discussion groups and the like.

Proposed works to facilitate the new uses include minor demolition, internal alterations and external works as follows:

Demolition

The proposal involves demolition of the following elements:

- Weatherboard annex on the north-east façade.
- Colorbond garden shed on the eastern boundary.

- Internal elements within the south-east annex for new kitchen and amenities fitout.
- Part weld-mesh fencing in the setback to Summer Street East.

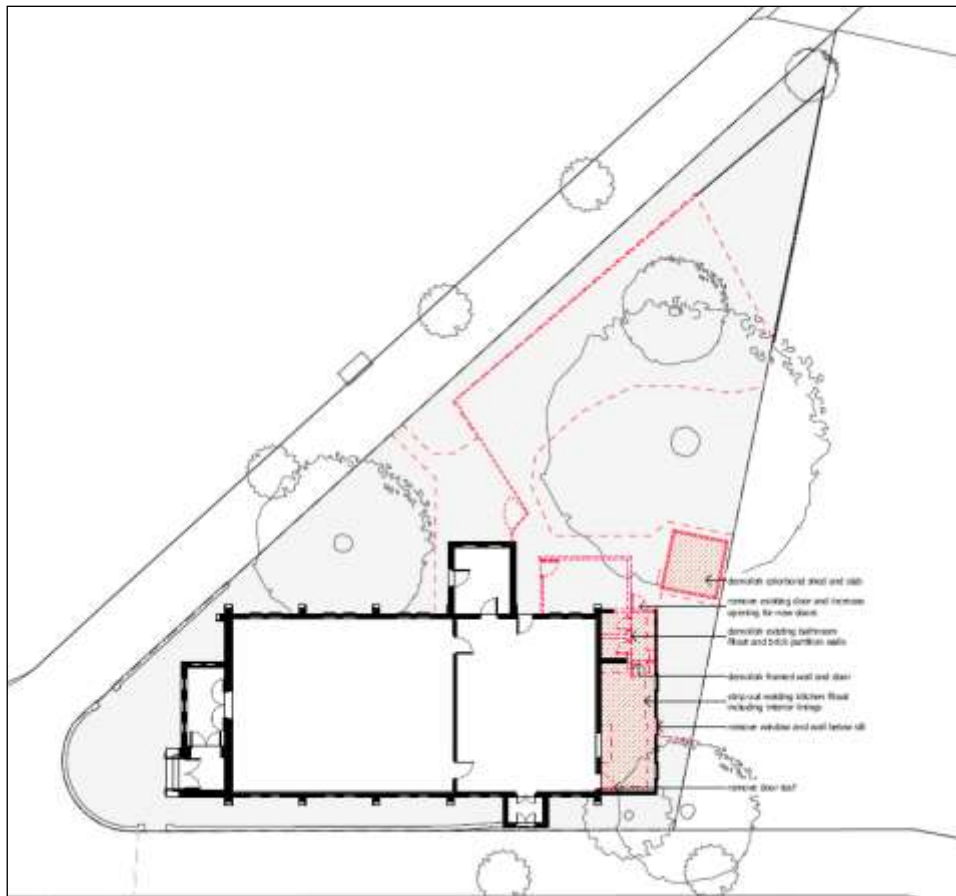


Figure 3 - proposed demolition plan

Internal Alterations

The proposal involves the following internal works:

- Cosmetic works to front/west portion (function/multi-use space) including refurbishment, repainting, lighting etc.
- Café/restaurant fitout works to rear/east portion including service bar, counter, refurbishment, repainting, lighting etc.
- Installation of commercial kitchen (to AS 4674) and 2 WCs to south-east annex.

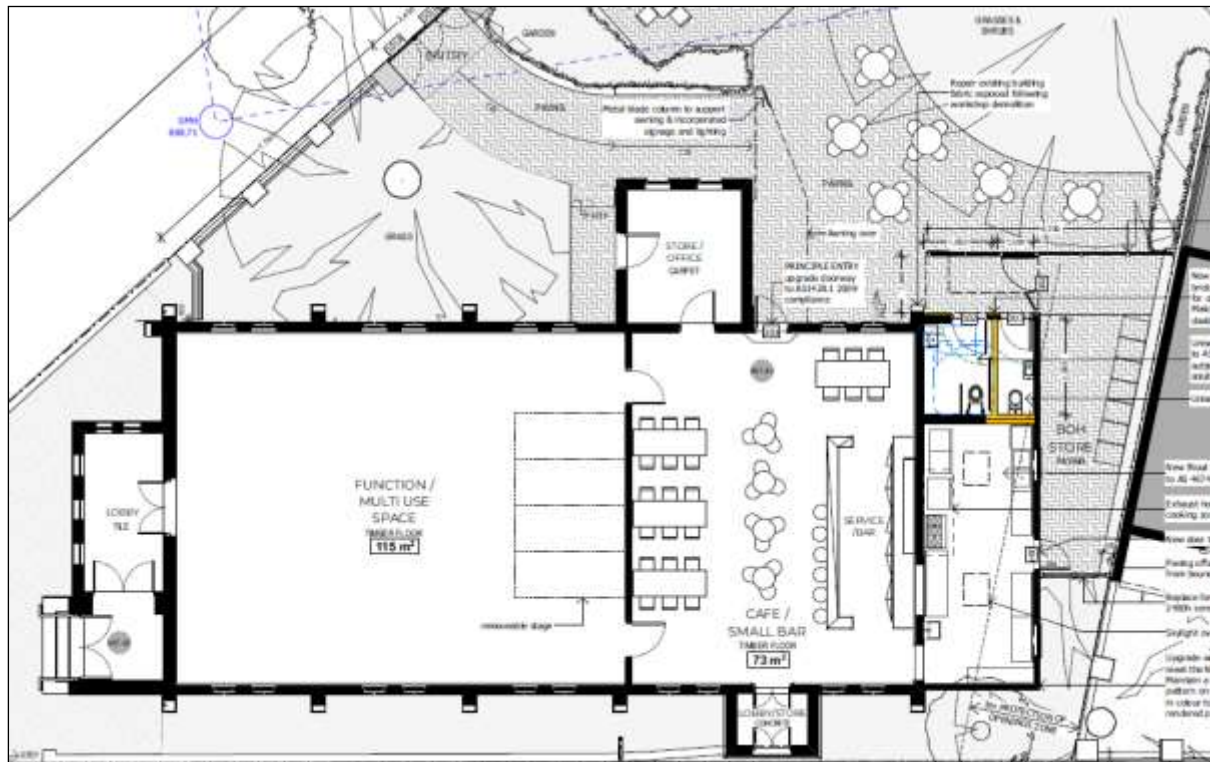


Figure 4 - proposed floor plan

External alterations

External works will be undertaken including:

- External access to new WCs in the south-east annex.
- Steel and timber-look batten pergola to WCs doorways.
- Horizontal recladding of south-east annex and fire protection of openings.
- Installation of skylights and kitchen exhaust to south-east annex.
- Upgrading of main entrance on north-east façade to accessible entry with metal awning.
- Establishment of a back-of-house store area accessed via the kitchen, screened by timber look batten fence 2.4m high.
- Establishment of an outdoor dining area in the north yard.
- New brick fencing to Summer Street East of variable height (1.5-2.4m).



Figure 5 - proposed rear (east) elevation

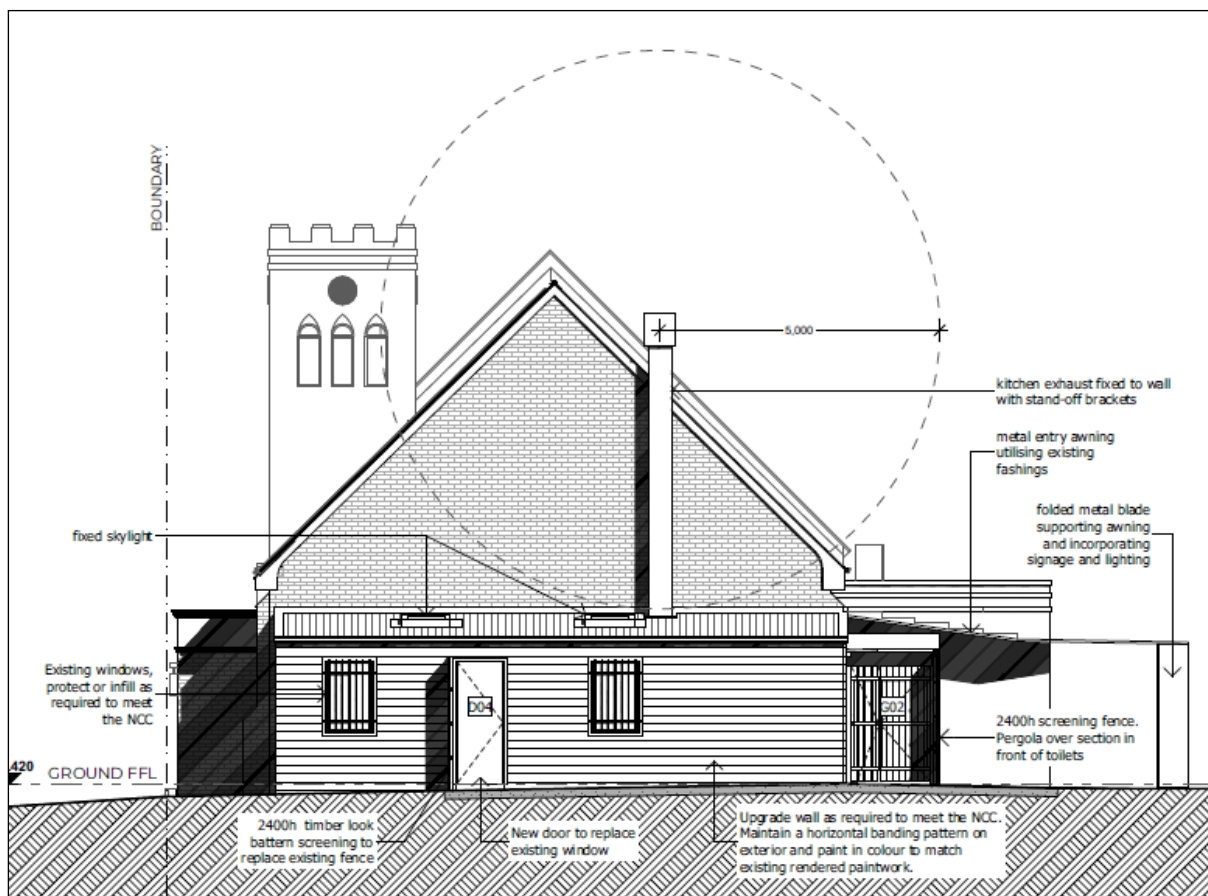


Figure 6 - proposed south-east elevation, kitchen and WC annex



Figure 7 - proposed Summer Street north elevation

Signage

The proposal involves installation of business identification signage comprising:

- A wall sign and interpretive plaque at the Summer Street East entry gate, each of dimensions 40cm x 40cm; and
- A 2.5m high pylon sign at the lobby entrance on Bathurst Road, with signage panel of 40cm x 40cm.

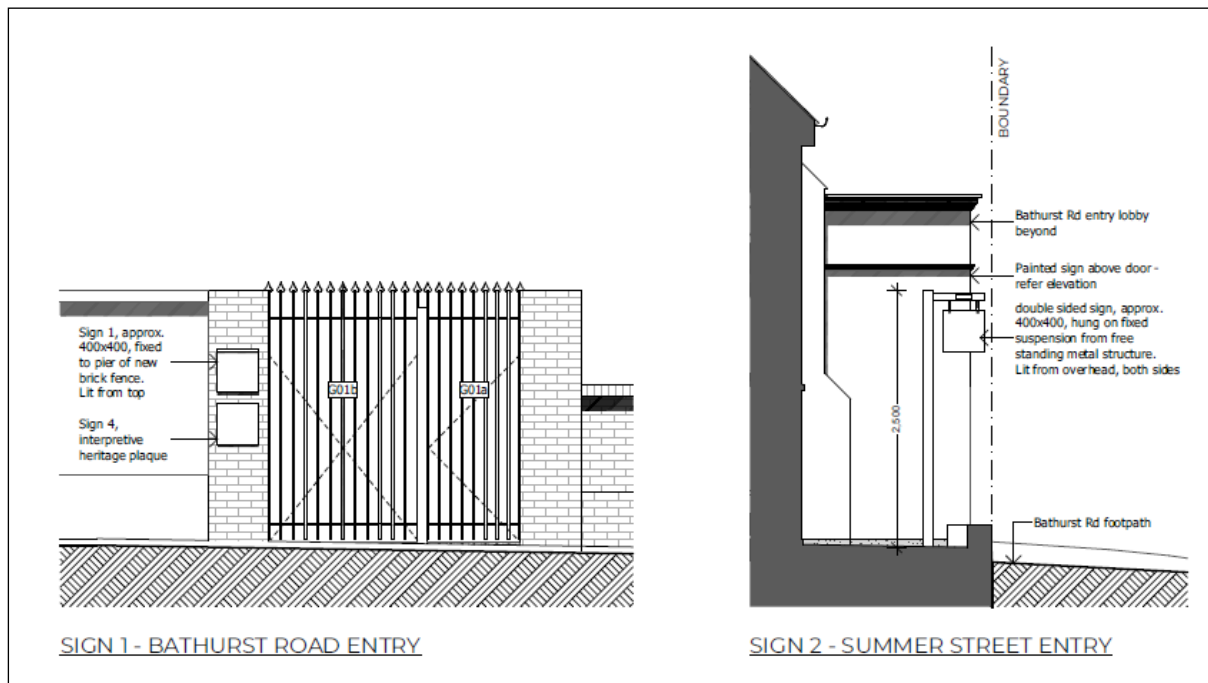


Figure 8 - proposed signage

Operational Matters

The proposed mixed-use development will operate as follows:

1. Café Space and Outdoor Dining Areas:

- Daytime operation: 7am to 3pm, seven days a week.
- Activities: Serving as a café with outdoor seating areas.

2. Café Space as Restaurant and Small Bar:

- Night-time operation: 5.30pm to 11pm, seven days a week.
- Activities: Transitioning into a restaurant and small bar.
- Additional seating: Utilising the function/multi-use space for seating.

3. Function/Multi-Use Space:

- Purpose: Serving as an extra seating area for the restaurant if needed.
- Activities: Hosting small-scale functions, events, dinners, and other activities.
- Flexibility: Potential use for pop-up activities such as retail, gallery exhibitions, yoga classes, discussion groups, etc.
- Operating hours: Closing no later than 11pm, seven days a week.

MATTERS FOR CONSIDERATION UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 1.7 - Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994*

In consideration of Section 1.7, the development is not likely to give rise to any significant impact upon any endangered ecologically communities, threatened species or their habitat:

- The development site is not identified on the Biodiversity Values Map published under the Biodiversity Conservation Regulation 2016.
- The proposal does not involve clearing or disturbance of native vegetation; clearing thresholds prescribed by regulation do not apply.
- The site is contained within a highly disturbed urban environment. The subject land does not contain known threatened species or ecological communities.

Based on the foregoing consideration, a Biodiversity Assessment Report is not required, and the proposal suitably satisfies the relevant matters at Clause 1.7.

Section 4.15 Evaluation

Provisions of any Environmental Planning Instrument S4.15(1)(a)(i)

Orange Local Environmental Plan 2011

Clause 1.2 Aims of Plan

The proposed development will not be contrary to the listed Aims at Clause 1.2, as outlined in this report. The proposal relevantly relates to Aims (a), (b) and (f):

- (a) *to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,*

- (b) *to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,*
- (f) *to recognise and manage valued environmental heritage, landscape and scenic features of Orange.*

Clause 1.6 Consent Authority

Council is the consent authority pursuant to Clause 1.6.

Clause 1.7 Mapping

The subject site is identified on the LEP maps in the following manner:

Land Zoning Map:	Land zoned R1 General Residential
Lot Size Map:	No minimum lot size
Heritage Map:	Local Heritage Item (Five Ways Uniting Church) and within the Bowen Heritage Conservation Area
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
Terrestrial Biodiversity Map:	No biodiversity sensitivity on the site
Groundwater Vulnerability Map:	Groundwater vulnerable
Drinking Water Catchment Map:	Not within the drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies

Those matters that are of relevance are addressed in detail in the body of this report.

Clause 1.9A Suspension of Covenants, Agreements and Instruments

The development site is not subject to a known agreement, covenant or instrument that would restrict the proposed development pursuant to Clause 1.9A.

Clause 2.1 Land Use Zones

The subject land is zoned R1 General Residential.

The proposal is defined as a 'mixed use development' comprising:

- restaurant or café
- small bar
- shop
- information or education facility
- recreation facility (indoor))
- business identification signage.

‘Information and education facilities,’ ‘recreation facilities (indoor)’ ‘business identification signage’ are permitted with consent in the R1 Zone.

Other uses are **not** permitted in the Zone. Consequently, the proposal relies on the heritage conservation incentives pursuant to Clause 5.10(10) of the LEP to establish permissibility (see below).

Clause 2.3 Zone Objectives

The R1 zone objectives do not relevantly relate to the proposed development, insofar that a number of the proposed landuses are permitted only via conservation incentives pursuant to Clause 5.10(10) (see below). Nonetheless, the proposal will not be contrary to the zone objectives. Further, the proposed uses are considered to satisfy the objective ‘*to enable other land uses that provide facilities or services to meet the day to day needs of residents.*’

Clause 2.7 Demolition Requires Development Consent

Consent is sought for minor demolition of internal and extraneous building elements in accordance with this clause.

Clause 5.10 Heritage Conservation

The site contains a Local Heritage Item known as the *Five Ways Uniting Church*, adjoins State Heritage listed *Bowen Terraces*, and is located in the Bowen Heritage Conservation Area (HCA).

The adopted Conservation Management Strategy for the site (Christo Aitken + Associates (February 2021)) provides the following Statement of Significance for the former Church:

The Orange Congregational Church is a highly significant landmark in Orange prominently positioned at the eastern entry to the City on the corner of Summer Street and Bathurst Road. It has high historical, associative, aesthetic and social cultural heritage values at the local level. There are a number of dimensions to the significance of the property and its buildings.

The site has strong historic and associative value. The first Christian service in Orange was held on this site in 1846 in a small cottage which also served as a Sunday school. Importantly 1846 is also the year the town was officially gazetted as a Village of Orange. The land is part of one of the first land grants in Orange to Joseph Moulder, who was a significant figure in the establishment and early growth of the town. When the land was first subdivided in the 1875 this land was part of that bought by Henry Thomas Bowen who was also a significant figure in the later growth of the township.

The existing building, its immediate neighbour to the east and the adjacent urban precinct to the north and east have strong aesthetic values. The Orange Congregational Church was founded in 1878 and initially bought land in Lord's Place and built their first church which continued to serve their growing community until the late 1890s. They subsequently bought the Five Ways site from Henry Bowen in 1901 and commissioned prominent Sydney architects Kent & Budden to design and build their new home. Henry Budden had strong associations with the Central West and the Congregational Church.

The first stage of the building was completed in 1903 and by 1926 the Congregational Church had completed the hall at the eastern end of the building. It is likely that Kent & Budden were involved in both stages of the building. Later alterations and additions include the 1949 Memorial Tower and Porch on the main elevation to Summer Street and Bathurst Road commemorate the WWI and WWII and in the 1960s a small vestry was added on the northern side of the Church. Although the aesthetic values of the building have been compromised by the 1949 additions they add to the social values of the building and illustrate the importance of the building to the Orange community and the Church's commemorative response to the World Wars that impacted on many families from Orange and the region.

The Church and adjacent Bowen Terrace make a highly significant combined contribution to the character of this approach into Orange. The Bowen Terraces are listed on the State Heritage Register. The property also lies on the southern edge of the East Orange Heritage Conservation Area which has historical and aesthetic urban values. The Orange Congregational Church adds to those values in a positive way.

The property has high social value to the Orange community generally in view of its historical associations but also has social values to the other Christian churches in Orange as it was the site of the first Christian service in the village. The building has obviously strong social values to the Congregational Church and its congregation and families throughout Australia. Furthermore, the Congregational Church in Orange joined with Uniting Church of Australia in 1977 and therefore the building now also has strong social values to the wider Uniting Church community as it has been one of their places of worship for over 50 years.

Development consent is required for the proposed works comprising demolition and building alteration pursuant to Clause 5.10(2).

It is assessed that the proposed development will not adversely impact on the significance of the heritage site and setting, pursuant to Clause 5.10(4) as follows:

- Heritage Impact Assessment (HIA) was submitted in support of the proposal (Placemark Consultants, 27 March 2024). The HIA provides the following Statement of Heritage Impact:

"The 1903 church, its 1926 extension to completion, then the 1949 new porch and tower addition, finished with cement render and paint, then the 1960 vestry addition have collectively left a mix of styles and history. The interior still exhibits an Arts & Crafts architectural style. This is proposed to be retained and protected."

The proposed change-of-use and associated works, as described by the drawings will not detrimentally impact on the heritage significance of the Former Congregational Church, nor on the Heritage Conservation Area or the adjacent Victorian row of terrace houses (also a listed item).

The proposed new use is an appropriate use and as described by the Conservation Management Strategy (Aitken & Associates June 2021), particularly with respect to its Fabric Analysis and relevant Conservation Policies. The proposed changes to the place are relatively minimal and will not impact on elements of the building assessed as being of High or Moderate Significance. The new use has the potential to promote the maintenance and conservation of a place of Local Significance. The new use can promote community awareness of the former church's history and interior style."

- Heritage NSW raised no objection to the proposal:

"Heritage NSW supports an appropriate adaptive reuse of the former Five Ways Church (Church) for a suitable use with a manageable impact on the heritage values of Bowen Terrace and the Church. The Church and Bowen Terrace are linked as a landmark group making a highly significant combined contribution to the character of this approach into Orange...The revised proposal for adaptive reuse of the Five Ways Uniting Church will not detrimentally impact on the heritage significance of Bowen Terrace."

- Council's Heritage Advisor raised no objection to the proposal, noting the minor works required to facilitate the adaptive reuse. Minor mitigation Conditions are included in relation to materiality.

As outlined at Clause 2.1 above, not all the proposed uses are permitted in the subject R1 General Residential Zone. Consequently, the proposal relies on the heritage conservation incentives pursuant to Clause 5.10(10) of the LEP to establish permissibility. This Clause enables the consent authority to grant consent for **any purpose of a building that is a heritage item**, even though that purpose would not usually be permitted. The development will satisfy the pre-conditions at Clause 5.10(10)(a) - (e) as follows:

(a) the conservation of the heritage item ... is facilitated by the granting of consent

The proposed development will facilitate adaptive reuse of an under-utilised heritage building. It is accepted that adaption is necessary to ensure occupation and conservation of the building, as noted by the proponent's experts, Heritage NSW and Council's Heritage Advisor. The site is subject to a recently adopted Conservation Management Strategy (CMS) (Christo Aitken + Associates, February 2021). Conditions of consent will require implementation of the policies and recommendations contained in the CMS, and thereby conservation of the heritage item.

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

"Conservation Management Strategy - The Former Orange Congregational Church" (Christo Aitken + Associates (February 2021) was approved by Council on 19 December 2023.

The proponent has demonstrated that the proposed development will satisfy the key policies of the CMS (refer to attached compliance assessment). Council's Heritage Advisor and assessment staff concur that proposed development will accord with the conservation policies and intent. Conditions are included to enforce policy compliance.

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

Conditions are included to enforce policy compliance with CMS for identified conservation work.

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

As outlined above, it is assessed by Heritage NSW and Council's Heritage Advisor that the proposed development will not adversely impact on the significance of the heritage place or setting.

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area

As considered in this report, the proposed development will not have any significant adverse impact on amenity for adjoining landuses, associated with visual impacts, emissions or traffic arrangements.

Clause 7.3 Stormwater Management

The proposal will not alter the existing stormwater drainage arrangements that service the subject land, pursuant to Clause 7.3.

Clause 7.6 Groundwater Vulnerability

The subject land is identified as having 'groundwater vulnerability' on the Groundwater Vulnerability Map. There are no aspects of the proposal that would impact on groundwater and related ecosystems pursuant to Clause 7.6(3).

Clause 7.11 Essential Services

All utility services are available to the land and suitable for the proposed mixed use development.

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP (Transport and Infrastructure) 2021

Division 5 Electricity Transmission or Distribution

The development site is proximate to electricity infrastructure comprising underground cables, overhead span and streetlights (see Figure 9). The proposed development was referred to Essential Energy for consideration, pursuant to Section 2.48. The electricity supply authority had no comments to make as to the potential safety risks associated with the proposal. General conditions are included.

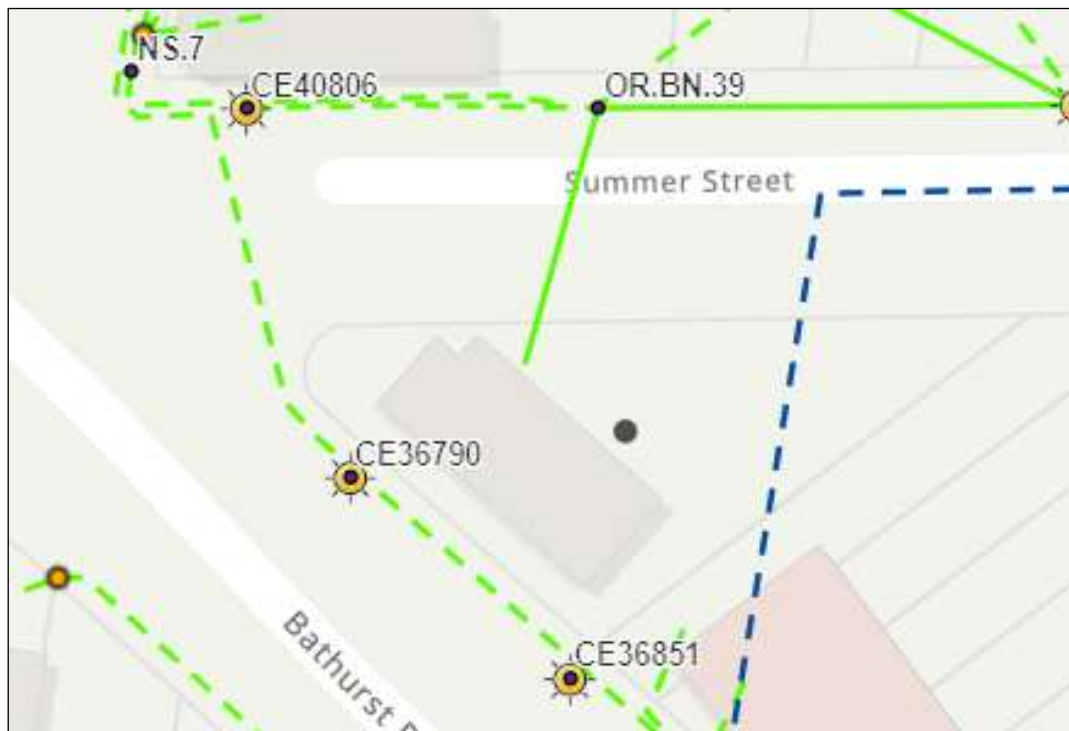


Figure 9 - nearby electricity infrastructure

Division 17 Roads and Traffic

The subject land has frontage to Bathurst Road, being a Classified road. In consideration of the relevant matters at Sections 2.119 and 2.120:

- Vehicular access to Bathurst Road is neither available nor proposed.
- The proposal will not adversely impact on the safety, efficiency and operation of the Classified road:
 - Vehicular access will not be provided to the land.
 - The existing interface between the site and the Classified road will not be altered.
 - All vehicles associated with the development will utilise secondary frontage Summer Street East.
 - The development does not involve emissions.
 - Traffic generation associated with the development will be imperceptible in Bathurst Road within the context of existing vehicle movements.
- The land is already affected by traffic noise and vehicle emissions. The proposed mixed use development will not be sensitive to same.

SEPP (Resilience and Hazards) 2021***Chapter 4 Remediation of Land***

In consideration of Section 4.6, the potential for contamination of the site is considered low. The site has historic use for worship and gathering purposes, and adjoins longstanding residential landuses. The site is not located within an investigation area and is not known to have been used for a Table 1 purpose to the contaminated land planning guidelines. Further contamination investigation as a precursor to potential site remediation is considered unnecessary for the mixed-use development. Conditional unexpected finds procedures must be implemented during construction.

SEPP (Industry and Employment) 2021***Chapter 3 Advertising and Signage***

The proposed business identification signs will satisfy the objectives of Chapter 3 (Section 3.1(1)(a) and the Assessment Criteria (Schedule 5) as follows:

- The proposed wall sign and pylon sign will complement the theme for outdoor advertising in the mixed use setting. Signage will comprise an unobtrusive addition to the local signage character.
- The signs will comprise a restrained signage scheme for the site, suitable to the residential zone, heritage place and conservation setting. Conditions are included requiring advertising content to comprise business identification only, as required in special areas (Section 3.8).
- The scale, form and location of signage will not dominate views of the heritage item, interrupt the skyline, or compromise viewing rights of other advertisers in the precinct.
- The proposed signs will be of acceptable scale, proportion and form for the individual building elements and the site frontages. The signage will not obscure important architectural features of the building.
- A restrained signage approach has been adopted for each street elevation of the building. Signage will not contribute to visual cluttering.
- The proposed signage will not necessitate safety devices.
- The signage will be illuminated from above (internally). Nuisance glare will not arise due to the existing ambient illuminance.
- The proposed signs will not impact on safety for pedestrian, cyclists or motorists.

Provisions of any Draft Environmental Planning Instrument That Has Been Placed on Exhibition 4.15(1)(A)(ii)

None at present.

Provisions of any development control plan 4.15(1)(A)(iii)**Development Control Plan 2004****Part 7.9 Shops and Business in the Urban Residential Zone**

PO 7.9-1 PLANNING OUTCOMES - SHOPS AND BUSINESSES IN THE URBAN RESIDENTIAL ZONE	
1	Development complements the scale of residential development in the area and the predominant heights and form of residential development in the vicinity.
2	Business premises are located in neighbourhood business areas, existing prior to Orange LEP 2000.
3	Development applications satisfactorily demonstrate that the development will not adversely affect the amenity of the residential locality as a consequence of the nature of the business, loading or unloading requirements, on-street parking, hours of operation, etc.
4	Neighbourhood-business centres are small scale to serve the needs of the residents of the locality. Neighbourhood-business centres have a maximum commercial floor space of 1,000m ² for the combined area of adjoining or adjacent shops and businesses, whether or not the premises are on the same land or adjacent to or in close proximity to each other.
5	New neighbourhood business centres are located at or near collector intersections, with the buildings addressing the street frontage and rear parking to provide quality urban design.
6	On-site parking is provided according to Section 15.4 of this Plan.
7	Advertising signage is limited to exempt development (ie, sign with a maximum area of 1 square metre) for home businesses or businesses in converted dwelling houses.
8	Advertising signage in neighbourhood centres is not intrusive to the character of the residential locality. No more than 15% of the street façade elevation area of premises in a neighbourhood centre involves signage.

In consideration of the relevant Planning Outcomes at this Part:

- The proposal involves adaptive reuse of an existing building and will not alter the built form interface in the streetscapes or public domain.
- It is assessed that the proposal will not adversely affect the amenity of the residential neighbourhood in relation to visual impacts, privacy, traffic arrangements, and emissions including noise, light and odour. Impacts of the development are considered in the following sections of this report.
- The proposed development will not generate a net increase in carparking (see assessment below). Car parking requirements for the proposed mixed use development will be less than those for the existing Church use. Physical provision of onsite carparking or a development contribution in lieu will not be required.
- The proposed signage scheme is assessed as suitable for the site and setting, as outlined above.

Part 13 Heritage

PO 13.3-1 PLANNING OUTCOMES – HERITAGE DEVELOPMENT	
1	Development relates to the significant features of heritage buildings on or near the site, as reflected in inventory sheets.
2	Development conforms with recognised conservation principles.
3	Conservation Management Plans are prepared for development having a significant effect on heritage sites.

As demonstrated in the foregoing sections of this report, the proposed development will not adversely impact on the heritage significance of the site and setting. The proposed development will satisfy the key policies of the adopted CMS. Council's Heritage Advisor and assessment staff concur that the proposed development will accord with the conservation intent.

Part 15 Car Parking

PO 15.6-1 PLANNING OUTCOMES – OFF-STREET CAR PARKING

- 1 Adequate off-street car parking is provided in accordance with the Table or, alternatively, according to an assessment that demonstrates peak-parking demand based on recognised research.
- 2 Car-parking areas are designed according to Australian Standard.
- 3 Car-park areas include adequate lighting and landscaping (preferably deciduous shade trees), which provides for the personal security of users.
- 4 Bicycle-parking facilities are provided according to the relevant Australian Standard.
- 5 Facilities for loading and unloading of commercial vehicles are provided according to the relevant Australian Standard.

Pursuant to the DCP, onsite parking is applicable to the net increase in parking demand generated by a development.

The existing (historical) use as a Church will generate demand for 18.8 car spaces, based on 188m² and a car parking rate of 1 car space / 10m².

The proposed development involves a number of uses and thereby a number of car parking requirements:

Use	Floor Area (m ²)	Parking Rate	Car Spaces Required
Restaurant / café	188 (whole building) or 73 (east/rear portion)	1 space / 40m ²	4.7 or 1.8
Small bar	188 (whole building) or 73	1 space / 25m ²	7.5 or 2.9
Shop	115	4.1 spaces / 100m ²	4.7
Recreation	115	4 spaces / 100m ²	4.6
Information / education	115	1 space / 10m ² (similar to place of worship, cinema, theatre, etc)	11.5

Based on the DCP rates, *peak parking demand* for the proposed development will be 14.4 (i.e. 15) car spaces based on concurrent use as a small bar (rear portion) and information/education facility (front portion).

Parking requirements for the proposed development (15 spaces) will therefore not exceed historical parking demands associated with the former Church (18 spaces). The proposed development is considered satisfactory in terms of parking provision. Onsite parking resources will not be required for the development.

Part 10 Special Purposes and Roads Zones**PO 10.3-1 PLANNING OUTCOMES – DEVELOPMENT NEAR MAJOR ROADS**

- 1 Development on land fronting and visible from a major road or distributor road provides for quality design on the highway and/or distributor road through landscaping, building setbacks façade design, external colours and materials and siting.
- 2 Residential buildings address potential noise impacts in design from adjacent main roads.
- 3 Direct access to major roads is limited and is constructed to the requirements of the relevant roads authority.
- 4 Residential lots are set back from planned distributor roads to provide a reasonable separation between future roads and residential land.
- 5 Where direct access to a main or arterial road is denied by the Roads Authority and comprises residential subdivision, any rear or side fences are set back and screened with dense landscaping.
- 6 Commercial buildings adjoining a distributor road are setback from the property boundary by at least 10m.
- 7 Lighting and signage visible from a distributor road is not animated and is designed so as not to distract motorists beyond glance recognition.

In consideration of the relevant Planning Outcomes at Part 10.3:

- The proposal involves adaptive reuse of an existing building and will not alter the built form interface in the streetscapes or public domain.
- The proposal does not involve residential landuse.
- Vehicular access to Bathurst Road is neither available nor proposed.
- Existing street setbacks will be retained.
- The restrained signage scheme will not generate distractions for motorists as outlined above.

Provisions Prescribed by the Regulations S4.15(1)(A)(iv)

The proposal will not be inconsistent with any matter prescribed by Regulation.

In relation to Section 64 *Upgrade of Buildings*, upgrading of the existing building will be required to satisfy fire safety and accessibility requirements commensurate to the proposed mixed uses. A *DDA Compliance Statement - Performance Solutions Report* was submitted in support of the proposal (Before Compliance Pty Ltd, April 2024). Council's Building Certifier is satisfied that the proposal may comply with the NCC.

The Likely Impacts of the Development S4.15(1)(B)

As outlined in the foregoing assessment, the proposed development is not likely to give rise to any unacceptable impacts in the locality, as considered here.

Context and Setting

The proposed development will align with the broad aims of the LEP. The development seeks approval for a mixed-use development situated near the Orange CBD and the emerging East Side precinct. The proposed adaptive reuse will contribute to the city's social and economic resources, attract visitors and residents, and enhance the overall liveliness and economic vitality of the locality. As demonstrated, the proposal will maintain the heritage significance of the site and setting.

Conservation Values

The proposal will facilitate adaptive reuse of a Local heritage item. The proposed development will be sympathetic to the heritage values of the site and setting and will not adversely impact on significance, as assessed by Heritage NSW and Council's Heritage Advisor. The proposed development will satisfy the key policies of the adopted CMS. Conditions are included to ensure compliance with the conservation intent.

Visual Impacts

Visual impacts associated with the development relate to demolition of extraneous elements and new external works.

Demolition of the weatherboard annex on the north-east façade will remove an unsympathetic later addition. The demolition will expose original architectural features. Existing building fabric will be repaired and reinstated following demolition works. Visual impacts will be favourable.

The proposed **signage** scheme will have acceptable visual impacts as demonstrated by compliance with the SEPP Assessment Criteria (see previous sections of this report).

Fencing to Summer Street East will be constructed of bricks to match the existing building, as far as practicable. The fence will have traditional detailing with projecting base wall and piers, recessed panels and header course. Fencing will commence behind the main front façade of the building, and extend along Summer Street East to enclose the outdoor dining area. Landscaping will be established on the streetside of the taller section to provide screening and softening. Conditions are including requiring submission of a landscape plan for Council's approval. It is noted that existing trees on the development site will be retained. Front fences are a feature in the Summer Street East streetscape. Brickwork will complement materiality for nearby dwellings.

Matter arising, it is proposed to retain the existing wire weldmesh fence to the balance of the Summer Street East boundary. This is not supported as it will detract from the character of the setting. Conditions are included requiring replacement fencing be installed, to complement the streetscape fencing typology.

The south-east **annex** will be reclad in horizontal banding materials to replicate the existing weatherboard pattern. New skylights to the annex roof will be visually imperceptible from the public roads. Upgrading of the annex to a commercial kitchen will require installation of a kitchen exhaust, which will be attached to the south-east wall of the original building (see Figure). To minimise visual impacts associated with the kitchen exhaust, Council's Heritage Advisor has included Conditions in relation to exhaust siting (relocate to the north if possible), colour (Colorbond Windspray) and wall fixing (to mortar joints).

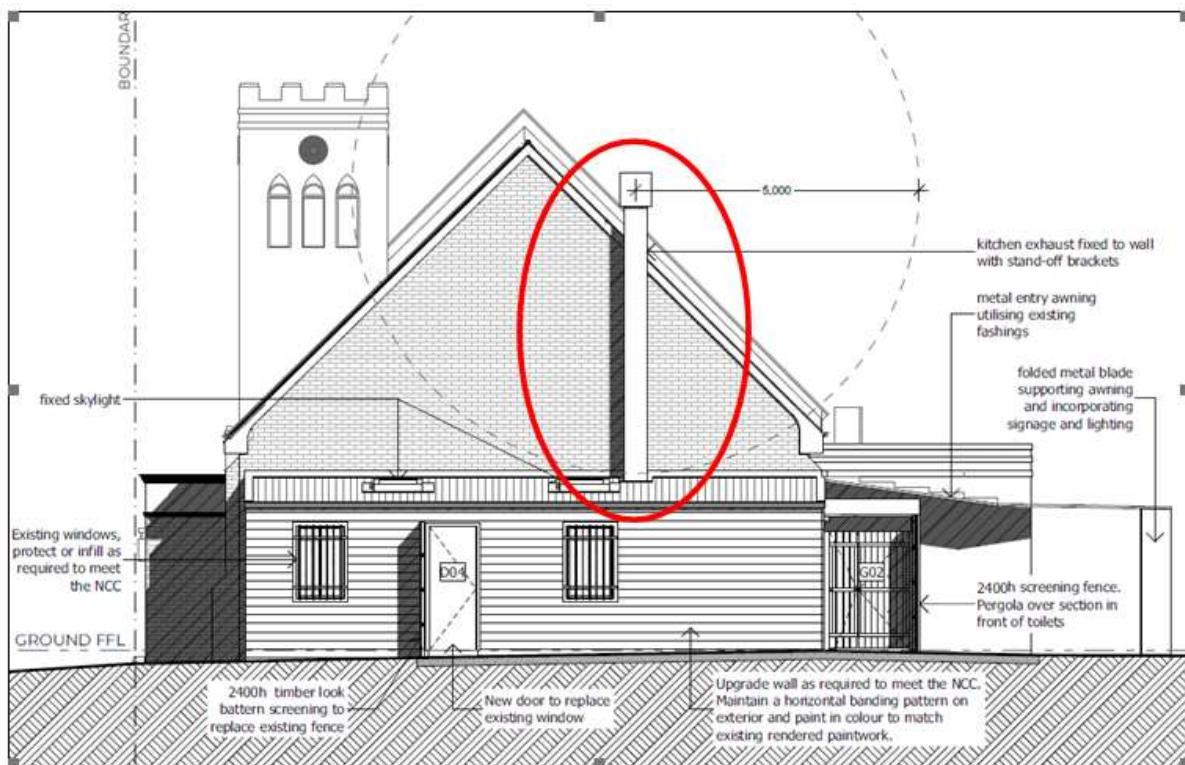


Figure 10 - kitchen exhaust, south-east elevation

The **back-of-house area** between the kitchen and Bowen Terrace will be screened from the public roads with 2.4m high timber-look batten fencing. The replica material is not supported for a heritage item. A Condition is included requiring the batten fence to comprise hardwood timber or painted treated pine.

The **awning** to the main entrance on the north-east façade will have negligible visual impacts due to small footprint, low profile, and visually recessive dark colour.

External **colours and finishes** proposed for the external works are considered acceptable for the building and setting, except as noted above (see Figure 11).



Figure 11 - external colours and finishes

On balance, the landmark values of the site and setting will be retained, with negligible alterations to the presentation of the site in the Bathurst Road and Summer Street East streetscapes.

Traffic Matters

Access

Vehicular access to Bathurst Road and Summer Street East is neither available nor proposed.

Parking

As assessed above, parking requirements for the proposed development (15 spaces) will not exceed historical parking credits associated with the former Church (18 spaces). The proposed development is considered satisfactory in terms of parking provision. Onsite parking resources will not be required for the development.

It is acknowledged that on street parking will be utilised to accommodate vehicles associated with the proposed mixed-use development. The RMS Guide to Traffic Generating Development (2002) suggests that on street parking is acceptable, provided that it does not adversely affect the amenity of the adjacent area. On street parking is available on Summer Street East and nearby William Street and Endsleigh Avenue.

In relation to Summer Street East, it is acknowledged that traffic amenity will be altered by additional on street parking. Nonetheless, the subject land has a generous frontage to Summer Street East of some 50m and will accommodate 7-8 vehicles on street in parallel formation. Additional non-residential frontage is also available opposite the site on the north side of Summer Street East, and will provide two additional parallel spaces. On street parking for the development may therefore be largely removed from dwellings in this street. Impacts on amenity will be within reasonable limit.

The surrounding Five Ways precinct contains mixed commercial uses and is subject to short-term on street parking. Traffic surveys have not been completed and are considered unnecessary for a development of this scale. Nonetheless, it is considered that on street parking capacity exists in nearby streets, noting the various commercial uses and time-limited parking areas. Adverse traffic amenity impacts are not anticipated for the Five Ways Precinct.

The parking arrangements for the development are typical of residential areas in the CBD fringe or in mixed-used locations.

Un/loading Arrangements

The proposed mixed-use development will be serviced by Summer Street East. The land has a generous frontage to Summer Street East, suitable to accommodate unloading of supplies from vans and light commercial vehicles. Conflicts are not anticipated noting the cul-de-sac formation, size of the premises, and types of deliveries necessary. A dedicated onsite loading zone will not be required, consistent with other uses of this type in the CBD.

Traffic Generation and Network Capacity

The proposed development is expected to generate an increase in traffic given that the restaurant/café/small bar is proposed to operate 7 days per week, (compared to the former church use which operated primarily on a Sunday).

It is envisaged that the peak periods of operation will be Friday and Saturday evenings (for the restaurant and small bar); and on most days, mid-morning coffee and lunchtime (for the café). It is reasonable to suggest that traffic generation may be ameliorated somewhat by the following:

- The central city location of the premises which makes it relatively accessible by walking.
- Law and community attitudes which discourage driving to or from licensed premises.

The capacity of the local road network will be suitable to accommodate traffic generation associated with the development. Traffic efficiency and amenity in Summer Street East are likely to be retained at current Level of Service A (RMS Guide 2002). Council's Assistant Development Engineer raised no objection to the proposal in relation to network capacity of Bathurst Road, Summer Street East or McLachlan Street.

Residential Amenity***Noise***

A Noise Impact Assessment was submitted in support of the proposal (SoundIN Pty Ltd August 2022), in accordance with the Noise Policy for Industry (EPA 2017).

It is noted that the Noise Assessment was prepared for the original development and was not updated for the amended proposal. Nonetheless, the findings remain consistent. The Assessment provides as follows:

- The nearest residential receivers are located opposite the site in Summer Street East and the adjoining terrace to the east (see Figure 12).



Figure 12 - development site and sensitive receivers

- Major operational noise sources associated with the proposal will be patrons in the outdoor dining area and mechanical plant (including cool room condenser, kitchen exhaust and air-conditioner).

- An acoustic wall will be provided for the outdoor dining area. The proposal involves a solid wall noise barrier along the part north boundary to Summer Street East, with a height of 1.8m above the ground level of the outdoor seating area.
- A solid noise wall, up to 3m in height, will also be erected on the east boundary adjoining the Bowen Terrace.
- Subject to the noise barriers on the north and east boundaries, the predicted noise levels associated with the proposal will comply with the project noise trigger levels at all sensitive receivers.

Council's Environmental Health Officer has reviewed the Noise Impact Assessment and recommended operational conditions to further mitigate noise impacts for adjoining dwellings. Conditions are included in relation to construction of the acoustic barriers to the north and east boundaries; exclusive daytime use of the outdoor dining area; exclusive daytime and evening use of the air conditioning unit; no live music; and preparation and implementation of a noise commissioning report.

Privacy

The proposed development would not cause adverse privacy impacts. In this regard:

- The proposed brick wall along part of the Summer Street East frontage will provide visual and acoustic privacy between the outdoor dining area and the dwellings in this street.
- The noise barrier along the common boundary with Bowen Terraces will provide visual and acoustic privacy between the outdoor dining area and that property.
- The access points to the café/restaurant/small bar are the same as those that served the building in its previous use as a church.

Lighting

Outdoor lighting of the building entrance and external dining area is anticipated. Conditions are included requiring lighting installation and operation consistent with *AS 4282-1997 Control of the obtrusive effects of outdoor lighting*. Subdued illumination of signage will not result in nuisance glare for adjoining properties.

Odour

The kitchen will generate cooking odours due to mechanical ventilation. Discharge of kitchen exhaust will be at a point above the adjoining residential rooftops and therefore well above pedestrian and street level. Cooking odours are not considered offensive or incompatible within this CBD fringe/highway side precinct.

The kitchen and back of house including bin store will oppose a blank, double brick wall to the terrace at 3 Bathurst Road. Odours are considered unlikely to emit internally to the adjoining dwelling. Condition area including requiring frequent waste collection to minimise odour emissions in the locality.

Solar Access

The acoustic wall along the common boundary with Bowen Terraces will increase shadowing of the adjacent open space area. The shadow impact will be ameliorated to some extent by the following:

- The new shadow would not exceed the shadow that would already be cast by the existing tree within the subject land (when in foliage).
- The increase in shadow during the morning period (9am to noon) is likely to be modest. The increase is likely to be more evident only in the afternoon period (from noon to 3pm).
- There would be no overshadowing of the principal living room windows of the neighbouring property.

Solar access to indoor and outdoor living spaces for the adjoining terrace will satisfy the development controls at DCP 2004-7-7.6.

Plan of Management

In order to mitigate operational impacts on neighbourhood amenity, a Condition is included requiring preparation, approval and implementation of a plan of management. The plan must include details in relation to:

- (a) general staff and patron rules, including limiting patron numbers (maximum 94); ensuring that the premises, particularly the outdoor dining areas will not cause noise hindrance to neighbouring properties; ensuring that customers are respectful to neighbouring properties both while on the premises and when coming and going from the premises; collection of litter off-site; and the monitoring and reporting unlawful car parking
- (b) hours of operation, servicing, deliveries, and waste collection (including grease trap waste), and include the frequency of service vehicle types to the site, hours of servicing, etc
- (c) management of early/late arrivals
- (d) measures to mitigate noise, litter, and odours and fumes that could be emitted from the waste storage area
- (e) complaints handling procedures and contact person.

Environmental Impacts***Biodiversity***

As considered above (see Section 1.7), the development is not likely to give rise to any significant impact upon any endangered ecologically communities, threatened species or their habitat. Existing trees in the north setback to Summer Street East will be retained.

Waste Management

Operational waste will be managed as follows:

- Garbage bins for non-recyclable wastes (garbage).

- Recycling of other suitable wastes.
- The commercial kitchen will be connected to a grease trap and disposal will be subject to Conditional trade waste agreement.

Waste arrangements for the development will accord with *Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities* (EPA 2017). Conditions are included requiring frequent waste collection to minimise potential for odour etc. Waste collection will be via garbage collection vehicle and a grease trap pump truck.

Construction Impacts

Conditions are included to manage and mitigate construction impacts including demolition and construction waste, site management and construction hours.

Social and Economic Impacts

The proposed development may have positive social and economic effects due to the following:

- Represents an appropriate adaptive re-use of an important and historical building.
- May enliven and assist to reactivate the Five Ways precinct.
- It has the potential to encourage increased pedestrian activity and permeation between the main CBD and the Five Ways.
- Contributes to the City's reputation as a food and drink destination and thus supports tourism which is a key industry for the City.
- Increases expenditure in Orange due to construction spending.
- Increases expenditure in Orange due to operational spending.
- Creates employment opportunities.

It is noted that the social effects of the proposed small bar will be subject to assessment under the liquor licensing process of Liquor & Gaming NSW (L&GNSW).

Crime Prevention

The proposed development will satisfy Crime Prevention Through Environmental Design (CPTED) principles, as follows:

- Surveillance - corner location, exposure to public roads, suitable landscaping, active outdoor spaces, CCTV if required.
- Access Control - fencing to boundaries, gates to access points, well-defined building entries.
- Territorial Enforcement and Space Management - active outdoor spaces, sensor lighting, building alarm, site and building maintenance.

The Suitability Of The Site S4.15(1)(C)

The site will be suitable for the proposed development due to the following:

- The proposal involves adaptive reuse of a Local listed heritage item.
- The proposal is permitted subject to Conservation Incentives under Orange LEP 2011.
- Utility services are available and suitable.
- The proposed change of use and new works will satisfy NCC fire safety and accessibility requirements.
- The capacity of the local road network and on street parking resources will be suitable to accommodate the proposal.
- The site is not subject to technological hazards.
- The commercial setting does not have particular environmental values.

Any Submissions Made In Accordance With The Act S4.15(1)(d)**First Exhibition Period**

The **original** development was publicly exhibited in accordance with Council's Community Participation Plan (CPP) 2023.

Thirteen (13) submissions were received- six in support; and seven in opposition. A summary of the issues raised is provided below, as per the original assessment by Council's Senior Planner (BH). Further consideration of the below submissions is not required as the proposal is amended.

Key points from Submissions in Support:

- The proposed development aligns with heritage requirements and aims to restore the church building to its original state.
- The development will enhance amenity, improve the streetscape, and maintain green space and trees in the area.
- The proposal is expected to contribute to Orange's food and wine profile and diversify its accommodation options.
- Local businesses support the development as it will stimulate economic growth and enhance the area's aesthetics.
- The proposal is seen as a beneficial use of a heritage site, maintaining public access, and enhancing its heritage values.
- The design of the new building additions is considered visually pleasing and complementary to the existing structures.
- The developers have a successful track record and are trusted to make this proposal a success.
- The development is seen as a brilliant idea that will enhance the gateway to Orange and contribute to its tourism and cultural scene.

Key points from Submissions in Opposition:

- The proposed development is not in compliance with heritage requirements and could negatively impact the historical significance of the church building and Bowen Terraces.
- Concerns about the design of the new building, including the choice of colours and materials, which are seen as incompatible with the surrounding area.
- Issues related to parking and increased traffic congestion in the area, given the limited parking available and the potential influx of visitors to the commercial establishment.
- Potential negative effects on trees in the vicinity of the development, including the removal or disturbance of trees, which could impact the area visually and environmentally.
- Noise and odour concerns, particularly related to the operation of the commercial establishment, which could disrupt the amenity of the neighbourhood.
- Visual impacts of the proposed development, with objections to the size, scale, and overall aesthetic of the new building additions.
- Zoning-related concerns, as the proposed development may not conform to the existing zoning regulations for the area.
- Potential negative effects on the overall amenity of the neighbourhood, including impacts on privacy, natural light, and general quality of life.
- General management concerns, such as waste management.

Second Exhibition Period

The **amended** development (and current proposal) was readvertised in accordance with the CPP 2023. Seventeen (17) public submissions were received- twelve in support and five in opposition. The issues raised in the submissions are considered in the foregoing assessment report, with additional comments provided below as required.

Key points from Submissions in Support:

- The proposed development aligns with heritage requirements and aims to restore the church building to its original state.
- The development will enhance amenity, improve the streetscape, and maintain green space and trees in the area.
- The proposal is expected to contribute to Orange's food and wine profile.
- Local businesses support the development as it will stimulate economic growth and enhance the area's aesthetics.
- The proposal is seen as a beneficial use of a heritage site, maintaining public access, and enhancing its heritage values.
- The developers have a successful track record and are trusted to make this proposal a success.
- The development will contribute to revitalisation of the East Orange precinct.

Comment: Noted.

Key points from Submissions in Opposition:

- The proposed development is not permitted in the R1 General Residential Zone.
Response: The proposal is permitted with Council's consent pursuant to Clauses 2.1 and 5.10(10) Orange LEP 2021.
- An additional food business is not required in this precinct.
Response: Commercial supply and demand are not a consideration in the assessment of a DA, pursuant to EPAA 1979.
- The café / restaurant will be overcrowded, based on floor area and number of seats.
Response: Council's Building Certifier advises the proposed café / restaurant will satisfy the National Construction Code.
- The kitchen will generate unreasonable noise for the adjoining terrace at 3 Bathurst Road.
Response: Supporting acoustic assessment demonstrates the development will comply with noise trigger levels in the Noise Policy for Industry (EPA 2017). Operational mitigation Conditions are also included.
- The location of waste bins will cause odour nuisance for the adjoining terrace at 3 Bathurst Road.
Response: It is assessed that waste bins are well-located. Bins will be placed to adjoin a blank double brick wall of the adjoining terrace, with odour emissions unlikely to internally emanate the adjoining dwelling. Conditions are included requiring regular waste collection to minimise odour nuisance.
- Service vehicles will impact traffic amenity in Summer Street East.
Response: Service vehicles will be typical to the residential street and comprise existing waste collection trucks and small vans / light commercial vehicles. Additional vehicle movements in Summer Street East will not adversely affect the level of service of the public road.
- The outdoor dining area will cause noise and light nuisance for nearby dwellings.
Response: Conditions are included to mitigate noise and light, acceptable to the residential neighbourhood.
- The car parking requirements of the proposed development will result in traffic congestion, and impact amenity for adjoining dwellings.
Response: The demand for on street carparking is acknowledged. Nonetheless, it is assessed on street capacity exists at the site frontage and in surrounding streets. Should operational traffic hazards arise, the Traffic Committee could consider alternative control measures on the public roads.
- Traffic to be generated by the development will increase risk of accidents.
Response: The capacity of the local road network will be suitable to accommodate traffic generated by the proposal. As above, the Traffic Committee may consider alternative control measures if required.

- Hours of operation are unreasonable for a residential neighbourhood.

Response: Consent is sought for operation of the café / restaurant / small bar between 7am and 11pm, 7 days per week. While the proposed use will satisfy project intrusive noise levels pursuant to the Noise Policy for Industry, the site is located in a part-residential neighbourhood and is zoned R1 General Residential. It is considered reasonable to limit hours of operation to the daytime (7am - 6pm) and evening (6-10pm) periods. Limited operating hours will be consistent with other cafes / restaurants in residential areas (e.g. Byng Street Café at 47 Byng Street). Conditions are included.

- Patron noise and live music / entertainment will impact residential amenity.

Response: Mitigation Conditions are included including erection of signage requesting consideration of neighbours when leaving the venue; no live music; and no evening use of the outdoor dining area.

- Operational noise should be monitored.

Response: A Condition is included requiring a noise commissioning report be undertaken 3 months after occupation certificate, in order to consider actual operational noise emissions and the suitability of attenuation measures.

- The cul-de-sac should not be designated as “No Parking” as proposed.

Response: Council’s Technical Services Division do not require “No Parking” in the Summer Street East cul-de-sac for the proposed development. Should traffic nuisance arise, the Traffic Committee could consider alternative control measures.

- Screening should be provided to the common boundary to ensure privacy for Bowen Terrace residents.

Response: Screening will take the form of an acoustic wall on the eastern boundary, common to the Bowen Terraces.

- The air conditioning unit should be relocated from the back of house area adjoining the terrace at 3 Bathurst Road.

Response: As per the Roof Plan (Drawing DA01.6), the AC unit will be located on the north building façade, atop the former Vestry. Conditions are including prohibiting operation between 10pm and 7am.

- Additional noise assessment should be undertaken.

Response: A Condition is included requiring a noise commissioning report be undertaken 3 months after Occupation Certificate, in order to consider actual operational noise emissions and the suitability of attenuation measures.

Public Interest S4.15(1)(E)

The proposal is not inconsistent with any relevant policy statements, planning studies, guidelines etc that have not been considered in this assessment. The proposal involves adaptive reuse of a Local heritage item that will not adversely impact on heritage values. The proposal will be in the public interest.


COMMENTS

This report and the attached Notice of Approval have been informed by:

- Heritage NSW
- Heritage Advisor
- Assistant Development Engineer
- Building Consultant
- Environmental Health Officer
- Manager City Presentation

ATTACHMENTS

- 1 Notice of Determination, D24/68727 [↓](#)
- 2 Plans, D24/65762 [↓](#)
- 3 Submissions from Exhibitions 1 and 2 (redacted), D24/65744 [↓](#)
- 4 Conservation Management Report (redacted), D24/67652 [↓](#)
- 5 Compliance Assessment Report, D24/67654 [↓](#)

	<p style="text-align: center;">ORANGE CITY COUNCIL</p> <p style="text-align: center;">Development Application No DA 514/2021(1)</p> <p>NA24/209 Container PR28526</p>
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NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the *Environmental Planning and Assessment Act 1979*
Section 4.18

Development Application

Applicant Name:	Peter Basha Planning & Development
Applicant Address:	Attention Mr JB and Mrs J Chapman PO Box 1827 ORANGE NSW 2800
Owner's Name:	Mr JB and Mrs JE Chapman
Land to Be Developed:	Lot 12 DP 1259702 - 1 Bathurst Road, Orange
Proposed Development:	Mixed Use Development (restaurant or cafe, small bar, shop; information or education facility; recreation facility (indoor)); and business identification signage

Building Code of Australia building classification:

Class to be determined by the Certifier

Determination made under Section 4.16

Made On:	9 July 2024
Determination:	CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:

Consent to Operate From:	10 July 2024
Consent to Lapse On:	10 July 2029

Terms of Approval

The reasons for approval:

1. The proposed development will reasonably satisfy Local and State planning controls.
2. The proposed development will comply with the requirements of State approval authorities.
3. Impacts of the proposed development on the natural and built environment will be within acceptable limit, subject to mitigation conditions.
4. The proposed development will complement the existing or desired future character of the area.
5. The proposed development will be consistent with the zone objectives and principal development standards.
6. The proposed development is permitted in the zone.
7. Utility services are available and adequate.
8. Public exhibition of the application was undertaken in accordance with Council's Community Participation Plan or State legislation. No public submissions were received.
9. Public exhibition of the application was undertaken in accordance with Council's Community Participation Plan or State legislation. During the exhibition period 13 submissions were received. Public submissions were considered. Mitigation conditions are included where considered necessary.

The reasons for the imposition of conditions:

- (1) To ensure a quality urban design for the development which complements the surrounding environment.
- (2) To maintain neighbourhood amenity and character.
- (3) To ensure compliance with relevant statutory requirements.
- (4) To provide adequate public health and safety measures.
- (5) To ensure the utility services are available to the site and adequate for the development.
- (6) To prevent the proposed development having a detrimental effect on adjoining land uses.
- (7) To minimise the impact of development on the environment.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 514/2021(1)

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Conditions

- (1) The development must be carried out in accordance with:
- (a) **Plans by Benedict Design, Project No. PO73, Drawing Nos. 01.1, 01.2, 01.3, 01.4, 01.5, 01.6, 02.1, 02.2, 02.3, 02.4, 0.31 Rev C dated 27 March 2024.**
 - (b) statements of environmental effects or other similar associated documents that form part of the approval
- as amended in accordance with any conditions of this consent.**

PRESCRIBED CONDITIONS

- (2) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (3) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.
- (4) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of the Act, evidence that such a contract of insurance is in force is to be provided to the Principal Certifying Authority before any building work authorised to be carried out by the consent commences.
- (5) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and the licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 514/2021(1)

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Prescribed conditions (cont)

- (6) Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

Note: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- (7) A Liquid Trade Waste Application is to be submitted to Orange City Council prior to the issuing of a Construction Certificate. The application is to be in accordance with Orange City Council's Liquid Trade Waste Policy. Engineering plans submitted as part of the application are to show details of all proposed liquid trade waste pre-treatment systems and their connection to sewer.

Where applicable, the applicant is to enter into a Liquid Trade Waste Service Agreement with Orange City Council in accordance with the Orange City Council Liquid Trade Waste Policy.

- (8) Backflow Prevention Devices are to be installed to AS3500 and in accordance with Orange City Council Backflow Protection Guidelines. Details of the Backflow Prevention Devices are to be submitted to Orange City Council prior to the issuing of a Construction Certificate.
- (9) An approval under Section 68 of the *Local Government Act* is to be sought from Orange City Council, as the Water and Sewer Authority, for alterations to water and sewer. No plumbing and drainage is to commence until approval is granted.
- (10) The applicant is to submit a waste management plan that describes the nature of wastes to be removed, the wastes to be recycled and the destination of all wastes. All wastes from the demolition and construction phases of this project are to be deposited at a licensed or approved waste disposal site.
- (11) A physical colours and finishes schedule must be submitted to Council for approval, prior to issue of a Construction Certificate. The proposed batten screening to the back-of-house area must be substituted for hardwood or painted treated pine. Bricks to the fencing must match bricks of the existing building as far as practicable.
- (12) A plan of fencing must be submitted to Council for approval, prior to issue of a Construction Certificate. The plan must include details of the acoustic wall to the eastern boundary (common to 3 Bathurst Road). Weldmesh fencing on the part-north boundary to Summer Street East must be removed and replaced with alternative fencing, to complement fence typologies in the street.
- (13) A landscape plan must be submitted to Council for approval, prior to issue of a Construction Certificate. The plan must include details of plantings to the Summer Street East brick fence.
- (14) The kitchen exhaust must be relocated towards the north as far as practicable, painted in Colorbond Windspray, and fixed to the mortar joints. Details must be provided on the Construction Certificate drawings.
- (15) Final details of the proposed business identification signage and interpretive plaque must be submitted to Council for approval, prior to issue of a Construction Certificate. Content to the signage panels is limited to business identification only, as defined in the Standard Instrument.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 514/2021(1)

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Prior to the issue of a construction certificate (cont)

- (16) An Operational Plan of Management must be submitted to, and approved by Council's Manager Development Assessments, prior to issue of a Construction Certificate. The Plan of Management must address the following matters:
- general staff and patron rules;
 - limiting patron numbers (maximum 94);
 - ensuring that the premises including the outdoor dining areas will not cause noise nuisance to neighbouring properties;
 - ensuring that customers are respectful to neighbouring properties both while on the premises and when coming and going from the premises;
 - collection of litter off-site;
 - monitoring and reporting unlawful car parking;
 - hours of operation, servicing, deliveries, and waste collection (including grease trap waste), and include the frequency of service vehicle types to the site, hours of servicing, etc.;
 - management of early/late arrivals;
 - measures to mitigate noise, litter, and odours and fumes that could be emitted from the waste storage area; and
 - complaints handling procedures and contact person.
- The Plan of Management approved by Council under this condition must be complied with at all times. Any proposed amendments to the Plan of Management shall be notified to and approved by Council in writing.
- (17) Prior to the issue of a Construction Certificate, photographic archival recording of the site and building must be undertaken in accordance with digital guidelines prepared by Heritage NSW. Archival recording must be provided to Council.

PRIOR TO WORKS COMMENCING

- (18) A Construction Certificate application is required to be submitted to, and issued by Council/Accredited Certifier prior to any excavation or building works being carried out onsite.
- (19) A temporary onsite toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available onsite.
- (20) Soil erosion control measures shall be implemented on the site.

DURING CONSTRUCTION/SITEWORKS

- (21) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (22) All construction/demolition work on the site is to be carried out between the hours of 7.00am and 6.00pm Monday to Friday inclusive, and 8.00am to 1.00pm on Saturdays. No construction/demolition work is permitted to be carried out on Sundays or Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
- (23) A Registered Surveyor's certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 514/2021(1)

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During construction/siteworks (cont)

- (24) All construction works are to be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.
- (25) All materials on site or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- (26) The fit-out of the food preparation and storage areas are to be installed in accordance with the requirements of Food Safety Standard 3.2.3 "Food Premises and Equipment" of the Australian New Zealand Food Standards Code and Australian Standard 4674-2004 "Design and construction and fit-out of food premises".
- (27) Works must comply with the applicable conservation policies contained in "Conservation Management Strategy - The Former Orange Congregational Church" (Christo Aitken + Associates (February 2021)).
- (28) In the event of an unexpected find during works such as (but not limited to) the presence of undocumented waste, odorous or stained soil, asbestos, structures such as underground storage tanks, slabs, or any contaminated or suspect material, all work on site must cease immediately. The beneficiary of the consent must discuss with Council the appropriate process that should be followed therein. Works onsite must not resume unless the express permission of the Director Development Services is obtained in writing.
- (29) If Aboriginal objects, relics, or other historical items or the like are located during development works, all works in the area of the identified object, relic or item shall cease, and the NSW Office of Environment and Heritage (OEH), and representatives from the Orange Local Aboriginal Land Council shall be notified. Where required, further archaeological investigation shall be undertaken. Development works in the area of the find(s) may recommence if and when outlined by the management strategy, developed in consultation with and approved by the OEH.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- (30) Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate stating that all works relating to connection of the development to Council assets, works on public land, works on public roads, stormwater, sewer and water reticulation mains and footpaths have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions.
- (31) Certificates for testable Backflow Prevention Devices are to be submitted to Orange City Council by a plumber with backflow qualifications prior to the issue of an Occupation Certificate.
- (32) No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.
- (33) The owner of the building/s must cause the Council to be given a Final Fire Safety Certificate on completion of the building in relation to essential fire or other safety measures included in the schedule attached to this approval.
- (34) Where Orange City Council is not the Principal Certifying Authority, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Orange City Council and a Final Notice of Inspection issued, prior to the issue of a final Occupation Certificate.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 514/2021(1)

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Prior to the issue of an occupation certificate (cont)

- (35) Prior to the issuing of an Occupation Certificate, the applicant shall install the following noise attenuation measures, in accordance with the findings of the noise report prepared by SoundIn (Report: 17134), dated November 2022:
- A solid wall of a height equal to 1.8m above the outdoor seating area shall be installed along the northern boundary of the development.
 - A noise barrier, being of solid material (e.g., lapped and capped timber or masonry) with no gaps, to a height of 3m shall be installed along the eastern boundary of the site, between the proposed infill structure and the garage.
- (36) Landscaping, fencing, signage and interpretive plaque must be installed in accordance with the approved plans, prior to issue of an Occupation Certificate.
- (37) A Statement of Compliance and required associated documentation must be submitted to Council for approval, demonstrating completion of applicable conservation policies contained in "Conservation Management Strategy - The Former Orange Congregational Church" (Christo Aitken + Associates (February 2021)).
- (38) All of the foregoing conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All work required by the foregoing conditions is to be completed prior to the issuing of an Occupation Certificate, unless stated otherwise.

MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT

- (39) The owner is required to provide to Council and to the NSW Fire Commissioner an Annual Fire Safety Statement in respect of the fire-safety measures, as required by Clause 177 of the *Environmental Planning and Assessment Regulation 2000*.
- (40) Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.
- (41) The proposed outdoor seating area is not to be used between the hours of 6pm and 7am on any day.
- (42) The proposed air conditioning unit is not to be operated between the hours of 10pm and 7am on any day.
- (43) No live music, including DJ's, solo musicians, choirs, bands, and karaoke, is to be played on the site at any time.
- (44) The applicant shall obtain an acoustic report which assesses actual noise emissions and impacts from the normal operation of the development within three (3) months of the issue of an occupation certificate and provide a copy of the report to Council. Where the report recommends noise attenuation works to be carried out, these works shall be undertaken within 28 days from the date of the acoustic report.
- (45) The development must not be available to patrons outside of the following hours:
Commencing at 7:00am and closing at 10:00pm, 7 days per week.
- (46) The dining areas are limited to a maximum of 94 patrons as shown on the approved plan.
- (47) External lighting must be installed and operated consistent with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.
- (48) Regular waste collection must be undertaken to avoid odour nuisance for adjoining dwellings.
- (49) Development consent will be required for additional advertising signage.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 514/2021(1)

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CONDITIONS FROM ESSENTIAL ENERGY

If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as [ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure](#). Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

Other Approvals

- (1) *Local Government Act 1993* approvals granted under Section 68.

Nil

- (2) General terms of other approvals integrated as part of this consent

Nil

Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court. Pursuant to Section 8.10, an applicant may only appeal within 6 months after the date the decision is notified.

Disability Discrimination Act 1992:

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act* currently available in Australia.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 514/2021(1)

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**Disclaimer - S88B of the
Conveyancing Act 1919 -
Restrictions on the Use
of Land:**

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Signed:

On behalf of the consent authority **ORANGE CITY COUNCIL**

Signature:**Name:**

PAUL JOHNSTON - MANAGER DEVELOPMENT ASSESSMENTS

Date:

10 July 2024

DEVELOPMENT APPLICATION FOR: ADAPTIVE RE-USE AT No.1 BATHURST ROAD, ORANGE

DWG #	NAME	REV
1.0	TITLE PAGE & DRAWING REGISTER	C
1.1	EXISTING PLAN	C
1.2	DEMOLITION PLAN	C
1.3	CONTEXT ANALYSIS	C
1.4	SITE PLAN	C
1.5	GROUND FLOOR PLAN	C
1.6	ROOF PLAN	C
2.1	ELEVATIONS SHEET 1	C
2.2	ELEVATIONS SHEET 2	C
2.3	ELEVATIONS SHEET 3	C
2.4	ELEVATION SHEET 4	C
4.1	SIGNAGE + MATERIALS	C

ACCOMPANYING DOCUMENTS

SURVEY
STATEMENT OF ENVIRONMENTAL EFFECTS
HERITAGE IMPACT STATEMENT
CONSERVATION MANAGEMENT PLAN
SECTION J
ACOUSTIC REPORT

REVISION C - SUMMARY OF CHANGES


- REMOVAL OF EXISTING PERCOLA AND FRONT FENCING FROM DEVELOPMENT PROPOSAL
- AMENDMENT TO EXTENT OF DEMOLITION
- NEW FITOUT OF EXISTING KITCHEN
- CONVERSION OF EXISTING TOILETS TO INCLUDE ACCESSIBLE FACILITY
- AMENDMENTS TO EXTERNAL PAVING AREAS



**BENEDICT
DESIGN**

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A/N: 1107910619
NSW ABN: 10685

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	<ul style="list-style-type: none"> • USE TOLERANCES ONLY • DO NOT SCALE • COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS • COMPLY WITH BUILDING CODE OF AUSTRALIA • COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS
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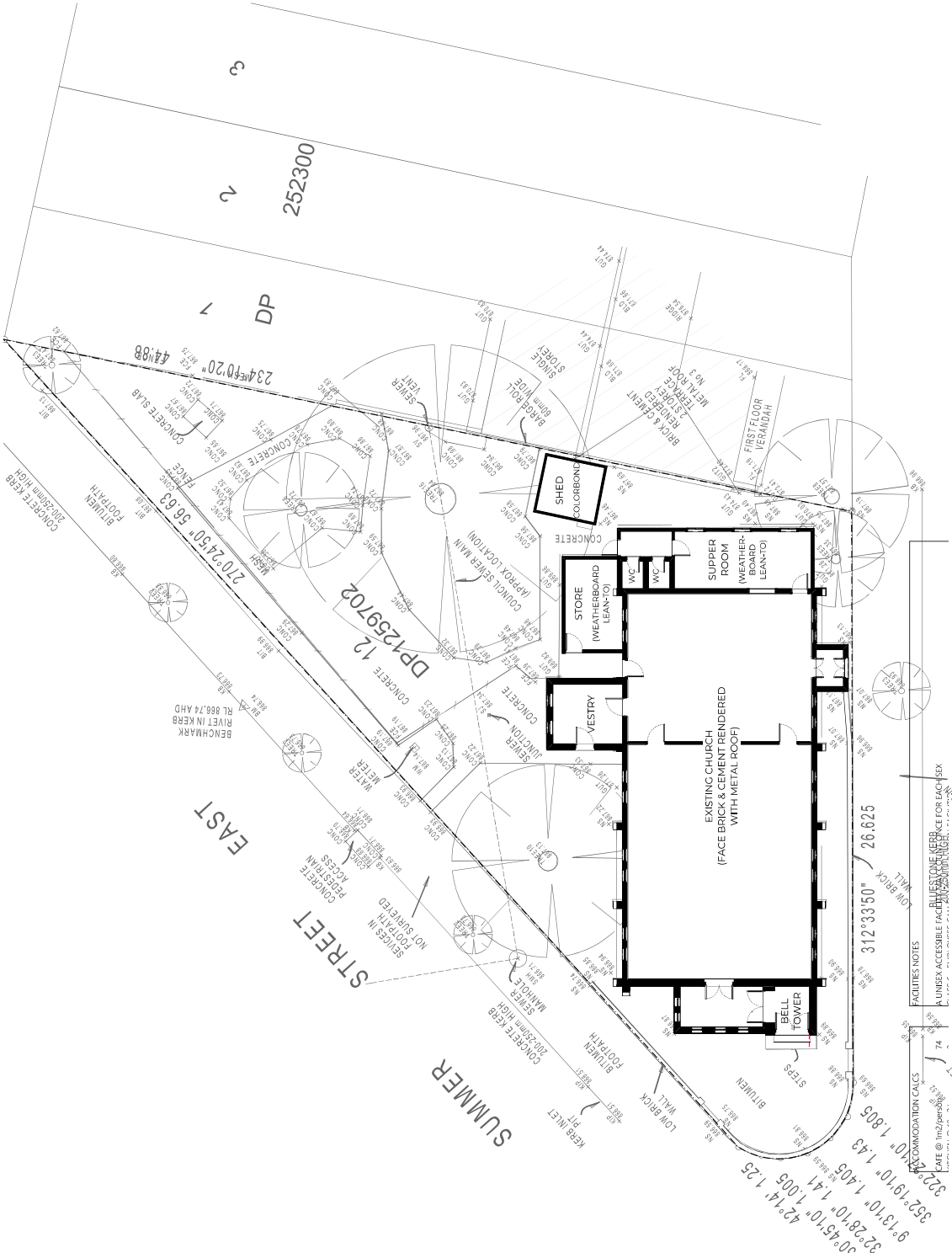
FIVE WAYS CHURCH

ADAPTIVE RE-USE AT 1 BATHURST ROAD

TITLE PAGE & DRAWING REGISTER | DA

SCALE @A3	NTS	DATE	27/03/2024
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PROJECT NO.	P073	REVISION
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EXISTING PLAN		DA
SCALE @A3	1:200	DATE 27/03/2024
PROJECT NO.	P073	REVISION C

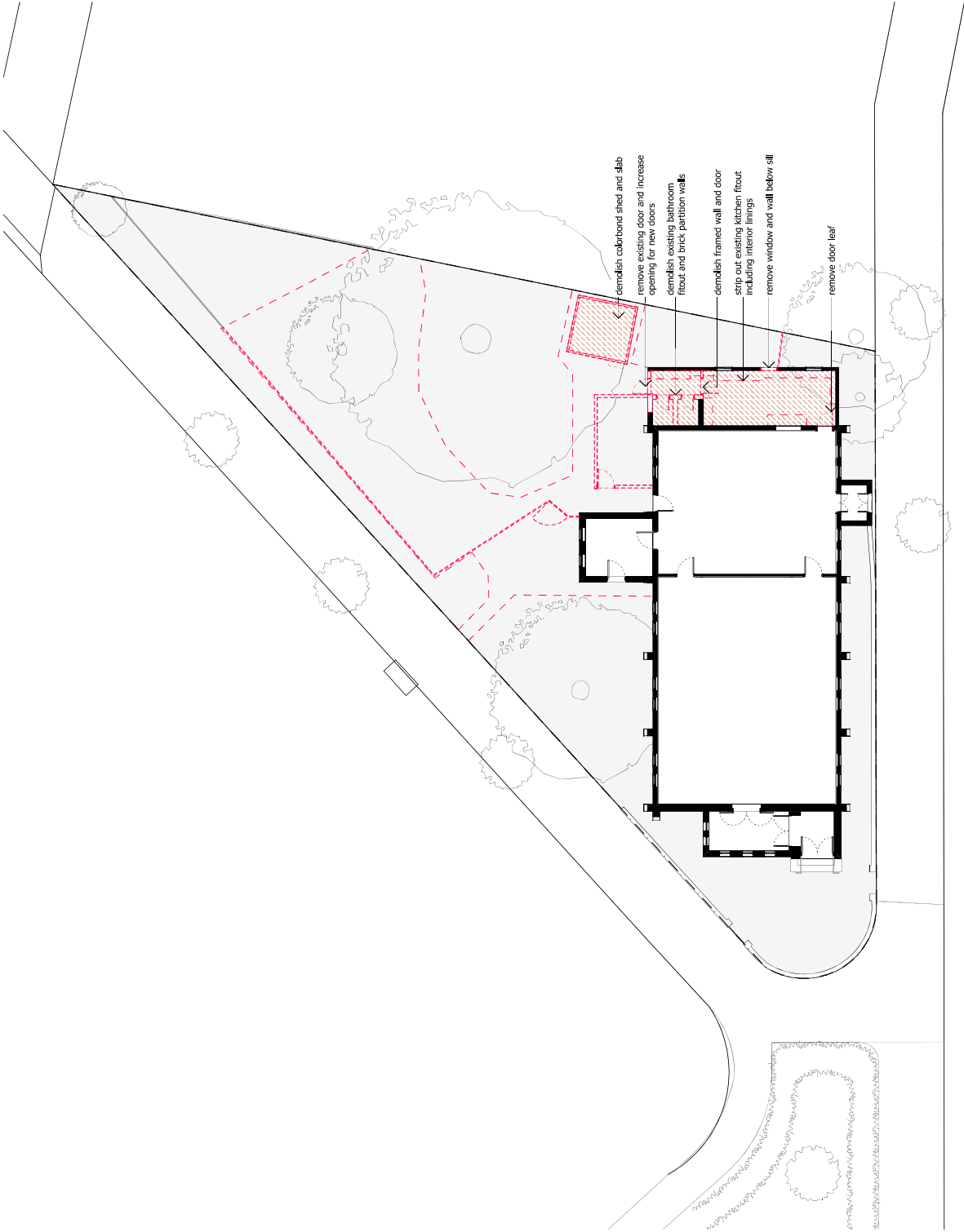
BATHURST ROAD
FIVE WAYS CHURCH
ADAPTIVE RE-USE AT 1 BATHURST ROAD

• FOR INFORMATION ONLY
• COMPLIANT WITH RELEVANT AUSTRALIAN STANDARDS
• COMPLIANT WITH RELEVANT AUSTRALIAN STANDARDS

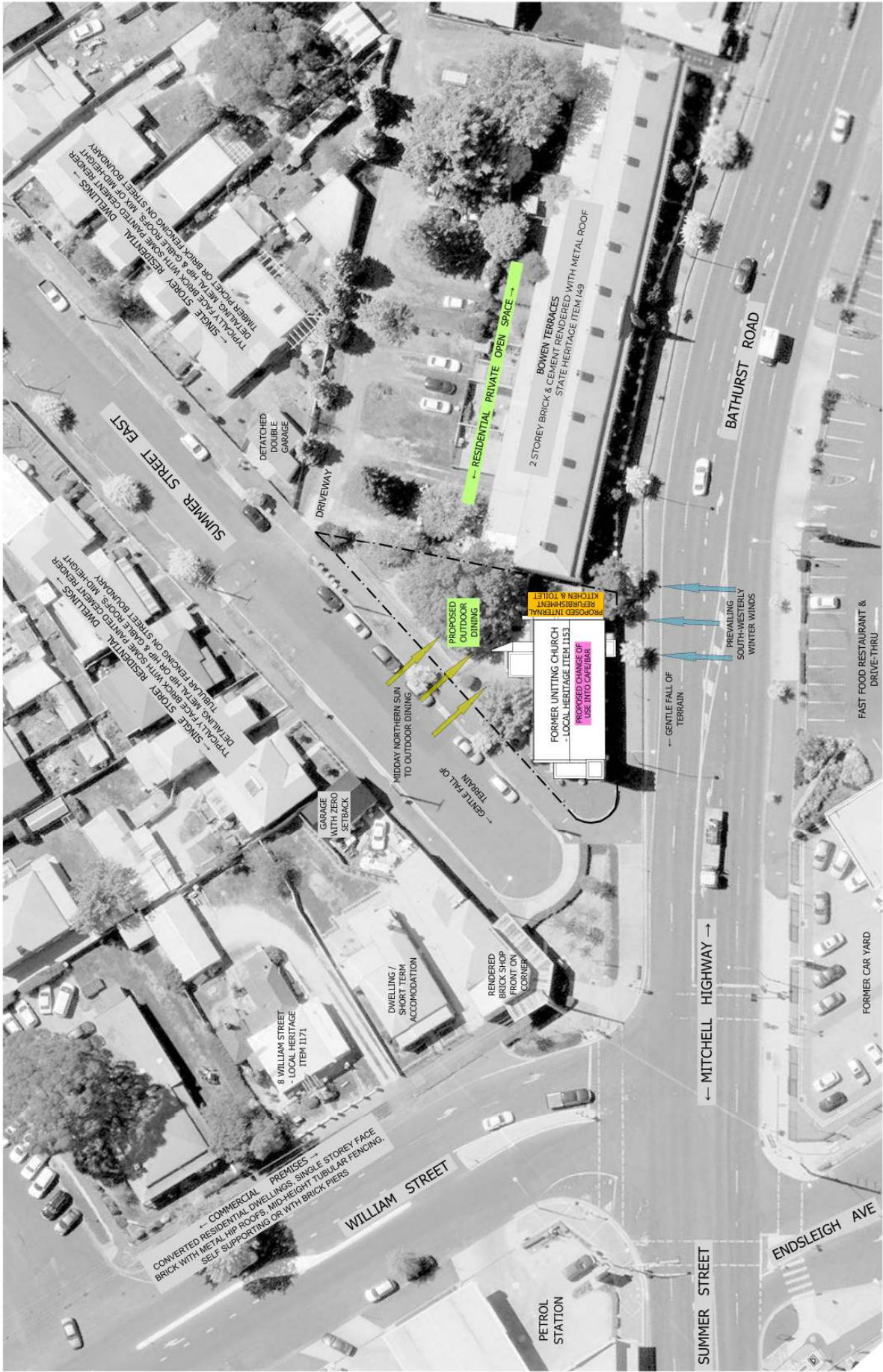
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ABN 1107910899
NOV 2018

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 BENEDICT DESIGN	186 MOULDER STREET MELBOURNE VIC 3000 P 03 9426 1869 E info@benedictdesign.com.au ABN 1107910819 NOV 2018	FIVE WAYS CHURCH ADAPTIVE RE-USE AT 1 BATHURST ROAD	DEMOLITION PLAN	DA
	<small> *FOR REGISTERED BUILDINGS ONLY *COMPLY WITH RELEVANT AUTHORITY REQUIREMENTS *COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS </small>	SCALE @A3 1:200 DATE 27/03/2024	PROJECT NO. P073 REVISION C	01.2
				





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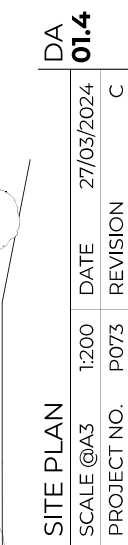
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FIVE WAYS CHURCH
ADAPTIVE RE-USE AT 1 BATHURST ROAD

CONTEXT ANALYSIS

SCALE @A3	1:500	DATE	27/03/2024
PROJECT NO.	P073	REVISION	C

DA
01.3



AREA SCHEDULE (GFA)		
SITE:		349m²
CHURCH:		223m ²
KITCHEN & BATHROOMS:		28m ²
TOTAL GFA:		252m²
TOTAL FSR:		0.31
NO INCREASE IN GFA IS PROPOSED		

NO INCREASE IN GFA IS PROPOSED

ROAD
FIVE WAYS CHURCH

ADAPTIVE RE-USE AT 1 BATHURST ROAD

BATHURST ROAD

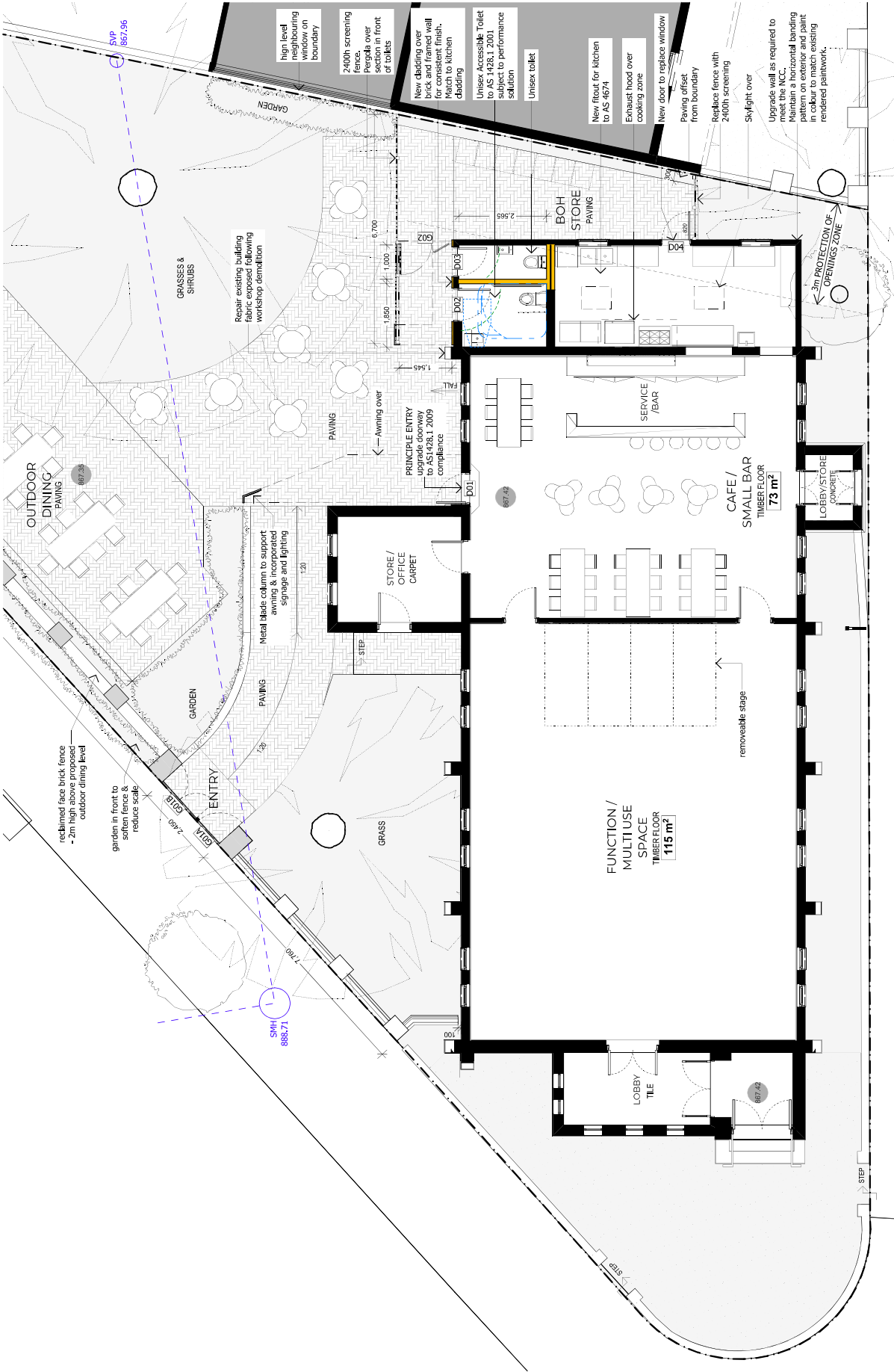
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BEN: 1167910619
NSW ABN 10683



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GROUND FLOOR PLAN			DA
SCALE @A3	1:100	DATE	27/03/2024
PROJECT NO.	P073	REVISION	C

FIVE WAYS CHURCH	
ADAPTIVE RE-USE AT 1 BATHURST ROAD	

- ALL REGISTRATION NUMBERS ONLY
- COMPLIANT WITH RELEVANT AUSTRALIAN REQUIREMENTS
- COMPLIANT WITH ALL RELEVANT AUSTRALIAN STANDARDS

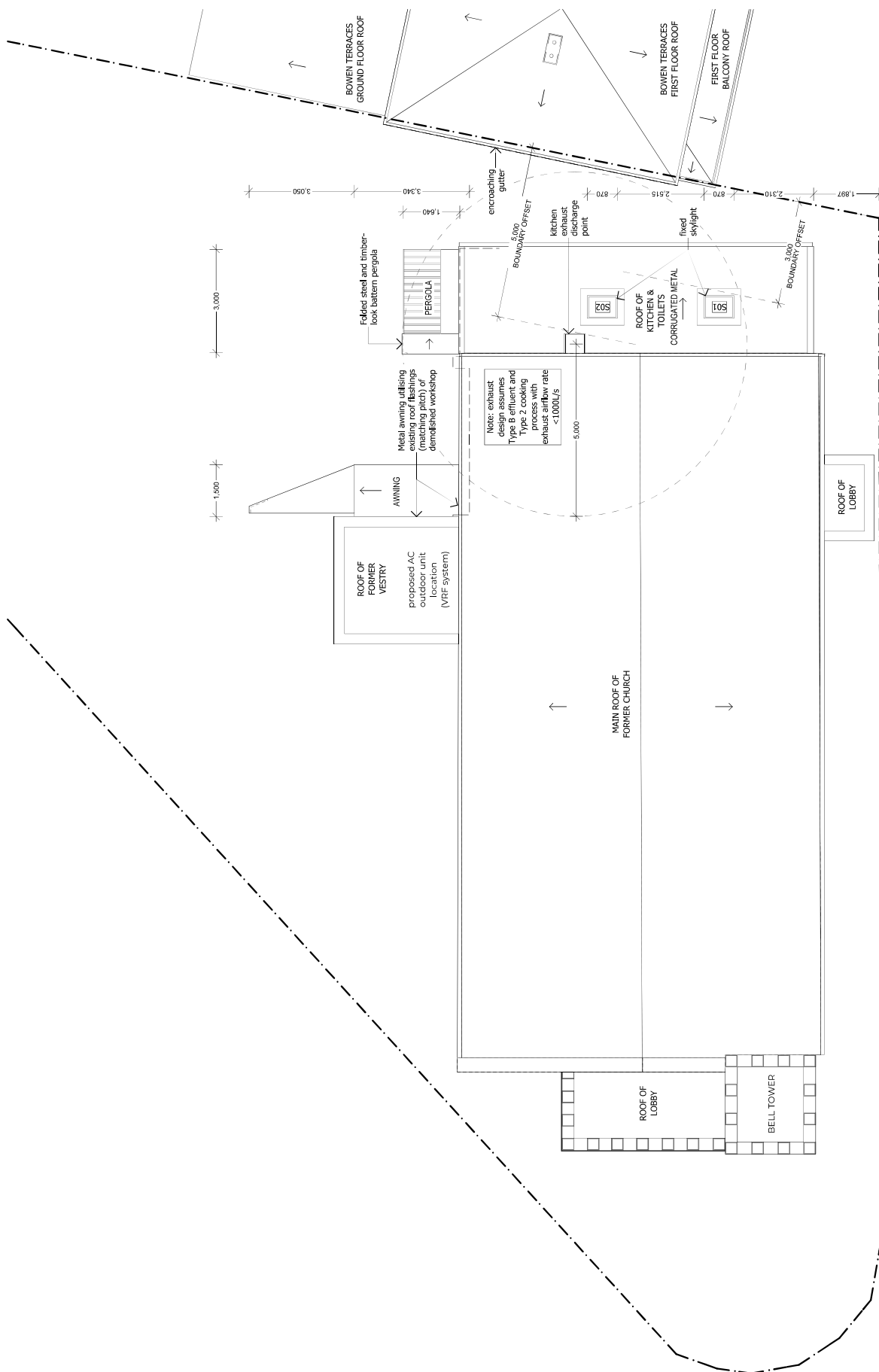


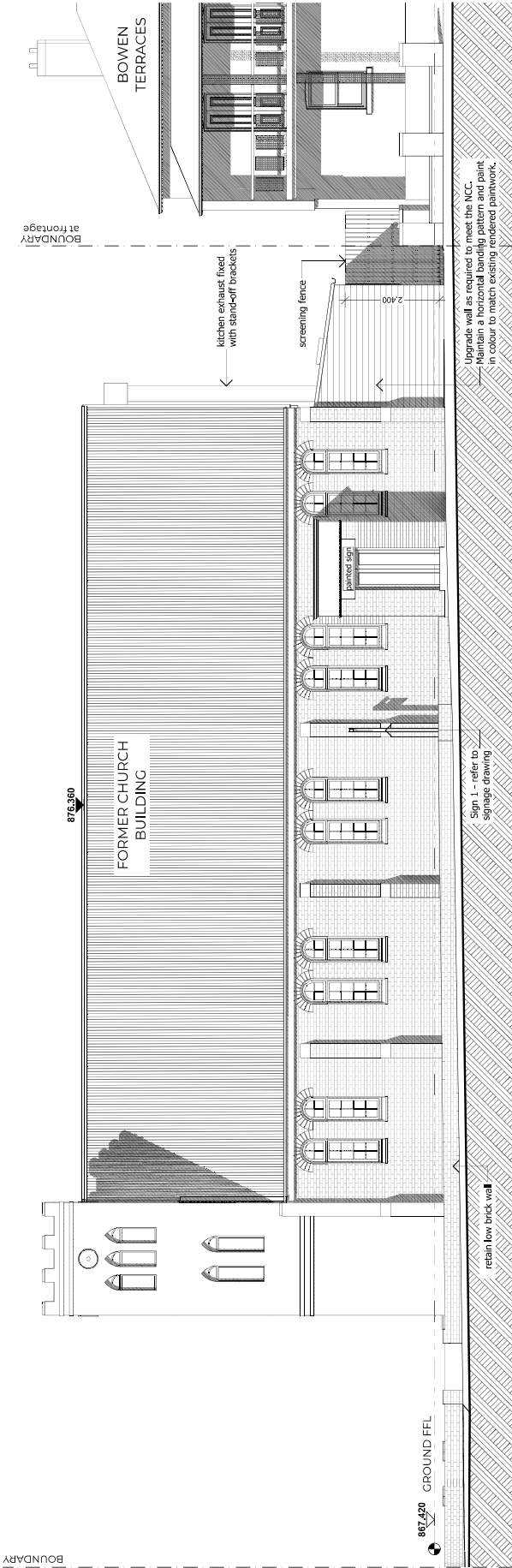


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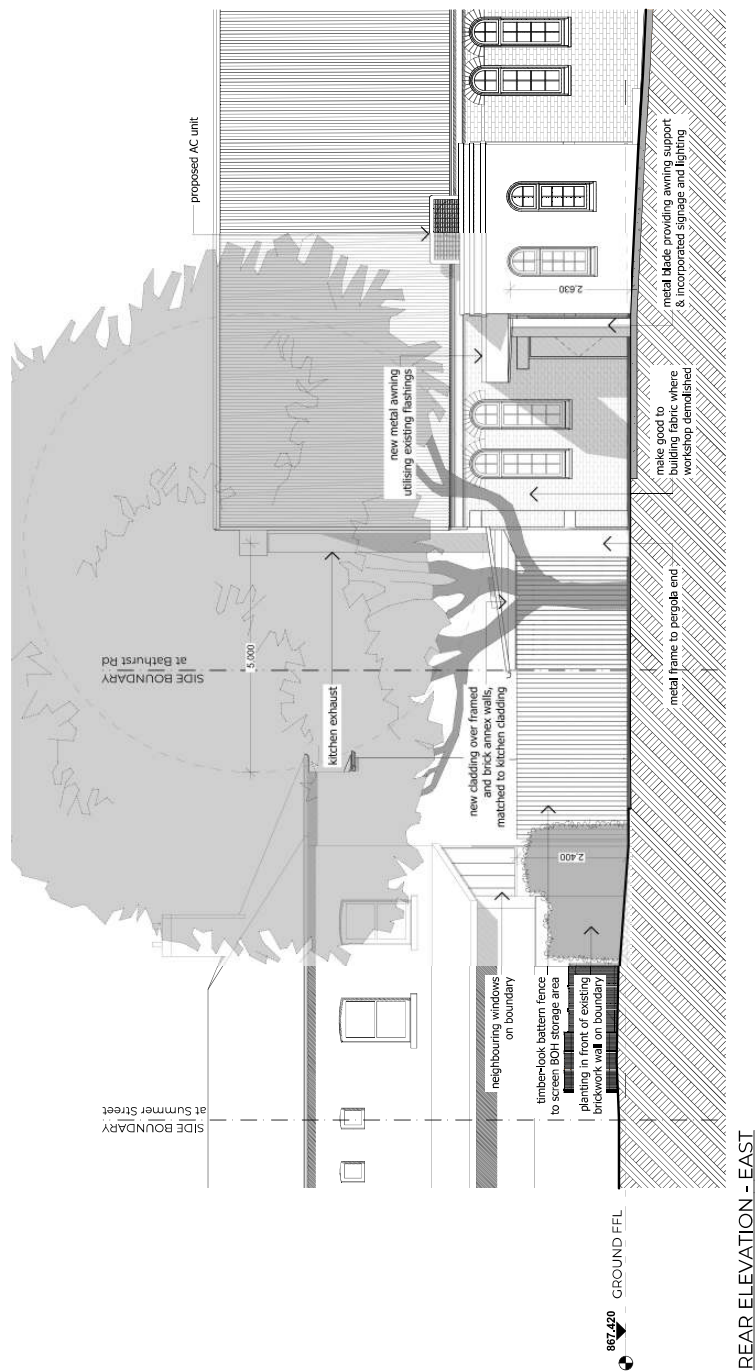
BATHURST ROAD ELEVATION - SOUTH WEST

 <div>BENEDICT DESIGN</div> <div>186 MOULDER STREET MELBOURNE VIC 3000 P: 03 9451 9699 E: BEN@BENEDICTDESIGN.COM.AU ABN: 1107910819 NOV 2018</div>		FIVE WAYS CHURCH		ELEVATIONS SHEET 1		DA
		ADAPTIVE RE-USE AT 1 BATHURST ROAD		SCALE @A3 1:100	DATE 27/03/2024	02.1
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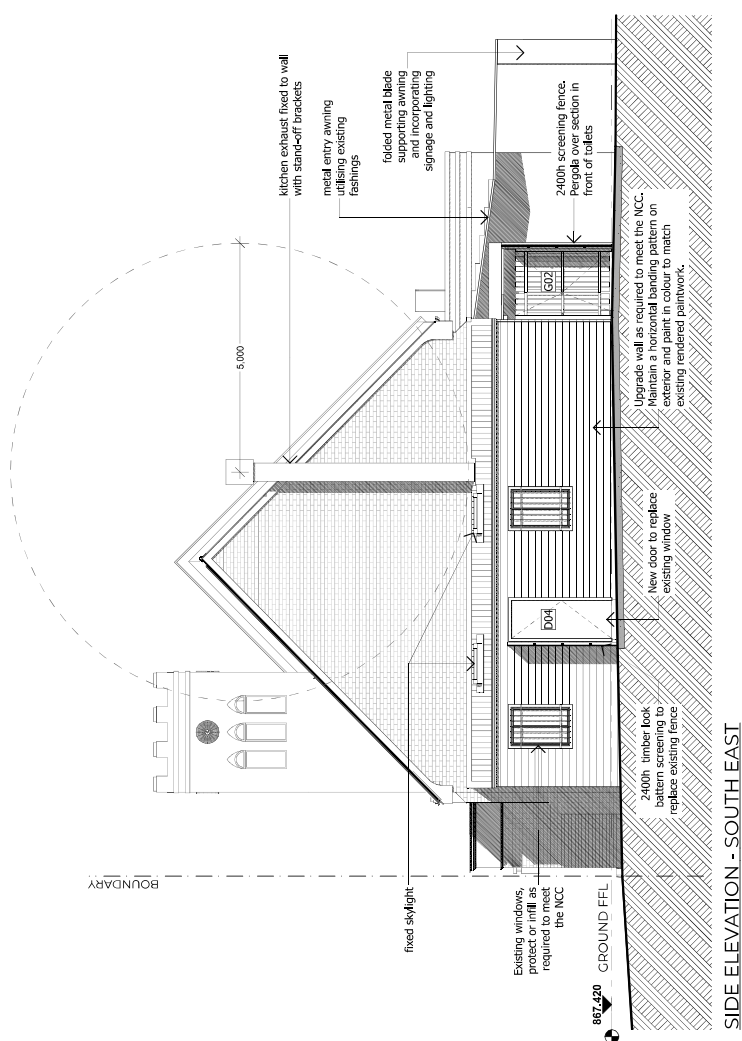
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		<ul style="list-style-type: none">• USE INDICATED DIMENSIONS ONLY• COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS• DIMENSIONS WITH ALL ELEMENTS AND FINISH CONDITIONS		SCALE @A3 1:100 DATE 27/03/2024 PROJECT NO. P073 REVISION C	



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		ADAPTIVE RE-USE AT 1 BATHURST ROAD			SCALE @A3	1:100	DATE	27/03/2024
					PROJECT NO.	P073	REVISION	C



SIDE ELEVATION - SOUTH EAST

ELEVATION SHEET 4

DA 02.4

SCALE @A3	1:100	DATE	27/03/2024
PROJECT NO.	P073	REVISION	C

FIVE WAYS CHURCH

ADAPTIVE RE-USE AT 1 BATHURST ROAD

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**BENEDICT
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BRICK FENCING
To match existing (shown) as close as possible



BATTEN SCREENING
Timber look: Cowet Ever-Art Neikiddo Moku or similar

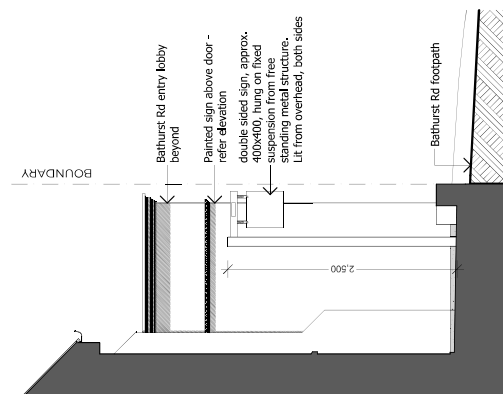


EXTERNAL PAINT COLOUR
Match existing

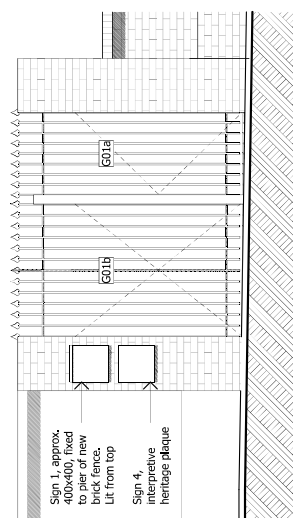


METAL AWNING AND COLUMNS/FRAMES
Colorbond Wallaby or similar

MATERIAL & FINISHES



SIGN 2 - SUMMER STREET ENTRY



SIGN 1 - BATHURST ROAD ENTRY

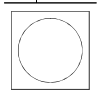
NOTE

NOTE Statutory signage to be provided as per the requirements of AS 1428.1, the NCC and performance solution. This includes wayfinding/accessible signage to be provided at every entry point, exit signage and facilities signage.



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FIVE WAYS CHURCH

ADAPTIVE RE-USE AT 1 BATHURST ROAD

SIGNAGE + MATERIALS

SCALE @A3	1:50	DATE	27/03/2024
PROJECT NO.	P073	REVISION	C

DA 03.1

Submissions received during the first exhibition period

From:
Sent: Friday, 21 January 2022 1:13 PM
To: Orange City Council
Subject: Submission for DA514/2021 (1) 1 Bathurst Road - The Five Ways Church

Dear Orange Council,

I am writing in support of the development application DA514/2021 (1) 1 Bathurst Road - The Fiveways Church.

I am the owner of property Summer Street, directly 1 Bathurst Road.

The proposed development brings much desired community spaces for dining and bars in the East Orange area.

The design is respectful of the heritage of the landmark that is The Five Ways Church.

I would welcome the new design and repurposing of this space.

Yours sincerely,

From:
Sent: Friday, 21 January 2022 3:58 PM
To: Orange City Council
Subject: Submission in Support of DA 514/2021910 - PR28526 Chapman
Attachments: Support for DA 5142021910 - PR28526.pdf

Dear Councillors,

Please find attached my signed letter in support of the development application for the old Five Ways Uniting (formally Congregational) Church. I hope that this application is successful.

yours sincerely,

DEVELOPMENT PROPOSAL - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

DEVELOPMENT APPLICATION (NOT BEING DESIGNATED DEVELOPMENT)

DA 514/2021910 - 1 BATHURST RD, ORANGE**SUBMISSION IN SUPPORT OF DEVELOPMENT DA 514/2021910 - PR28526****From:**

Date: 21st January, 2022

TO WHOM IT MAY CONCERN

I have a strong connection and interest in the above proposal and have studied the plans in detail. The first Christian service was held on this site in 1846 but it was on 17th October, 1903 that my paternal Grandfather, the Reverend Walter Cunliffe-Jones unveiled the foundation stone in the porch of Five Ways Church then known as Five Ways Congregational Church.

The Congregational Church, whilst later becoming part of the Uniting Church, was known for its independence, support of social issues and fellowship.

Whilst the deconsecration of this building was a decision long since taken, this proposal in many ways will support these values through maintaining the integrity of the structure and its heritage features whilst providing a venue that promotes social interaction, community activities and learning opportunities.

It will also guarantee the survival of this humble but historical building into the future and create an excellent and exciting venue for the benefit of our Orange community.

Whilst I have known the applicants of this proposal for many years I know that when they learnt of my familial connection with this building it only strengthened their commitment to ensuring the history, heritage and landmark quality of this prominent site in Orange.

Yours Faithfully,

From:
Sent: Saturday, 22 January 2022 4:51 PM
To: Orange City Council
Subject: submission in support of DA 514/2021(1)
Attachments: Submission in Support of Development Application.docx

Please find my submission attached.

Kind regards

Submission in Support of Development Application

Reference Numbers: **DA 514/2021/(1) – PR28526**
1 Bathurst Road, ORANGE

From:

As an East Orange resident and member of Orange's food and wine community, I am in full support of the above DA for the following reasons:

1. The proposal aligns with the heritage order effective in East Orange.
The church building is to be restored to its original state. The building's original footprint will be re-established. No external walls are to be demolished and the existing added-on structures will be removed to reveal the original outside of the church. The rendered exterior will be restored and painted in a sympathetic colour scheme. The entrance has already been much improved with new marble steps, historic iron hand rails and the green front door.
2. The development will increase amenity in East Orange.
East Orange has a 'village' identity. The adaptation of the church will create a unique site and will be a valuable addition to the popular precinct of Bills Beans East Orange, The East Orange Post Office and MILC (Mothers, Infants and Lactation Consultants).
The respectful development will enhance the streetscape of both Bathurst Road and Summer Street. Green space and tree plantings will be maintained and increased. The wall to be built along the Summer Street boundary will create privacy from each direction and will also create a sound buffer. The multi-use aspect will make this an inclusive development which has the capacity to enhance community engagement.
3. The development will be a high quality addition to Orange's food and wine profile.
The Chapman family have been the custodians of The Old Convent at Borenore for over 20 years. They have saved it from likely decline and created a landmark food and wine destination in Orange. They have proven capability to successfully develop the property at 1 Bathurst Road.
The small residential option included in the development will add to and diversify Orange's accommodation options.
An approved DA will create an opportunity for professionals to establish a unique business in this thriving city.

From:
Sent: Sunday, 23 January 2022 10:23 AM
To: Orange City Council
Cc:
Subject: DA 514/2021 (1) - 1 Bathurst Road, Orange

To Orange City Council,

I am emailing in regards to DA 514/2021 (1) - for the address 1 Bathurst Road, Orange (the former Five Ways Church)

We as a business, Charred Kitchen & Bar, wish to support this application for development fully. The development of the currently unused premise will greatly assist in brining more life to not only the 'Five Ways' intersection, but East Orange as a whole.

Further development of vacant premises in East Orange is very much encouraged by myself and Charred Kitchen and Bar. This will stimulate economic growth, diversity and much needed aesthetics for the area.

If anyone from council wishes to contact myself in regards to this email of support, please feel free to do so.

Kind Regards

Restaurant Manager - Sommelier



Charred Kitchen & Bar
1-5 New St
Orange

ABN: 90610870196

From:
Sent: Sunday, 23 January 2022 8:03 AM
To: Orange City Council
Subject: DA 514/2021(1)-PR28526

I wish to make an objection to the DA 514/2021(1)-PR28526 on the grounds that no off street parking has been allocated for the commercial side of the development. There is already a commercial building on the opposite side of the street with no off street parking, and street parking was tight when it was occupied. There is limited parking on Bathurst road near the premises.
I also object to the issuing of an alcohol license as there is already 5 plus premises within 3 blocks of the building with alcohol sales.

From:
Sent: Sunday, 23 January 2022 4:21 PM
To: Orange City Council
Subject: DA 514/2021(1) PR 286526 - 1 Bathurst Rd Orange - Former 5 Ways Church

Dear Sir/Madam,

I write in support of the above development application on the site of the former 5 Ways church, which is currently on exhibition on Council's web site.

As the developer of the nearby Corner Store Gallery at 382 Summer St Orange, I understand that finding beneficial uses for sites of significant heritage value is always a challenge. I believe that the proposal will actually enhance the heritage values of the site. It will do this by removing existing features that detract from the site's heritage value (such as the colourbond shed; and the weatherboard kitchen and storage annexes), while adding other sympathetic features such as the enhanced fencing and gardens, while providing a funding source for the owners to maintain the old building.

Importantly, the proposed uses for the site:- cafe, dining and pop-up exhibition/education space, etc; will maintain public access to this important site for the broader community.

Considerable thought appears to have been taken in the design of the new building additions. They look both aesthetically pleasing and functional. Great care appears to have been taken to ensure the new building will not detract from either the old church building or the adjacent Bowen Terrace. In my view, the visual contrast between old and new, which is a key feature of urban renewal, has been handled particularly well.

The proponents, , have a strong record of success with a similar undertaking at the Old Convent at Borenore. I have no doubt of their capacity to make a success of this proposal.

As a resident on East Orange, I look forward to accessing this space in future and enjoying a quiet coffee, drink or meal in the beautiful spaces to be provided by this development.

The proposal has my full support.

From:
Sent: Monday, 24 January 2022 1:14 PM
To: Orange City Council
Subject: Submission for DA 514/2021(1) - 1 Bathurst Road, Orange

Development Application | DA 514/2021(1)

Site Address | 1 Bathurst Road, Orange

I would like to express my wholehearted support of this development application to Council. As owner and restorer of one of the Bowen Terraces, I think this sympathetic restoration and usage of an Orange historic landmark is a brilliant idea. The Five Ways Church is at the eastern gateway to the Orange CBD as well as to the East Orange precinct and to have it transformed and utilised in such a way is a fabulous addition to both the immediate area and the Orange tourism and cultural scene as a whole. The plans have been carefully and tastefully considered with the exterior presenting a stylish but historically sympathetic street presence. With regards to the DA's intended usages for the site, these not only fit in with the current food and wine tourism but complement it. With Hungry Jacks and the old WIN and DPI buildings across the way, I hope this is the first of many such aesthetically pleasing and culturally appropriate projects to upgrade the gateway to Orange.

Regards,

Orange
NSW 2800

19 January 2022

The CEO
Orange City Council
P O Box 35
Orange
NSW 2800

Dear Sir

Development Application
DA 514/2021(1)-PR28526

I wish to object to this development in the form as it is now presented, and the lack of detail made available to make a full evaluation of the proposal.

My objections are based on the information that I could obtain noting the development was advertised during the Christmas Holiday period when council was closed or staff were on holidays.

The proposed development is on land Zoned General Residential, there for the development contravenes the zoning.

There is no need for a restaurant/café as the needs of the local area is already met by existing facilities, cafes, take-aways, hotels all in walking distance of the proposed development.

On the Bathurst Road Elevation, the Infill building shown between the existing church and the adjoining building would seriously impact on the street scape, detract from the heritage appeal of the State listed heritage units. The finishes shown to Bathurst Road would not be acceptable to council's infill policy 2016.

The height of the infill building is not shown but, could exceed height limitations and be detrimental to the overall visa of the area.

On the Summer Street East Elevations, the brick fence does not comply to the infill regulations passed in 2016, the height of the wall is more than council has allowed on previous development applications in heritage areas. The height shown would take it into been considered a structure, structures on the boundary are not permissible on residential zoned land. Would not be acceptable either on street scape infill and heritage regulations.

27

The garage on the boundary not permissible due to heritage area. (Kite Street determination). The above would also apply.

As shown the garage and the brick wall would take away the ambiance of the street and area.

The Garage Design not compatible with requirements set by council for the adjoining lots. (Pitched roofs). Cars would be garaged within the opening zone

The solar panels would reflect bright sunshine directly into the rear windows of the adjoining units. Garage would require removal of trees not council policy.

The Commercial Kitchen jammed between the existing Church and a row of heritage listed terrace cottages is completely unacceptable, the main item would be FIRE, how many times do we see fires started in commercial kitchens, there is no direct access for fire fighters if a fire breaks out being Triple storey would be uncontrollable and straight into the roofs of the adjoining terraces.

Noise there are many items in a kitchen that create noise refrigeration, cool-rooms, exhaust fans. A kitchen works at least two hours setting up before opening, and two hours after cleaning up. The hours shown for the operation would mean that the Kitchen would operate from at least 6-00 am till after midnight next to the windows of the unit next door. This is not acceptable.

The Exhaust Fan as shown would be blowing toxic gases and fumes adjacent to the windows of the adjacent unit for over 18 hours a day, that would affect the neighbors' general activities and sleep.

Rubish Bins, kitchen waste stored under the steps then transported to outdoor bins in full sunlight the odors would be horrific to the neighbors plus flies and insects.

Noise in general, from early till late, from the outdoor eating area, with food goes music, from the bar area, the open area within the church all within the enclosed area of Bricks and hard paving, with no soft areas would affect the living conditions, not only the adjoining units but the whole area. An air conditioning unit on the front boundary adjacent to the front windows of the adjoining unit shows no respect has been given the neighbors.

Overall, this proposal should not be considered as it is not compliant to the zoning, completely out of character for the area, against all heritage principals, a potential fire hazard and councils infill policy. There is no need for the proposal as the needs of the area for this type of development are adequately met already. And as a stand-alone heritage church the development would destroy the ambiance of the building.

As stated earlier this development was advertised at a most inconvenient time, therefore I have not been able to call a meeting of the Orange Heritage Group but have spoken to members and they endorse the above.

3→

Yours Sincerely.

Secretary
Orange Heritage Group

ORANGE, NSW, 2800

23 January, 2022

Mr. David Waddell,
Chief Executive Officer,
Orange City Council,
Civic Centre,
Byng St.,
ORANGE, NSW, 2800
Wiradjuri Country

Dear Sir,

**Re: DA 514/2021(1) – PR28526 – Old Congregational Church,
1 Bathurst Road, Orange.**

Adaptive Re-use as a Mixed Use Development

It is very pleasing to see a proposal to adaptively re-use the near 120 year old Congregational Church while at the same time recognising its aesthetic value and its contribution to the social and spiritual history of Orange. None-the-less, I am not convinced that the present proposal is the best one for the neighbourhood.

My concerns are to do with:-

- zoning restrictions
- traffic and parking
- noise
- heritage

Zoning

The land on which the old church stands is zoned R1 Residential. The proposal involves adapting the church as a café/restaurant, a small bar and the larger space in the church repurposed as a pop up retail area, i.e., a shop. All three are not permissible in the R1 Zone. And yet the applicant is seeking approval for not one, but three prohibited uses. While I view these as suitable uses for the building, I see it as highly presumptuous of the applicant to apply for three prohibited uses. One perhaps, but not three (see below for further comment).

Traffic and Parking

From Drawings 01.5 and 01.9 the approximate seating of the café/restaurant/bar and *al fresco* area is given as 110. This excludes the pop up retail area where it is intended overflow diners will be seated when the retail space is unused.

Accepting the figure of 110 patrons and assuming 2-3 customers per vehicle indicates the possibility of 35-55 cars arriving. As there is no onsite parking these vehicles will have to park on Summer St. East (given the narrowness of the parking lane on Bathurst Rd in front of Bowen Terrace, I have discounted its use for parking associated with the café etc.). Staff parking has not been taken into account.

The proposed business hours are from 7am to 3pm 7days for the café and 5:30 to 11pm 7days for the restaurant, i.e. the business will be open for 13½ hours per day every day and staff will be on-site for 16hrs every day.

All-in-all, the figures above indicate a high level of vehicle movement throughout the day, every day. This situation is already seen with other cafes in residential areas within the city – Bill's Beans, Nile St. Café and Byng St. Café. All three areas have experienced reduced amenity for the nearby residents (particularly with the Byng St. Café) with vehicle movements and parking and noise.

It is essential that Council very carefully consider the potential impacts of vehicle movements and parking on the peace and enjoyment of their homes by the residents in Summer St. East.

Noise

Reading the DA material points to three noise sources:-

- general
- traffic
- point source

General noise comes from the operation of the café/restaurant business and is human noise – arrival and departure, eating, conversation, laughter etc. The volume is likely to be highly seasonal, being more pronounced in warmer weather when greater use will be made of the outdoor seating area. Regardless, it will potentially be a source of annoyance and upset, especially to the closer neighbours and measures will need to be in place to contain this noise within the site.

In the context of operational noise, the question must be asked of what measures will be taken to insulate the occupants of the first floor residence from it. Noise rises so the residence will be particularly exposed especially during the night hours (11pm closing).

Traffic noise of arriving and departing vehicles will be a wider source of annoyance to the residents of the street in general, even extending to those of McLachlan St. Given the intended trading hours traffic noise will be over an extended period every day of the week, magnified by Summer St. East being a dead end.

Finally, point noise. Drawing 01.5 shows part of the air conditioning plant will be located in a small enclosed area right against the end wall of the end terrace. This plant will presumably be of commercial size and thus potentially quite noisy and a source of vibration, thereby directly impacting the residents of both Bathurst Rd. and the unit to be included in the development.

Heritage

Current, standard practice with additions/extensions to heritage listed buildings (and buildings in heritage conservation areas (??)) is for the changes to be designed such that the altered building can be 'read' as original plus later construction. That is certainly the situation with the proposed addition to the church between it and the locally listed Bowen Terrace. If there was a significant gap between the church extension and the Terrace, I think the proposed exterior finish on the extension would be quite acceptable.

However, the extension will be hard up against the end wall of the Terrace at Bathurst Rd. In that context, I view the external 'industrial' finish as too great a juxtaposition between the styles of the two heritage buildings. I feel that the design of the extension is appropriate and easily 'read' as later work, but the external finish needs to be 'softer' and more sympathetic to both its heritage neighbours. Perhaps some form of textured panelling (rather than the 'work shed' steel cladding) in a softer yet contrasting colour would address the problem.

Minor Points

It is intended to replicate the old lettering across the front of the church and belltower, "EX CONGREGATIONAL CHURCH". The 'CHURCH' is still extant. 'EX' is such a final and hard-sounding word and far from being in keeping with the relaxed atmosphere of a café/restaurant. "FORMER" may be too long for the space available.

Might I suggest 'OLD', instead.

On visiting the church, the door furniture on the porches in the belltower and Bathurst Rd. were noted, as well as the old cast iron letterbox. Other than repainting of the doors there is no mention of the furniture or letter box. It is hoped these will be retained.

Final Comment

The proposal in this DA is not permitted in the R1 Zoning of the area. Thus, the major issue for consideration by Council is the impact on the future amenity of this presently quiet neighbourhood. The café/restaurant is planned to trade from 7am to 11pm. Prior experience with cafes in residential areas has been a considerable loss of life-style for the neighbours and increased discontent with the cafes by the neighbours. What is the point of having zoning restrictions if exceptions are permitted? These merely serve as precedent for further such developments.

Yours faithfully,

From:
Sent: Monday, 24 January 2022 4:05 PM
To: Orange City Council
Subject: DA514/2021 (1) - 1 Bathurst Rd, Orange.

To the Chief Executive Officer
Mr David Waddell

Regarding Development Application

DA 514/2021 (1)
LOT 12 DP 1259702
1 Bathurst Rd, Orange.

I would like to express the following opposition to the proposed development application.

When this property was sold in June 2019, it was sold under R1 General residential zoning. As the other registered bidder at the auction, we were advised at the time, that this property would remain residentially listed only and would not be made available for commercial use. Under general residential zoning it would appear to be in direct opposition to be able to open a mixed development business.

One significant issue would be the unavailability of parking in the area suffice to support the requirements of this mixed business. Given that this was previously operational as a church, it is understood that parishioner parking would have been available, however the zoning of the property for the purpose of sale (General Residential) would negate the former parking allowance from when the Church was operational.

The proximity of the infill building to the adjacent Bowen Terrace building, which is listed on the NSW State Heritage Register, is also a cause for concern. The twelve terraces are a significant piece of history and I believe their integrity to be in jeopardy by the proposed infill building.

As the owner / developer of properties in both , plus the owner of multiple , I am not opposed to the improvement and development of the area or of this particular site. I encourage the cosmopolitan feel and improvement of the East Orange area. However I do believe the proposed buildings are not in sympathy with the area being of heritage significance and the encroachment of the adjoining state heritage building concerns me greatly.

Regards

Mr David Waddall
Chief Executive Officer
Orange City Council
Byng Street
ORANGE NSW 2800

Development Application DA 514/2021(1)-PR28526

Dear David

Andrew and I purchased our property at _____, Orange nearly 30 years ago. We considered that this home may become a low care home for us in old age. We have long maintained an interest in the important heritage aspects impacting the City of Orange and are members of the Orange Heritage Group, National Trust and the Orange Historical Society as well as having a professional interest in developing a suitable commercial element to a number of significant Heritage buildings within the City.

We were keen to purchase one of these properties because of the heritage importance of this precinct, the Bowen Terrance being one of the few buildings in Orange listed on the NSW State Heritage Register. The Church and adjacent Bowen Terrace make a highly significant combined contribution to the character of this approach to Orange. The property also lies on the southern edge of the East Orange Heritage Conservation Area which has historical and aesthetic urban values. The beautiful Church next to the property, adds to these values in a positive way and provides the additional context to the unique historic 5 Ways Area and sits in a highly sensitive historical setting of a quieter period residential precinct that defines East Orange generally. (extracts from SHI)

We hold significant objections to the proposed development which will substantially impact on the CHARACTER AND FABRIC OF THE AREA

The church building is located on the southern side of the triangular lot fronting Bathurst Road with the main entry porch and tower on the western end of the building close to the street corner. The front elevation, main entry and tower are the focus of views looking east from Orange with Bowen Terrace behind and almost seamlessly part of the same built form, particularly its high pitched roof and rhythm of its white painted chimneys which contribute to the overall built character (SHI p 11). This character will be negatively impacted by the proposed inappropriate infill which defies Council guidelines

Unacceptable impact on Number 3 Bowen Terrace

Our property _____ is the most western building in the Bowen Terrace Row and is unique because there is a large western window providing ongoing burst of sunlight to the main living area of the property.

2/.

2/.

Indeed the most important living part of these terraces are the front balcony and the rear living area opening out to the community common areas (grassed recreation areas wrongly identified in DA 01.3 Plan as " Residential Car Parking – Unsealed") This submission will outline some individual concerns regarding the proposed development

- It is proposed that Commercial Air condition units (inc Commercial refrigeration) will be located at the Bathurst Road area of the Infill. This will make the bedrooms facing Bathurst Road and the Front Balcony unusable with the air condition units running 24/7. This Balcony is the entrance to the double doors leading to main upstairs bedroom which will be impacted by the noisy mechanical plant.
- Two storey infill element impacting on reduction of light access and over shadowing of the above mentioned unique large (m3m long by 1.5 high) west facing window. The design of this Terrace makes the sunny front Balcony and REAR northern living areas being crucial elements to an enjoyable lifestyle. This is not a 'blank side wall as stated in the DA" The immediate view will be a concrete construction stairway. This new stairway and new Unit Terrace will have direct line of sight to Number Bowen Terrace and destroy any sense of privacy
- The ground floor of the proposed infill which will be constructed IMMEDIATELY NEXT TO THE TERRACE WALL of the main living area and will impact as per any commercial kitchen operating almost 24/7 resulting in noise, odour from any extractor. This is the proposed storage location for the rubbish bins (12 @ 240 litres of waste per week) This high volume of rubbish will send bad odour across all the grassed recreation areas at the rear the Terraces. Risk of Fire moving from the commercial kitchen to Bowen Terrace roof cavity then access all the terraces is unthinkable.
- Construction concerns regarding lack of distance between Terrace wall and new constrictions, fire control and negative visual impacts

The Development proposal provides some discussion regarding impact on the Bowen Terrace in general as a heritage item BUT DOES NOT SPECIFICALLY ADDRESS THE INFILL AND OTHER IMPACTS ON 3 BOWEN TERRACE LIFESTYLE, NATURAL LIGHTING, OVERSHADING, PRIVACY, NOISE, ODOUR and safety from a commercial kitchen

Unacceptable impact on precinct

- This commercial hospitality venue will be operating almost 24/7 and have a significant increase in traffic in Summer Street East and other local roads. Much greater than the impact of the Sunday (3.5 hours) Church activity of two or three sermons. However the recommendation that the parking be removed in the western end of the Cal du Sac to allow for turning traffic. Reducing the number of parking spaces when it should be INCREASED to reduce impact on local residents

3/.

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- All general deliveries, Council Garbage trucks etc (estimated rubbish is noted as 12 @240 litres per week) will travel west along dead end Summer Street East then be required to undertake a U turn and return back along the street, doubling the already much increased heavy traffic. Currently it is almost non-existent
- Page 78 Noise impact on the community common living area across all the Terraces will have a negative impact of the whole community. During many days of the year residents spend much time outside of Terrace to enjoy the common areas

Whilst the proposal claims that the development infill suits the block of land it greatly impacts on the aesthetics of this historical area and substantially impacts on the character and fabric of the area. Moreover it does look like there are contradictions with the current Orange City Council Infill regulations, including window area, natural ventilation, fire regulations, noise, odour impacts and cladding requirements to name a few. Lack of detail excludes further evaluation. The fence and garage element would also not comply based on structure, boundary issues and visual impact in a highly rated heritage area. The 20 garage solar panels reflection would impact on all Terraces and not be suited to a State Listed site.

Bulk of the new residence impacts visually and changes the unique character of the two buildings. Owners said they considered a larger building on the north east corner. This would be preferable. Baulk in this area (as suggested in the "Bowen Terraces Garaging Options & Fencing Strategy " adopted by Orange City Council on the 06.09.2016) would be much better than the bulky accommodation area as planned. This would link the Kitchen/ accommodation to the suggested framework of Bowen Terrace garages, leaving open space between them and the original buildings

We support planning and discussion regarding this option and are concerned that this Council Strategy was ignored by the Conservation Management Strategy and the Heritage Impact Statement.

The DA states (Page 88) that the development would be of only minor interest to the wider public due to the relatively localised nature of potential impacts. We reject this statement. The proposal impacts negatively on a NSW State Listed group of buildings. The period of notice for this proposal was over the December/ January period and has not allowed normal communications between interested heritage groups to occur. Although impacting on such a significant area of the City, a State listed building, no official publicity has occurred

Indeed CMS page 102 Policy (iv) recognises the positive contribution that the building and its immediate neighbour, Bowen Terrace, makes to the eastern entry to Orange and ensure that this aspect of setting is taken into consideration in its future use and preservation. This debate should be encouraged and action by the Orange City Council

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CMS Curtilage, Settings and Vistas (page 103)

The building has strong landmark qualities that relate to sitting, dominant views, the immediately adjacent Bowen Terrace and their joint siting on the edge of the East Orange Heritage Conservation Area. We believe this policy setting has not been given due importance by the Development Application and needs to be considered strongly by Council Officers

CMS Policy – Conservation and Management (page 105)

Policy 1 - Ongoing occupation and use of the building and grounds of the former Orange Congregational Church will adopt the cautious approach recommended by Australia ICOMOS in the Burra Charter by only changing “as much as necessary but as little as possible” This policy has not been extended to the Church and Bowen Terrace buildings within the East Orange Heritage Conservation Area. By any assessment this proposal has shown little caution.

Over commercialisation of this site will change the residential nature of the East Orange area to the north of Bathurst Road.

Under the CMS (3.2.1 Procedural Requirements) Policy (i) requires liaison with Heritage NSW with regard to major future or new buildings proposed within the curtilage of the former Orange Congregational Church in view of its siting adjacent to a State Heritage Register listed item. We wish confirmation this has occurred and be provided with guidance regarding issues raised and nature of resolution

3.2.1 (Policy vi) states – “Any strategies or solutions to address any statutory compliance issues at the property should be governed by the cultural significance of the place. Where necessary, alternative solutions and compromises should always be pursued so that the culturally significant fabric is not altered or removed” This policy should extend to the total project

The Orange Community has expectations that consultation or approval with NSW Heritage must occur. See conservation management strategy (CSM) June 2021 Policy 3.2.3. The Orange community should be informed regarding these communications.

CMS 3.2.4 Policy (ii) recommends that the process recognise and respond positively to the interested and experienced heritage bodies, such as the National Trust of Australia and other local historical societies, as they are indirect stakeholders in the ongoing care and conservation of the property. These groups have the potential to make a positive contribution through their understanding and appreciation of local history, and Policy (iv) recommends that the process recognises and respond positively to the wider Orange community and their interest in the property, Bowen Terrace and the East Orange Heritage Conservation Area as they are indirect stakeholders in the ongoing care and conservation of the wider City of Orange.

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These groups have potential to make a positive contribution through their appreciation of good outcomes within the built environment.

There is no evidence that these consultations have occurred. Stakeholders should be invited to participate in this process and be provided with relevant communications.

The Conservation Management Strategy, prepared for the DA applicants, provides context and information regarding the former Orange Congregational Church, Five Ways, 1 Bathurst Road, Orange. However there is great concern regarding the impact on the highly significant State Listed Bowen Terrace and surrounds. These details are scant especially in relation to the adjoining Terrace, Bathurst Road.

The Orange City Council, apparently, is “intent” on the ongoing use and occupation of this heritage item (CMS page 2) and has the opportunity to action a number of Conservation Incentive clauses as part of the process

We applaud any proposal that works to ensure the long term viability of a local heritage item, but the appropriate balance between development and heritage protections needs to be achieved.

The Bowen Terrace holds the highest level of Heritage Protection the State can provide. Our community would expect that this significance be acknowledged during this decision making process.

Alterations, Additions and New Buildings

A review of the documentation provided (3.3.2.2 Policy (i)) rightly looks to managing the alterations and additions to the property with the understanding of significance outlined in this conservation Management strategy, in order to balance owners and use requirements with the constraints and opportunities of the Significance of place.

This is achieved by undertaking minor works with the Church building thereby moving the bulk of the commercial needs such as kitchens etc to new Additions or New Buildings yet 3.3.2.2 Policy (v) - Alternations and/or additions to the existing additions on the eastern elevation of the Church would be appropriate to consider but dependant on the impact on significance to the property and neighbouring development. We believe there should be professional and respectful community discussion regarding Policy (iv) and (v) – especially in the light of the Orange City Council Bowen Terraces Garaging Options & Fencing Strategy developed in 2016 and endorsed by owners.

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We believe this is a conflict of planning for this commercial objective, the machinery required to support this proposed business operating (7 am – 11pm- 7 days) will under this application impact negatively on Bowen Terrace and surrounds.

The CMS Policy (v) regarding New Buildings 3.3.2.3 states that new buildings towards the eastern end of the Church and the property may be appropriate to consider but dependant on the impact on significance to the property and neighbouring development. The discussion above relating to Alternatives and Additions applies to planning for the proposed new building located between the Church and Bowen Terrace

The following selected Core principles noted in the Conservation Management Strategy (page 82) should be revisited by the developers of this site to deliver an acceptable outcome for the owners of the former Orange Congregational Church, the owners of the Bowen Terraces and the wider community of Orange

THE CORE DESIGN PRINCIPLES FOR NEW BUILDING OR ATTACHED ADDITION COULD INCLUDE

- The former Orange Congregational Church building should remain in its form and should remain the dominant form on the property
- The height of any new building should be substantially lower than the church and Bowen Terrace and preferably single story (or perhaps, single story with an attic space to ensure that there is an effective physical and visual separation between old and new
- The form of any new building should be relatively simple in its design to sit comfortably within the restricted space between two significant 19th C buildings of relatively simple form

We have reviewed the Development Application, the Conservation Management Strategy, the Statement of Heritage Impact and the Benedict Design Plans and we believe that this is an inappropriate proposal for this Highly Significant Heritage Site within the City of Orange. It is one of the most significant heritage sites within the City and at the entrance to our City This overdevelopment should not be considered under the Conservation Incentive Framework

Yours Sincerely

Orange NSW 2800
24 January, 2022

Orange NSW 2800

MATERIALS PALETTE CONTROLS:

ROOFING: Colorbond "Windspray" Custom Orb roofing
ROOF ACCESSORIES: All Colorbond "Windspray" - roll top ridge capping, barge rolls, 100mm unperforated traditional quad gutters with Ø100 downpipes

EXTERNAL WALLS: Dry pressed brick -

Selection: PGH McGarvie Red

FENCING: Durability Class 2 hardwood timber (certified) - lapped and capped fencing left natural finish

GARAGE DOORS: Panel lift doors with fine expressed horizontal ribs

Colour options: Paperbark, Jasper, or Dune

FASCIA: Durability Class 2 timber, painted - Colour: Dulux Indian Red 50101 (ensure number match)

REAR DOOR TO YARD: Smaller garage panel lift door

GARAGE WINDOWS: Clear anodised aluminium

PROCEDURE:

This plan is to be endorsed by Council as a guide for all properties within the SHR item so that development is uniform and sensitive to the heritage values of the site.

Individual or groups of owners will then need to approach the Office of Environment and Heritage for heritage approvals as an Integrated Development Application and a Sect 60 application.

It may be possible to apply for an Exemption under Sect 57(3) of the Heritage Act due to the works having little to no impact upon the significance of the site, and also as there is an agreed plan guiding development of the fences and garages.

If this is not successful then owners will each need to make a Sect 60 application that complies with this plan.

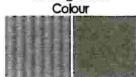
For more details about making an application, contact Council's Planning Department.

Garage Door Colours

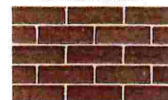
Colorbond Paperbark Colorbond Jasper Colorbond Dune

Fascia/Barge Colour

Dulux Indian Red 50101

Roofing & Trim Colour

Colorbond Windspray

Face Brick Selection

PGH McGarvie Red Dry Pressed Bricks

BOWEN TERRACES GARAGING OPTIONS & FENCING STRATEGY

ADOPTED BY ORANGE CITY COUNCIL - 06.09.16

**ORIGINAL WELLS:**

The terraces originally had wells, anecdotally one per two terraces. Council may have the historic plan on file. Well location is an important issue with respect to structural works.

FENCING:

The fencing of individual properties will help to maintain the residential character of the site, and will greatly improve the amenity of each residence by defining and protecting the large recreational space. New fences are to be in traditional lapped and capped timber fencing, with a Durability Class 2 hardwood. The finish is to be left as natural timber. The fencing is to be 1.5m high.

LANEWAY:

The garages and fences will define the laneway formally. A concrete path will define a pedestrian walkway. The laneway is to be one-way only from the SE to NW. Sign posting is required including "One Way" signs; "No Parking" signs; "No Entry" sign at the NW end. The width of the right of way has been set at 7m, which will allow the trees on the boundary to be retained.

SINGLE ENGAGED GARAGE

The traditional option provided by historic builders would have had single garages attached in pairs to the laneway. These are to be built in pairs with a common wall and separate garage doors. The minimum internal width is 3.3m but could extend to 3.6m. A rear garage door to the yard is appropriate. Side windows may also be utilised.

REVERSED VIEW

Showing that the inner wall can accommodate a smaller garage door to match the laneway door, which allows for good access to the yard, and permits a car to stand on the grass if needed.



From:
Sent: Monday, 24 January 2022 7:42 PM
To: Orange City Council
Subject: DA514/2021 (1)

I wish to lodge an objection to the above mentioned DA proposal for 1 Bathurst Road Orange for the following reasons.

- 1-There is no mention of where customers will park. Are the residents of Summer St going to have vehicles continually parked in front of their homes?
- 2-The brick fence along Summer St will be an eye sore as it is proposed to be 1750 mm to 1950 mm high. It will look like prison fence!
- 3-I believe that having a colorbond infill building between Bowen Terrace and the church will detract from the look of the heritage area, despite the belief that it will be shielded by trees.
- 4-Noise,there is no mention of operating hours. Will the business still be open at midnight?

Yours sincerely

Orange
NSW 2800

24 January 2022

The CEO
Orange City Council
P O Box 35
Orange
NSW 2800

Development Application
DA 514/2021(1)-PR28526

Dear Sir

I wish to object to the above Development Application as it does not comply with the zoning for the area, completely destroy the living conditions of Summer Street East, make living in the adjoining unit impossible, affect the health of the persons in the adjoining units and destroy the heritage ambiance of the area.

I agree with all the points raised by the Orange Heritage Group, and elaborate on some points.

Food Waste Bins stored in the open for 7 days would not only create an intolerable smell but would affect the health of the adjoining occupants.

Traffic and parking, Summer Street East is at present very quiet cul-de-sac that has been selected by residence for this feature. This would be shattered with traffic nearly 24 hours a day, as no parking is to be provided on site the street would be cluttered and clogged by vehicles.

As there are 8 new councilors on council, I feel that the history of the Council and Heritage Group involvement in having the Terraces and the adjoining Area Heritage Listed.

The work started in the nineties with presentations to the State Government to have the Terraces listed, then Council worked with the owners to have the units restored and painted in heritage colours, any development applications for the area was fully evaluated. 2 Items that were special were the restoration of the east Orange Council Chambers and the Public Housing Age Units that were redesigned as requested by council.

The Service Station on the opposite corner mentioned in the application was forced on council by Court Order in 2003 after council had rejected the application at a very special council meeting at 8-00 am to have all councilors present. The conditions set for the station have not been met and are continually breached.

I ask council to completely reject this application as it has no consideration for the area or the health of the residents.

Yours Sincerely

PS.

If and when this DA goes before council I would like to be notified as I wish to speak against the development.

Submissions received during the second exhibition period

From:
Sent: Wednesday, 22 May 2024 11:33 AM
To: Orange City Council
Subject: DA 514/2021(1) – 1 Bathurst Road, Orange (amended proposal)

To whom it may concern

We would like to formally put our support behind the DA application:

DA 514/2021(1) – 1 Bathurst Road, Orange (amended proposal)

As local business owners and members of the community we are excited about the application by experienced business owners, and see this as a positive addition to our community.

If there is anybody else this needs to be addressed to please let me know.

HEY ROSEY

Hey Rosey acknowledge the Traditional Owners of the land on which we work and pay our respects to elders past & present This always was and always will be Aboriginal land.

From:
Sent: Monday, 27 May 2024 1:11 PM
To: Orange City Council
Subject: Submission on DA on exhibition

I am writing in support of a Development Application on Exhibition DA 514/2021 (1) - 1 Bathurst Rd Orange (amended proposal).

I am very supportive of this proposal to the mixed use development off the previous church facility.

This enables the facility to be used by the community as a restaurant or cafe, small bar, shop, information or educational or recreational facility.

This would be a bonus for the Orange community and visitors as well.

20 May 2024

Chief Executive Officer
Orange City Council
PO Box 35
ORANGE NSW 2800

council@orange.nsw.gov.au

RE: AMENDED DEVELOPMENT APPLICATION – **DA 514/2021(1) – PR28526**
LOT 12 DP 1259702 – 1 BATHURST ROAD, ORANGE
MIXED USE DEVELOPMENT (RESTAURANT OR CAFÉ, SMALL BAR, SHOP; INFORMATION
OR EDUCATION FACILITY; RECREATION FACILITY (INDOOR); AND BUSINESS
IDENTIFICATION SIGNAGE

Submission of Objection

Thank you for inviting submissions regarding the above development.

Whilst I realise that I live relatively close to the CBD, my street is still a residential neighbourhood. My home is located directly the property in this DA (1 Bathurst Road), referred to as **R4** (Resident 4) in the DA.

The proposed 7 days a week “mixed” business, café, bar, restaurant will be approximately 25 to 30 metres from my



Over the past couple of years, the owners of this establishment have held a few weddings/functions. I’m unclear on the liquor licence and how many patrons can be catered for, but during these occasions the doors were open and live music was pumping into my lounge room.

Depending on the time of the year, and the weather, most of my doors and windows will be open if it’s a nice mild evening. Unfortunately, when the owners have had these functions, it’s virtually

impossible to ignore the “live” music, ambient voices and laughter of patrons after consuming alcohol. During these functions at 1 Bathurst Road, the owners have clearly left doors to the property open, so that all of the neighbours can enjoy listening to their patrons enjoying themselves. Little respect given to the people who actually live in the street. Nobody exiting the property gives much consideration for people who may be sleeping. The idea that Thursday, Friday, Saturday & Sunday nights has a proposed operating time for the small bar/restaurant from 05:30 to 11pm means that the residents are clearly not a priority. In the Noise Impact Assessment it says that the small bar/restaurant will be operating 7 days per week 530pm to 11pm. ***I would like this clarified.***

With regard to the noise impact assessment, It was very confusing. I would like clarification as to when this assessment was actually done, and if there was a function on at the time.

Should a bar/café/restaurant be granted, I would strongly object to outdoor eating, especially in the evening, as this would also impact neighbours with noise issues of people drinking/dining into the day & night. I work full time and like to be able to have a quiet, and peaceful haven at home on weekends. I have often said, if I wanted to listen to music, I would, but when it's forced upon you and you can hear the music even with the doors and windows closed, I object to this invasion into my home.

I didn't purchase the property to have a bar/restaurant/café or whatever pop up in such close proximity to my home.

Since Guzman and Gomez opened up, my street is like a sound tunnel. They often play music that can be heard late into the night and it drifts up Summer Street East as if in a sound tunnel. I can only imagine with the new proposed business, it will just add to the noise even further. Grease trap pump outs ... they can't be a noiseless event, and yet again, it's proposed to happen in Summer Street East, with the parking, deliveries, back of house, outdoor dining just meters from my house.

I have read that the proposed operation of the café would be from 7am to 3pm seven days a week (and longer in warmer months until 6pm). So, I am assuming breakfast trade from 7 am on weekends. Perfect, just in time to wake me up with the cars and people arriving just outside my bedroom, and then to have them going right through until 11pm at night. This is NOT acceptable.

I am looking at retirement in a few years and spending more time in my home, and to have this proposed 7 day a week “MULTI” business bar/café/restaurant proposition operating 7 days a week is a terrible concern to me.

The limited car parking of our residential neighbourhood is also a concern, should a business/café/bar/function facility be granted.

Service and delivery vehicles also trying to enter and turn around in a street with only one access point is also disturbing, considering more traffic on both sides of the road. Very limited turning circle in a crowded street.

Whenever there has been a function at 1 Bathurst Road, the road becomes full of cars. (Summer Street – rear entrance of Bowen Terrace). This obviously affects any of my visitors or my neighbours visitors being able to park outside our own homes.

I can only hope that the operating hours are revised, so that it's not relentless 7 day a week noise/parking concern.

Regards

From:
Sent: Monday, 27 May 2024 11:04 AM
To: Orange City Council
Subject: DA 514/2021(1) - PR28526 submission 1 Bathurst Road Orange

Hi OCC,

We welcome this application to our neighbourhood in east Orange.

Absolutely applaud the creative adaptive reuse of this beautiful historic building. I have been impressed by the love and attention to detail the current owners have undertaken so far at number 1.

It is encouraging to hear that the wider community may be able to access and enjoy this building again with various usage. Our family looks forward to accessing this location as patrons in the near future.

A much needed space/s for our vibrant east Orange community, thank you to the owners for their dedication and vision.

Regards

ORANGE, NSW, 2800

24 May, 2024

Mr. David Waddell,
Wiradjuri Country,
Chief Executive Officer,
Orange City Council,
Civic Centre,
Byng St.,
ORANGE, NSW, 2800

Dear Sir,

**Re: DA 514/2021(1) – PR28526 - Old Congregational Church,
1 Bathurst Road, Orange.**

Adaptive Re-use as a Mixed Use Development

It is a relief to read that the applicants have come back to Council with an amended proposal for the re-use of this 120 year old church. Built by the community, it became a part of the spiritual and social history of Orange, not just its local area.

This amended proposal addresses two of the concerns raised in my submission of 23 January, 2022 viz; heritage and noise.

Heritage

The jarring and inappropriate clash with the adjoining State Heritage Listed Bowen Terrace no longer exists. Removing the earlier proposed and bulky 'shop top' dwelling with new kitchen beneath and instead retaining and refurbishing the present kitchen space achieves this. Many of the church's internal features remain and the applicants intend to retain and restore these as well as the exterior.

Noise

I have no record of a Noise Impact Study as part of the original application to Council. One is now provided and from data gathered limits on noise emitted from the site have been established. It is now up to local residents and Council to monitor noise emissions and if excessive to reduce the current limits. See also further comments below under Parking and Traffic.

Ambivalent

Despite the intended changes above, I am still undecided about the merits of this DA.

Given the number of churches which have been converted to dwellings, while still retaining the outward appearance of their origin, it must be a relatively simple process. But I wonder how many have been able to retain original internal features as intended by the applicants. It would be so much easier for them to ignore the original internal fittings and convert the church to a house. What propose is an ideal solution for them (minimal work and expense in repurposing the building) and a good outcome for heritage (preserving the original interior as well as exterior).

Except for; zoning restrictions and
parking and traffic

Zoning

The land on which the old church stands is zoned R1 Residential. The proposal involves adapting the church for three different purposes, all of which are not permissible in the R1 Zone. I view each of these as suitable uses for the building. However, it is up to Council to decide whether the retention of the heritage value of the church is sufficient, as claimed by the applicant (pp.3, 19, 22-30), to justify over-riding Council's own zoning regulations. Such a move has clear implications for setting precedents. Approval would also have more immediate impacts on local residents (see below).

Parking and Traffic

The DA expects many customers will walk to the café due to its closeness to the edge of the CBD. I suggest that is over-optimistic. Undoubtedly, some local workers and residents will arrive by foot. More reasonably, for many patrons the café will be a destination rather than a convenience and they will necessarily arrive by car. This applies even more to attendees at pop-up events in the retail area of the church. They will all be expecting to be able to park close-by. This is confirmed by the experience with other suburban cafes (Byng St., Nile St., Bill's Beans) and fringe CBD (Kate Jones) where the majority of customers arrive by motor vehicle.

Calculations presented in the DA indicate the café/restaurant etc. will not need to provide on-site parking, even if there was room to do so. Patrons will need to park on local streets, notably Summer St. East and Bathurst Rd.

No assessment appears to have been made of the capacity of the streets to absorb the parking needs. How many car parking spaces are there on Summer St. East? (Note that some of these will be lost by the necessary introduction of parking restrictions in the cul-de-sac to allow vehicles to turn around.) How many of these spaces are already in use at different times of day during proposed trading hours?

These are;	café,	7am-3pm	7 days
	restaurant/bar	5.30pm-11.00pm	Th-Su
	pop-up retail	9am-6pm	7 days

3

Traffic noise of arriving and departing vehicles will be a wider source of annoyance to the residents of the street in general, even extending to those of McLachlan St. Given the intended restaurant/bar trading hours traffic noise will occur until staff leave well after 11pm. Prior experience with cafes in residential areas has been a considerable loss of life-style for the neighbours and increased discontent with the cafes by the neighbours.

Small Point

The previous DA proposed replicating the old lettering across the front of the church as 'EX CONGREGATIONAL CHURCH'. May I again instead suggest 'OLD'.

Final Remarks

This revised DA has placed me in a quandary. From a heritage aspect I view the proposal as a very good outcome and support it. The locally listed church is very much a part of the Bowen Heritage Conservation Area and the plans for it would ensure its ongoing use, in near original condition, as a community hub within the Area.

On the other hand, none of the intended uses are permitted within the R1 zoning of the area. I believe this to be the major issue for consideration by Council. Experience to date with the establishment of restaurants within residential areas has been a loss of amenity for the residents. What is the point of having zoning restrictions if exceptions are permitted? These merely serve as precedent for further such developments. Perhaps strict conditions on parking and noise are the answer?

Yours faithfully,

From:
Sent: Tuesday, 28 May 2024 1:50 PM
To: Orange City Council
Subject: SUBMISSION DA 514/2021 (1)

To whom it may concern,

We wish to submit our support for

DA 514/2021 (1)
1 Bathurst road orange.

As local business owners we think it looks fantastic and believe it is so important to bring new life back into our towns beautiful buildings.

Regards,

From:
Sent: Tuesday, 28 May 2024 2:13 PM
To: Orange City Council
Subject: Submission for :DA 514/2021(1) - 1 Bathurst Road, Orange (amended proposal)

To whom it may concern,

I am writing in support of the DA 514/2021(1) - 1 Bathurst Road, Orange (amended proposal).

We are in support of the above development.

I believe it be a great reuse of the building and it is wonderful to see visionaries want to retain and develop unused buildings in the CBD for the benefit of the community, but also protecting its heritage by maintaining the building, as without this-Such buildings will stay unloved and under-utilised.

Regards,

Mr David Waddall
Chief Executive Officer
Orange City Council
Byng Street
ORANGE NSW 2800

**Development Application DA 514/2021(1)-PR28526
Lot 12 DP 1259702 – 1 Bathurst Road, Orange**

Dear David

and I purchased our property at Bowen Terrace - Bathurst Road, Orange nearly 30 years ago. We considered that this home may become a low care home for us in old age. We have long maintained an interest in the important heritage aspects impacting the City of Orange and are members of the Orange Heritage Group, National Trust and the Orange Historical Society as well as having a professional interest in developing a suitable commercial element to a number of significant Heritage buildings within the City.

We were keen to purchase one of these properties because of the heritage importance of this precinct, the Bowen Terrace being one of the few buildings in Orange listed on the NSW State Heritage Register.

Our property Bathurst Road is the most western building in the Bowen Terrace Row and is unique because there is a large western window providing ongoing burst of sunlight to the main living area of the property.

Indeed the most important living part of these terraces are the front balcony and the rear living area opening out to the community common areas. This submission will outline some individual concerns regarding the proposed development

The Church and adjacent Bowen Terrace make a highly significant combined contribution to the character of this approach to Orange. The property also lies on the southern edge of the East Orange Heritage Conservation Area which has historical and aesthetic urban values. The beautiful Church next to the property, adds to these values in a positive way and provides the additional context to the unique historic 5 Ways Area and sits in a highly sensitive historical setting of a quieter period residential precinct that defines East Orange generally.

Unacceptable impact on Number 3 Bowen Terrace

Whilst we are pleased to see the amended DA involves a reduced development scheme for the site, deleting a residential infill building, garage and iron boundary fence, we have concerns regarding the impact to our property.

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- Kitchen operating 24/7 resulting in noise, odour from any extractor located next to 3 Bathurst Road
- Most importantly proposed storage location waste. This volume of food waste and rubbish will send bad odour across all the grassed recreational areas at the rear of the terraces, mostly impacting on living area at Bathurst Road
- Impact on Bowen Terrace lifestyle and residential homes in the dead end street
- This commercial hospitality venue will be operating 24/7 and will have a significant increase in traffic in Summer Street East and other local roads.
- Much greater than the nominated impact of the Sunday (3.5 hours) over Church activity of two or three services per week. However the recommendation that the parking could be removed in the western end of the Cal de sac to allow for turning traffic, thus reducing the number of parking spaces when it should be increased to reduce impact on local RESIDENTS

The comment "on the basis of the above calculation, the proposed development is considered satisfactory in terms of parking provision is a not acceptable. Not to mention service vehicles i.e. regular service vehicles, vans, utilities and small rigid trucks. Garbage collection and grease trap pump truck.

- All general deliveries, Council Garbage trucks etc. (estimated rubbish is noted as 12 @240 litres per week) will travel west along dead end Summer Street East then be required to undertake a U turn and return back along the street, doubling the already much increased heavy traffic. Currently it is almost non-existent

How do these vehicles access the property if the cul de sac is rendered as no parking? Summer Street East terminates in this cul de sac at the front of the subject land. It primarily services the existing residential properties including the Bowen Terrace. The Cul de sac will be filled with obstructions of the U turn frequented by the service vehicles

- The statement that the development will cause a reasonable impact upon a quiet neighbourhood to landowners and occupants along the street is unthinkable

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4.5.4 Noise

The report identified the nearest receivers as 3 dwellings opposite in Summer Street East and the Bowen Terrace especially No. Bathurst Road. The major services being associated with the proposal are patrons 24/7 and the mechanical plant

The cool room condenser and kitchen exhaust fans for the indoor space comprise the major items of mechanical plant (it is noted the air conditioning placement unit does not appear on the DA)

It is noted that, both the kitchen exhaust fan and the air conditioner are assessed to have a continuous sound power level 75 dBA

As noted:-

The kitchen exhaust fan and the cool room condenser could operate at any time, whereas the air conditioner unit would operate in the day time 7 am up to 10 pm

- A noise barrier would need to be required along the full length of the eastern boundary of the site
- The placement of the air conditioner unit needs to be determined in consultation with an acoustic engineer prior to this DA being approved in light of the noise impact on Bathurst Road, Bowen Terrace
- The use of the outdoor dining area is not permitted outside the hours of 7 am to 6 pm unless measurements of typical daytime use are recorded (who does this) And further noise assessments is undertaken to determine if evening use of the outdoor dining area would satisfy NPFT requirements (who is responsible for this work – Orange City Council ?)
- Noise barrier along common boundary with Bowen Terrace
Of course the proposed DA is going to impact on the privacy of the Bowen Terrace in particular Bathurst Road. There is no mention of screening apart from a garden bed at the rear of the properties. The Bowen Terrace properties extend to a common lane way at the rear of the Terraces. Screening needs to be provided to the end of the property to ensure privacy

4.5.8 Waste Management

A bin storage area is proposed in the back of the house area between the kitchen and the blank end wall of the neighbouring Bowen Terrace. This is unacceptable to the owners of Bathurst Road.

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The stench from the commercial garbage in particulate food waste including seafood would make living at Bathurst Road intolerable.

The Terrace main living area is at the rear if the terrace opening into a sandstone paved courtyard. The pungent smell would be unbearable.

The statement that the proposed DA would not affect odour to the neighbouring property is unacceptable.

Unacceptable impact on precinct

- Noise impact on the community common living area across all the Terraces will have a negative impact of the whole community. During many days of the year residents spend much time outside of Terrace to enjoy the common areas

The Conservation Management Strategy, prepared for the DA applicants, provides context and information regarding the former Orange Congregational Church, Five Ways, 1 Bathurst Road, Orange.

However there is great concern regarding the impact on the highly significant State Listed Bowen Terrace and surrounds. These details are scant especially in relation to the adjoining Terrace, Bathurst Road.

The Orange City Council, apparently, is "intent" on the ongoing use and occupation of this heritage item (CMS page 2) and has the opportunity to action a number of Conservation Incentive clauses as part of the process. We applaud any proposal that works to ensure the long term viability of a local heritage item, but the appropriate balance between development and heritage protections needs to be achieved.

The Bowen Terrace holds the highest level of Heritage Protection the State can provide. Our community would expect that this significance be acknowledged during this decision making process.

In light of the proposed DA we ask that:-

- Waste/garbage be removed from the external wall of 3 Bathurst Road

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- Air conditioning unit not be placed next to Bathurst Road on eastern side of development.
- Privacy provisions be made along eastern boundary (full length of boundary).
- Relevant and consultative noise assessment to be undertaken prior to DA approval being granted.

Yours Sincerely

27th May, 2024

Orange NSW 2800

26 May 2024

Chief Executive Officer
Orange City Council

Re: Objection to DA514/2021(1) – PR28526

Dear Sir

I am writing to object to some aspects of the proposed development at the former 5 Ways Church, 1 Bathurst Rd, Orange.

- **Zoning – the area is R1 General Residential Zone**
The present zoning does not permit the operation of a small bar.
The present zoning does not permit the operation of a pop-up retail offering.
The proposed restaurant or café would lie outside parameters allowed under Schedule 1 of Orange LEP 2011.
This proposed development does not comply with the objectives of the R1 Zone as it does not add a new dwelling to the area. (see page 17)
- **Effect on surrounding residents!**
Proposed development has residential housing immediately to the south (Bowen Terrace), north and east that will be affected by parking, noise, smells and inappropriate behaviour. (Points to be discussed individually)
- **Increased traffic – increased risk of accidents.**
This development will generate an increase in traffic which increases the risk of vehicle accidents, particularly at the entry and exit to the cul de sac that is a Give Way to busy McLachlan St.
The street was originally made into a cul de sac to decrease traffic through the street and exiting onto McLachlan St to reduce risk of vehicle accidents.
- **Hours of operation - 3.3 Activities/operation/servicing.**
The restaurant and small bar operating till 11pm is too late, especially on a Sunday night.
The café space and outdoor dining from 7am on a weekend would interrupt residents enjoying a well-deserved sleep in.
The proposed outdoor dining area could be in operation 7am to 11pm 7 days a week if this development is approved as is.
- **Parking**
Cars will be parked in front of residential homes and patrons leaving the venue late at night will be noisy and may use inappropriate language.
I believe there is also going to be a restricted parking area for delivery vans and grease trap service van, moving patrons parking further down the street in front of homes.
Parking for residents will be restricted and will inconvenience mothers with babies, people with disability and the aged if they can't park close to home. Some homes don't have off street parking.
Parking was available when the building was a church but only used once or twice a week for church services. The parishioners were always considerate of where they parked and kept noise to a minimum.

- **Noise Control**

There is no guarantee that the patrons leaving late at night will have any consideration for the residents regarding loud noise eg voices, swearing, car doors slamming and people talking loudly on the phone.

Our homes are very close to the street and even low voices can easily be heard as people pass by.

Music and live entertainment can be heard down the street. This has already happened during the events that have been at the venue since the church was sold. Patrons leaving the venue late at night will be noisy and may use inappropriate language.

There will be noise from industrial air conditioners and the grease trap truck pumping out waste.

- **Smells**

Garbage collection is once a week. 6-day old food waste and garbage will smell disgusting.

Smells from the grease trap will not be localised to the church area.

Smokers will be using the outdoor smoking area, and the smell will waft up the street.

- **Inappropriate behaviour**

Patrons leaving the venue after having a few drinks aren't aware of how loud they can be.

It seems that swearing is second nature to many people and the staff won't have any control over people using inappropriate language in loud voices once they are outside the venue.

- **Special Consideration**

We are foster carers and regularly have children aged 2 to 12 in our care. These children have experienced traumatic events and can easily be triggered by loud voices and people affected by alcohol and behaving inappropriately.

We have a very routine, calm, and quiet home environment so that the children feel safe and secure.

If this is disrupted, they become anxious, unable to settle and can display behaviours of concern.

Bedtime for these children is usually 7.30pm to 8.30pm.

In summary, I am not opposed to the development of the church but have concerns about the above points and hope that council will consider my concerns.

Yours sincerely

From:
Sent: Wednesday, 29 May 2024 8:05 AM
To: Orange City Council
Cc:
Subject: Commento on DA514/2021 (1)

Dear council records department,

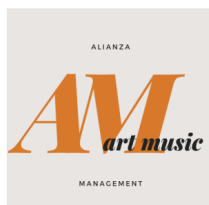
The following comment is for DA514/2021 (1) - 1 Bathurst Rd.

We are live event presenters based in Orange, and we have admired and wondered about the viability of 1 Bathurst Rd, Orange. This magnificent building, now in the capable hands of , would provide a spectacular setting for diverse events, activities, and dining. The phenomenal acoustics of the building added to incomparable beauty of the hall is extremely rare in Orange.

We believe that the proposed development of 1 Bathurst Road will be an asset to the community and community organisations like ours, adding to the limited availability of live events venues in Orange.

Kind Regards,

co-directors *Alianza Art Music* Management - Orange



<https://linktr.ee/alianzamusicalorange>

From:
Sent: Wednesday, 29 May 2024 9:04 AM
To: Orange City Council
Subject: DA 514/2021(1) - PR28526

Hello

I am writing in support of the above Development Application (DA 514/2021(1) - PR28526) for 1 Bathurst Road, Orange

I know the building and, on reviewing the Development Application, see a sensible and sympathetic renovation of the old church to a venue for food, wine and (artistic) friends

I know the Old Convent at Borenore and how the operate in a low-key sensitive manner to bring a quality product to their audience

I've lived in Orange for more than 20 years and see the changes that have taken our city into a new, more cosmopolitan lifestyle

I believe the 1 Bathurst Road venue will add another layer of quality to those changes and offer a quality counterpoint to the fast food outlets nearby in East Orange

Above all, I see the renovations that have already been undertaken to preserve the integrity of the old church with quality fixtures and fittings mostly for recycled products

It would be a great shame if this inspired re-purposing of an historic building was not approved

Kind regards

From:
Sent: Wednesday, 29 May 2024 2:22 AM
To: Orange City Council
Cc:
Subject: DA 514-2021 (1) located at 1 Bathurst Road Orange.

Hello Orange Council Planning Team,

We are writing in support of the current DA 514-2021 (1) located at 1 Bathurst Road Orange.

Both [redacted] and myself have have received dozens of requests from visiting guests and clients who come to our open gardens, masterclasses and stay at Rosedale Farm for more restaurants, shops and cafes. We have seen the positive reaction of Dirty Janes and Rowlee's winery restaurant opening recently benefiting the community through creating jobs and driving tourism and believe more similar developments are needed.

We believe the DA application to be inline and consistent with the environment and community expectation. We also would love to see this beautiful old church brought back to life for more of the community to enjoy.

We encourage the council to also support this application.

If you have any questions please feel free to reach out to [redacted] or myself at anytime

Yours sincerely

Rosedale Farm Orange

From:
Sent: Tuesday, 28 May 2024 7:24 PM
To: Orange City Council
Subject: DA 154/2021(1) - PR 28526 1 Bathurst Road, Orange NSW 2800

General Manager
Orange City Council

I am in support of the Development Application 154/2021(1) – PR 28526 at 1 Bathurst Road, Orange NSW 2800.

I feel the multipurpose designed use of this building would enhance the lives of the surrounding and wider community with all that it will offer.

It will also give the wider Orange community a facility that it can use for a wide range of activities.

Yours sincerely

From:
Sent: Tuesday, 28 May 2024 6:57 PM
To: Orange City Council
Cc:
Subject: Re DA 514-2021 (1). 1 Bathurst Road Orange

Hello Orange Council Planning Team,

We are writing in support of the current DA 514-2021 (1) located at 1 Bathurst Road Orange.

Both [redacted] and myself have received dozens of requests from visiting guests and clients who come to our open gardens, masterclasses and stay at Rosedale Farm for more restaurants, shops and cafes. We have seen the positive reaction of Dirty Janes and Rowlee's winery restaurant opening recently benefiting the community through creating jobs and driving tourism and believe more similar developments are needed.

We believe the DA application to be inline and consistent with the environment and community expectation. We also would love to see this beautiful old church brought back to life for more of the community to enjoy.

We encourage the council to also support this application.

If you have any questions please feel free to reach out to [redacted] or myself at anytime

Yours sincerely

Rosedale Farm Orange

From:
Sent: Tuesday, 28 May 2024 6:53 PM
To: Orange City Council
Subject: DA 514/2021(1)

Attn: Planning & Development

We refer to 1 Bathurst Road Orange DA 514/2021(1) and wish to lodge our support for the Development Application for the property, formerly a publicly accessible church.

The development seeks to reinstate the building as a public space and in doing so retains the charm and historic significance.

The use of the building will contribute to the vibrancy of east Orange and enhance the aesthetics of area, the community tourism offering and employment.

The applicant has a history of renovating historical buildings with sympathy and quality. We believe 1 Bathurst Road and Orange, given the location and profile of the building, will benefit from this development.

Kind regards

From:
Sent: Thursday, 30 May 2024 10:07 AM
To: Orange City Council
Subject: Letter of Support - DA number is 514/2021(1)

To Whom it May Concern,

I would like to express my support of the five ways church development as a neighbour in the area. I love the idea of keeping this building alive and improving upon it for a space that includes public access. Orange is incredibly lucky to have many great venues for coffee and bars and improving access and availability in the East Orange district is great for the community. The design is tasteful and well balanced with honouring the design of the church.

①

The Chief Executive Officer
Orange City Council
P O Box 35
Orange
NSW 2800

27th May 2024

Development Application 514/2021 (1)
1 Bathurst Road Orange
As Amended

Dear Sir,

I wish to lodge an objection to the above Development Application as amended.

I lodged an objection to the original application and wish that the objections I raised against that application be incorporated with my present objections that are deemed relative.

Several items I objected to previously have been deleted but there are items that have not been addressed.

Overall, the change of usage from a church to Café/restaurant does not comply with several Councils zoning regulations this is mentioned in the preamble of the original DA, why have these not been addressed.

NEED FOR CAFÉ/RESTAURANT

There are numerous food and beverage outlets in the vicinity, two new take away businesses have been opened since the first DA was lodged near this site. Listed in my previous submission are the various food and beverage units available in the area.

This development is only an extra outlet for items already easy to access in the area and does not come under the heading of a required service.

Do we need a liquor outlet in this area?

Plans

The plan for the Café/Restaurant, Small Bar indicates an area of 117 square metres it shows 36 seatings at tables plus seating at bar, this would equate to 2.2 metres per seated person. With tables, a bar, room for waiters this appears to be overcrowding and not permissible.

KITCHEN

The kitchen for the enterprise will be located adjacent to the end unit of Bowen Terrace, close to the front windows.

As the Café/Restaurant will be open from 7-am to 11-pm the working hours of the kitchen will need to be open much longer to prepare and clean up after closing. Working kitchens develop a lot of noise with exhaust fans, pots and pans etc. This will impact on the residence of the unit. The kitchen door (DO4) lines up with the front wall

2

of the adjoining unit which has the opening window of the unit. Firstly, the door should be relocated and secondly the kitchen should have sound proofing incorporated before the new sheeting is applied.

WASTE BINS

The plans submitted show the position of the waste bins adjacent to the adjoining unit, this is completely unsatisfactory. In the notations about the waste bins it is stated that the amount of waste is of a variable amount and the removal would have to be arranged as needed up to 2 or 4 times a week as there is to be no set arrangement, delays could occur leaving food bins smelling and attracting fly's this is not satisfactory for the adjacent neighbors, but as they are also close to the kitchen could present a health hazard. They should be moved and housed with a roof over to keep them dry. Their placement for removal will create parking problems.

The removal of the waste will also create a problem with large garbage trucks trying to turn, as they will have to exit the same way as they arrived. As stated, could be up to 4 times a week 3 trucks Waste Recycle Green waste, a large number for a culle-de sac.

OUTDOOR DINING

The Outdoor Dining area is at the rear of the end units of the adjoining Bowen Terrace, as the proposed Café/Restaurant will be trading day and night the noise and light will affect the adjoining residence, as there will be a solid brick wall adjacent to the area on the road side sound will bounce off it towards the units and there are no impediments for the lighting shining into the rear windows of the units and noise. Screening of a soft nature that will stop light and help absorb noise will be required.

DELIVERY OF GOODS

The document states that Summer Street East, now virtually a Culle-de-sac, will be the goods entrance, from my observation they will have no control of the delivery vehicles size, and again they will have to maneuver to exit the street amongst the parked vehicles of the patrons, and disturb neighbors.

PARKING

The methodology used in the document to arrive at the number of parking lots required is fanciful.

Using church parking numbers issued years ago when vehicle numbers were low, and churches were used mainly of a Sunday against the use of vehicles today and a café/restaurant that is stated to be open 16 hours a day 7 days a week does not equate.

If they want to use these figures for parking per square metres, they must then consider the new fully enclosed area outside the building. The area is to be fully enclosed by solid brick walls and locked gates therefore it becomes extra usable floor space. Comparing the size of the area to the area of the church that equated to 18 parking spaces this new area would be twice the size and be 36 parking spots in area, these

3

would be extra spots. As the present area only has 18 parking spots allocated there would have to be a 36 carparking contribution to council.

Using the information from the plans it would be as follows!

The plans provided indicate there will be seating for up to 80 patrons with seating inside the building and garden seating for the cafe/restaurant, then there is the multi-use area which no number given but comparing the area to the cafe there could be an extra 60 seats, totaling 140 persons at any one time. If you use 2 persons per vehicle as a guide, that equates to at any one time there could be 70 parking positions required. Taking off the 18 allocated would lead to a 52 contribution. There is no parking allocated on the site so these vehicles will have to park on the street. With limited parking on Bathurst Road, William Street now fully utilized for parking Summer Street East will be completely taken over by parked vehicles this will impact on residence as there will be no parking for visitors and noise then there will be service trucks trying to park to deliver goods and collect garbage and then try and turn to exit the street. Complete chaos and not warranted, there is no mention of Handicap parking.

AMENITY OF THE AREA

If this development is approved in its present form the amenity of the area will be destroyed. This is a residential area. Residents would be subjected to intolerable traffic, noise and loss of visitor parking, virtually all day and into the night. The area behind Bowen Terrace would have to be marked Private Parking Only.

Service trucks would have trouble servicing the business and resident. The intersection of Summer Street East and its offset with McLachlan Street is not designed for this amount of traffic and would create a traffic disaster.

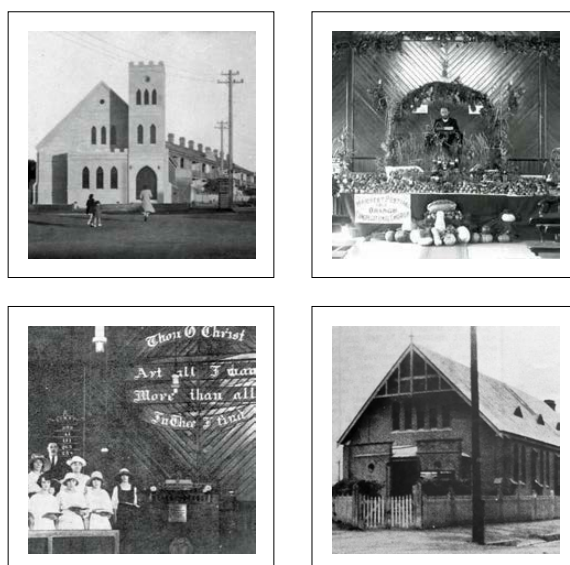
Conclusion

This area is not appropriate for a business of the size and operating hours asked for in this DA. I would suggest it be rejected.

Yours sincerely

I would like speak on the DA prior to the council meeting, please give me ample notice.

THE FORMER ORANGE CONGREGATIONAL CHURCH Five Ways, 1 Bathurst Road, East Orange NSW 2800



Views of the former Congregational Church c1903-1977

CONSERVATION MANAGEMENT STRATEGY

Prepared for

Prepared by

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February 2021 rev Final

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The Former Orange Congregational Church

Conservation Management Strategy
June 2021 Final

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VOLUME 2 Working Folder**RESEARCH AND REFERENCE MATERIAL****Part A Ongoing Research Material**

Orange Congregational Church Research Material

Ongoing use by the Owners

Part B Ongoing Heritage Reference Material

Australia ICOMOS Burra Charter

Heritage NSW Principles for Work on Heritage Places

Ongoing use by the Owners

Part C Ongoing Record Photographs

Record of works in progress

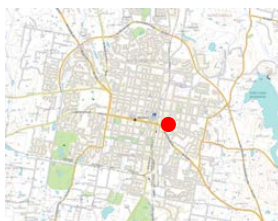
Ongoing use by the Owners

The Former Orange Congregational Church

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INTRODUCTION

BACKGROUND



General location of the Orange Congregational Church in Orange (upper image) and in East Orange (lower image) (source : Sixmaps)

The Orange Congregational Church was built in 1903 and operated on the Five Ways site until 2019, initially, in its own right as a Congregational church, and from 1977 as part of the Uniting Church of Australia. However, the Congregational Church had been established in Orange in the late 1860s and the first church was built in Lord's Place in 1876. That building was the focus of the Orange Congregational Church until 1903 and the building was subsequently used as Forester's Hall, part of a Masonic group, and survived until the 1960s.

The Five Ways church building in East Orange was designed and the first stage built by prominent Sydney-based architects Kent & Budden in 1903. Henry Budden had early associations with the Central West and his family were committed congregationalists. The architectural practice appears to have designed and built a number of Congregational churches in New South Wales in the early 20th C. The site is probably one of the most visible in Orange at the eastern entry to town. The building is relatively intact although there were major additions to the front façade in 1949 as a WWII memorial and included a tower and remodelling of the front porch and entrance.

The early success of the Congregationalist church waned through the mid 20th C and in 1977 the institution joined with the Uniting Church of Australia. However, the dwindling congregations throughout the Christian churches in Australia forced the sale of the Orange Congregational Church in 2019. The building was bought by a local Orange couple with an interest in adaptive reuse.

The property was listed on the Orange LEP 2011 as an item of local significance and included in the East Orange Heritage Conservation Area. The property also sits adjacent to the highly significant Bowen Terrace group which is also listed on the State Heritage Register and together the two historic buildings make a major contribution to the character and form of the eastern entry to Orange on the Bathurst Road. However, although the land had been used as religious worship since at least 1903 and it is known that the first Christian service was held on the site in 1846, the land was Zoned xx Residential which limited its future use. Fortunately, the Orange LEP 2011 included a number of Conservation Incentive clauses which offered opportunities for future uses.

Clause 5.10.14 of the Orange LEP 2011 states the following:

(10) Conservation incentives

The Former Orange Congregational Church

Conservation Management Strategy
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Streetscape views looking east on Bathurst Road, looking west on Bathurst Road, detail looking west on Bathurst Road and general view looking west on Summer Street.
(source : Google Maps)



C1950s view looking east on Bathurst Road shortly after construction of the 1949 Memorial Tower and Porch (source : Orange City Council Local Studies Collection)

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

The new owners of the property, Jeff and Josie Chapman, have shown themselves to be responsible managers of historic buildings in Orange through their use and adaptive reuse of other historic buildings. It was their intent to sympathetically adapt the Orange Congregational Church to a small restaurant with a caretaker's residence.

Orange City Council were intent on the ongoing use and occupation of this significant heritage item and were generally supportive of the broad objectives of the Chapman's proposals. The conservation incentives clause has been an important element of the Orange LEP since 2011 but has not been applied in the past. The proposals for the Orange Congregational Church are the first opportunity to formally use the clause to ensure the longer-term viability of a local heritage item.

In late 2020 the Chapman's commissioned Christo Aitken & Associates to prepare this Conservation Management Strategy (CMS) to form part of the necessary documentation to provide an ongoing use for the former church.

AUTHORSHIP

This study was prepared by Christo Aitken and Associates. The SOHI has been prepared by Christo Aitken (Conservation Architect) and Tracey Aitken (Archaeologist / Planner). Christo Aitken BA(Hons)Arch, Dip Arch., RAIA, is a Conservation Architect based in Central Western NSW. He is an A+ member of a number of professional bodies including the Australian Institute of Architects, Australia ICOMOS and the National Trust of Australia (NSW). He is also an active member of a number of conservation committees and historical societies in the Central West and in Sydney.

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Tracey Aitken BA(Australian History), Grad Dip IM (Archives), Grad Cert Arts (Archaeology) and Grad DipURP assisted with aspects of research and writing of the study. She is an historical archaeologist and town planner and has worked with Local Government and the private sector in the Central West.

The study was carried out between September 2020 to January 2021.

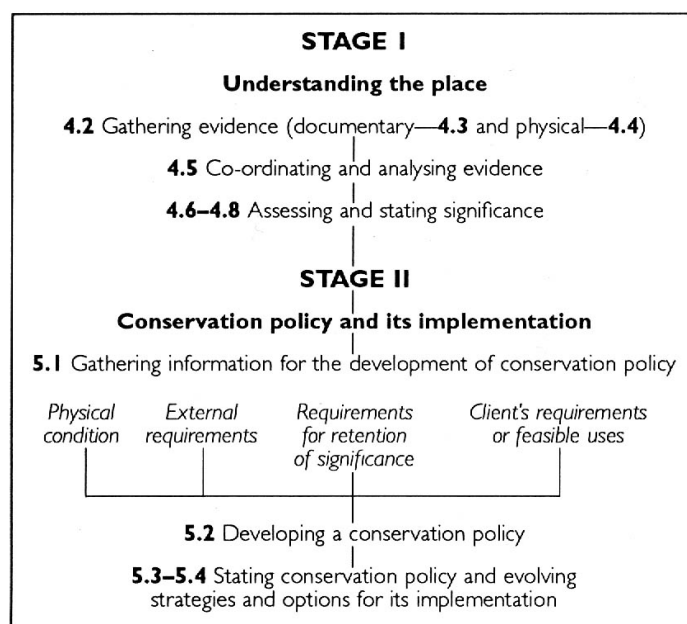
AIMS AND APPROACH

The aim of the CMS was to provide guidance to the current owners, future owners and Council in undertaking the proposed restoration and adaptive reuse works.

A CMS is an alternative to a full conservation management plan providing an overview of conservation approaches and management guidelines. NSW Heritage Office set out broad guidelines for the preparation of such studies. The Orange Congregational Church has Local level of significance and a CMS useful in considering aspects where changes are either of a minor nature or useful as an interim planning document pending the preparation of a standard full CMP.



1949 Memorial Tower and Porch
(source : Christo Aitken & Associates)



In view of the limited budget would also rely on the following:
The broad intent of the document is to prepare a “heritage management document” to support Clause 5.10(10)(b) of the Orange City Council

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LEP 2011 as part of a proposed adaptive reuse of the former Congregational Church. The document will focus on the following :

- To bring together existing information, research and material relating to the former Congregational Church to improve an understanding of the place.
- To set out the critical management policies for the future
- To set up a repairs, conservation and maintenance program to guide short, medium and longer term works.

The document will comprise three part being Part I investigation and assessment, Part II conservation policy and management and Part III implementation program.

It is intended that the document be relatively concise, written in plain English and accessible to the layperson as manual providing guidance. Part I (understanding the place) will be contained within the standard Heritage NSW dataform format and methodology as it can readily used to update the State Heritage Inventory form by Council and Heritage NSW. Part II (management policies) will avoid being overly wordy and avoid duplicating already available information but will provide its key message and provide links to where that information can be found. Part III (implementation) will briefly summarise the immediate repairs, conservation and maintenance required to guide the broad staging of work and timing required.



1949 Memorial Tower and Porch
(source : Christo Aitken & Associates)

The study is divided into three sections:

Part I : Investigation and Assessment

Part II : Conservation Policy and Management

Part III : Research Folder

LIMITATIONS

The following limitations generally applied to the study:

- The limited budget restricted the degree of detail possible within the available funds. This limited the extent of research of primary documents and investigative research of the fabric generally. Reliance was necessary on available documentation and local knowledge.
- The focus of the document is on the Orange Congregational Church building and its history. There is a wealth of local history available on the members of the Congregational church but they have only been touched on in this study.
- There is relatively little original architectural documentation and/or drawings relating to the building. The original drawings prepared by Kent & Budden for the 1903 first stage of the building have been made available through the Uniting Church archives in Sydney. The drawings for the second stage completed in 1926 have not been sourced to date. Similarly, the major 1949 works for the design and

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construction of the Memorial Tower and Entrance Porch have not been sourced at all.

- A full condition survey of the building was not included within this stage of the documentation in view of the limited budget but is recommended as part of the maintenance plan recommendations.
- The study has been prepared with little invasive opening up of the fabric of the building and may need to be modified when future adaptive reuse works start on site.
- Although the research included investigations with the Uniting Church archives, direct discussions with the Uniting Church in Orange have yet to occur and they may have additional information that could supplement the study.

ACKNOWLEDGEMENTS

A number of people, groups and institutions have been helpful with their input and assistance in the preparation of this study. These groups have included Orange & District Historical Society (researcher Julie), Orange City Library Local Studies Collection and Bathurst & District Historical Society. The Uniting Church Archives in North Parramatta (Deanna Moore Archives Research Assistant) have been helpful in making available a related database and some specific documents including the original Kent & Budden drawings. Town planning staff at Orange City Council (Manager Paul Johnson and Town Planner Andrew Crump) including Council's heritage adviser (architect David Scobie) have been assistive in the preparation of the final document. Ben Johnson of Benedict Design prepared measured drawings for the existing building. Particular thanks to the new owners of the Orange Congregational Church, Jeff and Josie Chapman, for their interest and enthusiasm in caring for one of Orange's heritage landmarks.

It is hoped that the study will form the basis of an acceptable approach to ensure that the LEP Incentives Clause can be used to the best advantage of the significant heritage of the Orange area.

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PART I INVESTIGATION AND ASSESSMENT SECTIONS

- 1.1 ITEM DETAILS
- 1.2 DESCRIPTION
- 1.3 HISTORY
- 1.4 THEMES
- 1.5 COMPARABLE ITEMS
- 1.6 ASSOCIATED ITEMS
- 1.7 CURTILAGE
- 1.8 APPLICATION OF CRITERIA
- 1.9 HERITAGE LISTINGS
- 1.10 INFORMATION SOURCES
- 1.11 RECOMMENDATIONS
- 1.12 SOURCE OF THIS INFORMATION
- 1.13 IMAGES

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1.1 ITEM DETAILS						
Name of Item	Fmr Orange Congregational Church					
Other Name/s Former Name/s	Fmr Uniting Church of Australia					
Item type (if known)	Built, Area / Group / Complex					
Item group (if known)	Religion					
Item category (if known)	Former Church and School					
Area, Group, or Collection Name	East Orange Heritage Conservation Area					
Street number	1					
Street name	Bathurst Road					
Suburb/town	East Orange				Postcode	2800
Local Government Area/s	Orange City Council					
Property description	Lot 12 DP 1259702					
Location - Lat/long	Latitude	NA			Longitude	NA
Location - AMG (if no street address)	Zone	NA	Easting	NA	Northing	NA
Owner	Jeff and Josie Chapman					
Current use	Unoccupied since sale by the Uniting Church in 2019. Currently (12/2020) proposed use restaurant and residence					
Former Use	Church and Sunday School					
Statement of significance (Using SHR assessment criteria)	<p>The Orange Congregational Church is a highly significant landmark in Orange prominently positioned at the eastern entry to the City on the corner of Summer Street and Bathurst Road. It has high historical, associative, aesthetic and social cultural heritage values at the local level. There are a number of dimensions to the significance of the property and its buildings.</p> <p>The site has strong historic and associative value. The first Christian service in Orange was held on this site in 1846 in a small cottage which also served as a Sunday school. Importantly 1846 is also the year the town was officially gazetted as a Village of Orange. The land is part of one of the first land grants in Orange to Joseph Moulder, who was a significant figure in the establishment and early growth of the</p>					

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	<p>town. When the land was first subdivided in the 1875 this land was part of that bought by Henry Thomas Bowen who was also a significant figure in the later growth of the township.</p> <p>The existing building, its immediate neighbour to the east and the adjacent urban precinct to the north and east have strong aesthetic values. The Orange Congregational Church was founded in 1878 and initially bought land in Lord's Place and built their first church which continued to serve their growing community until the late 1890s. They subsequently bought the Five Ways site from Henry Bowen in 1901 and commissioned prominent Sydney architects Kent & Budden to design and build their new home. Henry Budden had strong associations with the Central West and the Congregational Church. The first stage of the building was completed in 1903 and by 1926 the Congregational Church had completed the hall at the eastern end of the building. It is likely that Kent & Budden were involved in both stages of the building. Later alterations and additions include the 1949 Memorial Tower and Porch on the main elevation to Summer Street and Bathurst Road commemorate the WWI and WWII and in the 1960s a small vestry was added on the northern side of the Church.</p> <p>Although the aesthetic values of the building have been compromised by the 1949 additions they add to the social values of the building and illustrate the importance of the building to the Orange community and the Church's commemorative response to the World Wars that impacted on many families from Orange and the region.</p> <p>The Church and adjacent Bowen Terrace make a highly significant combined contribution to the character of this approach into Orange. The Bowen Terraces are listed on the State Heritage Register. The property also lies on the southern edge of the East Orange Heritage Conservation Area which has historical and aesthetic urban values. The Orange Congregational Church adds to those values in a positive way.</p> <p>The property has high social value to the Orange community generally in view of its historical associations but also has social values to the other Christian churches in Orange as it was the site of the first Christian service in the village. The building has obviously has strong social values to the Congregational Church and its congregation and families throughout Australia. Furthermore, the Congregational Church in Orange joined with Uniting Church of Australia in 1977 and therefore the building now also has strong social values to the wider Uniting Church community as it has been one of their places of their worship for over 50 years.</p>	
Level of Significance	State <input type="checkbox"/>	Local <input checked="" type="checkbox"/>

1.2 DESCRIPTION

Designer	1903 – Original building - Kent & Budden Architects, Sydney. On site modifications to the front façade proposals possibly by Mr H. Richardson?
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	<p>1926 – Addition to eastern end incl Porch – Likely to have been Kent & Budden Architects, Sydney</p> <p>1949 – Addition of Memorial Tower and Front Porch – Eric Thomas?</p> <p>1960 – Addition of Vestry on northern side – Fred H. Nolan, Architect</p>
Builder/ maker	<p>1903 – Original building – Mr H. Richardson</p> <p>1926 – Addition – Unknown</p> <p>1949 – Addition – Mr Tom Deacon</p> <p>1960 – Addition - Unknown</p>
Physical Description	<p>Precinct Setting</p> <p>The property sits on one of the most prominent sites at the eastern approach to Orange. The site is on the northern side of the Bathurst Road (Mitchell Highway) at its junction with the eastern end of Summer Street. The single lot of approximately 860m² is a triangle of land located at the western end of the highly significant 1876 Bowen Terrace group (ref SHR Item 00013). Early town map illustrates the original subdivision pattern on this site which appears to have been Lots 1-4 of a block Section 3 bounded by Bathurst Road, McLaughlan Street, Dora Street and William Street prior to the eastward extension of Summer Street which then divided the larger block¹. Subsequent to the extension of Summer Street East Section 3 was subdivide and the lots resubdivided, with a single corner lot being created as Lot 14 of Section 3.</p> <p>East Orange is recognised as having a unique urban character and the precinct is included in Schedule 5 of the Orange LEP 2011 as a heritage conservation area. The East Orange Conservation Area represents the 1888 Municipality of East Orange formed to represent the growing smaller subdivisions and mixed housing which grew around the highway and railway and the variety of building stock and urban character reflects an independent identity and is valued by the community.²</p> <p>The character of East Orange today has been influenced by a number of aspects relating to the early settlement. One of the aspects relates to the remaining estates of a few early land holders including Moulder, Lane, McLachlan and Bowen who built fine houses either in or adjacent to the Municipality. The mansion of Wolaroi, built by John Hale in 1884 for J. C. McLachlan and converted to a school in 1893 is now known as Kinross Wolaroi. Another fine house survives in East Orange to the design of John Hale. Edwin Lane (of the Clifton Grove family) built Llanello in 1883, in a style very reminiscent of James Dalton's Duntryleague seven years earlier. The fine Bowen house called Glenroi, with handsome verandahs on both storeys, stood just south of the highway in the modern Glenroi Avenue but was demolished in the 1990s. The Bowen family, whose wealth came from a tannery and boot factory have, however, left a remarkable evidence of entrepreneurship in housing in East Orange. In 1876 James Bowen constructed the 12-house terrace which survives on the north side of the highway just east of the railway (3-25 Bathurst Road). Residential terraces are exceedingly uncommon in country towns and Bowen's Terrace, dominating this approach to Orange from Bathurst is an impressive rarity. Like Llanello, Wolaroi and Glenroi, it was designed by local architect John Hale.</p>

¹ Plan of the Borough of East Orange, Parish of Orange dated 4th April 1888, Land Titles Office² East Orange Heritage Conservation Area SHI 2220844, Orange City Council, 2011

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	<p>The other character defining aspect of East Orange is that surrounding those remaining fine houses and urban terrace is a suburb of very mixed character. The mixed character results from the poor and impermanent nature of a substantial number of houses which lasted into the twentieth century, but since the 1920s have been progressively replaced by modest modern homes together with the number of weatherboard houses with trellised verandahs in contrast to the spacious brick houses with iron lace in many parts of Orange. Older houses of modest size are a feature of some of East Orange's streetscapes.³</p> <p>Site Character</p> <p>The site is relatively constrained by the highway to the south, Summer Street East to the north and Bowen Terraces immediately to the east. Although the built character on the southern side of the highway has been largely eroded by the late 20th C development of car yards, fast food outlets and State Government buildings, some aspects of Orange's 19th C character has been largely preserved on the northern side of the Bathurst Road by the Bowen Terrace group and the former Congregational Church. They comprise an important combined landmark on the sweeping curve the Bathurst Road as it meets Summer Street, crosses the railway and enters the central business district and the main shopping street in Orange.</p> <p>The church building is located on the southern side of the triangular lot fronting Bathurst Road with the main entry porch and tower on the western end of the building close to the street corner. The front elevation, main entry and tower are the focus of views looking east from Orange with Bowen Terrace behind and almost seamlessly part of the same built form, particularly its high-pitched roof and rhythm of its painted chimneys which contribute to the overall built character.</p> <p>The northern part of the lot, fronting onto Summer Street East, is open space with a small fenced off children's play area with 6 trees remaining on site one of which is a relatively mature tree to the north-east of the Church and make a contribution to the streetscape. A small metal shed is also located to the immediate north-east of the Church.</p> <p>The main entry to the building is from the street corner which has recently been enhanced with closure of Summer Street East from the highway. The forecourt is defined by a low face brick wall which appears to have been built in stages. The straight sections of brick wall on Summer Street and Bathurst Road have a bullnose coping and appear relatively early while the semi-circular section appears relatively recent. The forecourt is bitumen paved as are the public footpaths adjacent on both streets. The street guttering on Bathurst Road is significant in that it retains the original basalt kerb and gutter in relatively good condition.</p> <p>External Built Character</p> <p>The church is the only building on site today. It is a simple rectangular 5-bay building with attached brick piers and constructed in buff local face bricks. The steeply</p>
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³ East Orange Heritage Conservation Area SHI 2220844, Orange City Council, 2011

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	<p>pitched gable roof is clad in metal corrugated sheeting. The building appears to have been intended to be staged in its construction suggesting that funding was limited. The first stage was described in a newspaper article on opening in 1903 and is largely intact apart together with its 1926 completion which followed the design and details of the first stage. However, the relatively major changes to the front elevation in 1949 with construction of the War Memorial Tower and Porch have substantially altered the original intent and form of the Church.</p> <p>The original drawings prepared by Sydney architects Kent & Budden illustrate the modest flair and skilful design intent for the principal facade. The design proposals incorporated an interesting combination of design elements, features and external finishes. The original front elevation and porch is particularly notable in the original design with its subtly vertically raked walls, decorative stone trim to the parapet, string courses and apex. Other design features included circular windows to the gable, Romanesque round arch windows and the elaborately detailed feature walls of the main entry porch. The design references of the front façade suggest modest Arts & Craft influences.</p> <p>However, from available historical photographs it appears that the original design proposals were modified during construction with simpler forms and details. The parapeted façade appears to have been substituted for a more traditional overhanging eaves and the decorative trim largely deleted together with the raked feature walls. This may also suggest that the Sydney-based architects Kent & Budden were not involved in the construction which may have been managed by local builder Mr H. Richardson.</p> <p>The window openings are defined by semi-circular arched brickwork header courses and the timber windows paired within each bay of the nave. The windows have an openable upper 4 light sash and a fixed 8-light lower sash all with coloured glass. The sill details and heads of the brick piers are simply detailed in render</p> <p><u>1903 and 1926 Building</u></p> <p>Foundations – basalt stonework coursing.</p> <p>External Walls – a nave and façade of fine local buff coloured face brick, stretcher bond brickwork. Struck lime mortar pointing.</p> <p>Roof – timber roof structure with corrugated Colorbond sheeting</p> <p>Gable roof timber detail – demolished and altered in 1949.</p> <p>Roof ventilators – the original drawings and early historical photographs show the original roofing vents but now removed. The 2011 SHI inventory sheet refers to . (3 small gable ventilators to each slope)</p> <p>Bathurst Road Porch – face local buff brickwork and rendered upper parapet. Render painted.</p> <p>Windows – semi-circular arched timber, painted with multi-light glazing. Timber painted.</p> <p>Door – timber double doors, sheeted and ledged. Painted externally.</p> <p>Fencing – low brick wall (3 courses) to Bathurst Road and Summer Street. Original timber picket fencing demolished.</p> <p>General Condition – generally fair-good. Refer detailed condition survey.</p>
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	<p><u>1949 Additions</u></p> <p>The visually distinctive rendered and crenulated tower is located at the western end of the building and the alteration work included modification of the original feature entry walls of the porch. There is no architectural documentation available for the proposals and the detailing suggests a lack of architectural input with little design relationship of form, materials and finishes to the 1903 building nor the 1926 additions.</p> <p>The 1949 works substantially altered the front façade of the Church by simplistic Gothic remodelling of the main entry porch, introducing the tower and a raised parapet to the gable, changing the new windows and main entry door to a Gothic pointed arch with diamond pattern glazing and changing the external materials of the new work to render and paint. The 1949 building works introduced a changed design dialogue of crenulations, lancet arches and rendered and painted elements on the principal facade. The challenge of introducing a tower to a completed building is a complex task and could perhaps have been more successfully executed with more skilful design input at the time.</p> <p>The research undertaken recently suggests that the loud speakers in the upper tower were installed as part of improvements related to an electronic set of chimes installed by the Uniting Church in the 1970s however there also appears to be uncertainty as to whether they may also have related to WWII related activities⁴. Further research recommended.</p> <p>External Walls – crenulated parapet walls, render and paint. Renderwork includes horizontal coursing. Original eaves modified to gable.</p> <p>Roof – flat roof to porch and tower</p> <p>Windows – pointed arch metal framing with diamond leadlight glazing to 3 remaining gable windows, all tower windows and all new porch windows. Feature stained glass window to central window of principal elevation of entry porch. Rendered and painted reveals and cills.</p> <p>Door – timber double doors, sheeted and ledged. Painted externally.</p> <p>General Condition – fair-good. Refer detailed condition survey.</p> <p><u>1960s Additions</u></p> <p>The 1960s vestry on the northern elevation is a traditional simple brick construction and rendered and painted to match the 1949 alterations. The architectural drawings show the intent to reinforce the visual connection with the 1949 tower however the completed design did not include the crenulated parapet. The design appears to have reused and integrated the two arched windows from the northern elevation of the 1926 building affected by the proposals.</p> <p>External Walls – rendered brickwork. Painted.</p> <p>Roof – flat roof with shallow parapet.</p> <p>Windows – arched multi-light windows similar to the 1903 and 1926 windows. Perhaps recycled and modified to fit? Rendered and painted reveals and cills.</p> <p>Door – pointed arch with timber door, sheeted and ledged. Painted externally.</p>
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⁴ Dutton, R. (2003) *100 Not Out! An Interesting Journey of the Fiveways Uniting Church*, Orange Congregational Church, Orange NSW, p4

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	<p>General Condition – generally fair-good. Refer detailed condition survey.</p> <p><u>1970s Additions?</u> A small weatherboard addition constructed in the north-eastern corner of the building (east of the 1960s vestry).</p> <p>External Walls – timber framed with checked and chamfered timber weatherboards. Painted externally. Windows – NA? Door – Single traditional, timber 4 panel door. Painted.</p> <p>General Condition – fair-good. Refer detailed condition survey.</p> <p>Internal Built Character The building comprises two main spaces, two porches, a small vestry and minor additions at the eastern end. The main body of the church is accessed from the corner of Summer Street and the Bathurst Road through the base of the 1949 Memorial Tower and Porch. The porch retains the foundation stone and two commemorative plaques. Ref attached historical notes for content. The formal church remained as the original 1903 three-bay building which is approximately 13m long by 10m wide. The eastern wall is timber-framed and retains its original timber panelling, lacquered finishes and the early gold leaf inscription high in the wall behind the pulpit and evident in historical photographs of the interiors:</p> <p style="text-align: center;"><i>“Thou O Christ Art all I want More than all In thee I find”</i></p> <p>The words are an extract from a hymn written by Charles Wesley in the 18th C “<i>Jesus, lover of my soul</i>”. The third stanza of the hymn reads:</p> <p style="text-align: center;"><i>“Thou, O Christ, art all I want; More than all in Thee I find; Raise the fallen, cheer the faint, Heal the sick and lead the blind. Just and holy is Thy name, I am all unrighteousness; Vile and full of sin I am, Thou art full of truth and grace”.</i></p> <p>Charles Wesley was an English leader of the Methodist movement, most widely known for writing about 6,500 hymns. Wesley was born in 1707 in Epworth, Lincolnshire, the son of Anglican cleric and poet Samuel Wesley and his wife Susanna. He was a younger brother of Methodist founder John Wesley and Anglican cleric Samuel Wesley the Younger, and he became the father of musician Samuel Wesley and grandfather of musician Samuel Sebastian Wesley. Charles followed his father and brother into the church in 1735⁵.</p>
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⁵ Wikipedia Charles Wesley https://en.wikipedia.org/wiki/Charles_Wesley

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	<p>The masonry walls of the main body of the church are plastered with a dado below the cill height which is extended through the timber panelled wall at the front of the church. The timber lining board finishes are repeated throughout the ceiling which is coved and reveals the timber trusses and main beams all of which are similarly lacquered. The distinctive feature is the diagonal herring bone pattern of the lining boards of the front wall and the coved sections. The coved sections also include feature diamond framing to the original roof vents also evident in the early historical photographs of the building. The timber lining boards and two-tone staining and lacquering finish was extended to the two single doors leading into the smaller hall behind.</p> <p>The colours and finishes are relatively modest with the walls a light cream and the dado a light blue but these are unlikely to be the original colours. Investigation and research is recommended. A portion of the floor is raised along the central wall including later additions in the south-eastern corner. The raised timber floors are carpeted. The pulpit, font, organ and all other furniture have been removed. All commemorative plaques previously fixed to the north and south walls of the nave have been removed. However, much of the coloured glazing appears intact and provides a soft highlight to the otherwise modest finishes.</p> <p>General Condition – fair-good. Refer detailed condition survey.</p> <p><u>Rear Hall</u></p> <p>The small hall at the rear was constructed in 1926 in matching form and finish. Although it was suggested at the time that the timber wall at the eastern end of the 1903 building was intended to allow extension of the main body of the church the two spaces have remained separate with the 1926 addition providing an informal gathering space and possibly Sunday School use for the congregation and families.</p> <p>The finishes and colours are consistent with those of the main body of the church the only differences being the changes from the kitchen additions at the eastern end of the building. A small service hatch and single door inter-connects with the recent kitchen additions which allowed greater use of the space for informal gatherings, teas and catering of small events.</p> <p>The original porch and doors to Bathurst Road have been retained as have the original arch windows and coloured glass. A painted timber picture rail has been fixed on each of the three masonry walls and aligns vertically with the opening highlight of the windows. All original furniture and wall hangings relating to the church period have been removed apart from a small framed image of Madonna and Child over the doorway from the Bathurst Road porch. The original stained and lacquered wall and ceiling finishes are intact, however the projecting timber wall brackets for the roof trusses and beams have been painted.</p> <p>General Condition – fair-good. Refer detailed condition survey.</p> <p><u>Kitchen</u></p> <p>The rear additions at the eastern end of the building appear to date from the 1970s and are a simple skillion roof with weatherboard external cladding extending the</p>
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	<p>length of the eastern end of the building. Internally the walls are generally sheeted in gyprok and simply painted. The kitchen is fitted out with modern built-in benches, cupboards, oven and fridge etc. The kitchen has external access to the open space on the northern side of the building.</p> <p>General Condition – fair-good. Refer detailed condition survey.</p> <p><u>Vestry</u> The vestry was built in the 1960s and is a small room with access from the northern approach of the building as well as from the Sunday School hall and used by the priest as a vesting area. It is simply rendered and painted. It incorporates two original arched windows from the 1926 building affected by the construction of the vestry.</p> <p>General Condition – generally fair-good. Refer detailed condition survey.</p>					
Archaeological potential	<p>Archaeological Potential</p> <p>The site is highly significant in the history and settlement of Orange, as the first Christian service in the town was conducted by the Rev. T.B. Naylor, of Carcoar Church of England, in a cottage on the present site in 1846. The cottage was the first school in the district.⁶ Record historical photographs to clarify the location and details of the building have yet to be sourced for this cottage however, sources at the time noted of this school "<i>There was a private school, controlled by a Mr. Kingswell, on the ground where the Congregational Church is now located. A mere dozen pupils or so attended this school in 1845</i>".⁷</p> <p>The siting, size and detail is unknown at this stage.</p> <p>In 1955 an ex-army-hut called <i>Mayflower Hall</i> was purchased by the Orange Congregational Church and was erected in the church grounds near the Summer Street boundary as the Church Hall. This was demolished in 1981 due to its age and state of disrepair.⁸</p> <p>Archaeological potential - LOW</p>					
Construction years	Start year	1903	Finish year	1979	Circa	<input checked="" type="checkbox"/>
Modifications and dates	<p>There are few records currently available of alterations and additions and the following relate to the currently known major changes:</p> <p>1903 – Completion of Stage 1 Congregational Church (3 bays and entry porch at western end of the building). Ref drawings Kent & Budden Architects.</p>					

⁶ Dutton, R., *op. cit.*, p5

⁷ Orange and District Historical Society, *Clippings – Folster - Old Ned*, 1918.

⁸ *Ibid*, p7

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	<p>1926 – Completion of State 2 Congregational Church (2 additional bays at the eastern end of the building and entry porch from Bathurst Road). Ref available historical photographs.</p> <p>1949 – Adaptation of western entry porch and construction of Memorial Tower.</p> <p>1955 – Relocation of ex-army hut to the site. Location shown on 1966 drawings. Ref below</p> <p>1960 – Construction of vestry on northern side of the Church</p> <p>1977 – Front elevation rebadged as Uniting Church</p> <p>1979 – Commemorative stained glass windows designed and installed in front elevation porch.</p>
Further comments	Refer to attached sketch diagrams illustrating the evolution of the property.

1.3 HISTORY

Historical notes	<p>Orange Overview</p> <p>The city of Orange is located in Central Tablelands of New South Wales approximately 250kms west of Sydney. The Orange area was the traditional home of the Wiradjuri people whose land extended over most of central western NSW. The first European settlement of the area occurred after the expedition into the interior led by John Oxley who in 1817 camped to the north of the site of Orange when returning from the Wellington Valley which he had discovered and named.</p> <p>The settlement which was to become Orange was named Blackman's Swamp Village Reserve, in honour of John Blackman, the Chief Constable of Bathurst who, in 1823, led an expedition from Bathurst to establish a government stock station at Wellington Valley⁹. The first reference to Blackman's Swamp is on a plan dated March 1829 which also bears the parish name Orange. The one-mile square reserved for the village of Orange was a swampy site which lay on the main route to the west. Although the name Orange was used for the settlement from as early as 1829, the village reserve was known as Blackman's Swamp until 1846, when it was officially gazetted as the Village of Orange.¹⁰</p> <p>As traffic to and from Wellington increasingly passed through the site, huts and stockyards grew up along the road. The area was recognised for its agricultural potential and European settlers moved in quickly. The first settler in the vicinity of Blackman's Swamp Creek was William Lane, who, with his wife Catherine (nee</p>
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⁹ Orange City Council, Orange and District Illustrated, facsimile edition of 1928 original, Orange, 1989, p 11

¹⁰ D. Holmes, A. Honey and J. Miller, Orange, a Vision Splendid, Orange, 2001, p 4.

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Tom) and young son John Tom Lane, had arrived in Sydney in 1825¹¹. In 1830 William Lane acquired a grant of 640 acres on the east bank of Frederick's Valley Creek, a property which he named Rosehill. The name Blackman's Swamp is accredited to Lane and his stockmen.

Another significant early land holder in the district was Joseph Moulder, who came to Sydney in April 1818. By 1828 he was employed as a hut-keeper to William MacLeod of Bathurst. In December 1836 Moulder was granted 633 acres on the eastern boundary of the village. He leased portions of his land in the late 1830s; a settlement began to develop on this land to the east of the village where he also had a blue metal quarry. By 1839 he had an additional two grants of over 1,200 acres on the southern boundary.¹²

East Orange Overview

By the mid 1880s the village had grown considerably and the Municipality of Orange was formed in 1860. The square mile to the east, of the village, which had been Joseph Moulder's portion 81, had also been increasingly sub-divided and in 1888 the north and west part of this grant was declared the municipality of East Orange.

East Orange, divided from Orange by the railway line and with the Mitchell Highway running diagonally through its south west sector, has a quite distinct character. East Orange was already sufficiently populous in 1888 to be eligible to have nine aldermen elected from three wards which were unimaginatively dubbed North East, East and North West. Until Orange and East Orange were united in 1912, an impoverished and unimaginative council ruled East Orange¹³.

The seat of municipal government was suitably modest. The council of East Orange originally met in what is now the Band Hall in William Street but in 1905 built its own small chambers at the other end of Dora Street. The East Orange Municipality merged with the Orange Municipality on 24 December 1912. Orange was proclaimed a City on 19 July 1946 when its population was over 15,000 and on 1 October 1977, the City of Orange was extended in area to 298 km² when parts of the surrounding shires of Cabonne, Blayney, and Lyndhurst were transferred to the City of Orange¹⁴.

Background to the Congregational Church

Congregationalism is a Protestant Christian movement that arose in England in the late 16th and 17th centuries. Within the Congregational Church, each individual church and its parishioners are regarded as independent and autonomous body. Congregationalism emphasises the right and responsibility of each properly organised congregation to determine its own affairs, without having to submit these decisions

¹¹ Information given by David Lane (a descendant of William and Catherine Lane) in 2004.

¹² Orange City Council, Orange 1860 to 1960, Orange, 1960, p 13

¹³ East Orange Heritage Conservation Area SH12220844, Orange City Council, 2011

¹⁴ [https://en.wikipedia.org/wiki/City_of_Orange_\(New_South_Wales\)](https://en.wikipedia.org/wiki/City_of_Orange_(New_South_Wales)), City Of Orange Wikipediae

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	<p>to the judgment of any higher human authority, and as such it eliminates bishops and presbyteries.¹⁵</p> <p>Congregationalist tradition has a presence in the United States, the United Kingdom, Ireland, Canada, South Africa, Australia, New Zealand, and various island nations in the Pacific region. It has been introduced either by immigrant dissenter Protestants or by missionary organisations such as the London Missionary Society.</p> <p>Congregationalism originated from 16th-century Puritanism, a movement that sought to complete the English Reformation begun with the separation of the Church of England from the Roman Catholic Church during the reign of Henry VIII. During the reign of Elizabeth I (1558–1603), the Church of England was considered a Reformed or Calvinist church, but it also preserved certain characteristics of medieval Catholicism, such as cathedrals, church choirs, a formal liturgy contained in the <i>Book of Common Prayer</i>, traditional clerical vestments and episcopal polity (government by bishops).</p> <p>The Puritans were Calvinists who wanted to further reform the church by abolishing all remaining Catholic practices, such as clerical vestments, wedding rings, organ music in church, kneeling at Holy Communion, using the term <i>priest</i> for a minister, bowing at the name of Jesus, and making the sign of the cross in baptism and communion. Puritans who wished to separate from the perceived corruption of the Church of England and form independent local churches were known as Separatists. Separatists were most influential politically in England during the time of the Commonwealth (1649–60) under Oliver Cromwell.</p> <p>Robert Browne (1550–1633) was the first person to set out explicit congregational principles and is considered the founder of Congregationalism. Browne argued for a church only of genuine, regenerate believers and criticised the Anglicans for including all English people within their church. He believed the congregation should choose its own leaders, and the ministers should be ordained by the congregation itself not by bishops or fellow ministers. Each congregation should be founded on a written church covenant, and the congregation as a whole should govern the church: <i>"The meetings together...of every whole church, and of the elders therein, is above the apostle, above the prophet, the evangelist, the pastor, the teacher, and every particular elder"</i> and <i>"The voice of the whole people, guided by the elders and the forwardest, is said [in Scripture] to be the voice of God"</i>. While each church would be independent, separate churches would still come together to discuss matters of common concern.¹⁶</p> <p>Congregationalism achieved its greatest influence and numerical strength in the United States, where it helped to determine the character of the nation as a result of the New England experiment, which established communities based on Congregational religious principles.</p> <p>The New England settlement was rooted in the Separatism of Plymouth colony and in the Puritanism of Massachusetts Bay. The first Separatists arrived on</p>
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¹⁵ Jenkins, D. (n.d.) 'Congregationalism Protestant Movement' in *Encyclopedia Britannica Online*, retrieved from <https://www.britannica.com/topic/Congregationalism>

¹⁶ 'Congregational Church' (March 2019) in *Wikipedia*, retrieved from https://en.wikipedia.org/wiki/Congregational_church

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the *Mayflower* in 1620 from the exiled church at Leiden, Holland. The Puritans, unlike the Separatists, wished to reform the Church of England rather than to leave it. They left the country, however, to build a “godly commonwealth” that would be an example of what a new England, truly reformed according to the Word of God, might be. They were closer in spirit to the English Presbyterians than to the Separatists, but there was enough affinity between the two groups to enable them to live together in comparative harmony and to reject more-radical leaders such as Roger Williams and Anne Hutchinson. In 1648 the two groups united to produce the Cambridge Platform, a declaration of faith that accepted the theological position of the strongly Calvinistic Westminster Confession (1647) but maintained a Congregational polity.¹⁷

Forming first in Britain and the United States, Congregationalism in the 20th century moved into other countries and formed united churches with other denominations throughout the world.

The Congregational Church in Australia

The Congregational Union of Australia stemmed from the Congregational Church in England, as settlers migrated from there to Australia. Congregational Churches existed in all states and territories of Australia at some time. The oldest Congregational Church was founded in Hobart in 1830 by Frederick Miller.

One of the earliest and most influential Congregational ministers in early times was Thomas Q. Stow, who built the first Congregational church in South Australia. Some of the first Congregational Churches established in each Australian state included the Pitt Street church in Sydney, Stow Memorial Church (now Pilgrim Uniting Church) in Adelaide, Collins Street (now St Michael's Church) Church in Melbourne, Trinity (now Trinity Uniting Church) in Perth, and National Memorial Church (now City Uniting Church) in Canberra.

The Congregational Church was the first Christian denomination in Australia to ordain women, with the first female ordinand being Winifred Kiek in 1927.

The Union dissolved in 1977, when the Uniting Church in Australia was formed. At that time, 260 of the congregations that had previously formed the Congregational Union joined the new Uniting Church. The Uniting Church union also included the Methodist Church of Australasia and the Presbyterian Church of Australia.

However, 40 other congregations that had previously formed the Congregational Union objected to joining the new Uniting Church and formed the Fellowship of Congregational Churches instead. In 1995, there was a split within that Fellowship, with some more ecumenically minded congregations leaving to form the Congregational Federation of Australia.¹⁸

¹⁷ Jenkins, D. (n.d.) 'Congregationalism Wales Ireland and Scotland' in *Encyclopedia Britannica Online*, retrieved from <https://www.britannica.com/topic/Congregationalism/Wales-Ireland-and-Scotland>

¹⁸ 'Congregational Union of Australia' (November 2016) in *Wikipedia*, retrieved from https://en.wikipedia.org/wiki/Congregational_Union_of_Australia

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The Orange Congregational Church was founded in 1878. On November 5th 1877 the Reverend J.C Kirby, General Agent of the Congregational Church of New South Wales, visited Orange. During April of that year the railway had been extended to Orange, which was the central supply town for the booming goldfields at nearby Icelly, Ophir and Currajong (now Parkes). On his return to Sydney, Kirby met with the Church Extension subcommittee, which granted 66 pounds to purchase a site for a church in Orange.¹⁹ The site was in Lords Place, close to where a small grandstand and winning post of the first racecourse had once stood. Members of the Congregational Church in Sydney guaranteed the money for the cost of the church, but the capital and interest were repaid by the Orange congregation through church collections and fundraising by the Ladies Guild.²⁰

The congregation was first ministered to by the Reverend Grant. There were 31 members of the Church on the first roll.²¹ The church in Lords Place, which opened for service in May 1878, was a small timber building, set back slightly from the footpath, with white palisade fencing. The buildings on either side of the church housed the two local newspapers' offices, the Orange Leader and the Western Advocate.²²

As the congregation grew and became more prosperous, there was a desire for a new and larger church. In 1902, during the ministry of the Reverend Bradley, the original Orange Congregational Church was sold for 900 pounds to the Foresters Lodge.²³ The building was moved further back on the site and incorporated into the Foresters' Hall, a popular dance hall, locally known as "The Home Wreckers". Foresters Hall operated as a dance hall from 1917 to 1926. The building was demolished in 1963.²⁴

Five Ways Site

The Orange Congregational Church used the proceeds of the sale of the old church to purchase land for construction of a new Church. This site is at the corner of Bathurst Road and Summer Street, known as the Five Ways, in East Orange. The land was purchased from Mr M. Bowen for 300 pounds.²⁵ The site was originally likely part of part 633 acres originally granted to Joseph Moulder in 1836.²⁶ In 1875 Henry Thomas Bowen purchased 3.281 hectares from Moulder and in 1876 he constructed the Bowen Terrace which adjoins the Five Ways Church.²⁷

¹⁹ The Orange Congregational Church (1978), *History of Orange Congregational Church 100 Years*, Orange NSW, p1

²⁰ Homes, D. et al. (2001), *Orange a Vision Splendid*, Orange City Council, Orange NSW

²¹ The Orange Congregational Church, *op.cit.*, p2

²² Orange and District Historical Society, (n.d.), *The Ross Maroney Street Database*, Orange NSW

²³ Dutton, R. (2003) *100 Not Out! An Interesting Journey of the Fiveways Uniting Church*, Orange Congregational Church, Orange NSW, p4

²⁴ Orange and District Historical Society, *op. cit.*, p2

²⁵ Dutton, R., *op. cit.*, p5

²⁶ *Plan of town of Orange at Blackmans Swamp 1866*

²⁷ NSW Office of Environment and Heritage (n. d.), *State Heritage Inventory Listing for Item # 222072, Bowen Terrace Orange*

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The site is highly significant in the history and settlement of Orange, as the first Christian service in the town was conducted by the Rev. T.B. Naylor, of Carcoar Church of England, in a cottage on the present site in 1846. The cottage was the first school in the district.²⁸ Record historical photographs to clarify the location and details of the building have yet to be sourced for this cottage however, sources at the time noted of this school "*There was a private school, controlled by a Mr. Kingswell, on the ground where the Congregational Church is now located. A mere dozen pupils or so attended this school in 1845*".²⁹

A building committee "with the power to add to their number" was appointed by the Orange Congregational Church at a meeting held on 4th November 1902.³⁰ The prominent Sydney architectural firm Kent and Budden were engaged to design the new building, and local builder Mr H Richardson undertook its construction. The total cost of construction was 550 pounds. The foundation stone was laid on October 7, 1903, by the Reverend W. Cunliffe-Jones, Secretary of the Congregational Union. The new church was officially opened on December 20, 1903 by the Reverend J. Bennett.³¹

Five Ways Church

The new church was designed in the Gothic-style with the nave constructed using local brown bricks and each side of the nave had six multi pane tinted round-headed windows. The six windows in the front of the building were also Gothic style pointed arched. The building appears to have been staged with provision allowed in the original design for extensions to the eastern end as they were constructed in weatherboard. The eastern end of the building, also constructed in face brickwork, was extended in 1926 with the Sunday school hall. The church today includes a Romanesque style memorial tower added in 1949 which includes similar pointed arch windows and doorway. The top of the tower is crenelated, and both the tower and the front façade are rendered and painted, with the sides of the nave retaining their original face brick. The building now includes two porches, one at the front adjacent to the tower in rendered painted brick, also added in 1949, and another facing Bathurst Road. A rendered crenelated vestry matching the detail of the façade faces Summer Street, dating from 1960.

A local Orange newspaper described the new building three days after its opening "*The Congregational Church East Orange, which was opened last Sunday, is a pretty little structure....The foundation is of basalt rubble, the walls of 14 inch brickwork with four buttresses each side and two in front. The entrance is in the front centre of the building and leads into a porch, on each side of which swing doors lead into the church.*

The church measures inside 40 ft long by 30ft 6 inches wide, walls 14ft high, and 20 ft from floor to ceiling. The eastern end of the building is of wood and may easily be removed to permit of the extension of the building. The church is well lighted there

²⁸ Dutton, R., *op. cit.*, p5

²⁹ Orange and District Historical Society, *Clippings – Folster – Old Ned*, 1918.

³⁰ Dutton, R., *op. cit.*, p5

³¹ The Orange Congregational Church, *op. cit.*, p3

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	<p><i>being six windows on each side of it, and five in front, all glassed in varied tints of cathedral glass.</i></p> <p><i>The wooden end is nicely lined and stained. The rest of the inside is plastered with a dado of grey. Ventilators are ranged round the walls and the tops of the windows are moveable. The place is well lighted with orange gas.”³²</i></p> <p>The design was undertaken by the prominent firm of Sydney Architects Kent and Budden, who over their career were responsible for the design of such notable Sydney buildings as the David Jones department store on Castlereagh Street, the Grand Uniting Building in Castlereagh Street, the Sydney Waterboard Building, and the two Sulman Medal winning buildings, the Primary Producers Bank of Australia in Pitt Street and Transport House in York Street above Wynyard Station. They designed many other significant commercial and residential buildings in Sydney and NSW during the first third of the Twentieth Century.</p> <p>The firm was founded in 1899 by pioneering art-deco and inter-war architect Henry E. Budden. With his colleague Harry C. Kent, Budden formed Kent & Budden Architects, which later became Kent, Budden & Greenwell (1911), Budden & Greenwell (1919), and then Budden & Mackey (1931).³³</p> <p>Henry Budden had associations with the Central West, having been born in 1871 in Rockley, near Bathurst, and educated at Bathurst Superior Public School and later at Sydney University.³⁴</p> <p>Both Budden’s parents were active and committed members of the Congregational Church. Budden moved to Hunters Hill when he was 14, and he finished his schooling at Newington College.³⁵ Budden served his articles with architect Harry Kent, also an active member of the Congregational Church.</p> <p>Harry Chambers Kent was born in Devonshire in England to Reverend Samuel Chambers Kent and his wife Emily Deacon. A year after his birth he and his family emigrated to Australia and the Reverend Kent was appointed Principal of Camden College in Newtown. Harry Kent was educated at Camden College, and the University of Sydney where he graduated with a Master of Arts in 1875. Before his graduation Kent was articled to James Barnett, the New South Wales Colonial Architect, and to John Horbury Hunt, both eminent architects in colonial and early Federation NSW. In 1886 Kent married Louisa Jefferis the daughter of the Reverend James Jefferis of the Pitt Street Congregational Church. At that time the Congregation Church was very influential in the upper middle classes of Sydney Society and business. Much of Budden and Kent’s work came from the Church itself and from members of its parishes. Other Congregational churches designed by Kent and Budden include churches at Arncliffe, Killara and Katoomba among others³⁶.</p>
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³² ‘Congregational Church’ 22 December 1903, in *The Orange Leader*, [1899-1945] Orange NSW

³³ BNMH Architects Pty Ltd (2020), *Our Story*, retrieved from <https://www.bnmh.com.au/our-story>

³⁴ Australian Institute of Architects (n.d.), *NSW Biographical Information – Harry Chambers Kent*

³⁵ ‘Harry Kent, (architect)’ (July 2020) in *Wikipedia*, retrieved from [https://en.wikipedia.org/wiki/Harry_Kent_\(architect\)](https://en.wikipedia.org/wiki/Harry_Kent_(architect))

³⁶ ‘Henry Budden’ (October 2020) in *Wikipedia*, retrieved from https://en.wikipedia.org/wiki/Henry_Budden

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	<p>Further improvements were made to the original Orange Congregational Church in 1926. During the ministry of the Reverend Thomas Harper, a Sunday school hall was built onto the rear of the building. It is assumed at this stage in view of the architectural detailing, that Kent & Budden were likely to have continued their involvement with the Orange Congregational Church, although this needs to be confirmed with further research. The addition involved the construction of an additional two bays at the eastern end of the church. These were built in matching face brickwork and architectural detail to the original 1903 building. The total cost of the extension was 618 pounds and five shillings.³⁷ Foundation stone for the hall records: <i>This stone was laid by C A Stewart Esq Chairman of NSW Congregational Men's Association May 8 1926.</i></p> <p>The Rev. H.E. Lawson became Minister from 1936 to 1946. During this time new seating and a new pulpit were installed, the old wooden fence around the building was removed and a brick wall and cement forecourt were constructed.³⁸</p> <p>The Rev. J.S. Fisher followed Reverend Lawson as minister in June 1946. He wanted to improve the church building to make it more imposing and commissioned a design for a new entrance porch and memorial tower at the front of the building. Mr Tom Davies (a deacon of the church) was appointed as the builder. The porch and tower were officially opened in February 1949. It is unlikely that Kent & Budden were involved in the redesign of the principal elevation of the Church as the design of the addition is not as skilfully executed as compared to the 1903 or 1926 work. The memorial tower was to honour all those who served in WWII, irrespective of their denomination. However, a plaque placed in the porch indicates that the tower was <i>"This tower was erected in recognition of the grace and favour of Almighty God as a memorial of human service and sacrifice in a time of great national peril. 1914 – 1918. 1939 – 1945"</i>.³⁹</p> <p>The State Heritage Inventory Sheet refers to the designer / maker and builder / maker for the "1946" work as being "Eric Thomas" and "T. Davies respectively. The sheet also notes that the architect was Eric Thomas but no further information has been sourced at this stage.</p> <p>The new tower also commemorated the 100 year anniversary of the holding of the first Christian church service in Orange, and the dedication of Orange as a city. A plaque installed in the porch reads <i>"This porch commemorates the 100th anniversary of the first Christian service held in Orange on this site Nov 1846. Also the declaration of Orange as a city in 1946"</i>. The 2011 SHI inventory sheet also notes <i>"All windows in the porch and tower are amber touched with blue. This gives a golden glow, symbolic of the golden memories"</i>.</p> <p>A set of electronic chimes, donated by the family of Mr J.F.C. Hodges, deacon of the church, was installed in the tower.⁴⁰ The 2011 SHI inventory sheet for the Church notes that Electronic chimes were installed by Slade & Co of Croydon and that these chimes are relayed by four large amplifiers.</p>
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³⁷ Dutton, R., *op. cit.*, p6³⁸ *Ibid*, p5³⁹ *Ibid*, p5⁴⁰ *Ibid*, p5

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In 1955 an ex-army-hut called *Mayflower Hall* was purchased by the Orange Congregational Church and was erected in the church grounds near the Summer Street boundary as the Church Hall. This was demolished in 1981 due to its age and state of disrepair.⁴¹

Late in 1960 a tender was accepted for the building of the vestry which is located on the northern side of the church. This design by Orange architect Fred H. Nolan drew from the character of the 1949 tower using rendered brick and roof detail described on the architect's drawings as "battlemented parapet".⁴²

Uniting Church of Australia Period

In 1972 the Orange Congregational Church resolved by an overwhelming majority to become part of the Uniting Church of Australia, and this was effected 5 years later in 1977. On June 19, 1977, Reverend Stan Claugue and his congregation held a Thanksgiving Service for a century of Congregational witness in Orange, and on June 26th 1977 another service was held at the church to mark the beginning of the Uniting Church.

The building became known as the Five Ways Uniting Church. There are few records currently available for the period from the 1970s as they may be held by the Uniting Church. Although it does not appear that major works occurred to the building during this period it is recommended that additional research be undertaken with the Uniting Church to clarify relevant details.

The following alterations were briefly noted in the available history of the Orange Uniting Church commemorative publications.

In May 1979, Don Casey designed and made a stained-glass window which was installed in the front wall of the porch to commemorate "100 years of service of this Church to the Community of Orange..."⁴³

In 1986 following a violent hailstorm, it was necessary to replace half of the roof on the southern (Bathurst Road) side of the church. The northern (Summer Street) side of the roof was subsequently also replaced. The kitchen was renovated during 1991–1992 by Jack Dutton who volunteered to undertake the building works. In May 1996 the church was carpeted, and ceiling fans installed.⁴⁴

Further improvements to the group of buildings were carried out later including the repainting of the War Memorial tower and porch, and renovations to the toilet block. A storage shed for the Playgroup was also constructed in the church grounds.⁴⁵

⁴¹ *Ibid*, p7

⁴² Nolan F., (October 1960) *Working Drawing and Outline Specification, Orange Congregational Church, Proposed addition of Vestry*

⁴³ Dutton, R., *op. cit.*, p9

⁴⁴ *Ibid*, p9

⁴⁵ *Ibid*, p10

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	<p>Final Church Services</p> <p>Services continued to be held at the Church until November 11, 2018, when Orange's three Uniting Church congregations – Five Ways, Wesley and St John's, merged to become Wesley Uniting Church at the former St John's Uniting Church in Anson Street.⁴⁶</p> <p>The Church building, which is located in what is currently zoned by Council as a Residential area, was put up for sale, and stood empty until it was sold by the Uniting Church to the present owners by private treaty for \$750 000 in June 2019.</p> <p>The interior of the Church originally contained quite a number of moveable objects that contributed to the significance of the building. Most of these were removed by the Uniting Church prior to the 2019 sale of the building.</p> <p>The moveable elements included all the furniture e.g. the pews, the pulpit, and other church fittings such as a communion table and chrome plated cross which had stood on the table. There were also a number of cushions for the pews which had been made and covered by members of the congregation.⁴⁷</p> <p>Many of the original fittings and some furniture had been removed from the original Orange Congregational Church in Lords Place and brought to the 1903 Church in Summer Street. The most significant of these was probably the pulpit chair which had been brought from the Scottish Parliament by early parishioners Mr and Mrs Plowman. This chair was still in place in the pulpit at least until 2003.</p> <p>The church organ, keyboard, and hymn books were also removed.</p> <p>The church also contained a number of plaques on the walls of the front porch which testified to the generosity of various parishioners over the years. The commemorative plaques are an important aspect in the history and significance of the Congregational Church as they document key members of the congregation and their involvement in the growth and establishment of the Church within the Orange community. A complete record of the original plaques does not appear to have been made prior to their removal.</p> <p>The only direct reference currently available to the plaques are in the Uniting Church centenary publications which noted that these included (i) one stating that the glass doors were donated by the Cornish Family in memory of the parents of Neville Cornish.⁴⁸ (ii) a plaque was hung in memory of Mrs Allison in 1963 when the Allison Family "liquidated the debt: of 320 pounds in 1962."⁴⁹ (iii) there was also an "Australia Remembers" certificate which hung in the entrance porch which was received from the Australian Government with the following wording "<i>On the 50th</i></p>
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⁴⁶ 30 October 2018, *Central Western Daily*, Orange NSW

⁴⁷ *Ibid*, p8

⁴⁸ *Ibid*, p7

⁴⁹ *Ibid*, p8

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	<p><i>Anniversary of the Second World War, a grateful nation expresses its thanks to the Five Ways Uniting Church for contributing to the war effort and the coming of peace.”⁵⁰ It is understood that approximately 16nos plaques removed from the walls in 2019 and currently retained by the Uniting Church. The only remaining commemorative plaques and stones are the original 1903 foundation stone, the plaque commemorating the construction of the Memorial tower in 1949 and the small plaque over the door into the Church from the Memorial Porch commemorating the friendship of two family members of the congregation.</i></p> <p>1903 Foundation Stone for the Church:</p> <p style="text-align: center;">“THIS STONE WAS LAID BY THE REV. W. CUNCLIFFE JONES SECRETARY OF THE NSW CONGREGATIONAL UNION 7TH OCTOBER 1903”</p> <p>1926 Foundation Stone for the Church Hall:</p> <p style="text-align: center;">THIS STONE WAS LAID BY CA STEWART ESQ CHAIRMAN OF NSW CONGREGATIONAL MEN’S ASSOCIATION MAY 8TH 1926</p> <p>1949 Plaque for the Commemorative Porch:</p> <p style="text-align: center;">“THIS PORCH COMMEMORATES THE 100TH ANNIVERSARY OF THE FIRST CHRISTIAN SERVICE HELD IN ORANGE ON THIS SITE NOV. 1846 ALSO THE DECLARATION OF ORANGE AS A CITY IN 1946”</p> <p>1949 Plaque for the WWI and WWII Memorial Tower:</p> <p style="text-align: center;">“THIS TOWER WAS ERECTED IN RECOGNITION OF THE GRAVE AND FAVOUR OF ALMIGHTY GOD AS A MEMORIAL OF HUMAN SERVICE AND SACRIFICE IN A TIME OF GREAT NATIONAL PERIL 1914-1918. 1939-1945”</p> <p>It is recommended that a full and complete record of the location, materials and content be made of the original plaques.</p>
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⁵⁰ *Ibid*, p9

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1.4 THEMES	
<i>Australian historical theme(s)</i>	<u>National Theme Groups / Themes / Sub Themes:</u> Peopling Australia Building Settlements, Towns and Cities Educating
<i>New South Wales historical theme(s)</i>	<u>NSW State Themes:</u> Townships Developing Australia's Cultural Life Religion Social Institutions
<i>New South Wales historical theme(s)</i>	<u>Local Themes:</u> Church Sunday School Church Social Activities

1.5 COMPARABLE ITEMS	
Location and description, stating why they are comparable	<p>Overview</p> <p>Congregational churches were built across Australia but a preliminary investigation into Congregational Churches as part of this CMS has indicated that there may be less than 30 purpose built Congregational Churches with notable heritage significance now remaining in NSW. It is likely that a number of former Congregational Churches have been overlooked through their joining with the Uniting Church, demolition or ongoing use by other denominations or community uses. Approximately 15 of those Churches initially identified are in the Greater Sydney area including the City of Sydney, Inner West, Waverly, North Sydney, Northern Beaches, Burwood, Manly, Leichhardt, Waterloo, Hunters Hill, Cheltenham, Georges River and Parramatta. A number of Congregational Churches have been demolished, such as, the example in Katoomba designed and built by Kent & Budden.</p> <p>The remaining Congregational Churches are located in Bathurst, Lithgow, Blue Mountains in the Central West region while others remain in Newcastle, Kurri Kurri, Lambton, Cessnock, East Gresford, Wollongong, Shoalhaven, Dungog, Lake Macquarie, Maitland and Shoalhaven among others. The scale character and age of</p>

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these buildings vary with some of the earliest dating from the 1870s. The Congregational Churches in the city areas of Sydney, Parramatta and Wollongong among others were generally more substantial in scale and architectural form while those in the country towns were generally of more modest character.

The following brief comparative analysis of a few representative examples illustrates those similarities and differences. The main databases used were the State Heritage Inventory, Institute of Architects Register of Significant 20th C Building, Building Magazine digitised by Trove and the database managed by Australian Christian Churches.

Congregational Churches in the Central West Region

Bathurst – Bathurst Congregational Church (Disused)



This church at 225 George Street in the centre of town was built as a congregational church and the first services were held here in July 1874. It was designed by Architect James McDonald of Balmain. The building closed as a church in September 1931 and was purchased by the Order of The Eastern Star in 1958. It is a mid-Victorian gothic former chapel of face brick under a gabled iron roof. There is a gabled brick porch to centre of principal street façade with a gothic arched entrance. There are decorative timber barge boards to main gable and porch. The property includes a palisade fence and gates with stone gateposts to street frontage. The statement of significance notes that “*Has social significance in relation to its use as a place of worship and also architectural significance as an example of ecclesiastical gothic style. Also adds variety to the streetscape*”. The building is of a similar form and scale as the Orange Congregational Church

Lithgow – Kanimbla Congregational Church (Community Hall)



This small church on the Cullenbong Road near Cox’s Creek in the Lithgow area was built in 1945. Kanimbla Valley, despite its strong religious affiliations, Roman Catholic and Congregational, did not have formal church buildings. On 5 February 1945, however, a modest hall was opened in a strategic site near stockyards and tennis courts where Cocks River meets Triangle Creek: a plaque declares: *‘To the glory of*

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God this stone was placed by Revd. and Mrs L C H Barbour to mark the building of Kanimbla Valley Congregational Church Hall 5-2-45'. It is a small rectangular church hall with gabled roof and side porch addition symmetrical with porch on each side. Fibro wall clad with corrugated asbestos roof sheeting, slender rectangular windows and a rectangular window with pointed shaping at the gable end. The building is a simple rural building in its form, scale and finish as compared to the Orange Congregational Church

Blue Mountains - Megalong Valley Congregational Church (Uniting)

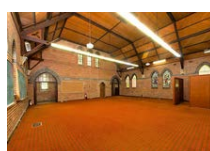


Congregationalism was a significant Christian denomination in Megalong Valley, as it was in Kanimbla Valley nearby in the City of Lithgow. The Megalong family particularly connected with the Congregational church was the Boyds. In 1919 Donald Boyd donated half an acre for Congregationalist purposes.

The church is a simple hall with a steeply pitched gabled roof. The roof extends on the north side to provide an entry vestibule. A small raised tower on the ridge is clad in fibro with a cross motif created by cutting out the shape in the centre of the fibro panels. Double-hung windows are on the side walls. The east wall has a window with a pointed top and a large window is on the west wall. The church is clad with fibro above a sandstone base and has a corrugated steel roof. The simple interior of the church is occupied principally with cut-down Gothic Revival pews brought from some unidentified nineteenth-century church. The building is a simple rural building in its form, scale and finish as compared to the Orange Congregational Church

Congregational Churches in the Sydney Region Sydney Suburbs

Cheltenham



The church building was erected about 1928. The scale and form are similar to the Orange Congregational Church. In particular, the interior of the former church are similar in its coved ceiling design and use of diagonal timber lining boards.

Leichhardt

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The Leichhardt Congregational Church was formed 1st January 1885. Ministry started initially through the support of Petersham Congregational Church in 1881 with a mission group working in the area and the formation of a Sunday School. The main church building which stands on the corner of Allen and Elswick streets, was erected in 1911. The form and scale are similar to the Orange Congregational Church and is thought to have been designed and built by Kent & Budden.

Waterloo



Built in 1883 to replace the chapel built in 1865. Designed by Herbert S Thompson. The gable and window arrangement are similar to the Orange Congregational Tower but the other architectural element of the facade are more detailed

Bexley



The Bexley Congregational Church held its first service on 7/10/1911. In 1912 a weatherboard church building was transported, to the present site, from Canterbury and opened in April 1912. The present church building was erected in 1927. Apparently one of the few Congregational Churches with a tower.

Congregational Churches in Sydney

The following brief examples illustrate the influence of the Congregationalist church on 19th C Sydney and region with impressive design of their substantial churches and interiors in the city and in other major centres, such as Parramatta. These buildings differ substantially from the relatively modest scale, form and finish of the Orange Congregational Church

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The life of the congregation began when a church was founded on a nearby site in 1833. The foundation stone for the current building was laid in 1842 and took 4 years to complete. The Church took its present form in 1867 after extensive remodelling by architect George Allen Mansfield. This included the extension of the sandstone facade and the enlargement of the original iron pallisade fence as well as significant changes to the interior.

Parramatta

This Thomas Rowe designed Victorian Gothic church of dressed sandstone was built by George Peters in 1871 for the Congregational Church. Mr. John Fairfax, the founder of the Sydney Morning Herald, laid the foundation stone.

A preliminary review of Congregational Churches designed and built by Kent & Budden Architects was also undertaken as part of this CMS. The following Congregational churches have been sourced to date:

Congregational Church, Katoomba

The first church service held in Katoomba was by Mr Stephen Glossop, of the Lay Preacher's Association of the Congregational Church in the home of Mr J.B. North, a stone cottage in Walgett Street in 1877. In 1883 a block of land adjoining "Waimea" was acquired and a wooden church was erected and this building was later moved to a new site in Katoomba Street, where it was opened in 1888. It was twice enlarged and eventually proved too small for worship and became the school hall. During the ministry of Rev W.J. Grant in 1906-16, a new Church was built to seat 300 persons, the plans were prepared by Kent, Budden and Greenwell.

Only one photograph of the building has been located to date, however, the new Congregationalist Church was described in an article in the Blue Mountains Echo on June 13th 1913 "*The foundations are of substantial freestone, and the superstructure of grey brick, relieved in the sills and arches by red brick, the general outline being in the shape of a cross with gables at each side. A belfry occupies the southern or*

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lower corner, rising square for about fifteen feet above the hipped roof and finishing in a louvred cote surmounted by a conical cap in red tiles. The general appearance is neat and substantial, the beauty of the Katoomba Street frontage and the southern side being enhanced by six stained glass windows. The design of the architecture is based upon the Italian mode, which makes for the flatness in the roofing, contrary to the sharp-pitch used in the Gothic ecclesiastic style which has become the standard of British churches”.

Although designed shortly after the 1903 Orange Congregational Church and well before the 1926 additions the design of the 1913 Katoomba building appears to have been substantially different from the more typical Congregational churches in NSW.



Congregational Church and Hall, Leichhardt

The site was purchased by members of the Congregational Church in c.1880 and a weatherboard structure was constructed on the site from this time. The original Church was also enlarged prior to 1895. The new Church was constructed in 1911 and was probably designed by prominent Sydney architect Harry C Kent, who laid one of the foundation stones in March.

Face brick Church with contrasting brick details, exposed rafter ends and gable roof clad in slates with terracotta trims and finials. The roof also has vented gablets and vented openings, brick detailing and pointed arched leaded windows to the gable ends. Gabled roofed projecting wings with timber panelled doors and pointed arched windows extend from the west façade (facing Elswick Street) and northern façade (facing Allen Street). Marble steps extend up to the main entry on the western façade. A hipped roof wing (sanctuary) extends from the eastern. The long side façades are divided into bays with brick buttresses and pointed arched leaded windows. The southern façade is constructed of common brick.




Congregational Church, Naremburn, c1915

Little historic and architectural information sourced to date. Brief article in the Daily Telegraph [Sydney, NSW 1883-1930] in June 1913 refers to Naremburn Congregational Church “Plans have been prepared by Messrs Kent, Budden and Greenwell for the extending and renovation of the Naremburn Congregational

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	<p><i>Church, North Sydney. The present wooden walls are to be replaced by brick, and transepts, kindergarten room, and vestry erected. When completed the improved building will have accommodations for about 250”.</i></p> <p>No image sourced to date.</p> <p>Arncliffe Congregational Church, c1901 Little historic and architectural information sourced to date. Brief article in the Sydney Morning Herald [Sydney, NSW 1842-1954] in February 1901 refers to the “Arncliffe Congregational Church Laying of the Foundation Stone”. The article notes that the architect is Mr H Kent of Messrs Kent and Budden architects and “the building is to be in the Swiss Gothic style”.</p> <p>The image below is of the former Uniting Church on Wollongong Road in Arncliffe but it is unclear at this stage whether this was the former Congregational Church or the Methodist Church.</p> 
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1.6 ASSOCIATED ITEMS

Location and description, stating what the association is with the subject item	<p>The following local sites have some association with the Orange Congregational Church and other later activities on this site:</p> <ul style="list-style-type: none"> • All of the existing Christian churches and religious institutions in Orange have an indirect association with this site as it was the site of the first Christian service in Orange held in 1846. The service was given by Rev T.B. Naylor of Carcoar Church of England and was held in a small cottage on site that was also used as a Sunday School. • The site of the first Congregational Church in Orange in Lord’s Place. It was bought and constructed by the local congregation in 1878 and continued as their church from 1878 to 1903 when the Five Ways church was completed. • The Orange Uniting Church in Orange also known as the Wesley Uniting Church at 217 Anson Street. It joined with the Orange Congregational Church in 1977 and the Five Ways Church continued to serve as a Uniting Church from 1977 to 2019. The Wesley Uniting Church retain some elements of the Orange Congregational Church including a number of
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	<p>commemorative wall plaques directly associated with the history of the Orange Congregational Church. It is uncertain whether the highly significant elements such as the pulpit and baptismal font are retained by the Uniting Church in their Anson Street church.</p> <ul style="list-style-type: none"> The Methodist Old and Methodist Lawn sections of the Orange General Cemetery has an indirect association with the Orange Congregational Church as the burial place of many of its congregation over the years. <p>It is important to also note that the adjacent Bowen Terraces has an indirect association with this site as the land was owned by Henry Thomas Bowen. In 1875 Henry Thomas Bowen purchased 3.281 hectares from Joseph Moulder, the original land grantee and in 1876 he constructed the Bowen Terrace which adjoins the Five Ways Church and together they form a highly significant historic group at the eastern approach to Orange.</p>
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1.7 CURTILAGE

Describe the physical curtilage of the item	<p>The 1996 NSW Heritage Manual described a number of different curtilages applicable to heritage sites being curtilages comprising a lot, an expanded curtilage, a reduced curtilage or a composite curtilage. A composite curtilage could also have a primary, secondary and tertiary relationship to the heritage significance of the item.</p> <p>The primary and most relevant historic curtilage for the Orange Congregational Church is its lot boundary.</p> <p>However, the building has strong landmark qualities that relate to siting, dominant views, the immediately adjacent Bowen Terrace and their joint siting on the edge of the East Orange Heritage Conservation Area. Therefore, a secondary visual curtilage that should be considered relates to important streetscape views in the immediate vicinity as well as the combined contribution that the Church and the terraces make in their immediate neighbourhood.</p>
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1.8 APPLICATION OF CRITERIA

Historical significance SHR criteria (a)	<p><i>The Orange Congregational Church</i> has HIGH significance at a <i>LOCAL</i> level in this criteria because:</p> <ul style="list-style-type: none"> The site was in 1846 the site of the first Christian service held in Orange and therefore has considerable historical significance in the establishment, settlement and growth of the township. The purchase and relocation of the Congregational Church in 1903 from Lord's Place to one of the most prominent sites on the Eastern approach to Orange marks the consolidation of the Congregational denomination as a religious group in Orange in the late 19th C. The building has been continuously used as a church since 1903 and retains evidence of that use in its design, form and other elements.
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Historical association significance SHR criteria (b)	<p><i>The Orange Congregational Church</i> has HIGH significance at a <i>LOCAL</i> level in this criteria because:</p> <ul style="list-style-type: none"> • The land has some slight associative values to its locally important grantee and first land owner. Joseph Moulder was an important early 19th C figure in the early settlement of Blackman's Swamp and Henry Thomas Bowen was an important late 19th C figure in the growth of Orange. • The site and building has strong associative values to the Congregational Church community and as noted separately in this assessment to the wider Christian community in Orange. • The building has strong historical associative values to the prominent architectural firm of Kent & Budden in Sydney, particularly Henry Budden who had associations with the Central West. Both Budden's parents were active and committed members of the Congregational Church.
Aesthetic significance SHR criteria (c)	<p><i>The Orange Congregational Church</i> has HIGH significance at <i>LOCAL</i> level in this criteria because :</p> <ul style="list-style-type: none"> • The site and building is a local landmark at the eastern entry to Orange. The choice of the site on the corner of Summer Street and Bathurst Road gives the property a highly significant visual prominence on this important route through the City. • The building retains much of its original 1903 and 1926 simple form and detail and it is these sections of the building that bear the input of a skilful architect and its modest Arts & Craft intent from Kent & Budden. However, the original design for the front elevation as seen in the 1903 architects drawings was not fully implemented and a simpler design implemented during construction. Subsequently, the 1949 Gothic additions of Memorial Tower and Porch further altered the original design intent and, although the additions can be seen as a highly significant commemorative memorial, it is unfortunate that a more sensitive design solution was not considered at the time. • The church and the adjacent Bowen Terrace make a highly significant combined contribution to this entry to Orange and the character of this section of Bathurst Road. • The property is also located on the eastern edge of the East Orange Heritage Conservation Area and as such makes an important contribution to this section of Summer Street with its intact character and buildings.
Social significance SHR criteria (d)	<p><i>The Orange Congregational Church</i> has HIGH significance at <i>LOCAL</i> level in this criteria because :</p> <ul style="list-style-type: none"> • The site was in 1846 the site of the first Christian service held in Orange and therefore has considerable social significance to the wider community and its religious institutions. • The Church was the spiritual home of the Orange Congregational Church from 1903 to 1977 after which the congregation joined with the Uniting Church and continued to hold services until 2019. • The Church is highly valued by the Uniting Church community in Orange (now known as the Wesley Uniting Church) in view of its long-standing association with the site, building and church social activities from 1977 to 2019. The

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	Uniting Church and the Congregational Church have shared religious values and beliefs.
Technical/Research significance SHR criteria (e)	<p><i>The Orange Congregational Church</i> has LOW-NIL significance at <i>LOCAL</i> level in this criteria because :</p> <ul style="list-style-type: none"> The location of the cottage and Sunday School which in 1846 was the site of the first Christian church service in Orange is unknown and likely to have been disturbed by later development on site. No historic documents have been sourced to date to clarify the site. The building and its form, materials and finishes are unlikely to provide a major research opportunity. However, the internal finishes appear to be relatively intact and provide an opportunity to investigate and recover some of the original character.
Rarity SHR criteria (f)	The church is not considered rare in the wider context of NSW. However, there appear to have been few examples of Congregational Churches west of the Blue Mountains. As such it is relatively rare for the Central West and Orange.
Representativeness SHR criteria (g)	The church appears to be a representative example of a modest building for the Congregational Church in a country town in Australia. Its simple rectangular form and relatively plain internal finishes is also typical of the wider philosophical approach of the Congregational Church.
Integrity	<p>There have been 4 major phases in the development of the building (i) the 1903 building (ii) the 1926 addition to complete the original design intent (iii) the 1949 Memorial Tower and Porch (iv) the relatively minor 20th C additions of kitchen, vestry and storage.</p> <p>Despite the alterations and additions the architectural character of the initial phases of the building, which are the more significant architecturally, are still evident and play an important part in the character and the functioning of the building.</p>

1.9 HERITAGE LISTINGS

Heritage listing/s and Inventory Sheets	<p>Orange LEP 2011 Schedule 5 Heritage Items – <i>Item 1152 Five Ways Uniting Church (Lots 1 and 2 DP 975158)</i>.</p> <p>Orange LEP 2011 – <i>East Orange Heritage Conservation Area</i></p> <p>NSW State Heritage Inventory – <i>Five Ways Uniting Church</i> (database #2220572)⁵¹</p>
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⁵¹ The State Heritage Inventory differs from the State Heritage Register as the former is only a database of heritage items included in statutory lists in New South Wales while the SHR is a database of items identified as being of significance to the State and listed under the NSW Heritage Act.

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1.10 INFORMATION SOURCES				
Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository
Historic Plans and Maps	Land Titles Office	Plan(s) of Blackman's Swamp and Orange	1894, 1915, 1926, 1929, 1970	LTO
Historic Plans and Maps	National Library of Australia	Plan(s) of Orange	1866	NLA
Photographs	Orange City Library, Local Studies Collection	Historical Photographs of Orange	Various late 19 th C and early 20 th C	Orange City Council
Photographs	Orange & District Historical Society	Historical Photographs of Orange	Various late 19 th C and early 20 th C	ODHS
Drawings	Uniting Church Archives	'Congregational Church at Orange', Original drawings Kent & Budden Architects, Sydney	n.d.	Uniting Church
Drawings	Uniting Church Archives	Nolan F., Working Drawing and Outline Specification, Orange Congregational Church, Proposed addition of Vestry	1960	Uniting Church
Drawings	Development Application	Original drawings Benedict Design Architects, Orange.	2019	Benedict Design
Publications		The Orange Congregational Church, History of Orange Congregational Church 100 Years, Orange NSW	1978	Uniting Church
Publications	Homes, D. et al.	Orange a Vision Splendid, Orange City Council, Orange NSW	2001	Orange City Council
Publications	G. Lindsay Lockley edited by Bruce Upham	Congregationalism in Australia', Uniting Church Press Melbourne	2001	Uniting Church
Publications	Dutton, R.	100 Not Out! An Interesting Journey of the Fiveways Uniting Church, Orange Congregational Church, Orange NSW	2003	Uniting Church
Publications	Jenkins, D.	Congregationalism Protestant Movement' in Encyclopedia Britannica Online,	n.d.	Encyclopedia Britannica Online
Publications	Wikipedia	Congregational Church' (March 2019) in <i>Wikipedia</i>	2019	Wikipedia

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Publications	Wikipedia	Congregational Union of Australia' (November 2016) in <i>Wikipedia</i>	2016	Wikipedia
Newspapers	Central Western Daily	30 October 2018, Central Western Daily, Orange NSW	1893	Trove
Newspapers	The Leader	'Congregational Church', The Leader 16 October 1901	1901	Trove
Newspapers	The Kalgoorlie Western Argus	'Congregational Church', The Kalgoorlie Western Argus [WA :1896-1916] 2 December 1902 pg 19	1902	Trove
Newspapers	The Leader	'Congregational Church' 22 December 1903, in The Leader, [1899-1945] Orange NSW	1903	Trove
Newspapers	The Leader	"Pips from Orange" sale of good, 29 June 1893 The Leader, [1899-1945] Orange, NSW	1903	Trove
Newspapers	The Leader	'Popular Pastor Farewelled' Congregational Church 29 May 1908 The Leader, [1899-1945] Orange, NSW	1908	Trove
Newspapers	Blue Mountains Echo	'New Congregational Church', Katoomba by Kent & Budden, Blue Mountains Echo [NSW:1909-1928] 13 June 1913 pg 4	1908	Trove
Newspapers	The Leader	'Harvest Festival' Congregational Church, 20 March 1911 The Leader, [1899-1945] Orange, NSW	1911	Trove
Newspapers	The Leader	'A Distinguished Visitor', 16 January 1924 The Leader [1899-1945] NWS	1924	Trove
Database	Orange & District Historical Society	Orange and District Historical Society, Clippings – Folster - Old Ned, 1918		ODHS
Database	Orange & District Historical Society	Orange and District Historical Society, The Ross Maroney Street Database, Orange NSW	n.d.	ODHS
Database	BNMH Architects Pty Ltd	BNMH Architects Pty Ltd (2020), Our Story, retrieved https://www.bnmh.com.au/our-story		BNMH Architects
Database	Uniting Church	Central Catalogue Listings of the Uniting Church in Australia Assembly Archives		National Library, Canberra
Database	Bathurst & District Historical Society	Bathurst Pioneers, Budden, Arthur Blake #600 and Budden, Henry Ebenezer #601		National Library, Canberra

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Database	Church Histories	Australia Christian Church Histories 'Congregational' https://www.churchhistories.net.au		Church Histories
Database	Australian Institute of Architects	20 th Century Register of Significant Buildings, Kent & Budden and other related firms.		RAIA
Theses	H.R. Jackson, Australian National University	Aspects of Congregationalism in South-Eastern Australia, circa 1880 - 1930	1978	ANU
Theses	Stephen Paul Hackett, University of NSW	The Architecture of Liturgy, Liturgical Ordering in Church Design, The Australian Experience in Perspective	2011	UNSW
Theses	Edmund James Perrin	Traceries of Congregationalism in Australia : Ethos, History and Influence, extracted from Church Heritage, 19, 3 (March 2016), pp. 158-180	2016	Church Heritage

1.11 RECOMMENDATIONS

Recommendations	<p>The Orange Congregational Church is an item of LOCAL significance and the following broad actions are recommended (further details are included in Part II of this CMS):</p> <ul style="list-style-type: none"> • Interim conservation guidelines in line with CMS recommendations • Update the State Heritage Inventory Sheet in line with the content of Part I of this CMS • Initiate the follow up historic research recommended in this CMS • Carry out an archival record of the building prior to future adaptive reuse or building works. • Clarify where significant moveable heritage elements removed from the building are now held, including the original plaques, pulpit and baptismal font. Retain a photographic record of those elements within the building for future reference. Consider reinstatement of the elements if the opportunity arises. • Investigate the fabric of the building, including finishes and colours, in line with the content of Part I of this CMS. • Prepare a short, mid and long-term maintenance plan for the building.
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1.12 SOURCE OF THIS INFORMATION

Name of study or report	Orange Heritage Study	Year of study or report	1985
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Item number in study or report	E21		
Author of study or report	Hughes, Trueman, Ludlow Consultants		
Inspected by			
NSW Heritage Manual guidelines used?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
This form completed by	Christo Aitken, Conservation Architect, Leura 2780	Date	01/01/21

1.12 SOURCE OF THIS INFORMATION			
Name of study or report	Orange community based Heritage Study	Year of study or report	2011
Item number in study or report	I153		
Author of study or report	David Scobie Architects Pty Ltd		
Inspected by			
NSW Heritage Manual guidelines used?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
This form completed by	Christo Aitken, Conservation Architect, Leura 2780	Date	01/01/21

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1.13 IMAGES

Image caption	Original plan of East Orange showing the original street and lot configuration for the property prior to the eastward extension of Summer Street East. The general site location is shown highlighted.				
Image year	1888	Image by	Surveyor General	Image copyright holder	NSW Land Titles Office



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1.13 IMAGES

Image caption	The 1878 Congregational Church in Lord’s Place seen partially obscured by adjacent buildings. The spire is visible. The Church was a simple timber building set back behind a picket fence.. It subsequently became Forester’s Hall and the building frontage was extended to the footpath.				
Image year	C1900?	Image by	Unknown	Image copyright holder	Orange City Library Local Studies Collection

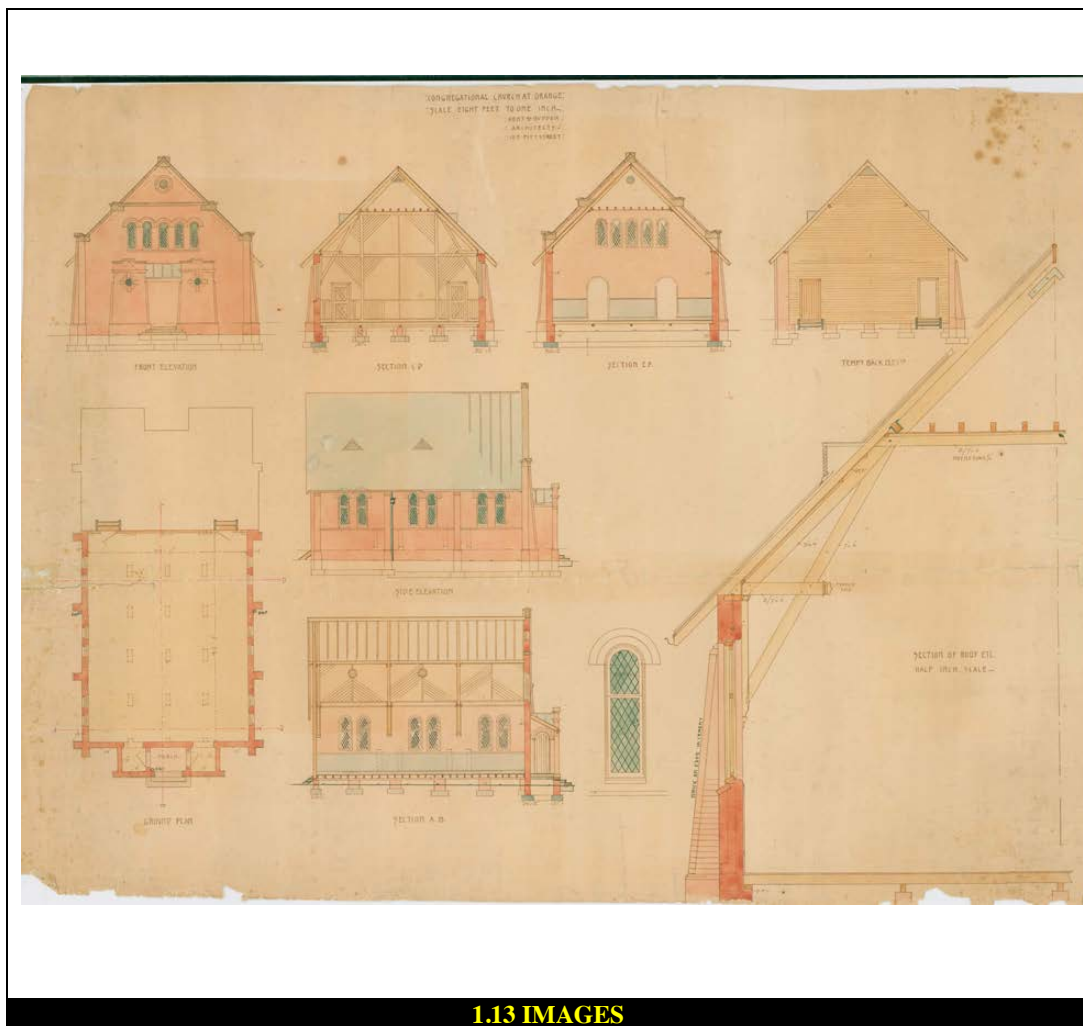


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1.13 IMAGES

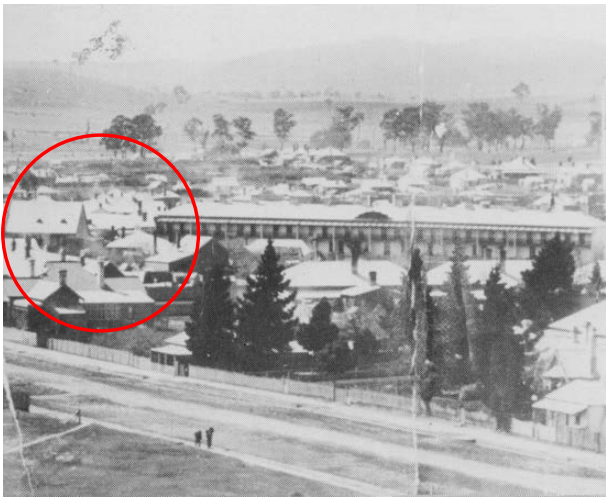
Image caption	Original design drawings of the former Congregational Church. The original façade was intended as an interesting composition using a number of feature elements, materials and finishes.				
Image year	Dwgs undated. Likely c1902	Image by	Kent & Budden Architects	Image copyright holder	Uniting Church of Australia Archives



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Image caption	An early view taken from Dalton’s Mill in Peisley Street looking north-east over Endsleigh Avenue. Bowen Terrace and the newly completed first stage of the Congregational Church can be seen to the left of the photograph				
Image year	1908	Image by	Unknown	Image copyright holder	Orange & District A History in Pictures

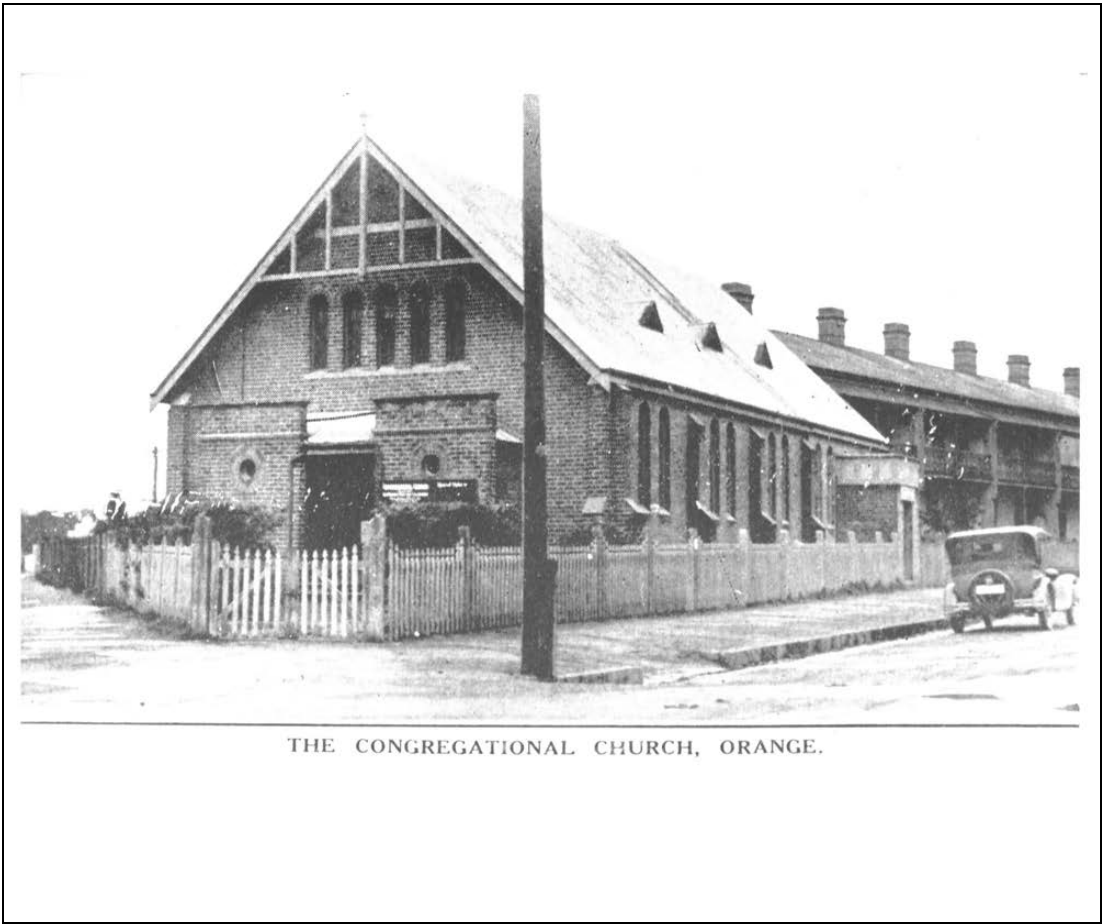


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1.13 IMAGES

Image caption	The early-mid 20 th C image shows the Church after completion of the 1926 additions at the eastern end and prior to the 1949 Memorial Tower. Compare the simplified front elevation to that originally intended in the 1903 architect’s drawings.				
Image year	C1920s	Image by	Unknown	Image copyright holder	Orange & District Illustrated 1928 Facsimile Ed.



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1.13 IMAGES

Image caption	An early Harvest Festival c1910 in the recently completed Congregational Church.				
Image year	C1910?	Image by	Unknown	Image copyright holder	Orange A Vision Splendid



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1.13 IMAGES

Image caption	A service at the Congregational Church with the early gold leaf wall inscription from Charles Wesley's 18 th C hymn " <i>Jesus, lover of my soul</i> " wall behind the pulpit.				
Image year	C1910?	Image by	Unknown	Image copyright holder	Orange A Vision Splendid



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1.13 IMAGES

Image caption	C1950s view looking east on the Bathurst Road showing the recently completed Memorial Tower and Porch in a bright afternoon light. It appears that the rendering of the tower and porch was left unpainted as a light stone colour.				
Image year	C1950s?	Image by	Unknown	Image copyright holder	Orange Public Library Local Studies Collection

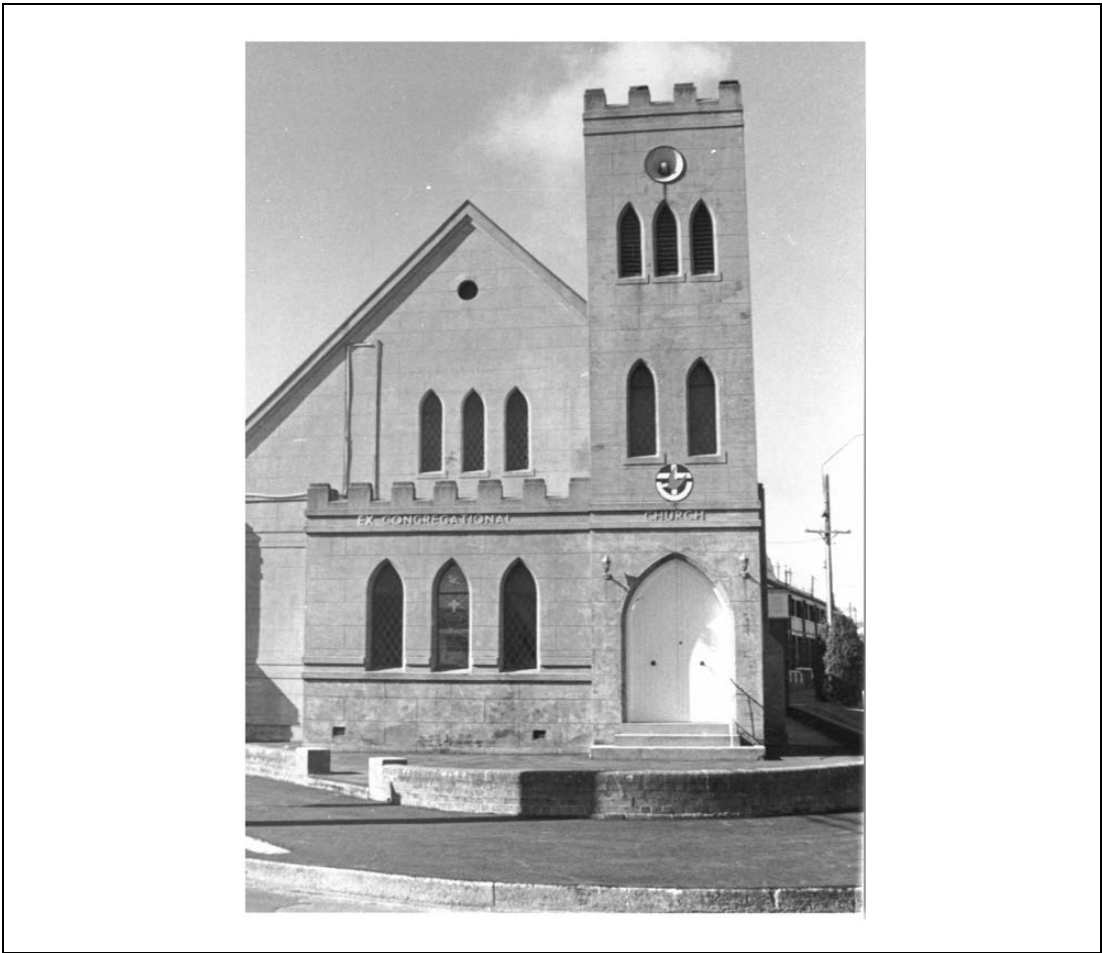


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1.13 IMAGES

Image caption	Post 1977 view of the Memorial Tower and Porch after amalgamation of the Congregational Church with the Uniting Church of Australia. The signage was altered with the addition of the Uniting Church logo and “EX” added to what is likely to have been the 1949 “CONGREGATIONAL CHURCH” signage. The original unpainted render appears relatively intact but is showing some signs of staining at low level. The façade was then painted off white and plastic signage applied to the string course below the castellated parapet at first floor.				
Image year	1988	Image by	Unknown	Image copyright holder	Orange Public Library Local Studies Collection

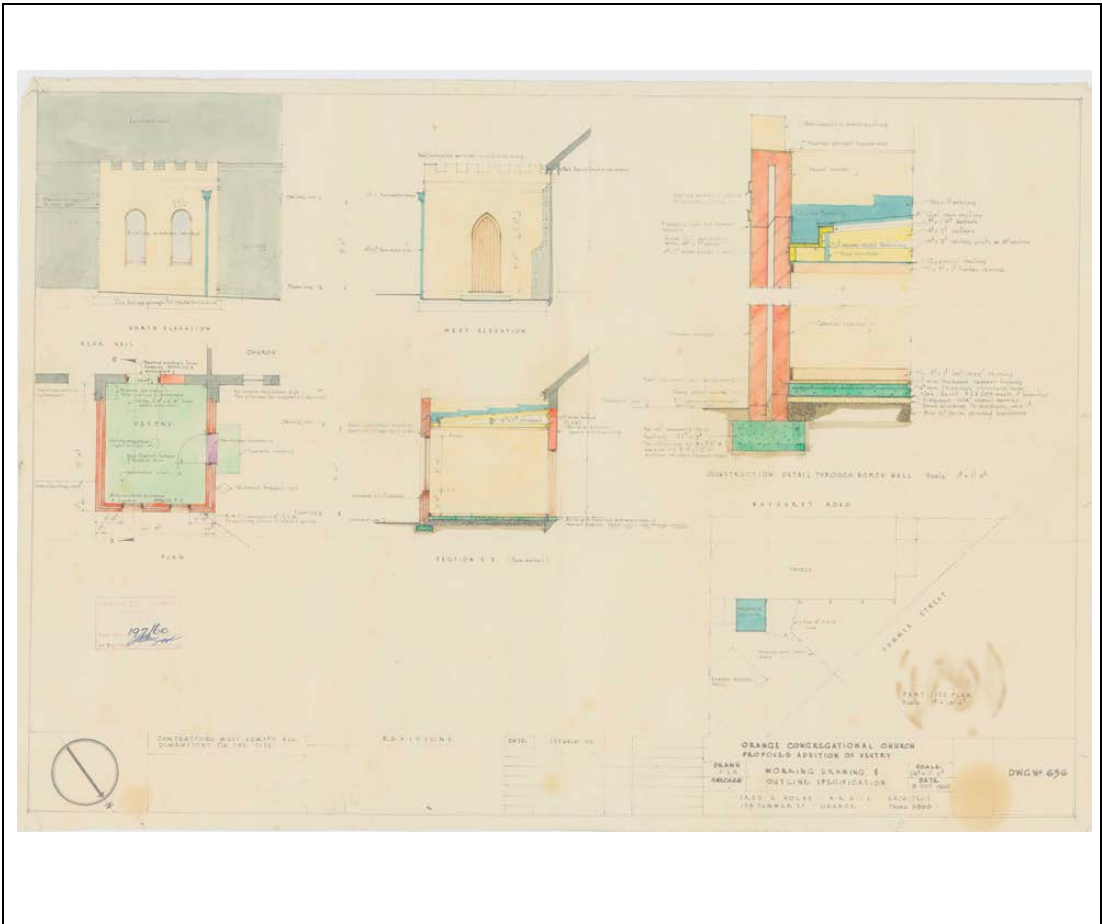


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1.13 IMAGES

Image caption	Architectural drawings of 1960 vestry additions prepared by local architect Fred H. Nolan. The design appears to have drawn from the character of the 1949 tower additions and recycled two original arched head windows. Note : the site plan indicates the location of the former barracks building relocated to the property in 1955 and used as a Sunday school, the “Mayflower Hall”.				
Image year	1960	Image by	Fred H. Nolan ARAIA	Image copyright holder	Uniting Church of Australia Archives

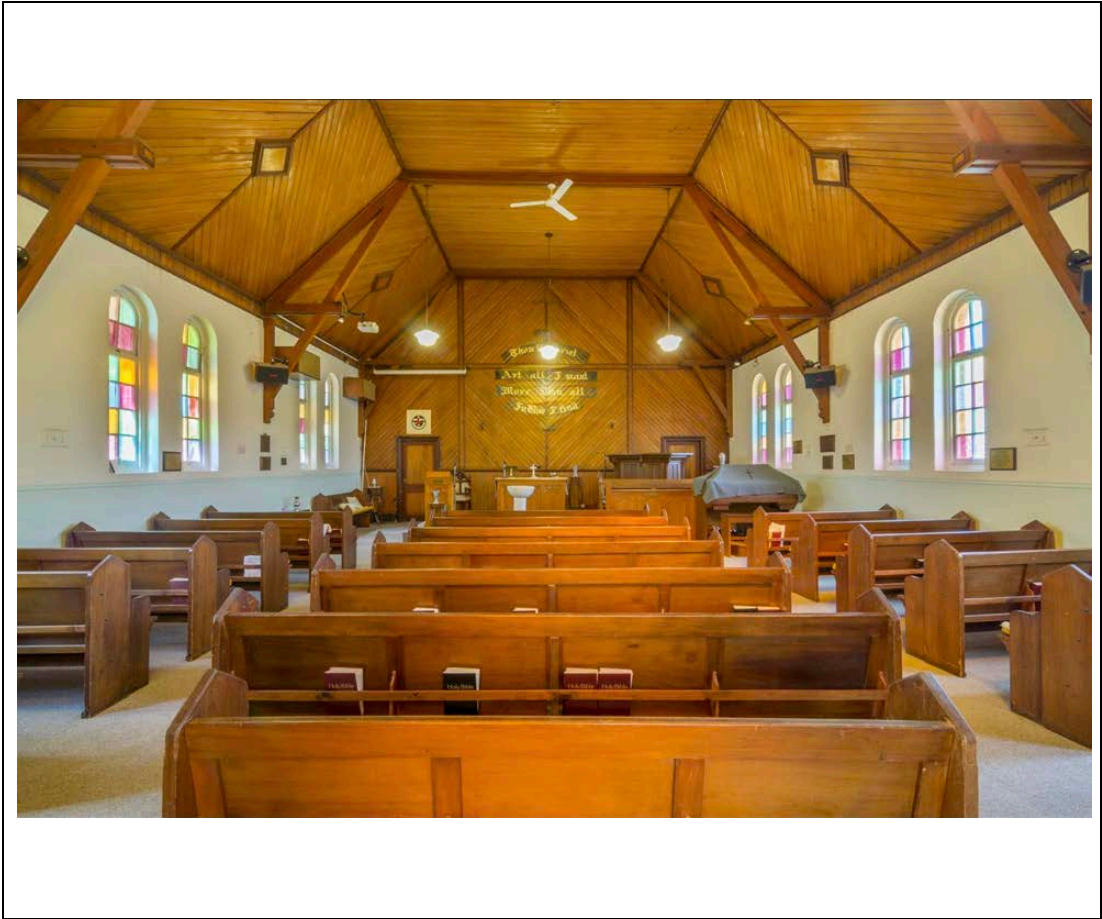


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1.13 IMAGES

Image caption	The interior of the Orange Congregational Church when put up for sale in 2019. Note the 9-10 commemorative wall plaques remaining at that stage on the nave walls.				
Image year	May 4 th 2019	Image by	Central West Daily	Image copyright holder	CWD

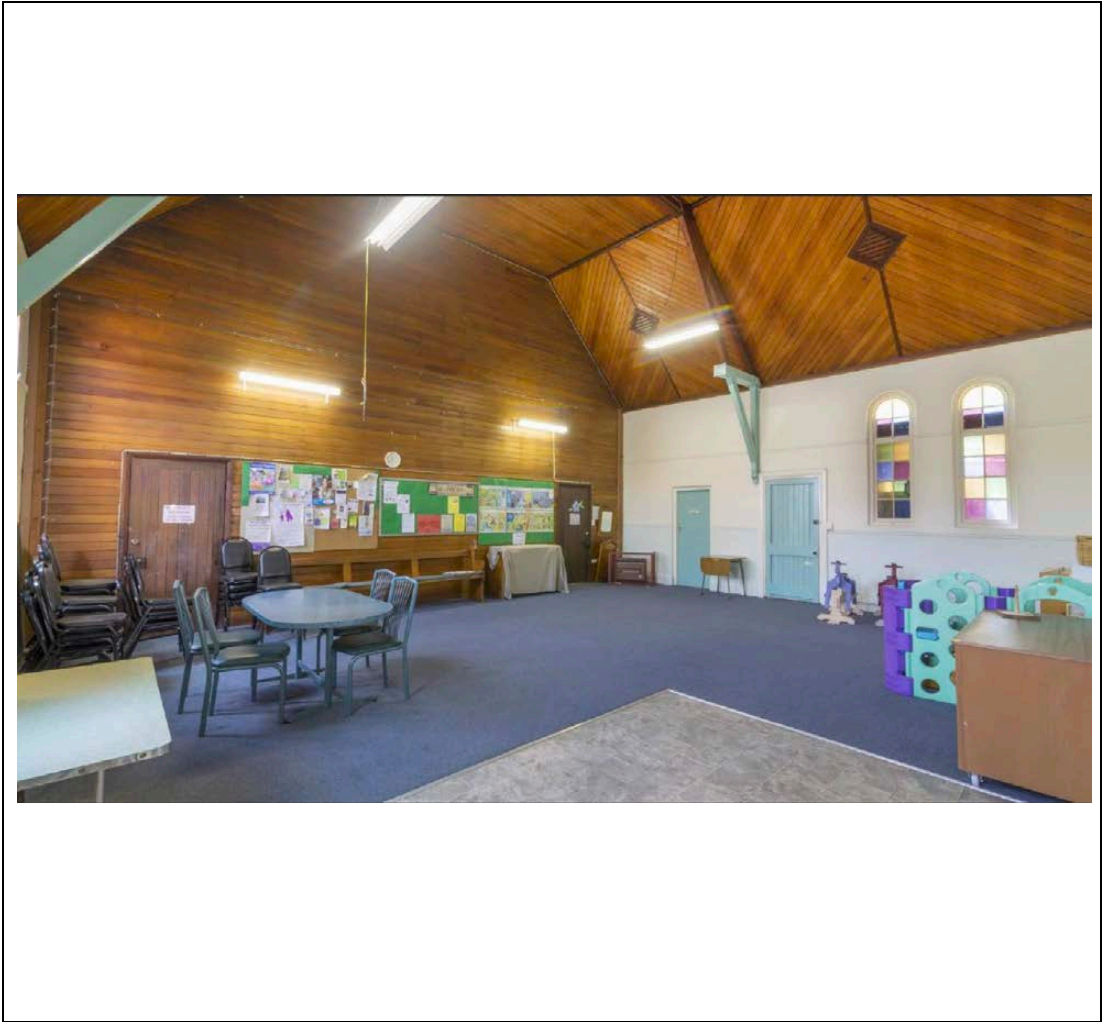


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Conservation Management Strategy
June 2021 Final

1.13 IMAGES

Image caption	The interior of the Orange Congregational Church when put up for sale in 2019.				
Image year	May 4 th 2019	Image by	Central West Daily	Image copyright holder	CWD



The Former Orange Congregational Church

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1.13 IMAGES

Image caption	The interior of the Orange Congregational Church when put up for sale in 2019.				
Image year	May 4 th 2019	Image by	Central West Daily	Image copyright holder	CWD

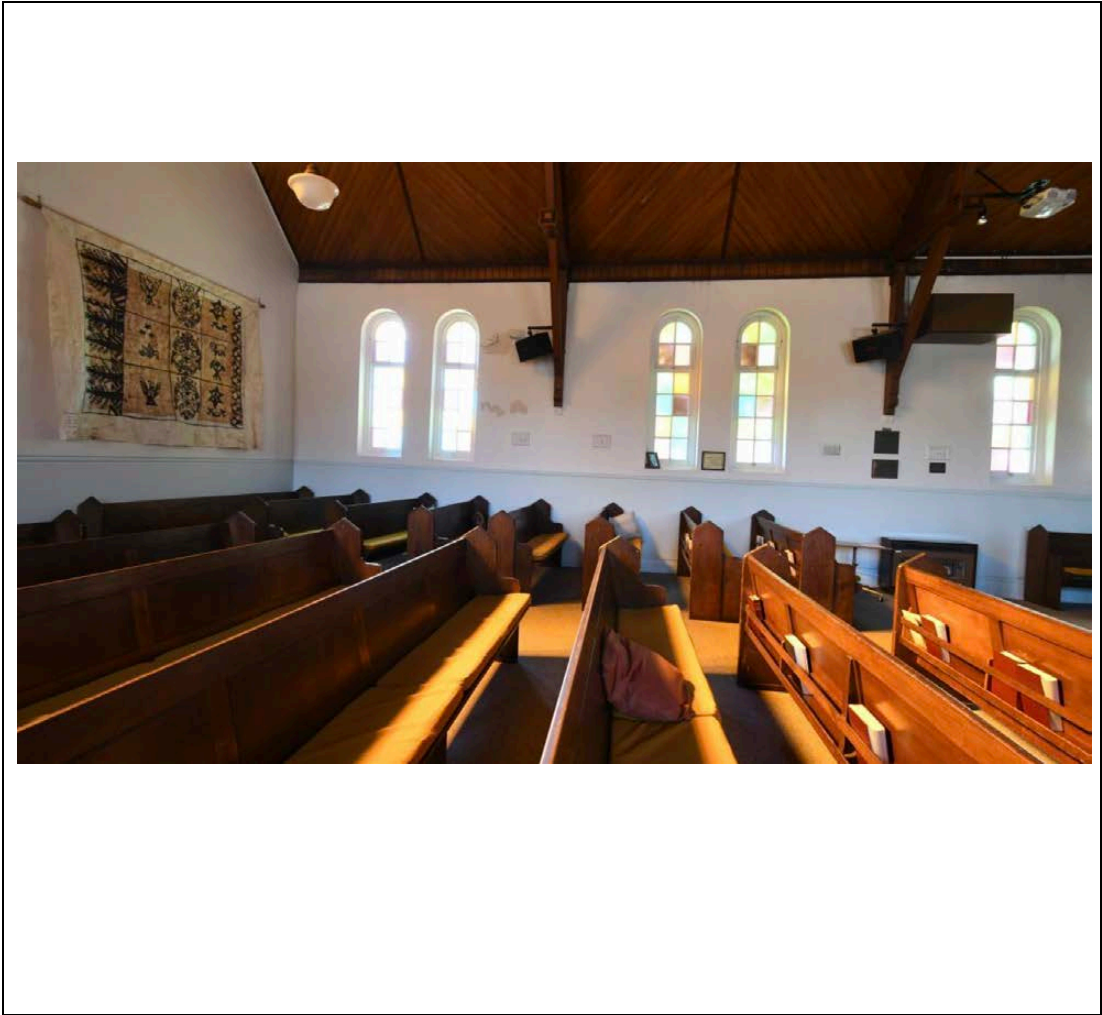


The Former Orange Congregational Church

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1.13 IMAGES

Image caption	The interior of the Orange Congregational Church when put up for sale in 2019.				
Image year	May 2019	Image by	Central West Daily	Image copyright holder	CWD

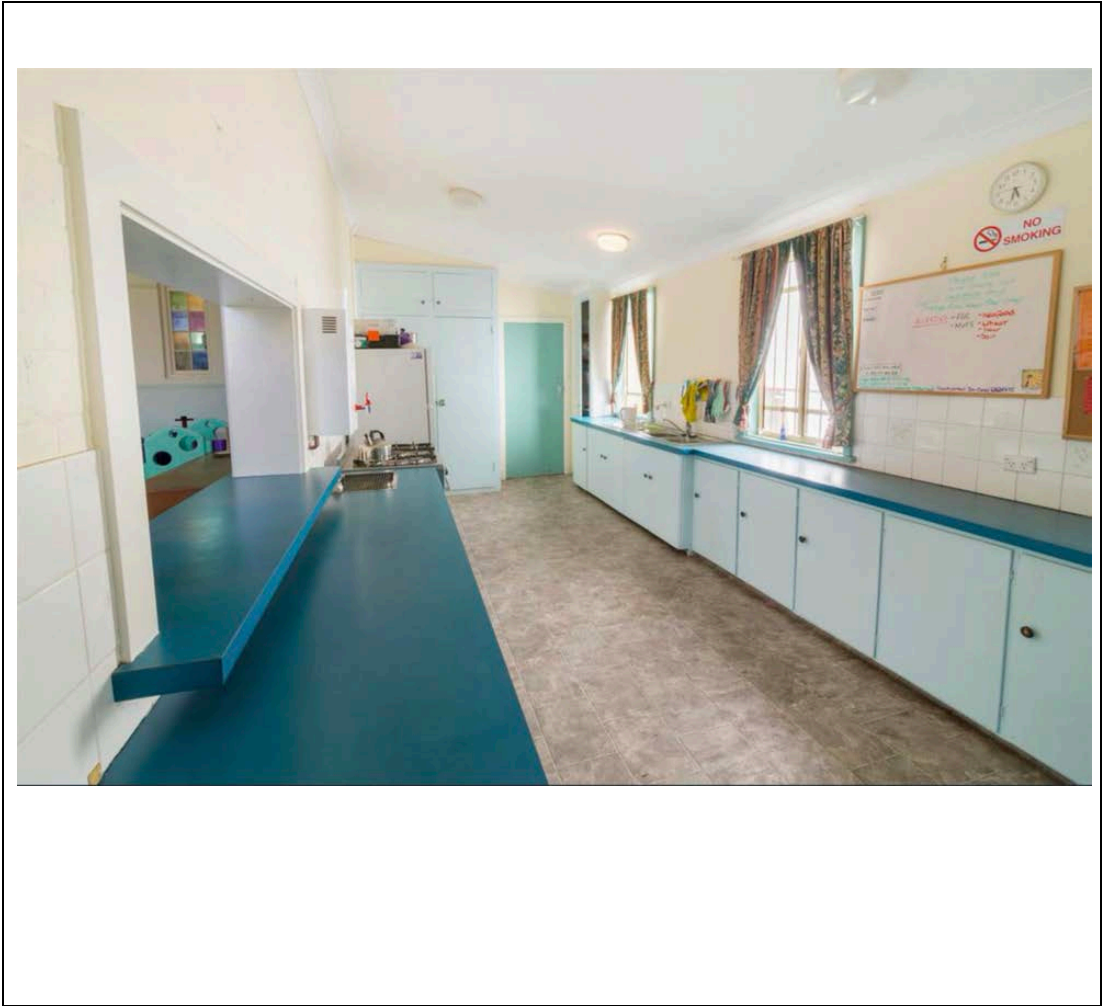


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1.13 IMAGES

Image caption	The interior of the Orange Congregational Church when put up for sale in 2019.				
Image year	May 4 th 2019	Image by	Central West Daily	Image copyright holder	CWD



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1.13 IMAGES

Image caption	Some of the building contents relating to the former Congregational Church and possibly the later Uniting Church sold to the public on May 18 th 2019. The items are important in illustrating the character and contents of the Church in 2019 but their heritage significance is uncertain at this stage.				
Image year	May 13 th 2019	Image by	Carla Freedman, Port Stephens Examiner	Image copyright holder	PSE

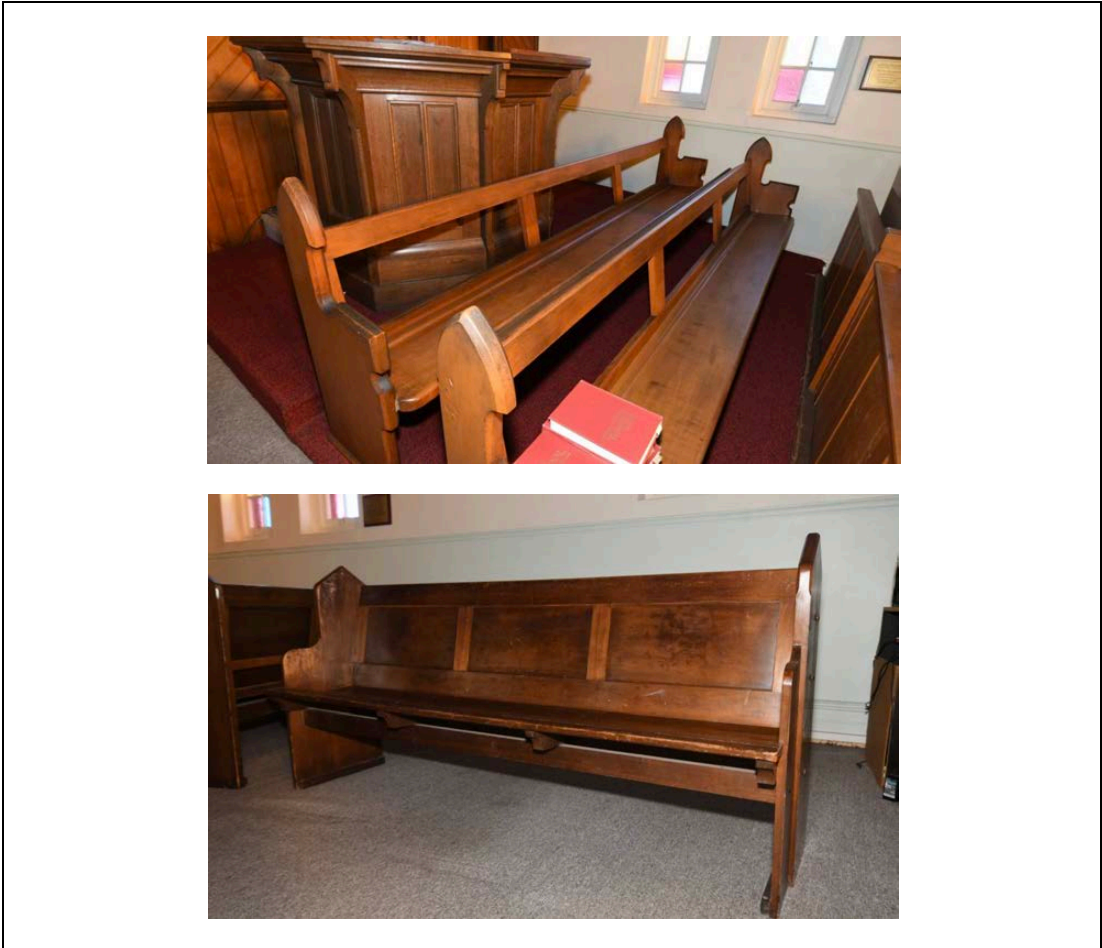


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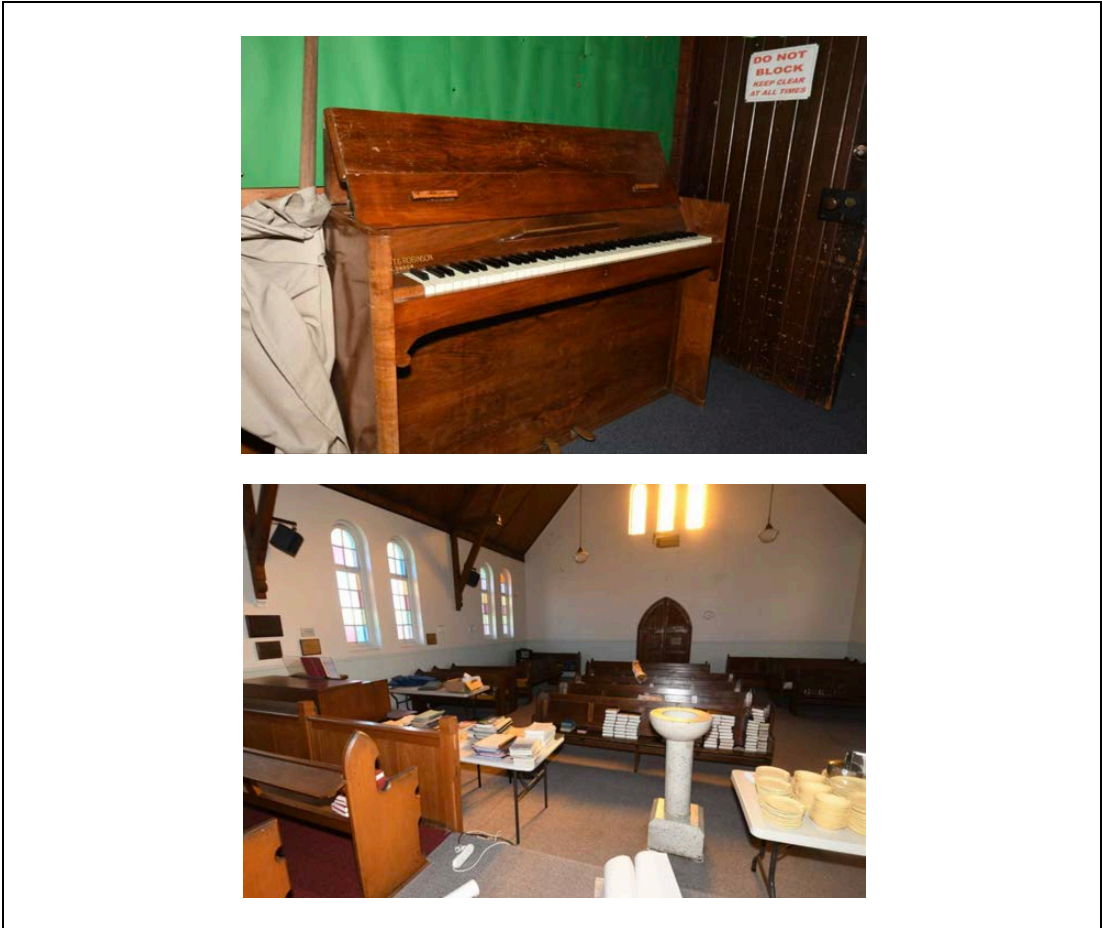


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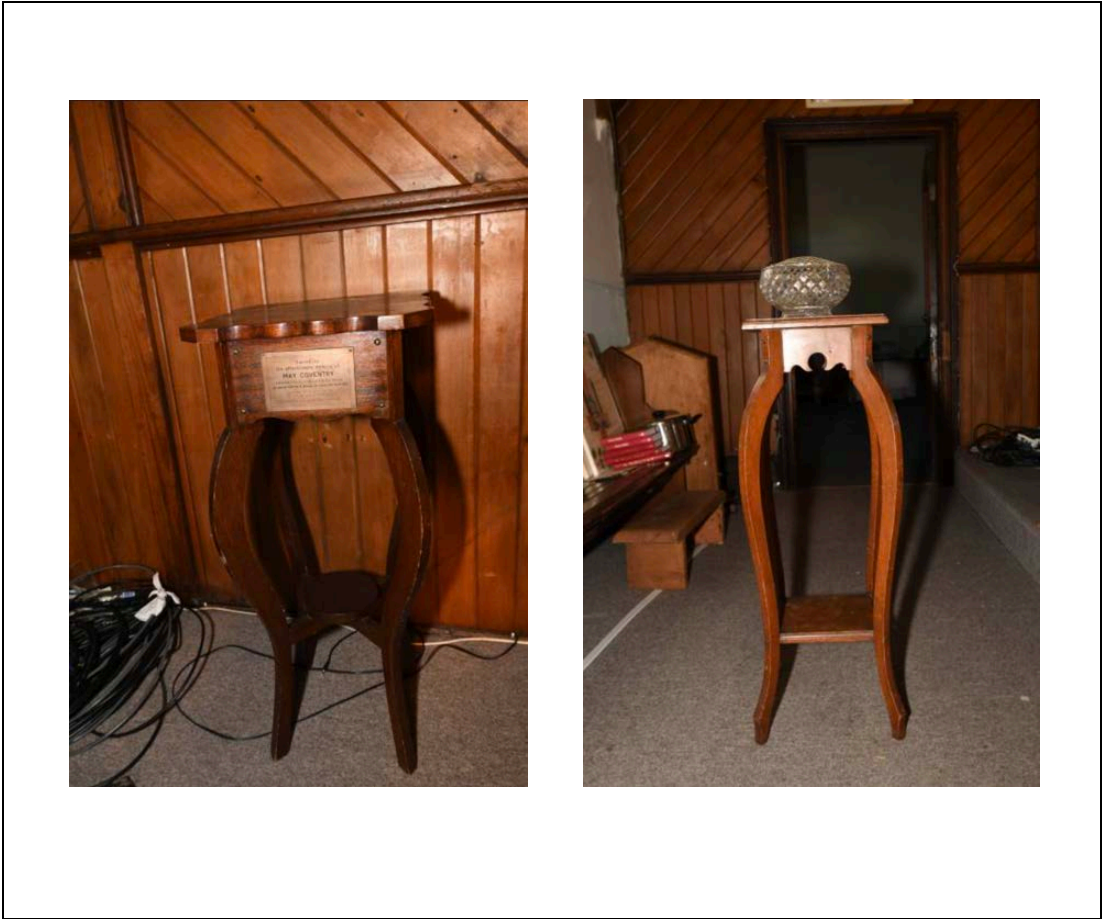


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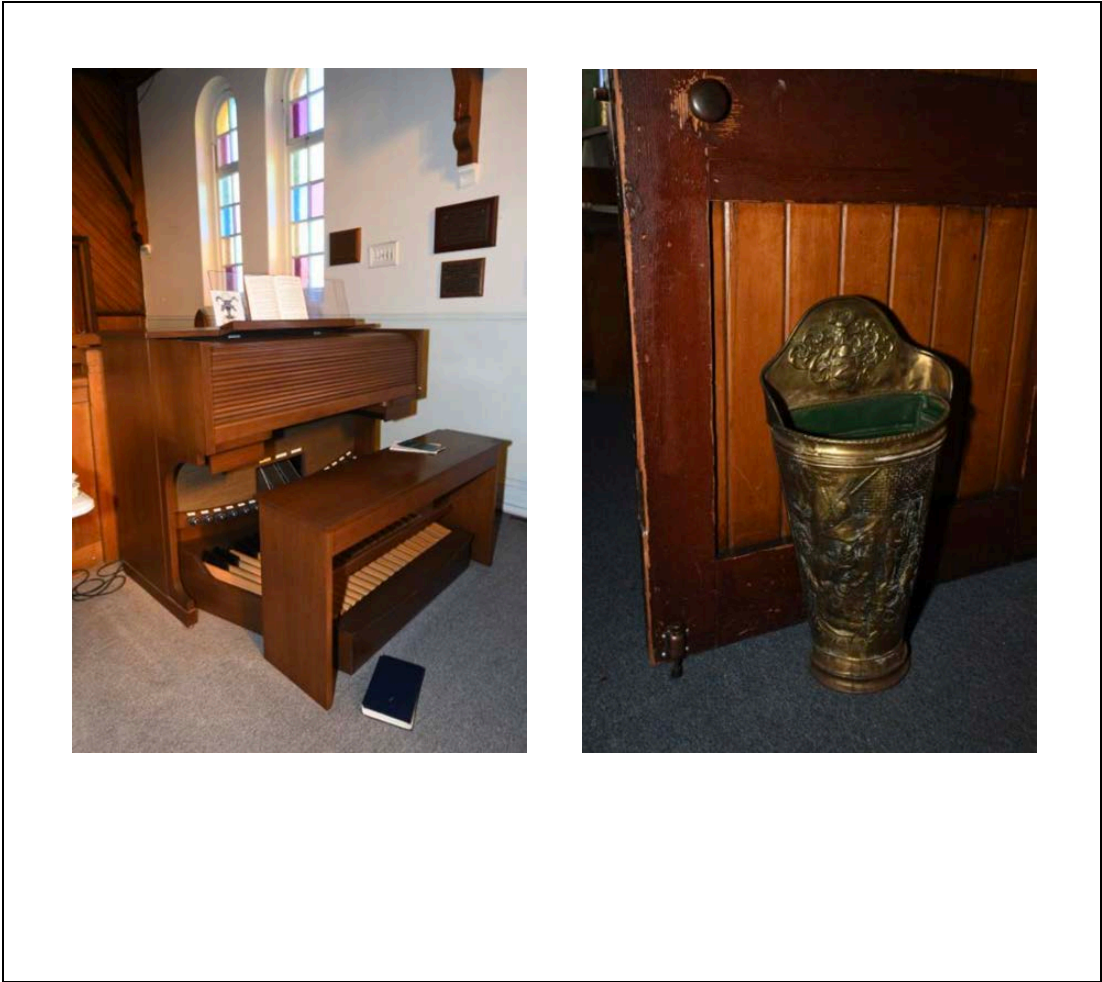


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1.13 IMAGES

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Image year	May 13 th 2019	Image by	Carla Freedman, Port Stephens Examiner	Image copyright holder	PSE



1.13 IMAGES

Image caption	Some of the building contents relating to the former Congregational Church and possibly the later Uniting Church sold to the public on May 18 th 2019. The items are important in illustrating the character and contents of the Church in 2019 but their heritage significance is uncertain at this stage. The 1949 signage lettering from the front façade appears to be included in the items for sale.				
Image year	May 13 th 2019	Image by	Carla Freedman, Port Stephens Examiner	Image copyright holder	PSE

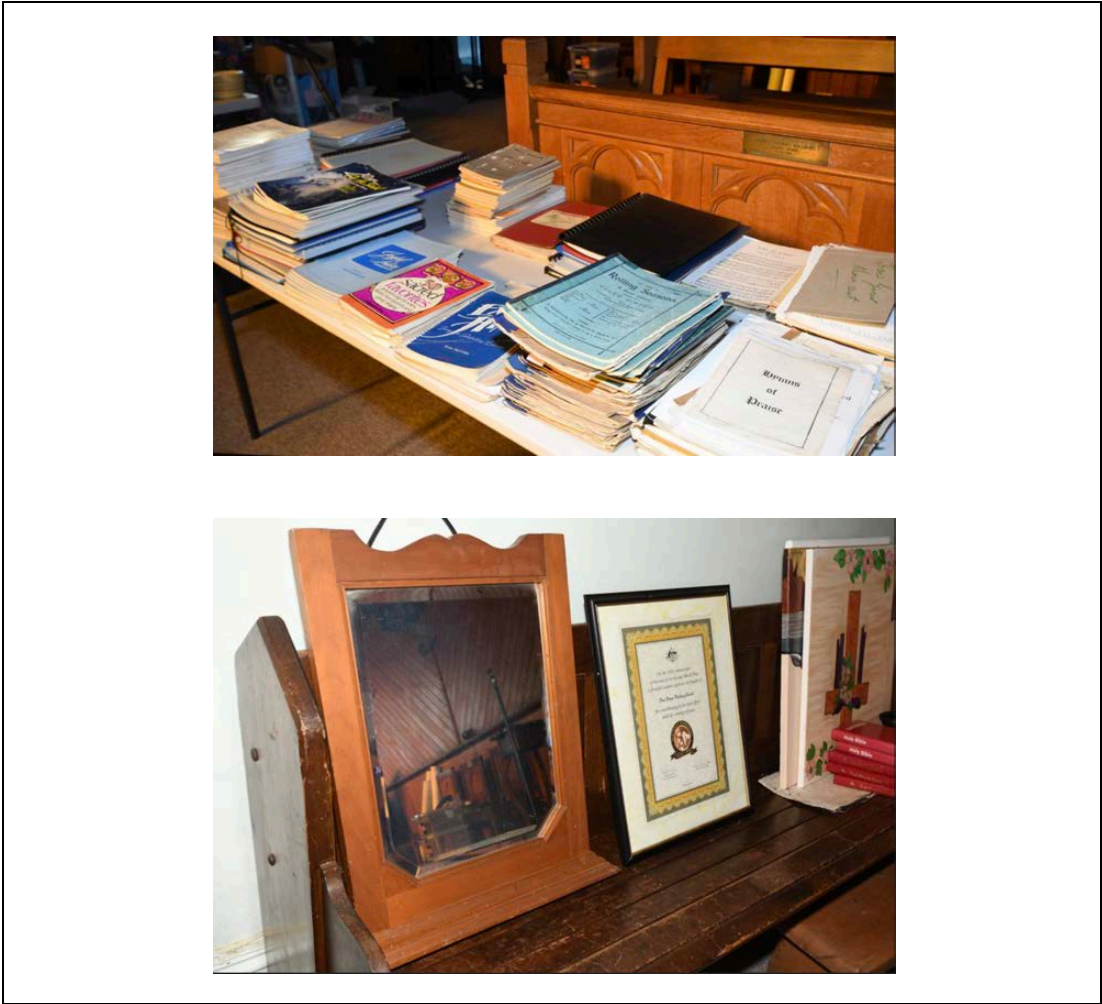


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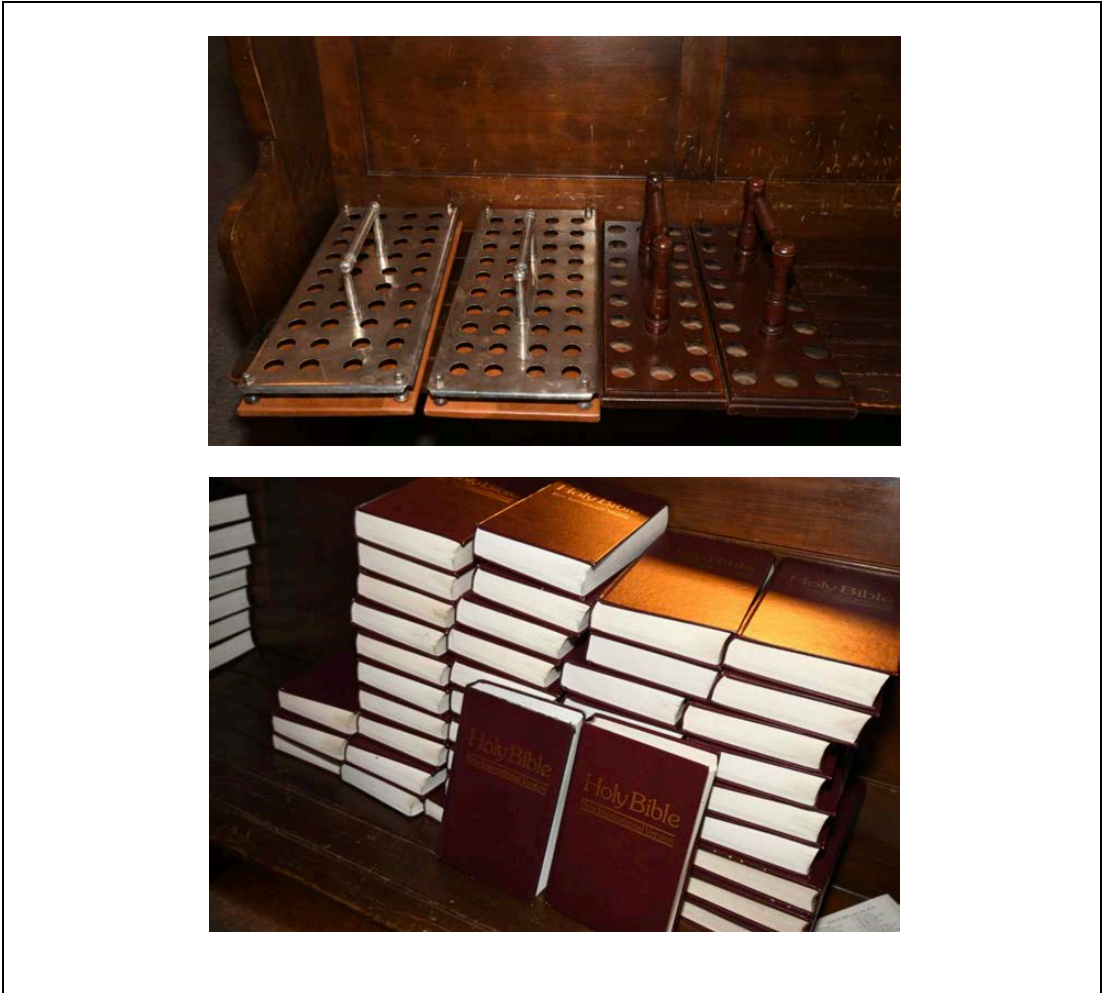


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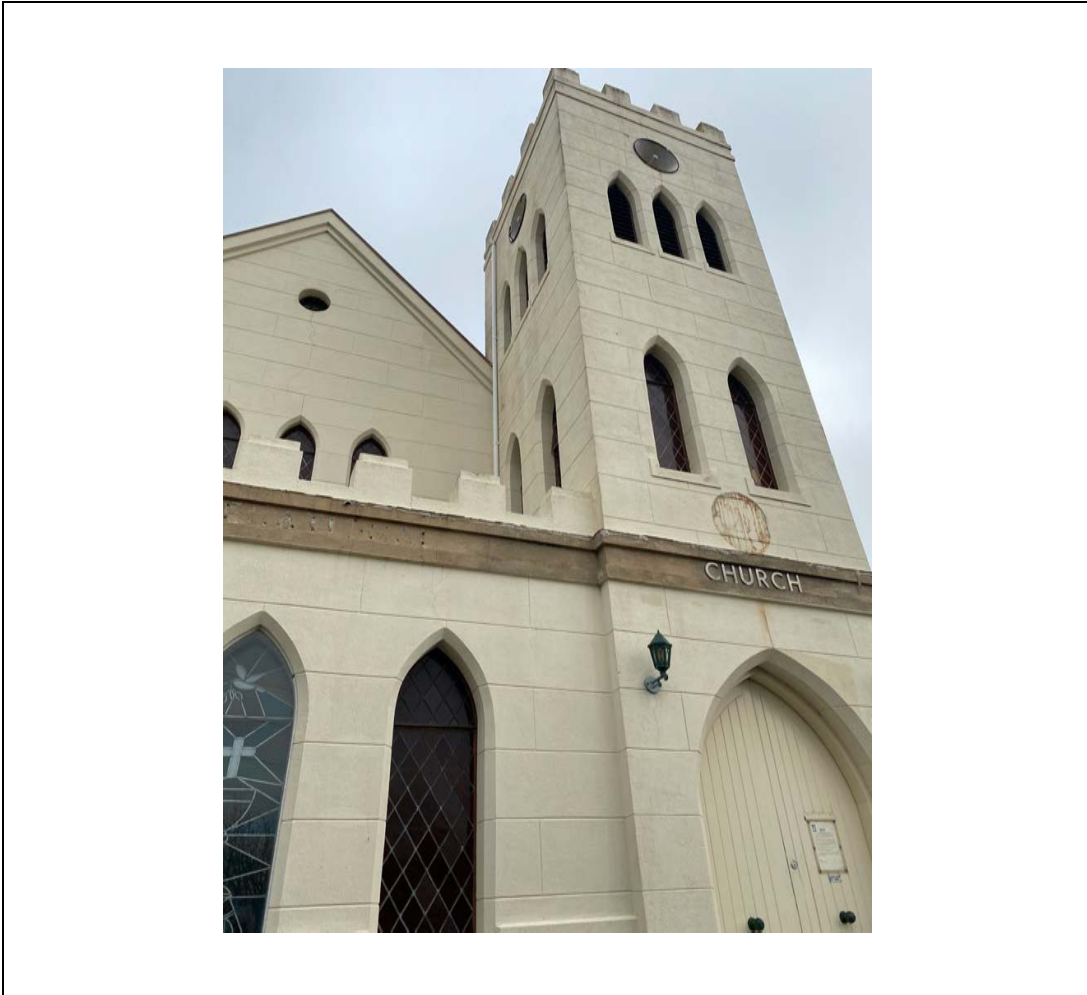


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1.13 IMAGES

Image caption	View of the front façade after sale of the building. An original unpainted section of the 1949 façade remains as it was protected by the Uniting Church of Australia plastic signage post 1977.				
Image year	2020	Image by	Christo Aitken	Image copyright holder	CA & Associates



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1.13 IMAGES

Image caption	Detail view of the front façade after sale of the building. The c1949 Congregational Church lettering fixings are visible where the post 1977 plastic signage was applied. The original unpainted rendered façade is clearly visible in fair condition. The rendered façade was perhaps a more subtle and sympathetic light stone colour which may have sat well with the brick, pointing and original rendered window sills being earthy light-brown warm tones. The off white colour was painted post 1977 by the Uniting Church. Further investigation on site and historical research recommended.				
Image year	2020	Image by	Christo Aitken	Image copyright holder	CA & Associates



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1.13 IMAGES

Image caption	View of the Bathurst Road façade after sale of the building. The porch constructed as part of the 1926 completion of the building appears to have been a considered detail with subtle moldings and decorative render. On site investigation is likely to also confirm the original colours of the 1926 porch rendered areas which may have extended the 1903 painted scheme.				
Image year	2020	Image year	2020	Image copyright holder	CA & Associates

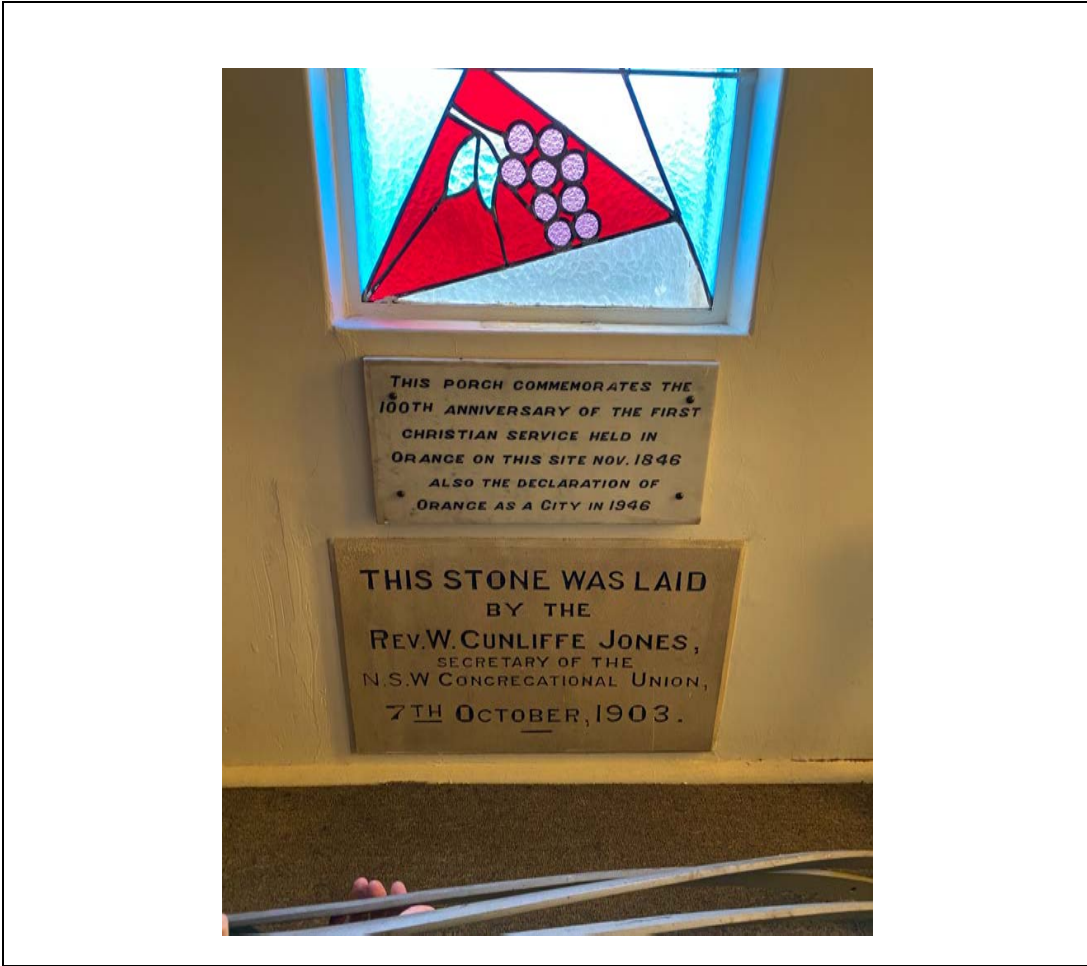


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1.13 IMAGES

Image caption	The 1903 foundation stone and Memorial Tower and Porch plaque below the later commemorative stained glass window in the entry porch				
Image year	2020	Image by	Christo Aitken	Image copyright holder	CA & Associates



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1.13 IMAGES

Image caption	Commemorative plaque in the entry porch below the 1949 Memorial Tower				
Image year	2020	Image by	Christo Aitken	Image copyright holder	CA & Associates

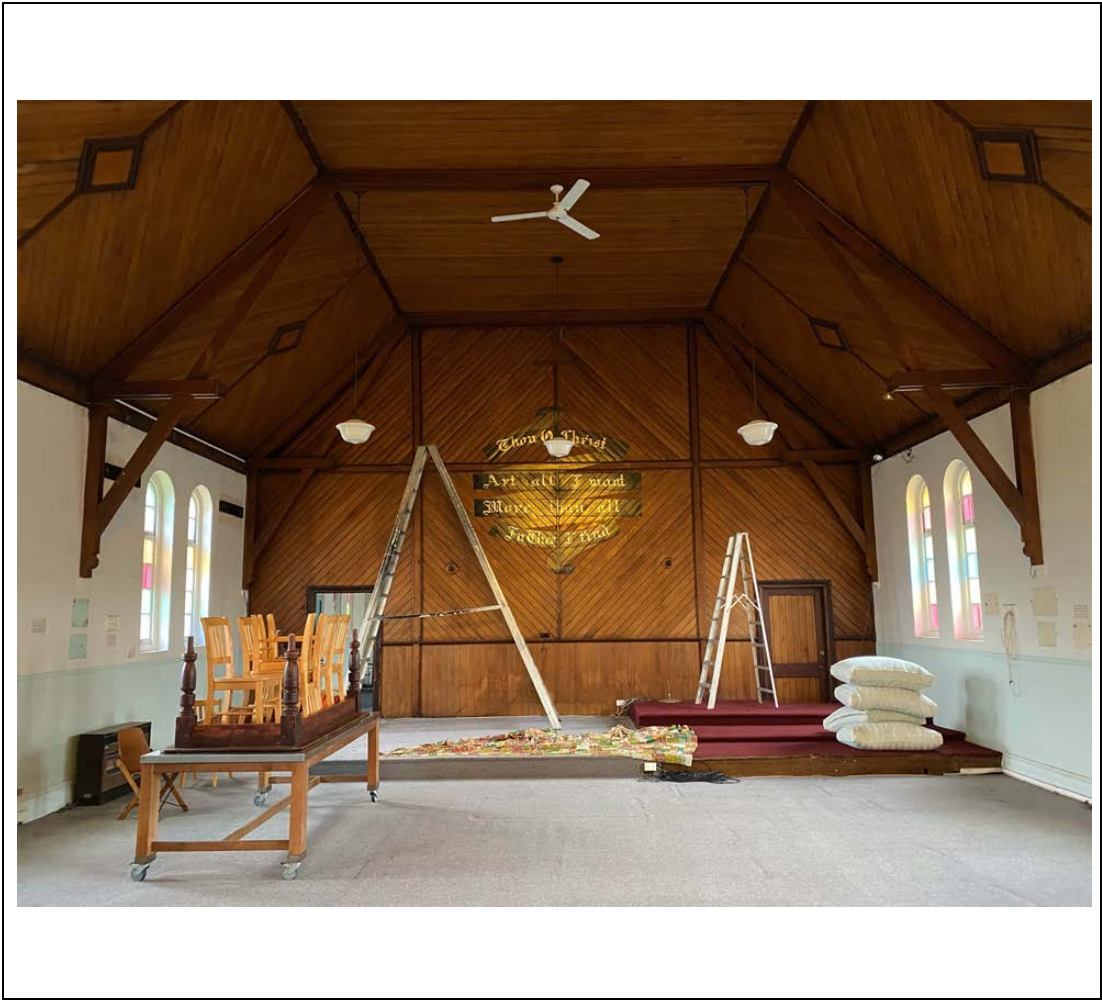


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1.13 IMAGES

Image caption	View of the main body of the church after sale of the building. The modest finishes are relatively intact as is the gold leaf wall inscription from a 17 th hymn by Charles Wesley, brother of John Wesley founder of the Methodist Church.				
Image year	2020	Image by	Christo Aitken	Image copyright holder	CA & Associates

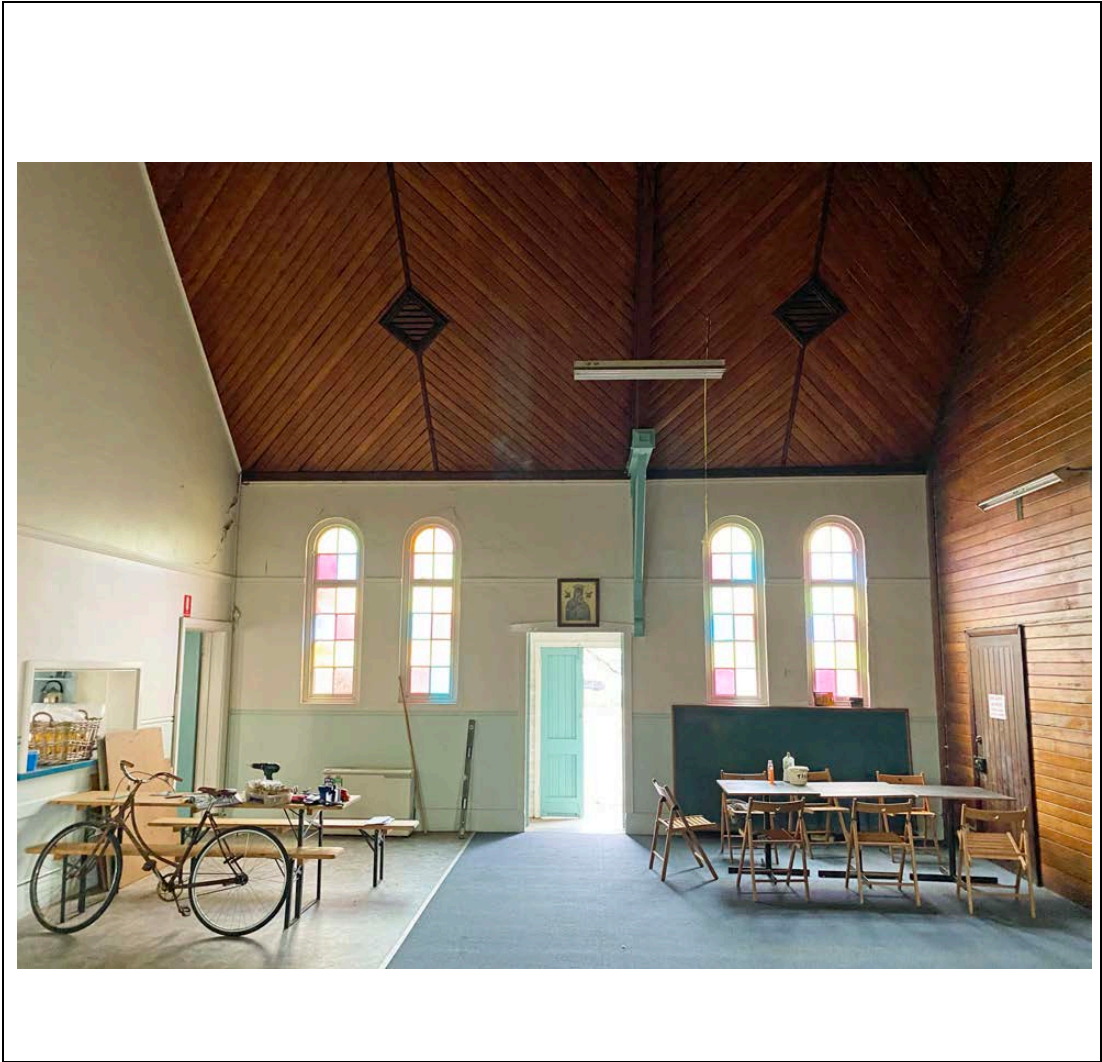


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1.13 IMAGES

Image caption	View of the rear church hall space after sale of the building.				
Image year	2020	Image by	Christo Aitken	Image copyright holder	CA & Associates

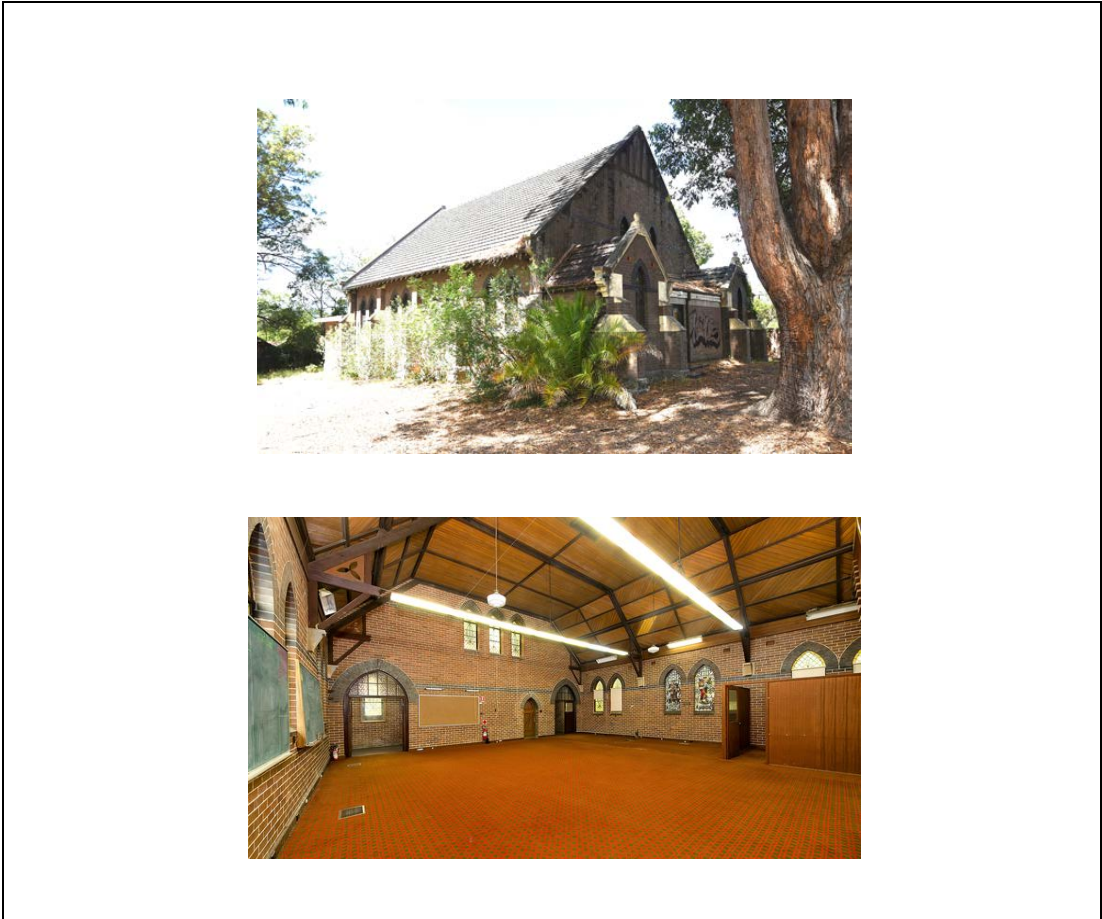


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1.13 IMAGES

Image caption	The comparative analysis undertaken to date suggests that the Inter-War Cheltenham Congregational Church to the north of Sydney is similar in general form, scale with some similar detailing as the Orange Congregational Church. Its history has only been briefly researched the architects were Messrs C.C Rutt & Lawson.				
Image year	2015	Image by	Daily Telegraph	Image copyright holder	Daily Telegraph, Sydney



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PART II CONSERVATION PRINCIPLES, POLICIES AND IMPLEMENTATION

2.0 OPPORTUNITIES AND CONSTRAINTS

The following section brings together the constraints and opportunities for the place brought together from the research and physical investigation and begins to cross refer to the other various aspects that need to be considered in the long-term care and management of the property. This includes the significance and its relative levels across the property, the statutory and non-statutory considerations and the needs and aspirations of the current owners.

2.1 Owners Requirements and Feasible Uses

This conservation management strategy has been commissioned by the current owners of the property Jeff and Josie Chapman. Their intent for the document is to develop conservation policies, strategies and implementation guidelines to support the recognised heritage significance that guide future management, conservation, adaptive re-use, new building works and interpretation of the place.



Gathering spaces internally and externally are one of the attractive features of the property for the new owners. (Source : Christo Aitken + Associates)

In terms of feasible uses for the building there are many examples of adaptive reuse of former churches. The building was designed as a place of worship and as gathering place, so the best ongoing use would have been as a place of worship, however, the recent sale of the property indicated little interest for that particular use at this point in time. Therefore, an alternate use that ensured as little change as possible, to the building's design, form, layout and character, would be an appropriate one to consider. However, a use that involved, say, subdivision of the large halls, introduction of dividing walls, floors and mezzanines would not be consistent with the original design intent. If a religious use is currently not possible, the following aspects appear to draw together some pertinent characteristics in considering viable alternative uses:

- A place that encourages gathering of people
- A place for the local and wider community to meet and interact
- A place where local produce can be appreciated
- A place where the values of history and heritage can be nurtured and best presented
- A place to gather and celebrate particular life events

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Jeff and Josie Chapman, who are long-time residents of Orange and have established over the years a number of successful tourism-related business providing accommodation, functions and catering. They have a strong interest in local history and heritage and in providing a quality experience. They manage the Old Convent restaurant and B&B on the western outskirts of Orange, as well as managing other local accommodation. Josie has lived in Paris while studying at the Alain Ducasse Culinary School.

An article in the QANTAS Traveller Insider Magazine in 2017 illustrates their interest and success in the care of historic buildings and in bringing new sympathetic uses into them *“With sweeping views to Mount Canobolas, the Old Convent at Borenore, a 20-minute drive west of Orange, offers lovely quarters and wholesome food for the weary traveller. Owners Josie and Jeffrey Chapman left Sydney for Orange in 1989. When the Catholic Church put the convent up for sale, they leapt at the chance to rescue it from its then parlous state. The 8000-square-metre property has a church that’s used for small functions and three lodgings. The original convent building, which was run as a school until 1963, is now The Cottage, converted into a bright two-bedroom, one-bathroom space. Weatherboard charmer Willow House has two bedrooms, two bathrooms and a wraparound verandah. An extra bed is available in The Nun’s Room, a self-contained one-bedroom apartment attached to the Chapmans’ home. Guests can savour delicious country breakfasts; expect homemade muesli, a herb and goat’s curd omelette with roasted tomatoes and robust coffee from the Faema espresso machine. “It’s not fancy but it’s the kind of place where we like to stay,” says Josie.*

Jeff and Josie’s interest in the Orange Congregational Church is to extend their already successful small business and be able to provide a similar type of small business in a historic building to the heart of Orange.

The intended use of the building and grounds will include:

- Restaurant and fine dining
- Café and coffee shop
- Functions and small events
- Outdoor seating and dining

As Jeff and Josie will be directly involved in the day-to-day management of the business, some of which will entail late nights, it would more convenient to have some accommodation on site, therefore the facilities will also include:

- Apartment for manager

Jeff and Josie have commissioned a local architect to sympathetically design and adapt the former Congregational Church and this conservation management strategy will form part of the supporting documentation to Orange City Council.

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The current town planning zoning of the property is R1 – Residential and as noted in the following section regarding Statutory Approvals, in order to use the property for the above uses the LEP Clause 5.10 provides an alternate approach using the Conservation Incentives clause that allows other uses for heritage items than those permissible in a particular zone.

2.2 Opportunities and Constraints Arising from Significance

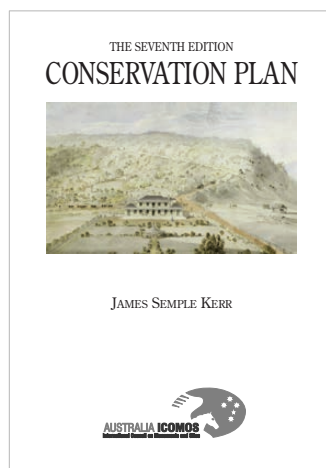
The significance is assessed in Part I section 1.0 of this Conservation Management Strategy. The guideline publication The Conservation Plan written by Jim Kerr refers to significance as follows:

“Cultural significance is a simple concept. Its purpose is to help identify and assess the attributes which make a place of value to us and to our society. An understanding of it is therefore basic to any planning process. Once the significance of a place is understood, informed policy decisions can be made which will enable that significance to be retained, revealed or, at least, impaired as little as possible. A clear understanding of the nature and level of the significance of a place will not only suggest constraints on future action, it will also introduce flexibility by identifying areas which can be adapted or developed with greater freedom”.

The current statement of significance for the Orange Congregational Church is stated in Part I section 1.0 and should, together with the assessment criteria, form the basis of the decision-making.

The Orange Congregational Church is a LEP listed heritage item of local significance and lies within the East Orange Heritage Conservation Area. The Church also sits adjacent to a SHR listed heritage item of state significance which has historical associations. The inter-relationship of the Orange Congregational Church, Bowen Terrace and the East Orange Heritage Conservation Area are important in the contribution they make to the eastern gateway to Orange.

The Church should be retained and conserved, however, there is scope for appropriately scaled and located new development within the heritage curtilage without unduly impacting on the significant values of the building, neighbouring development and the general setting. The additions must not impact on important views and vistas on Bathurst Road and therefore the likely location for modestly scaled additions would be on the Summer Street side of the building at the eastern end of the property where concealed behind the Church and existing trees. The mid 20th C additions at the rear of the building could be adapted or demolished to facilitate the minor new work.



Conservation Plan, Jim Kerr, ed7, 2013
(Source : Australia ICOMOS)

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2.3 Grading of Significance

While the statement of significance sets out in general terms the nature and level of significance of a place, the assessment of individual elements provides the flexibility necessary for the management of future change.

Different components of a place may make a different relative contribution to its heritage value. Loss of integrity or condition may diminish significance. In some situations it is useful to specify a relative contribution of an item or its components.

The following are the typically grades apply from 1 to 4 and include INT for intrusive components:

- 1 - High (ie original, outstanding, rare, intact)
- 2 - Moderate (ie high degree original fabric)
- 3 - Some (ie altered but does not detract from its significance)
- 4 - Low or no significance (ie altered / detracts from its significance)
- 5 - Intrusive (ie damaging to its significance)

Note that the particular gradings are respective within the overall local significance of the place (ie high to low) and not necessarily related to the respective significance of the element to, say, other regional or state examples of similar buildings or elements.

The following tabulation summarising key elements of the property and building begin to address the gradings of significance. A more detailed analysis of fabric and finishes may be necessary to supplement this summary in the event of major works or change to particular areas, spaces or rooms.

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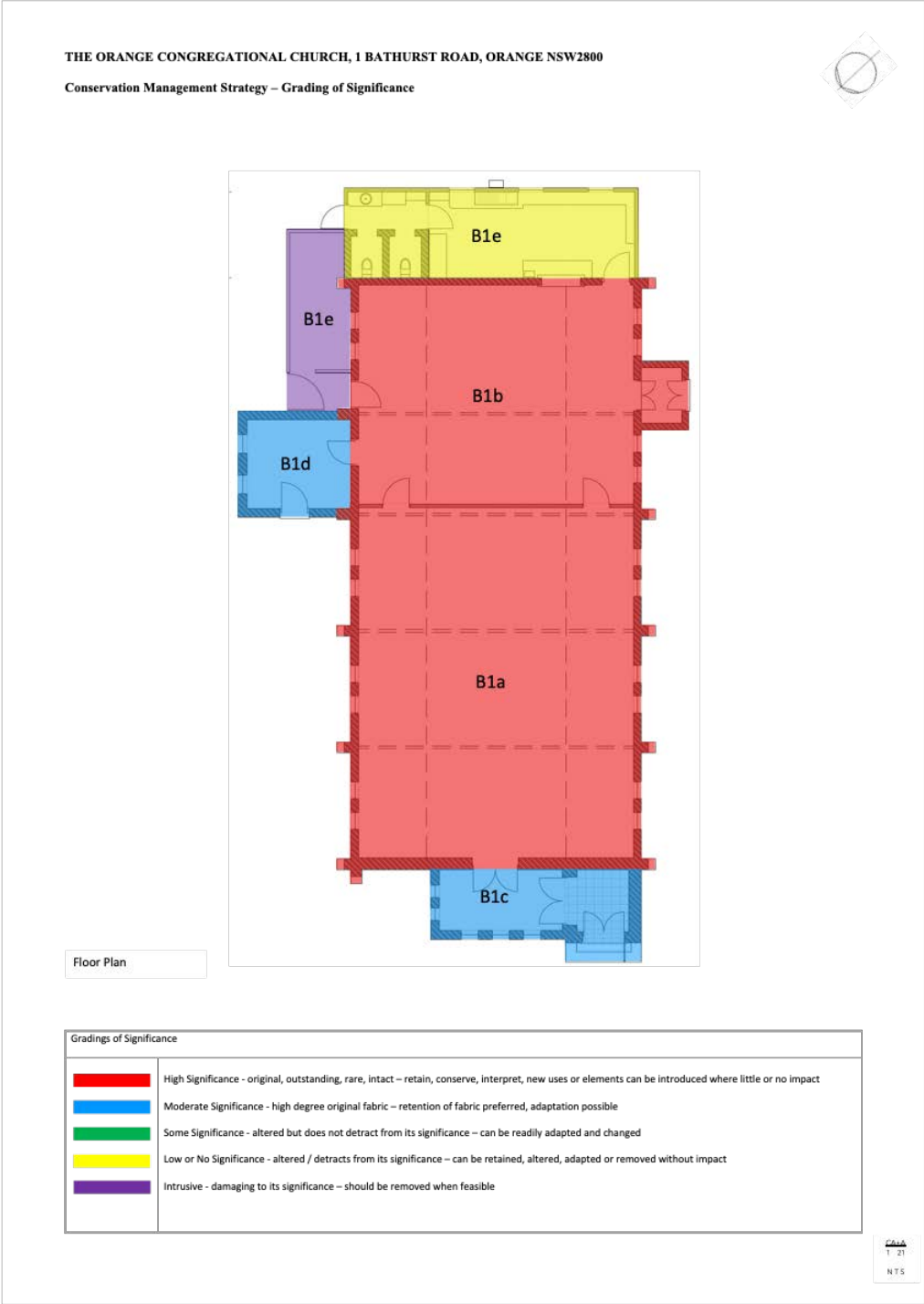
Significance Gradings of Elements

Refer to Drawings Over Page

Elements	Significance Grading	Notes
Buildings		
B1a 1903 Building	High	All remaining 1913 elements, fabric and finishes
B1b 1926 Addition (Hall and Sunday School)	High	All remaining 1926 elements, fabric and finishes
B1c 1949 Additions (Memorial Tower and Porch)	Moderate	All remaining 1949 elements, fabric and finishes
B1d 1960s(?) Additions (Vestry)	Some	Possibly existing toilets at rear built at this time or 1949. To confirm.
B1e 1980s(?) Additions (Kitchen)	Little / Intrusive	2-3 stages of work apparent
B2 1980(?) Shed	Intrusive	
Landscape Elements		
L1 Stone lined gutter	High	Council road reserve
L2 Low Brick wall (cnr Summer Street)	Little	Possibly 1949 works with later alterations
L3 Concrete / bitumen paving (cnr Summer Street and along Bathurst Road)	Intrusive	Including ceramic tiles on entry steps
L4 Concrete paving (Summer Street garden area)	Intrusive	
L5 Children's Play / Furniture / Sand Pit	Little	Only associational significance to Sunday School activities
L6 Existing Trees and Plantings	High	
L7 Existing Mesh Fencing (Summer Street and Rear of Church)	Intrusive	
L8 Existing concrete block wall (Eastern property boundary)	Intrusive	
Archaeological Elements		
A1 Site of pre 1846 Cottage and First Church Service in Orange	Little	Site unknown. To confirm but highly disturbed property
A2 Site of c1970s Church Hall	Little	Location indicated on 1960s vestry drawings
A3 Site of Outbuilding / Pit Toilet etc	Little	Site unknown. To confirm but highly disturbed property

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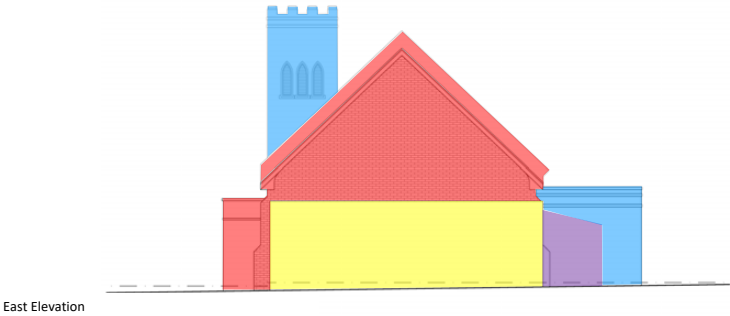


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THE ORANGE CONGREGATIONAL CHURCH, 1 BATHURST ROAD, ORANGE NSW2800

Conservation Management Strategy – Grading of Significance



Gradings of Significance	
<div></div>	High Significance - original, outstanding, rare, intact – retain, conserve, interpret, new uses or elements can be introduced where little or no impact
<div></div>	Moderate Significance - high degree original fabric – retention of fabric preferred, adaptation possible
<div></div>	Some Significance - altered but does not detract from its significance – can be readily adapted and changed
<div></div>	Low or No Significance - altered / detracts from its significance – can be retained, altered, adapted or removed without impact
<div></div>	Intrusive - damaging to its significance – should be removed when feasible

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THE ORANGE CONGREGATIONAL CHURCH, 1 BATHURST ROAD, ORANGE NSW2800

Conservation Management Strategy – Grading of Significance



Site Plan

Grading of Significance of Fabric and Finishes. Trees are of moderate to high significance in terms of amenity, character and setting.	
	High Significance - original, outstanding, rare, intact – retain, conserve, interpret, new uses or elements can be introduced where little or no impact
	Moderate Significance - high degree original fabric – retention of fabric preferred, adaptation possible
	Some Significance - altered but does not detract from its significance – can be readily adapted and changed
	Low or No Significance - altered / detracts from its significance – can be retained, altered, adapted or removed without impact
	Intrusive - damaging to its significance – should be removed when feasible

Scale
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2.4 Adaptation

Adaptation of historic buildings is defined in the Australia ICOMOS Burra Charter as “*changing a place to suit the existing use or a proposed use*”. The two key principles are :

- *Adaptation is acceptable only where the adaptation has minimal impact on the cultural significance of the place.*
- *Adaptation should involve minimal change to significant fabric, achieved only after considering alternatives.*

Adaptation may involve additions to the place, the introduction of new services, or a new use, or changes to safeguard the place. Adaptation of a place for a new use is often referred to as ‘adaptive re-use’ and should be consistent with Article 7.2 of the Burra Charter which states that “*a place should have a compatible use*”.

Adaptation may involve minor spatial or functional improvements, building services upgrades or major additions and new buildings. The Burra Charter advocates a cautious approach to change which applies to each of the following categories of adaptation: *do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.*

Minor Works and Maintenance

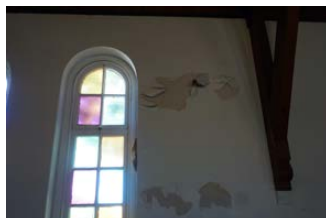


There is an understanding on the part of the statutory authorities that old buildings require ongoing care and maintenance. Some of the maintenance tasks relate to day-to-day activities, such as cleaning of gutters or lawn mowing, while others relate to longer-term cycles such as, repainting or replacement of gutters and downpipes. The Burra Charter notes the following examples of protective care “Maintenance – regular inspection and cleaning of a place eg mowing and pruning in a garden”.



These type of works should be relatively straightforward as they should typically have little to no impact on the significance of the heritage item. As noted above, the Orange LEP 2011 has a minor works clause for the longer-term cycles of repair, replacement and restoration work.

The statement of significance and the relative gradings of significance provide the framework for decision-making. The conservation policies in Section 3.0 provide additional guidance and guidelines.



Alterations and Additions

Alterations and additions could range from relatively minor internal refurbishment to relatively major additions and will generally require a development application. The works may involve demolition or adaptation of existing buildings.

The investigation of options at an early stage is critical in the ongoing care and management as some simple options may be more sympathetic

Examples of repairs and maintenance resulting from water related damage and flat roofing issues. Christo Aitken + Associates)

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and avoid impact on the significance of the place while still achieving much of the intended improvement or redecoration. They will form the basis for a statement of heritage impact to support a development application. Often there are simple solutions that achieve an objective with minimal impact. For instance, the extract Psalm painted on the eastern wall of the Church may be regarded by the owners as now inappropriate and a distraction for new uses of the building. The quote is highly significant in its association with the original use of the building and the significance of the writer to the Congregational church movement generally. It would not be appropriate to remove or paint over the inscription. However, it would be possible to temporarily cover the inscription with, say, a painting, tapestry or other removeable layer.

The statement of significance and the relative gradings of significance provide the framework for decision-making. The conservation policies in Section 3.0 provide additional guidance and guidelines.

The diagram included in the following section includes the constraints and opportunities of views, vistas and generally appropriate areas to consider additions or new buildings.

New Buildings



New buildings are relatively constrained within the property in view of the limited available land. The southern and western (Bathurst Road) and northern (Summer Street) areas of the property are restricted either because of the lack of available land or the proximity of the significant Church building to the principal roads. The Summer Street area of the grounds only offers potential development land towards the eastern end of the grounds but is then restricted by existing established trees.



The only potential area for new development is the relatively low visibility area between the eastern end of the Church and Bowen Terraces. (Source : Christo Aitken + Associates)

Potential development close to the property boundary towards the eastern end of Summer Street will be constrained by the limited available land between the existing trees and the property boundary. New development in this area will also be constrained by the requirements of the residential neighbourhood in the immediate vicinity terms of setback, scale, form and massing. Other considerations in this area will relate to responding to the objectives and character of the East Orange Heritage Conservation Area. This area perhaps lends itself to outdoor, semi-covered, supporting activities to the principal building use. The garden setting provides an opportunity to reinforce the screening and soft landscaped character of existing trees and planting.

The existing trees at the eastern end of the grounds also offer potential screening for some new development at the eastern end of the Church building. This area was developed apparently in the 1980s for kitchen and toilets but has low significance and may be considered for adaptation, demolition or reconstruction. In view of the proximity to

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the Church building, Bowen Terrace and the significant views from Bathurst Road there are a number of development constraints that would need to be considered to avoid physical and visual impact.

The key issues that will need to be considered in the design strategy for a new building or attached addition in this area will be siting, setback, height, form, massing and architectural character, materials and finishes.

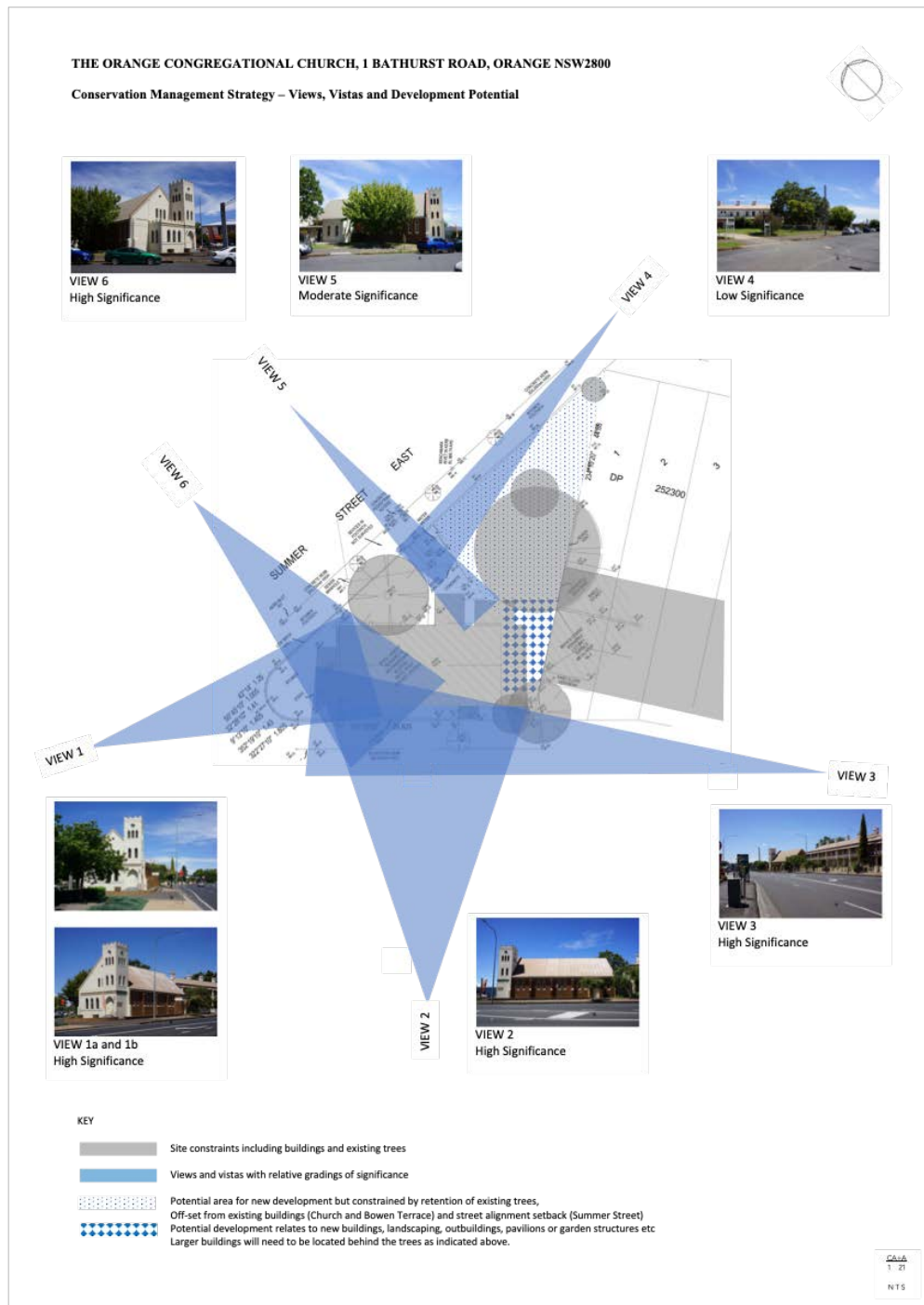
The core design principles for a new building or attached addition could include:

- The former Orange Congregational Church building should remain in its significant form and should remain the dominant form on the property.
- Any new building should be visually and physically recessive to avoid impacting on key views and vistas from Bathurst Road and the Summer Street extension.
- Any new building should be setback substantially from the front elevations of the Church building and Bowen Terrace on the southern side. The existing trees on the southern side should be retained and reinforced to ensure an effective visual screen from Bathurst Road.
- The height of any new building should be substantially lower than the Church and Bowen Terrace and preferably single storey, or perhaps, single storey with an attic space to ensure that there is an effective physical and visual separation between old and new.
- The form of any new building should be relatively simple in its design to sit comfortably within the restricted space between two significant 19th C buildings of relatively simple forms.
- The external materials and finishes should be visually recessive to discretely separate the old from the new but could draw from the existing colours in darker tones. This is particularly important on the southern elevation (Bathurst Road) because of the proximity of any new form to the street and impact dependant on the building setback and effectiveness of the trees in providing screening. The option of translucency, in terms use of glass, is an effective measure in simplifying the architecture, reducing the visual prominence and in distinguishing old from new.

The following diagram illustrates key views, vistas and potential areas of the property to consider additions of new buildings:

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NSW Heritage Council Approvals Process
(Source : OEH / Heritage NSW)

2.5 External Requirements

The following section summarises the external requirements which typically relate to the Statutory and Non-Statutory authorities, institutions, groups and interested bodies.

2.5.1 Statutory Controls

National Heritage Requirements

Not applicable

State Heritage Requirements

Generally not applicable other than relating to (i) potential archaeology and impact on (ii) Bowen Terrace, 3-25 Bathurst Road.

Regarding the archaeological issues - the Heritage Act provides protection for relics older than 50 years if not subject to other specific Conservation Instruments. An excavation permit is required to disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.

Application is normally made to NSW Heritage Council under s140 to obtain an excavation permit.

Furthermore, NSW Heritage Office through the Office of Environment & Heritage (formerly Department of Planning) have prepared guidelines for Local Councils. These guidelines "*Local Government Heritage Guidelines*" prepared in 2002 provide guidance in plain English, in a user friendly format to assist local councils with heritage management. They also explain in detail two initiatives : delegation of certain approval functions of the Heritage Council of NSW to local councils and the authorization for local councils to make Interim Heritage Orders.

Regarding Bowen Terrace – the property (DP 252300 Lots 1-12) are recognised as being of State significance and are listed on the State Heritage Register (ref SHR Item 00013) Ref <https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=5045024>

In considering major works to The Orange Congregational Church, which sits adjacent to Bowen Terrace, it is likely that the Statutory authorities will extended their consideration to include potential impacts to Bowen Terrace. These considerations may include physical and visual impact. As noted in this CMS there are early historical associations between the two properties but the key issue today is perhaps their visual relationship at the important eastern entry to the

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City. It is uncertain at this stage whether a section 60 Application to Heritage NSW would be necessary it is recommended that informal discussions be held with Heritage NSW during design stages, if major works are proposed to the Orange Congregational Church that may impact on Bowen Terrace.

Local Heritage Requirements

Orange City Council LEP 2011

Orange Local Environment Plan 2011 is the principal statutory document for ongoing care and management of the place. The Orange Congregational Church is listed in **Schedule 5 of the Orange LEP 2011** as an item of local significance (ref Item I153). It is also important to consider the parallel heritage listing of the East Orange Conservation Area also noted below:

Fiveways Uniting Church, 1 Bathurst Road (cnr Summer Street), Lots 1 and 2 DP975158. Refer SHI 2220572
<https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=2220572>

East Orange Heritage Conservation Area Refer Council Map C3. Refer SHI 2220844
<https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=2220844>

The LEP listings are more detailed in the respective State Heritage Inventory Sheet for the property noted at above weblinks. The content of the SHI sheets can be supplemented by Council and it is recommended that the additional material within this CMS be used by Council to update and elaborate on the current SHI sheet for the church.

LEP Heritage Objectives and Clauses

Clause 5.10 of the LEP 2011 contains all the objectives of the statutory document together with the defining steps in terms of any proposed changes to the place. The weblink to NSW Legislation website is <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2012-0055#sec.5.10>.

Refer to the above full document for full content however the following chapter headings illustrate the extent of control on the property:

- Clause 5.10(1) Objectives
- Clause 5.10(2) Requirement for consent
- Clause 5.10(3) When consent not required
- Clause 5.10(4) Effect of development on heritage significance
- Clause 5.10(5) Heritage assessment

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Clause 5.10(6) Heritage conservation management plans
 Clause 5.10(7) Archaeological sites
 Clause 5.10(8) Aboriginal places of heritage significance
 Clause 5.10(9) Demolition of nominated State heritage items
 Clause 5.10(10) Conservation incentives.

Development Application Required

It is recommended that the property owner be familiar with all the LEP clauses and the requirements for Council approval of changes to the property and buildings. Refer Clause 5.10(2) provides the critical guidance. Development Application approval is generally required for most building works.

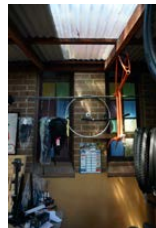


Minor Works Notification

However, in recognition of the need to streamline the approval process for minor works the LEP clauses provides an opportunity, in certain circumstances, to allow some minor works with notification to Council. Refer Clause 5.10(3)(a)(i) and (ii).

Permissible Uses

The LEP also recognises the importance of ongoing occupation and use of historic buildings and the LEP clauses provides an opportunity, in certain circumstances, to allow some flexibility in permissible uses of heritage items, if the alternate use is supported with a conservation management document for future management of the place. Refer Clause 5.10(10).



Area on the property of low significance are areas where potential change and statutory approvals can be more readily facilitated.
(Source : Christo Aitken + Associates)

It is proposed that this conservation management strategy will provide the opportunity for alternative uses be explored other than the permissible uses in the town planning Zone.

Note that the permissible uses with Council consent in the current **R1 General Residential** zoning are as follows:

“Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Dwelling houses; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Home businesses; Home industries; Hostels; Information and education facilities; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water supply systems”.

Note that Commercial use of the property (and any other development not specified in item 2 or 3 of the R1 Zone) is not permissible unless

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supported by a complex spot re-zoning or a Development Application using the Conservation Incentives Clause 5.10(10).

Orange City Council DCP 2011 (amended 2012)

The Orange Development Control Plan 2011 is an important guideline document supporting the objectives and intent of the LEP 2011. The Development Control Plans provide details and criteria for assessing development to support the statutory provisions of Orange LEP 2011. The plans provide information to guide development and also make reference to other plans, maps and supporting material to assist in achieving planning outcomes appropriate to the City.

The plans are also intended as an educational resource for planning in the City that helps to explain issues and measures that affect the development of Orange and to provide alternative planning solutions to issues.

The DCP includes a wide range of supporting documents as listed below. The clauses likely to have some relevance to this property have an asterisk:

- DCP 00 Cover Page and Contents*
- DCP 00 Transitional Provisions*
- DCP 01 Introduction*
- DCP 02 Natural Resource Management
- DCP 03 General Considerations*
- DCP 04 Special Environmental Considerations
- DCP 04A Flood Affected Land
- DCP 05 General Considerations for Zones and Development*
- DCP 06 Rural Development
- DCP 07 Development in Residential Areas*
- DCP 08 Development in Business Zones
- DCP 09 Development in the Industry and Employment Zones
- DCP 10 Special Uses and Roads Zones*
- DCP 11 Land Used for Open Space and Recreation
- DCP 12 Rural Environment Protection Zone
- DCP 13 Heritage*
- DCP 14 Advertising*
- DCP 15 Car Parking*
- DCP Appendices – Criteria Schedules & City Entrance and Plan Maps

It is recommended that the property owner be familiar with all the above DCP clauses and the requirements for Council approval of changes to the property and buildings.

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This section of the DCP2011 is directly relevant to the property, the buildings and the setting in the East Orange Heritage Conservation Area. The objectives and controls apply to the following contents in DCP 13 Heritage:

13.1 Heritage Objectives LEP 2000 Cl 74. Note that this section not only relates to the heritage item but also there is specific content relating to East Orange.

13.2 Heritage Items & Heritage Conservation Areas LEP 2000 Cl 75

13.3 Heritage Consideration for Development LEP 2000 Cl 76

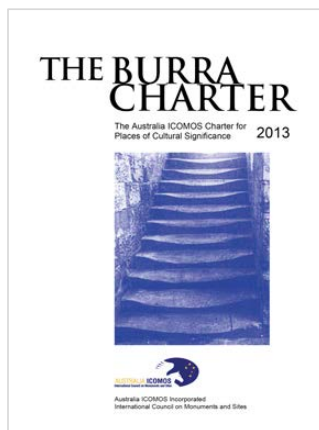
13.4 Development in the Vicinity of Heritage Items LEP 2000 Cl 77

13.5 Heritage Proposals as Advertised Development LEP 2000 Cl 78

13.6 Incentives for Heritage Conservation LEP 2000 Cl 79

It is recommended that the property owner be familiar with all the above DCP specific clauses relating to heritage items and heritage conservation areas and the requirements for Council approval of changes to the property and buildings.

2.5.2 Non Statutory Controls

Australia ICOMOS and the Burra Charter

The Guidelines to the Burra Charter (Source : Australia ICOMOS)

Australia ICOMOS do not maintain a list of significant places in Australia but have written and published best practice guidelines for conservation of places of significance. These guidelines are known as *The Burra Charter - The Australia ICOMOS Charter for Places of Cultural Significance* and are a recognized standard approach to the conservation of places of cultural significance in Australia.

Heritage NSW, Orange City Council and others interested in the care and protection of heritage places will have certain expectations with works generally at the property with reference to following those guidelines and its conservation approach.

The standards of the Burra Charter (2013) are widely referred to heritage agencies and practitioners and are a measure of appropriateness for heritage grant funding applications by agencies, Councils and individuals. The charter defines the cultural significance as “*aesthetic, historic, scientific, or spiritual value for past, present or future generations*”. This cultural significance is “*embodied in the place itself, its setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different people or communities*”.

The issue of social value is important to the significance of the Orange Congregational Church. The Guidelines to the Burra Charter – Cultural Significance (Australia ICOMOS 1988) define social value as

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embracing “*the qualities for which a place has become a focus of spiritual, political, national or other cultural sentiment to a majority or minority group*”.

The Australia ICOMOS Burra Charter provides nationally accepted principles for the conservation of places of cultural significance.

The conservation of the Orange Congregational Church should adhere to the ICOMOS Burra Charter principles and guidelines.

National Trust of Australia (NSW)

The National Trust is a community-based organization that has a strong advocacy approach to heritage protection. It is well-respected for its heritage opinions and their listing is seen as an authoritative assessment of the cultural significance of the place.

The Orange Congregational Church is not currently listed by the National Trust of Australia (NSW) but the adjacent Bowen Terrace group is listed. There are other National Trust listings in the vicinity including the National Trust listing of the Orange Urban Conservation Area to the north of the property.

The Trust have a strong advocacy role in communities encouraging conservation of the best of the built environment and their membership levels are relatively high in country towns such as Orange.

Register of the National Estate (non-statutory archive)

It is noted for information only that the adjacent Bowen Terrace at 3-25 Bathurst Road is listed on the former Register of the National Estate which is now a non-statutory archive.

Congregational Church

The Congregational Union of Australia was a Congregational denomination in Australia that stemmed from the Congregational Church in England as settlers migrated from there to Australia. Congregational Churches existed in all states and territories of Australia at some time.

As detailed in this document, the Union dissolved in 1977, when the Uniting Church in Australia was formed, 260 of the congregations that had previously formed the Union joined the new Uniting Church. The Uniting Church union also included the Methodist Church of Australasia and the Presbyterian Church of Australia. Furthermore, 40 other congregations that had previously formed the Union objected to joining the new Uniting Church, and formed the Fellowship of Congregational Churches instead. In 1995, there was a split within that

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Fellowship, with some more ecumenically-minded congregations leaving to form the Congregational Federation of Australia.

It is clear from the above interconnections between past and present religious groups that it is highly likely there are many within the local and wider New South Wales community with direct or indirect associations with the Church. There are also direct associations with the remaining structure of the Congregational Church in Australia.

These religious groups and their congregations have an interest and spiritual connection with the Orange Congregational Church and its future. The Uniting Church in Orange has a particular interest and attachment to the building despite their recent sale of the building for economic reasons.

The conservation of the Orange Congregational Church should take into consideration the emotional and spiritual attachments to the place in the local and wider religious community.

Local Community

Orange is one of a few significant inland cities in New South Wales that attracts special interest in terms of a place for people to live and work with high amenity values. The quality of the built environment and a respect for the history and heritage of the place is a significant consideration. NSW State Government note in their 20 Year Economic Vision for Regional NSW that “*Regional NSW is Australia’s largest and most diverse regional economy and People are moving to regional NSW every year, with it attracting 12,000 more residents overall in the 2015–16 financial year. Close to 90,000 people moved into regional NSW, with many of these new residents coming from Greater Sydney*”. These new residents bring their values and expectations in terms of care of the built environment, the quality of the buildings and the streetscapes.

Similarly, “Think Orange” clearly illustrate in their encouragement of increased liveability of Orange that the Orange region is “*Home to nearly 70,000 people... (and offers) a unique appealing blend of a vibrant regional city, historic villages and energetic towns*”. The city has an active public library with a comprehensive local studies collection and an interested and knowledgeable historical society and family history group.

The care and best practice management of the Orange Congregational Church will be evident to the local community in their response to the future use of the property and the building.

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2.6 Physical Condition

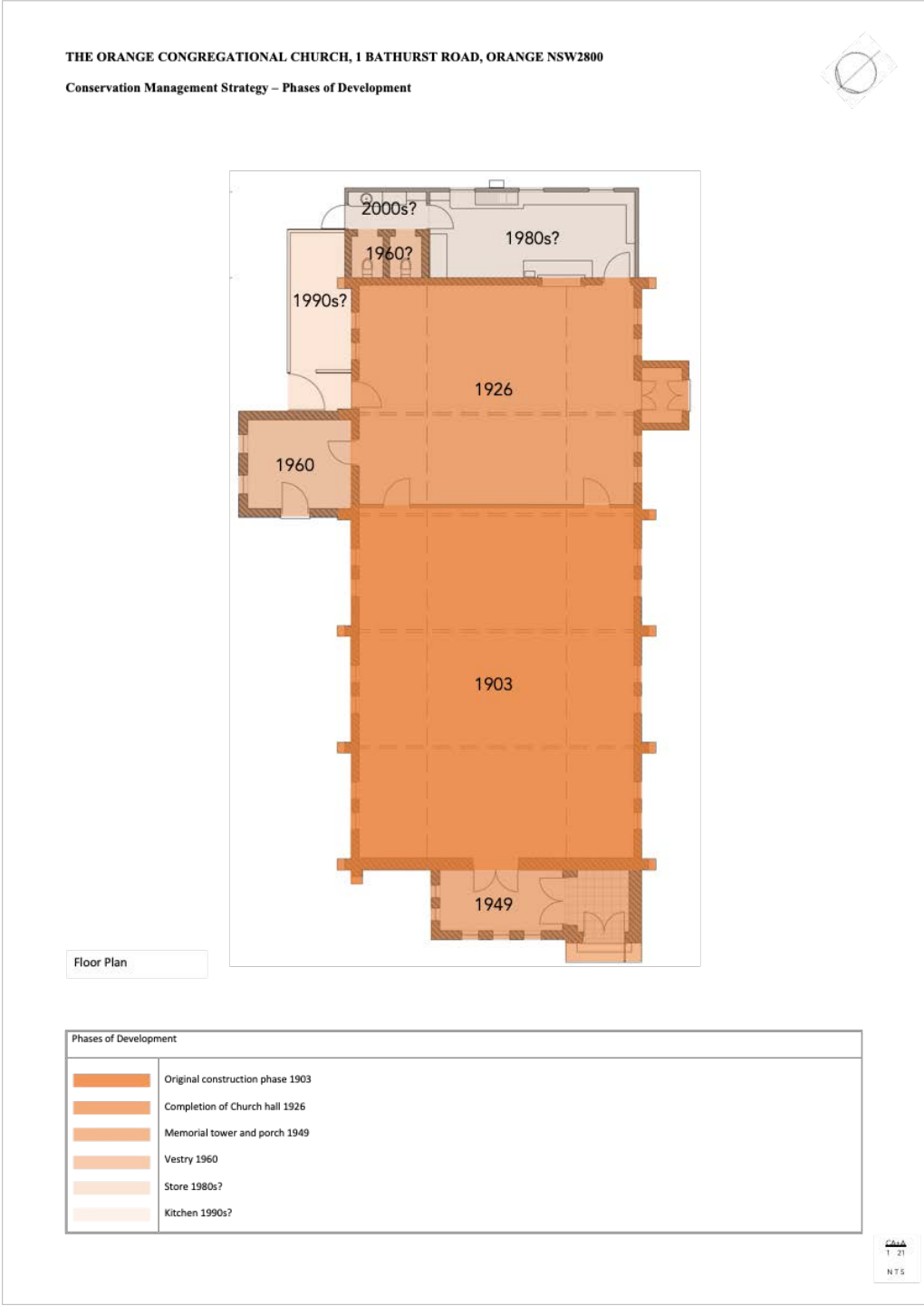
2.6.1 Evolution of the Building

The building as seen in 2020 has evolved in a number of stages since the first stage of construction in 1903. The additions have generally been in response to the functional needs of the Church for either a Sunday School hall, vestry, kitchen and toilets, however the 1949 additions responded to the wider social need to respond the commemoration of World Wars I and II.

The following drawing illustrates those changes.

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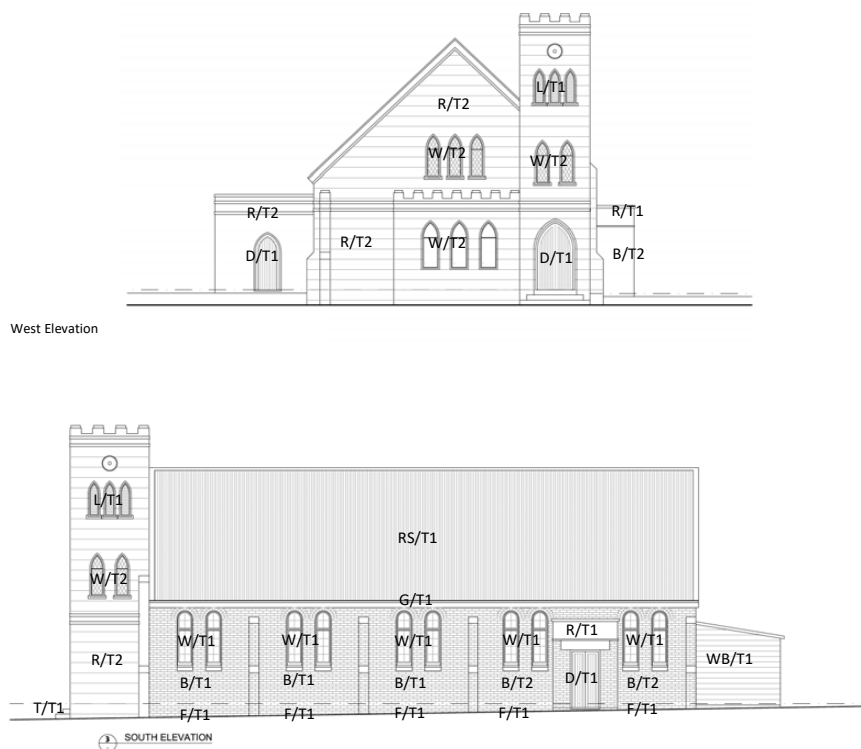
2.6.2 Initial Analysis of Fabric

The building has been well constructed although the first stage in 1903 appears to have been where the greatest effort was made to achieve the highest of standards in terms of design, construction and detail. However, even the first stage appears to have varied slightly from the design and details evident in the architect's original drawings, but the high-quality approach was generally extended to the second stage in completion of the Sunday School hall in 1926. However, one of the noted changes is the brickwork, which in 1903 appears to be an extended Flemish bond with a rhythm of header bricks, while in 1926 was simplified to a plain stretcher bond pattern.

The quality of internal finishes is similarly of a high standard for the first and second stages with their use of quality stained timber finishes for wall and ceiling linings as well as key joinery elements. The 1949 additions appear to have been more constrained financially and this is reflected in the quality of the design as well as the internal finishes. This gradual decline in quality has continued through to the more recent additions at the side and rear of the building.

The following drawings illustrate the general range of materials and finishes used externally and internally. In the event of major internal works a more detailed room-by-room analysis should be carried out to record the finishes and prepare a schedule of conservation and repair works:

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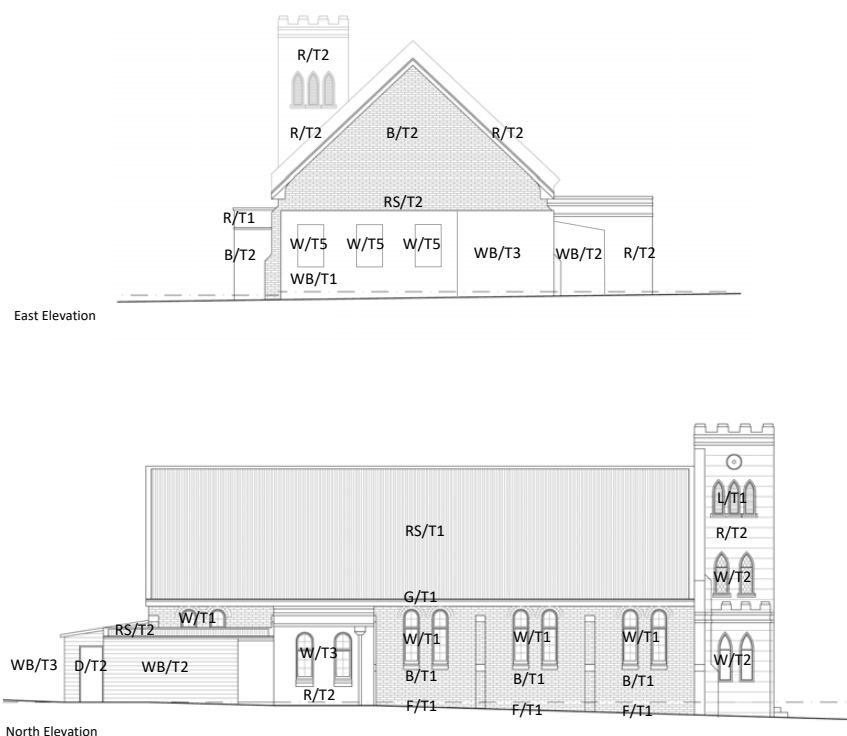
Conservation Management Strategy
June 2021 Final**THE ORANGE CONGREGATIONAL CHURCH, 1 BATHURST ROAD, ORANGE NSW2800****Conservation Management Strategy – Preliminary Fabric Analysis**

South Elevation

Outline Schedule of Fabric and Finishes					
F/T1	ELEMENTS GENERALLY Foundation type 1 – basalt / bluestone Floor type 1 – traditional raised timber floor, subfloor vents, boards generally 6" with some areas of black Japan stain Floor type 2 – on ground concrete slab. Brickwork Type 1 – local brown brick w/mixed use of header bricks, lime mortar, basalt foundations, terracotta vents Brickwork Type 2 – local brown brick laid in typical stretcher bond pattern, lime mortar, basalt foundations, terracotta vents Smooth rendered finish with decorative stippling Render type 1 – possibly cement render with ashlar approx 390x920 scoring to imitate stonework Weatherboard type 1 – 185mm hardwood rusticated profile, painted (recycled?) Weatherboard type 2 – 160mm pine(?) simple splayed profile, painted	WB/T3	Weatherboard type 3 – 140mm 'Weatherex' Fibrous Cement, simple quirk in upper profile	W/T1	OPENINGS & JOINERY Window type 1 – timber framed, rounded head, 4light hopper over 8light fixed, multilight coloured glass, brick header course to arch with red ochre and joints picked out in white. Window type 2 – Metal framed with Gothic pointed head, diamond pattern leadlight glazing, rendered head, reveal and sill Window type 3 – Timber framed with rounded arch head, 4L hopper over with 6L fixed and clear glass below. Window type 4 – Timber frame traditional sash Window type 5 – Modern aluminium frames Louvre type 1 – Louvre frame, metal(?) painted Door type 1 – Traditional timber ledged, sheeted, vertical timber, painted Door type 2 – Modern timber door
FL/T1		P/T1	Wall finish type 1 – lime plaster, painted	W/T2	
FL/T2		P/T2	Wall finish type 2 – Gyprok, painted	W/T3	
B/T1		P/T3	Wall finish type 3 – painted brickwork	W/T4	
B/T2		C/T1	Ceiling finish type 1 – timber lining boards, stained, lacquered	W/T5	
R/T1		C/T2	Ceiling finish type 2 – Gyprok, painted	L/T1	
R/T2		RS/T1	MISCELLANEOUS Roof sheeting type 1 – Colorbond custom orb	D/T1	
WB/T1		RS/T2	Roof sheeting type 2 – galvanised iron, painted	D/T2	
WB/T2		G/T1	Gutter type 1 – 125mm(?) GI, quad, painted		
		G/T2	Gutter type 2 – 115mm Colorbond		
		DP/T1	Downpipe type 1 – 75mm and 50mm circular, painted		
		DP/T2	Downpipe type 2 – 100x50mm and 75x50mm GI painted		
		T/T1	Tiling type 1 – 200mm ceramic, modern		

CLASH
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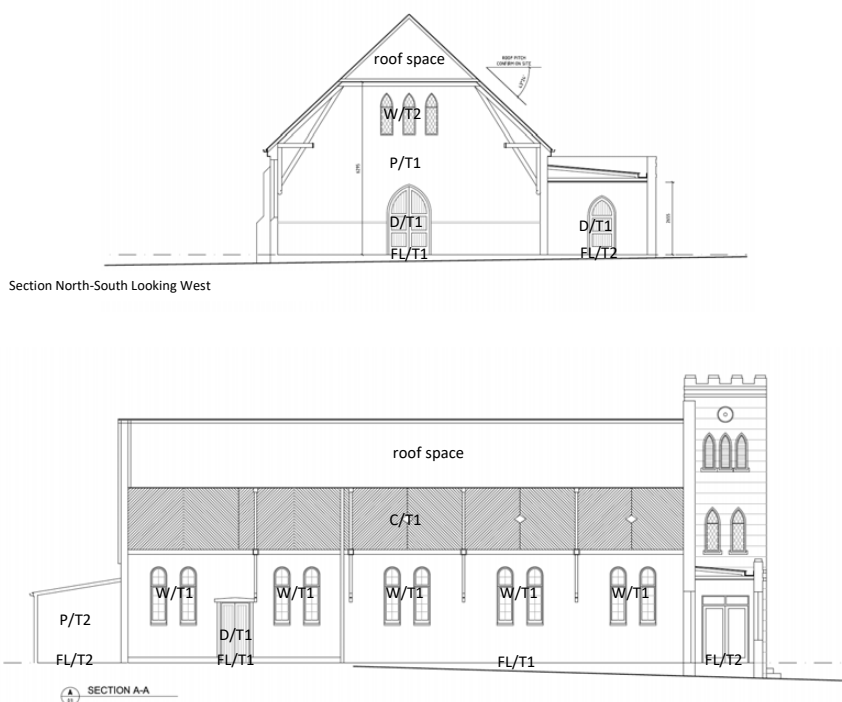
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Outline Schedule of Fabric and Finishes					
	ELEMENTS GENERALLY				
F/T1	Foundation type 1 – basalt / bluestone	WB/T3	Weatherboard type 3 – 140mm 'Weathertex' Fibrous Cement, simple quirk in upper profile	W/T1	Window type 1 – timber framed, rounded head, 4light hopper over 8light fixed, multilight coloured glass, brick header course to arch with red ochre and joints picked out in white.
FL/T1	Floor type 1 – traditional raised timber floor, subfloor vents, boards generally 6" with some areas of black Japan stain	P/T1	Wall finish type 1 – lime plaster, painted	W/T2	Window type 2 – Metal framed with Gothic pointed head, diamond pattern leadlight glazing, rendered head, reveal and sill
FL/T2	Floor type 2 – on ground concrete slab	P/T2	Wall finish type 2 – Gyprok, painted	W/T3	Window type 3 – Timber framed with rounded arch head, 4L hopper over with 6L fixed and clear glass below.
B/T1	Brickwork Type 1 – local brown brick w/mixed use of header bricks, lime mortar, basalt foundations, terracotta vents	P/T3	Wall finish type 3 – painted brickwork	W/T4	Window type 4 – Timber frame traditional sash
B/T2	Brickwork Type 2 – local brown brick laid in typical stretcher bond pattern, lime mortar, basalt foundations, terracotta vents	C/T1	Ceiling finish type 1 – timber lining boards, stained, lacquered	W/T5	Window type 5 – Modern aluminium frames
R/T1	Smooth rendered finish with decorative stippling	C/T2	Ceiling finish type 2 – Gyprok, painted	L/T1	Louvre type 1 – Louvre frame, metal(?) painted
R/T2	Render type 1 – possibly cement render with ashlar approx 390x920 scoring to imitate stonework	RS/T1	MISCELLANEOUS	D/T1	Door type 1 – Traditional timber ledged, sheeted, vertical timber, painted
WB/T1	Weatherboard type 1 – 185mm hardwood rusticated profile, painted (recycled?)	RS/T2	Roof sheeting type 1 – Colorbond custom orb	D/T2	Door type 2 – Modern timber door
WB/T2	Weatherboard type 2 – 160mm pine(?) simple splayed profile, painted	G/T1	Roof sheeting type 2 – galvanised iron, painted		
		G/T2	Gutter type 1 – 125mm(?) GI, quad, painted		
		DP/T1	Gutter type 2 – 115mm Colorbond		
		DP/T2	Downpipe type 1 – 75mm and 50mm circular, painted		
		T/T1	Downpipe type 2 – 100x50mm and 75x50mm GI painted		
			Tiling type 1 – 200mm ceramic, modern		

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Section East-West Looking South

Outline Schedule of Fabric and Finishes					
ELEMENTS GENERALLY		WB/T3	Weatherboard type 3 – 140mm 'Weathertex' Fibrous Cement, simple quirk in upper profile	W/T1	OPENINGS & JOINERY Window type 1 – timber framed, rounded head, 4light hopper over 8light fixed, multilight coloured glass, brick header course to arch with red ochre and joints picked out in white.
F/T1	Foundation type 1 – basalt / bluestone	P/T1	Wall finish type 1 – lime plaster, painted	W/T2	Window type 2 – Metal framed with Gothic pointed head, diamond pattern leadlight glazing, rendered head, reveal and sill
FL/T1	Floor type 1 – traditional raised timber floor, subfloor vents, boards generally 6" with some areas of black Japan stain	P/T2	Wall finish type 2 – Gyprok, painted	W/T3	Window type 3 – Timber framed with rounded arch head, 4L hopper over with 6L fixed and clear glass below.
FL/T2	Floor type 2 – on ground concrete slab.	P/T3	Wall finish type 3 – painted brickwork	W/T4	Window type 4 – Timber frame traditional sash
B/T1	Brickwork Type 1 – local brown brick with mixed use of header bricks, lime mortar, basalt foundations, terracotta vents	C/T1	Ceiling finish type 1 – timber lining boards, stained, lacquered	W/T5	Window type 5 – Modern aluminium frames
B/T2	Brickwork Type 2 – local brown brick laid in typical stretcher bond pattern, lime mortar, basalt foundations, terracotta vents	C/T2	Ceiling finish type 2 – Gyprok, painted	L/T1	Louvre type 1 – Louvre frame, metal(?), painted
R/T1	Smooth rendered finish with decorative stippling	RS/T1	Roof sheeting type 1 – Colorbond custom orb	D/T1	Door type 1 – Traditional timber ledged, sheeted, vertical timber, painted
R/T2	Render type 1 – possibly cement render with ashlar approx 390x920 scoring to imitate stonework	RS/T2	Roof sheeting type 2 – galvanised iron, painted	D/T2	Door type 2 – Modern timber door
WB/T1	Weatherboard type 1 – 185mm hardwood rusticated profile, painted (recycled?)	G/T1	Gutter type 1 – 125mm(?) GI, quad, painted		
WB/T2	Weatherboard type 2 – 160mm pine(?) simple played profile, painted	G/T2	Gutter type 2 – 115mm Colorbond		
		DP/T1	Downpipe type 1 – 75mm and 50mm circular, painted		
		DP/T2	Downpipe type 2 – 100x50mm and 75x50mm GI painted		
		T/T1	Tiling type 1 – 200mm ceramic, modern		

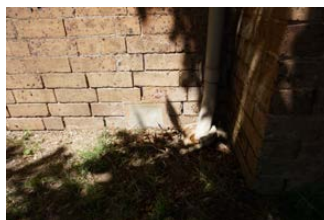
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2.6.3 Deteriorated Fabric

A full condition survey of the building is required as part of the recommended ongoing maintenance plan. However, the following issues were noted as part of the initial inspections carried out for this conservation management strategy. Note that inspection of concealed spaces did not occur: subfloor areas generally, roof cavity spaces, tower space internally and flat roofs of later additions 1926 (Bathurst Road porch), 1949 (Memorial Tower and Porch) and 1960 (Vestry).



Representative examples of some external issues requiring repairs and maintenance
(Source : Christo Aitken + Associates)

External

- Ground levels have risen up along the northern elevation. The levels are above the basalt foundation towards the vestry. This may result in rising damp issues depending on the level of the DPC. Further investigation required to confirm level of DPC in 1903 building.
- Ground levels have risen up slightly on the southern elevation at the eastern end of the building. The DPC is evident on the eastern end of the southern elevation above the terracotta subfloor vents of the 1926 building. This should be monitored and ground levels kept below DPC level.
- Blocked terracotta subfloor vent. North elevation. This may affect the cross-flow of subfloor ventilation. Recommended to check the subfloor vents are active and functional.
- Damaged downpipe. North elevation. This will lead to localized surface water issues.
- Rusting of gutters on north and south elevations. The gutters appear to be early galvanised iron but the roof sheeting is Colorbond. The dissimilar metals will lead to galvanic corrosion and deterioration of galvanised finishes because of the use of Colorbond.
- Colorbond roof sheeting finish is fading. Some supplies of BHP roof sheeting in the late 1990s had faulty surface coatings reducing their durability and life. Recommend to repaint or reinstate galvanised steel roof sheeting (Fielders Australia). Ref note in section 2.6.4
- Minor cracking to brickwork, particularly at arched windows. This appears minor but should be monitored with structural 'tell-tales' over an extended period.
- Roof sheeting and related flashings on the weatherboard additions on the northern and eastern elevations should be inspected as they appear in poor condition.
- Flat roofs, related flashings and downpipes of (i) Memorial Tower and (ii) Porch should be inspected as falling damp is evident within the 1903 section of the Church. Downpipes may be blocked or the flat roof membrane may have failed.
- Tiling to front steps of 1903 building.

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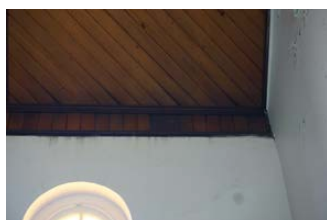
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- Minor erosion of original pointing to external brickwork, particularly in exposed areas, such as, below the splayed tops to the attached brick piers and external window sills. Full brickwork inspection recommended and samples of appropriate repointing be prepared.



Internal

- Water-related staining to ceiling of 1949 Memorial Tower and Porch in a number of locations. Inspection of flat roof and membrane recommended.
- Extensive moisture-related damage to the western wall of the 1903 building.
- Isolated areas of falling damp on the north wall particularly towards the western end.
- Isolated areas of rising damp evident at skirting level particularly at the eastern end of the northern and southern walls. The rising damp at the eastern end of the northern wall may relate to rising ground levels externally noted above.
- Isolated areas of rising damp on the western wall to the RHS of the exit doors to the Porch.
- Timber skirting missing to entire west wall of 1903 building.
- Minor area of water damage to ceiling of Vestry (possible flat roof issues)
- Minor area of flaking paint, such as above door into 1980s kitchen on the east wall of the 1926 building.



Representative examples of some internal issues requiring repairs and maintenance (Source : Christo Aitken + Associates)

2.6.4 Altered Fabric

The building is relatively intact with only a few alterations and additions which were addressed in the earlier section relating to evolution of the building. The following summarises the obvious areas of altered fabric:

- 1926 addition of Sunday school hall.
- 1949 demolition of 1903 main entry porch and addition of Memorial Tower and Porch. The works appear to have included bricking up the original door openings in the western wall of the 1903 building.
- 1960 demolition of high round arched window and formation of new door opening to Vestry on the northern elevation. The two windows were re-used in the north elevation of the vestry.
- 1949-60 construction of attached brick toilets at eastern end of the 1926 Sunday school hall.
- 1949(?) Loss of perimeter picket fence on Bathurst Road and Summer Street.
- 1955-81 construction of weatherboard Sunday school hall (Mayflower Hall) in northern garden area on Summer Street. Demolished 1981.



Alterations to the main façade indicating the original / more sympathetic finish and colour of the 1949 Memorial Tower and Porch below later applied signage together with remnant lettering (Source : Christo Aitken + Associates)

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Representative examples of some alterations with potential for some to recover the original character (Source : Christo Aitken + Associates)



Examples of some of the removed wall and door plaques (Source : Christo Aitken + Associates)

- The post 1977 painting of the Memorial Tower and Porch externally an off white colour. The original colour and texture appears to have been a light stone colour in a sandy texture which was revealed behind the recently removed Uniting Church plastic signage on the front façade.
- 1981-present construction of weatherboard additions on northern and eastern elevations for kitchen and storage facilities. Included a staged enclosure of the earlier brick toilets.
- Late 1990s(?) loss of 6 roof vents likely during re-roofing of the 1903 and 1926 building.
- Alterations to stage / podium including extension of the podium southwards.
- Stained glass window in centre of 1949 Memorial Porch.
- Intrusive modern ceramic tiling to entrance hallway at base of the Memorial Tower.
- Extensive areas of surface wiring and later electrical alterations and additions. Recommend an electrician and rationalize the electrical wiring internally.
- Original polished timber floor boards covered with carpet.

2.6.5 Removed Fabric

The following is an initial list of missing fabric that could be important in understanding the buildings:

- Original lighting to the 1926 Sunday school hall.
- Church related furniture including pews, font, pulpit or altar, priest or presider's chair. The furniture was not recorded prior to removal but some photographs are available from the public auction in 2019. Copies included in this report.
- Approximately 16nos commemorative wall plaques. The plaques do not appear to have been recorded prior to removal by the Uniting Church in 2019. While it is appreciated that they may have some connection to the Uniting Church they are also important in understanding the history of the former Congregational Church and its members. Although the detailed content of the wall plaques is uncertain at this stage it is likely their reuse in some form elsewhere in Orange by the Uniting Church will not be totally successful as the connection with the original building broken and the relevance of the commemorative plaque's wording will be lost. Options need to be explored to satisfy the ongoing emotional attachment by the Uniting Church and the ongoing social significance to the original Church building.

Note that the removal of wall plaques has uncovered a range of earlier internal wall finishes because the plaques were fixed to the walls over successive periods. These paint schemes should be recorded.

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3.0 CONSERVATION POLICY

In order to retain the cultural significance of a historic place conservation policies must be developed to guide decision-making. These policies are derived from key aspects and opportunities of the place arising from its cultural significance. They include current statutory requirements as well as the building owner and users needs, the physical condition of the place and other long term planning strategies.

As outlined in the Introduction to this document the typical framework for conservation plans after establishing significance is the development of conservation policy involving gathering of information on a wide range of aspects including requirements for retention of significance, external requirements, physical condition and client's requirements or feasible uses. The sequence involves developing and stating a conservation policy and then evolving strategies and options for its implementation. These may expand gradually as the understanding of places evolves and uses of buildings and places change. In this document these issues have been organised into integrated sections addressing the process of development of the policies and the stating of those policies within each section rather than in separate sections. This avoids duplication of content and efficiently groups information and related policies.

In simple terms the strategies have been divided into the follow broad categories:

MANAGE These are key policies to address the place as it is known and appreciated today to retain and reveal significance. These include the general policies and vision for the place as well as the detailed policies for caring for the place. They include specific actions and guidance on the fabric of the place useful for tenants and building users and may cross-refer to a detailed building maintenance plan or landscape and garden plan.

CHANGE These are key policies to address the process of change in some way within the place. These include the wider statutory controls and processes that must be applied to any aspects of change at the place as well as the process for investigating, presenting and documenting proposals for change. The range of stakeholders are outlined which includes the Heritage NSW and Orange City Council. Other key stakeholders with an interest must include community heritage groups such as the National Trust of Australia (NSW) as well local community groups and families with a long association with the Congregational Church.

PLAN These are key policies to address the future and avoid the issue of risks and potential threats to the place. These include the development of strategic planning policies as well as management and recording of work that will provide ongoing research and documentation into the future.

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3.1 **MANAGE** - POLICY TO RETAIN OR REVEAL SIGNIFICANCE

3.1.1 Policy - General Approach and Vision for the Place



A landmark in Orange on the Bathurst Road.
(Source : Christo Aitken + Associates)

The Orange Congregational Church (former) is of cultural heritage significance and has a range of cultural values including historic, historic association, aesthetic, social and representativeness. The social values are important within the wider Orange community as the first European church service occurred on this site in the 1840s. Overall the property is regarded as being of high LOCAL heritage significance but also makes a significant streetscape contribution, together with the adjacent Bowen Terraces, to the important eastern entry to the City of Orange as well as the adjacent East Orange Conservation Area. The former church has early historical associations with Bowen Terrace and their visual interaction today is an important consideration.

The church property should be conserved as an item of LOCAL significance and in view of the particulars of the site and the buildings, the guiding philosophy should follow best practice conservation methods of *maintenance, preservation, reconstruction, adaptation and interpretation*.

The adaptation of the building to a limited extent is important to ensure its ongoing occupation and use. The building was purpose designed in 1913 as a modest congregational church, specific to the denomination's philosophy and operational needs. The subsequent adoption by the Uniting Church in the 1970s little changed the fabric of the building. Although an ongoing religious or community use might have been preferred, the sale of the building in 2019 apparently revealed little interest from those local groups. Adaptation of the building or, design of new buildings on site, should follow the *Australia ICOMOS* principle of advocating a cautious approach to change of heritage places: do as much as necessary to care for the place and to make it usable, but otherwise change it as little as possible so that its cultural significance is retained.

Policy:

- i. Manage the ongoing life of the former Orange Congregational Church, its buildings and its setting in accord with its acknowledged heritage values and following best practice heritage conservation measures to ensure that the significance of the place is recognised, reinforced and retained into the future.**
- ii. Recognise that the Congregational Church is an important public institution which has played an important role in**

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fulfilling the spiritual aspirations of communities around the world since the early 1800s and that the former Orange Congregational Church will be treated with respect for those values embodied in the place. Related to the above, the site is also the location of the first European church service in Orange in 1846 and has significant social and historical values.

- iii. Establish viable and appropriate uses for the building that draw from the original intent of providing a gathering place, in some form, for the community.
- iv. Recognise the positive contribution that the building and its immediate neighbour, Bowen Terrace, make to the eastern entry to Orange and ensure that this aspect of setting is taken into consideration in its future use and presentation.



A harvest festival celebration in the Church in the early 20th C bringing together the best of local seasonal produce has potential to be extended into new uses for the building to maintain some local continuity. (Source : Orange Historical Society)

3.1.2 Policy - Feasible and Compatible Uses

While the continuity of the originally intended use as a place of worship would be preferable, there are many examples of adaptive reuse of historic churches, however the best examples are generally ones that have little altered the original buildings and the new uses work with the key characteristics and elements of significance of the original building. In doing so, it would also be preferable if the opportunity arises, to re-establish or retain in some form a connection with its past religious use, but if not, then to ensure as little change as possible to the building's design, form, layout and character to retain its future potential.

Policy:

- i. Use the following, which appear to draw together some pertinent characteristics of the building, to guide appropriate future uses
 - A place that encourages gathering of people
 - A place for the local and wider community to meet and interact
 - A place where local produce can be appreciated
 - A place where the values of history and heritage can be nurtured and best presented
 - A place to gather and celebrate particular life events
- ii. Appropriate future uses should also be respectful to the original designed use of the building and the considerations of the wider stakeholders.
- iii. Future uses that necessitate a high degree of change to the building, form, layout and character would not be appropriate uses to consider. Internal subdivision of the original Church and hall into smaller spaces would not be appropriate.
- iv. Appropriate future uses that relate to some of the pertinent characteristics of the property could include the following:
 - Restaurant and fine dining

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- Café and coffee shop
 - Functions and small events
 - Outdoor seating and dining
- v. **Retain or re-establish an ongoing connection, in some form, with the earlier use of the property by the Congregational Church or Uniting Church and their members. While this is important in terms of some continuity it may also assist in a practical way in the ongoing management and understanding of the place through shared historical records.**

3.1.3 Policy – Curtilage, Setting and Vistas

The primary and most relevant historic curtilage for the Orange Congregational Church is its lot boundary.

However, the building has strong landmark qualities that relate to siting, dominant views, the immediately adjacent Bowen Terrace and their joint siting on the edge of the East Orange Heritage Conservation Area. Therefore, a secondary visual curtilage that should be considered relates to important streetscape views in the immediate vicinity as well as the combined contribution that the Church and the terraces make in their immediate neighbourhood.

Policy:

- i. **The recommended primary curtilage around the former Orange Congregational Church is the existing Lot and DP. This is the curtilage that can be managed by the owners of the property and aligns with the LEP listed heritage item.**
- ii. **A secondary curtilage is evident beyond the property that should be considered in the ongoing management of the Place to avoid impact and retain significance. The secondary curtilage relates to the visual inter-relationship between the Church and Bowen Terrace and the contribution that both make to (i) the eastern entry to the City of Orange and (ii) the East Orange Heritage Conservation Area.**
- iii. **Future works or changes should retain and avoid impacting on significant primary and secondary views along Bathurst Road of the Church and Bowen Terrace. The views of primary significance are those from (i) Bathurst Road looking eastwards towards the Church with Bowen Terrace in the background and those from (ii) Bathurst Road looking west with Bowen Terrace in the foreground and the Church in the background. The views of secondary significance are those on the Summer Street extension to the north of the Church some of which are visually screened by existing established trees.**

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The grounds of the Church on Summer Street has the potential to provide an attractive outdoor area for potential future uses. (Source : Christo Aitken + Associates)

3.1.4 Policy – Grounds, Landscaping and Trees

The Church grounds are relatively constrained between Bathurst Road and the Summer Street extension to the north. The narrow section of land between the Church and the public footpath on Bathurst Road and the corner of Bathurst Road and Summer Street has developed into a relatively neglected margin. This was not always the case as evident from the 19th C photographs which indicate a soft landscaped margin with hedge planting and decorative fence on Bathurst Road and Summer Street. The Bowen Terrace group along Bathurst Road are setback behind small front gardens which have been soft landscaped and make a positive contribution to the streetscape. A similar approach could be applied by the Church along Bathurst Road.

The existing grounds also include a small separation at the rear of the Church between Bowen Terrace which is relatively unused apart from the visually important punctuation by 1-2 small trees on the Bathurst Road. These trees are critical as they provide discrete separation between the buildings and largely conceal the existing additions at the rear. They should be retained and reinforced particularly if future works are to occur between the two buildings.

The existing entry 'forecourt' space for the church at the Bathurst Road and Summer Street corner is a relatively degraded space that could be improved to the benefit of the Church and the streetscape.

The north eastern corner of the property on the Summer Street extension frontage, with its widened grounds, provides a greater opportunity for viable use related to the building. The existing trees in this area are well-established and make a significant contribution to the Summer Street streetscape and the adjacent residential neighbourhood.

Policy:

- i. **Re-establish the soft margin with hedge planting and appropriate fencing along Bathurst Road and the Summer Street extension as evident in early historical photographs. The planted margin will consider ground levels and moisture related issues to avoid damage to the building.**
- ii. **Develop a range of options to recover and improve the character of the Church building entry on the corner of Bathurst Road and Summer Street together with boundary fencing should be explored. An appropriate entry and fence will improve the setting of the building and the vistas along this important entry to Orange.**
- iii. **Retain and reinforce the existing trees between the rear of the church and Bowen Terrace to provide discrete separation between the buildings and largely conceal the existing additions at the rear.**
- iv. **Retain and reinforce the existing trees along the northern boundary of the building and into the widened grounds in**

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the north-east corner of the property. The trees and landscaping provides valuable screening and local amenity.

3.1.5 Policy – Conservation Management

The care and the conservation of the existing building and its fabric is a key consideration that requires an understanding of significance and a technical understanding of fabric, materials and finishes. There is an overlap of this issue in each of the main policy headings of ‘Manage’, ‘Change’ and ‘Plan’.

The tasks with respect to ‘conservation work’ can be separated into the following

Manage = care for the fabric in order to retain or reveal significance. This aspect principally involves understanding the levels of significance and following the guidelines established in a conservation plan or conservation management strategy.

Change = care for the fabric in order to meet statutory requirements. This aspect principally involves understanding the potential impact of work proposed and seeking the required statutory approvals.

Plan = care for the fabric in order to guide future needs and outcomes. This aspect principally involves seeking the appropriate advice.

The other critical aspect to conservation work is the use of best practice guidelines, such as those embodied in the Australia ICOMOS Burra Charter. The key approach to management of this significant property is articulated in Article 3 of the Burra Charter “*Conservation is based on a respect for the existing fabric, use, associations and meanings. It requires a cautious approach of changing as much as necessary but as little as possible*”. The impact even of minor change over successive periods in the life of a building will inevitably result in major change over time. The philosophy of ‘as much as necessary but as little as possible’ is a prudent approach with places of recognized significance.

In order to achieve this outcome there is the need for all users of the place to work with the existing fabric and layout of a place and to modify their expectations and demands on the building to avoid the need for change to a place.

This document also begins to establish the process for appropriate conservation and care of the building and its significant elements.

Policy:

- i. **Ongoing occupation and use of the building and grounds of the former Orange Congregational Church will adopt the cautious approach recommended by Australia ICOMOS in The Burra Charter by only changing ‘as much as necessary but as little as possible’. The approach will work with the**

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existing fabric and layout and to modify unreasonable expectations and demands achievable in other ways to avoid the need for unnecessary change.

- ii. Adopt the broad approach to conservation work contained in this conservation management strategy or future similar documents, such as, a conservation plan.**

The Burra Charter recommends that a conservation policy should be open to future review. The owners or management body

The broader issues of changes related to the building and elements is discussed in other conservation policies in this document.

3.1.6 Policy - Archaeology

The archaeological potential of the property is low as the property appears to have been largely undeveloped until 1903. However, there are historical references to an early cottage on site but its location and form is currently unknown. The building appears to also have been used as a small school which also reinforces some of the educational values of the site which continued through the various Sunday School uses over the years. However, in view of the archaeological uncertainties a degree of caution is recommended if works are to occur in the existing grounds, particularly the north-east corner as the 1955 ex-Army hut called Mayflower Hall was located in that area and used as a Sunday School. It was demolished in 1981 and it is possible that the 1980s extensions at the rear of the building salvaged some weatherboards from that hut. Additional research is recommended to clarify the following (i) the site of the first church service in Orange (ii) details of the pre-1846 cottage and (iii) details of Mayflower Hall.

Useful information relating to archaeological issues can be found in the OEH publication "Assessing Significance for Historical Archaeological Sites and Relics". It is recommended a copy be added to volume 2 of this CMS for initial working advice. Ref <https://www.heritage.nsw.gov.au/assets/Uploads/a-z-publications/a-c/Assessing-Significance-A-Historical-Archaeological-Sites-and-Relics.pdf>

Policy:

- i. Carry out the necessary further research to clarify the following:**
 - **site of the first church service in Orange**
 - **details of the pre-1846 cottage**
 - **details of Mayflower Hall**
- ii. Use the above research and investigation to develop a clearer understanding of the archaeological potential of the property in the event of works that are likely to involve ground disturbance, or excavate to alter existing ground levels.**

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- iii. **If during any works, including minor site works, archaeological material is found, work must cease and advice sought from a heritage consultant, Orange City Council or Heritage NSW to advise of appropriate actions.**



1998 Heritage Branch Publication (Source :
OEH / Heritage NSW)

3.1.7 Policy - Maintenance

The importance of appropriate regular maintenance cannot be overstated. The regular expenditure of small amounts of maintenance funding is better management for a building generally and is more cost effective than large injections of capital every 20 years or so. Maintenance is defined in the ICOMOS Burra Charter and its Guidelines as the continuous protective care of the fabric, contents and setting of a place.

All areas of buildings should be inspected at regular intervals to identify any deterioration and required maintenance work including cleaning. Frequency may be influenced by the rates of decay and deterioration of various building elements. Annual budgeted expenditure on maintenance could be separated into:

- committed expenditure ie tasks that occur every year, maintenance contracts etc
- variable expenditure ie tasks that may not occur every year, painting etc
- managed expenditure ie tasks that are unforeseen and emergencies etc

A log book, diary with record photographs should be set up in the first year which would form the basis for on-going understanding of the needs of the place and allow establishment of budgets in coming years. The suggested working folder established for this conservation management strategy could be used initially as a framework for collection of issues.

An outline cyclical maintenance check list should also be developed and separated into site issues, landscape and garden, building fabric and building services. A suggested cyclical maintenance regime is included in the attachments to this conservation management strategy.

Policy

- i. **A maintenance plan must be developed for the property which would include each building and all landscape elements. The plan would be able to guide an approach to care of the significant elements and also provide a basis for budgeting for owners and users of the place.**
- ii. **In the short-term, urgently inspect the areas noted in section 2.6.3 Deteriorated Fabric ie the concealed and inaccessible spaces : subfloor areas generally, roof cavity spaces, tower space internally and flat roofs of later additions 1926 (Bathurst Road porch), 1949 (Memorial**

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- Tower and Porch) and 1960 (Vestry). Prepare a repair program particularly for the moisture and water-related issues of rising and falling damp.**
- iii. **Undertake ongoing maintenance of buildings and grounds on a cyclical basis. A maintenance program should provide for regular inspection with remedial action to be taken where required as soon as possible. Inspection and maintenance should be undertaken by professionally qualified specialists or tradesmen where required. No maintenance work or repairs should negatively impact on significant fabric.**
 - iv. **Deteriorating significant features and materials should be repaired rather than replaced. If replacement is necessary, the new work should be based on existing or historical evidence rather than conjecture.**
 - v. **The owner should ensure adequate, consistent and long term funding is made available for the implementation of ongoing program of maintenance for the building and grounds.**

3.1.8 Policy - Fabric



An important aspect in managing heritage values is to conserve the significant fabric that gives the place significance. This includes the built and landscape elements. The conservation of the fabric is also associated with the cyclical maintenance of the place to retain the significance.



This conservation management strategy has outlined the process but, in view of the budget limitations for this stage, does not include the detailed analysis, assessment and condition of individual building component. It will be necessary to prepare a more detailed schedule of conservation works to address each room and individual building components.

Policy:

- i. **Extant original building fabric both externally and internally, which survives from significant periods and which contributes to the overall significance of the former Orange Congregational Church should be retained and conserved. Conservation priorities shall generally respond to the relative levels of graded significance of the place and its individual elements.**
- ii. **Prepare a detailed analysis, assessment and condition of individual building components to accompany a Schedule of Conservation Works to support the proposed ongoing conservation program.**
- iii. **Preservation and ongoing maintenance of original and significant fabric must be carried out using appropriate**



Modest components of original fabric have potential to be restored and reactivated to recover lost significance and their ongoing use ensuring their retention (Source : Christo Aitken + Associates)

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- conservation methods and treatments with recording of any new work.
- iv. **Removal of intrusive elements or fabric of little significance is generally permitted with notification of Council through the LEP Minor Works clause.**
 - v. **Where new fittings, fixtures or architectural elements are introduced they should be designed or selected to be sympathetic with the visual qualities and significant character of the existing building to minimise impact and loss of character or fabric.**
 - vi. **Reinstate significant building fabric elements removed from the building over the years. Some of these were noted in section 2.6.4 and 2.6.5 Altered and Removed Fabric including the 1903 roof vents, perimeter fencing on Bathurst Road and Summer Street and original internal lighting to the 1926 Sunday School Hall etc.**
 - vii. **Investigate on site and carry out further historical research to clarify when the original external colour of the 1949 Memorial Tower and Porch were painted off white. The rendered façade may have been a more subtle and sympathetic light stone colour which might have sat more comfortably with the brick, the pointing and the original rendered window sills colouring which are earthy light-brown warm tones. It may have been carried out by the Uniting Church in 1977.**
 - viii. **Explore options for reinstatement of the commemorative wall plaques in a respectful manner within the Church in view of the important story they tell about the building and its congregation. These options will need to be developed in partnership with the Uniting Church in order to satisfy their possible concerns in terms of impact on members of the former congregation. Options could initially include, say, (i) a professional photographic record of all the wall plaques and their original locations (ii) copies of the plaques re-mounted in the original locations or, alternatively, blank wall plate re-mounted in position on the walls and a display presentation booklet printed with copies of the photographs and details of the family histories retained in the church building for viewing by interested guests and visitors.**

3.1.9 Policy - Interpretation and Presentation

Interpretation is an increasingly important aspect of appropriate conservation and care of heritage items. In 2005 the Office of Environment & Heritage developed an interpretation policy to encourage greater use of interpretation. Their supporting documents stated that *“the significance of some heritage items is easy to understand; but for others the values are not obvious and require interpretation. Many items have values that are better understood through interpretation. Interpretation media including activities and*

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events, signs, publications, audio, video, artworks and trails, can enhance understanding and enjoyment by appealing to different levels of experience and knowledge, as well as to different learning styles. Interpretation can strengthen and sustain the relationships between the community and its heritage”.

The subsequent guideline OEH publication “*Interpreting Heritage Places and Items*” provides good advice, guidance and structure in developing an appropriate approach to interpretation. The ingredients for best practice interpretation are:

- Respect for the special connections between people and items
- Understand the item and convey its significance
- Use existing records of items, research additional information, and make these publicly available (subject to security and cultural protocols)
- Explore, respect and respond to the identified audience
- Make reasoned choices about themes, stories and strategies
- Stimulate thought and dialogue, provoke response and enhance understanding
- Research the physical, historical, spiritual and contemporary context of the item, including related items, and respect local amenity and culture
- Develop interpretation methods and media which sustain significance of the items, its character and authenticity
- Integrate interpretation in conservation planning, and in all stages of a conservation project
- Include interpretation in the ongoing management of an item; provide for regular maintenance, evaluation and review
- Involve people with relevant skills, knowledge and experience
- Collaborate with organisations and the local community

A copy of the OEH interpretation guidelines are included in the conservation management strategy working folder for reference.

Policy:

- i. **Develop a creative outline interpretation plan based on the principles recommended by OEH in their guideline publication ‘Interpreting Heritage Place and Items’ as part of the ongoing conservation program for the former Orange Congregational Church.**

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3.2 **CHANGE** - POLICY TO MEET CURRENT STATUTORY REQUIREMENTS

3.2.1 Policy – Procedural Requirements

As the former Orange Congregational Church is of significance, there is a responsibility on the owner to ensure that works that take place are in accordance with the relevant statutory requirements, the recommendations of this conservation management strategy and the ongoing heritage advice.

Procedurally most works require consent in some form. However, as noted minor works and maintenance can be undertaken either under exemptions from the NSW Heritage Council (in relation to excavation and archaeology) and Orange City Council (in relation to the LEP objectives and controls for heritage items). It is recommended that this be discussed with NSW Heritage Council staff and Orange City Council staff to establish the types of work that are likely to be exempt and those where a notification of formal consent will be required.

While development consent for works is addressed under the NSW Heritage Act, the Orange City Council LEP 2011 and the Orange City Council DCP 2015, there is an onus on obtaining consent for any works in relation to the individually LEP listed heritage item and the Heritage Conservation Area.



Orange City Council Approvals Process
(Source : Orange City Council)

Policy:

- i. **Do not undertake works on site without appropriate NSW Heritage Council and Orange City Council notifications or formal consent if necessary.**
- ii. **Discuss all building works in early planning stages with Orange City Council and seek advice and input from Council's heritage adviser.**
- iii. **For minor works that may be subject to exemptions or notifications, apply for the necessary exemption in consultation with NSW Heritage Council and Orange City Council for works such as general maintenance, repainting and some conservation works.**
- iv. **No major building or adaptation works are to occur until a detailed schedule of conservation works has been prepared which addresses fabric conservation, and has been discussed and submitted to and approved by relevant consent authorities.**

3.2.2 Policy - Control of Change

It is inevitable that there will be some aspects of change required within the property in the future. The establishing of a framework to consider

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and assess those changes is partly related to statutory process issues and partly to the capacity of the place to undertake change without loss of significance. The statutory approvals process is addressed in later in this document. The capacity of a place to cope with change is related to the requirements of significance of the place. Significance gradings is a convenient method to assess those opportunities.

Significance Gradings

The following policy statements should be used to guide the future works. The guidelines noted in J.S. Kerr's 'Conservation Plan' and the Australia ICOMOS 'Burra Charter' should be referred to when changes are considered. The general principle being that sites, structures, spaces and elements in each specific grading of significance be conserved in a manner that retains and respects their specific significance.

Policy:

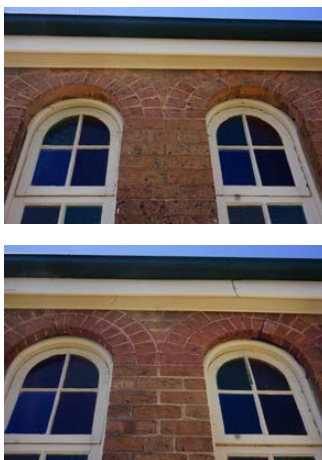
- i. **The following policy statements should be used to guide the day-to-day care of the former Orange Congregational Church and ensure that the integrity and significance of the site, structure, space, or element is not compromised and that any negative impact is minimized:**
 - **Areas or elements of HIGH SIGNIFICANCE** - These sites, structures, spaces and elements are of high cultural significance and must be retained in their existing configuration. If required, they may be adapted for a new use and new elements introduced; however surviving original fabric and finishes should be conserved in situ and the integrity retained and respected.
 - **Areas or elements of MODERATE SIGNIFICANCE** - These sites, structures, spaces or elements are of moderate cultural significance and their reduced significance may result from their lesser role in significant attributes of the place or may be because of later unsympathetic additions and alterations, but they retain a high degree of significant fabric. Retention of surviving fabric in situ is preferred to relocation. Adaptation is possible and new elements introduced which alter the item without loss of integrity or original design intent and, if possible, those aspects strengthened.
 - **Areas or elements of SOME SIGNIFICANCE** - These sites, structures, spaces or elements retain some integrity but are of moderate cultural significance. They can be adapted and changed for other uses but significant fabric should be retained in situ if possible and the qualities and integrity of the spaces or elements respected.
 - **Areas or elements of LITTLE OR NO SIGNIFICANCE** - These sites, structures, spaces or

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elements are only of minor cultural significance and can be retained or adapted. Any elements of significant fabric, if present, should be retained and respected.

- **Areas or elements that are INTRUSIVE - These sites, structures, spaces or elements are of no cultural significance and are intrusive. They should be either removed or altered.**



Original external detailing and colouring of brickwork remains in some sections of the building (Source : Christo Aitken + Associates)

Any degree of change to these specific areas of significance will require assessment and some form of consideration by the relevant statutory authority. The approval process is discussed in this document but an understanding of relative significance of areas and building elements is essential for day-to-day care.

Sections 1.0 and 2.0 of this document assessed the significance of the property including buildings, landscape elements and archaeology. These assessments are relatively broad and will need to be refined when, and if, works are proposed. That process of analysis and assessment is known as a statement of heritage impact and the methodology is applicable at the large scale with major changes to the building and at the small scale to minor changes to the internal fabric of specific rooms. Heritage NSW has prepared guidelines for the approach. The assessments can be a relatively simple process as long as the key heads of consideration are covered.

Policy:

- ii. **The gradings and levels of significance in this CMP provides an initial guideline and must be refined and developed as necessary when, and if, works are proposed. The assessment process must be applied to all works regardless as to whether it may be initially considered that the works are unlikely to impact on the significance. The assessment process need not be exhaustive and timing consuming but needs to document the process, assessment and conclusions.**
- iii. **Discuss potential changes early with the relevant statutory authorities and use the building and fabric analysis to illustrate the issues, potential impact and any mitigating measures proposed.**

3.2.3 Policy - Statutory Controls

Heritage NSW

As noted in this document, State Government is not likely to be a major consent authority in future changes to the former Orange Congregational Church, however, in view of the adjacent State Heritage Register listed item, Bowen Terrace, it is recommended that they be initially informally advised of possible works and the opportunity for

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their comment, advice and feedback. Heritage NSW also manage the NSW Heritage Act 1977 for the NSW Heritage Council and there are specific obligations under section 139 and 140 of the Act relating to the wider issue of excavation and disturbance of relics.

Policy:

- i. **Liaise with Heritage NSW with regard to major future works or new buildings proposed within the curtilage of the former Orange Congregational Church in view of its siting adjacent to a State Heritage Register listed item.**
- ii. **Obtain any State Government statutory approvals or exemptions necessary prior to commencing future building works.**

Orange City Council

The former Orange Congregational Church is listed on *Schedule 5 of the Orange LEP 2011* as a local heritage item Orange City Council is the principle consent authority for changes proposed to the heritage item. The property is also located within the East Orange Heritage Conservation Area listed in *Schedule 5 of the LEP 2011*.

Clause 5.10 of the LEP includes objectives and controls that need to be considered in undertaking works on heritage items.

Policy:

- iii. **Liaise with Orange City Council with regard to initial ideas for works at the former Orange Congregational Church to ensure that general direction is considered appropriate and in line with the LEPs objectives. As the design proposals progress it is recommended that the owners lodge a Prelodgement Application generally offered by Councils to gauge in more detail the scope and whether the initial proposals are in line with the LEPs controls.**
- iv. **Seek specific advice and guidance from Council's heritage adviser as early as possible to ensure that best practice advice and direction can be integrated early into any works.**
- v. **Obtain all necessary local Government statutory approvals or minor works exemptions necessary prior to commencing any building works.**
- vi. **Liaise with Orange City Council to update the State Heritage Inventory sheet 2220572 for the property with some of the significant research and material from this conservation management strategy. It is also recommended that the heritage item name be amended from "Five Ways Uniting Church" to "Fiveways Former Congregational Church".**

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The Building Code of Australia (1996) (BCA) is the principal document guiding all construction work in Australia. Under the Local Government (Approval) Regulations 1993, the consent authority (ie Orange City Council) has the discretionary power to require that an existing building comply with current building standards, as a condition of approval of proposed works to an existing building. The following BCA provisions could apply especially in view of public access:

- fire resistance
- disabled access
- fire egress
- food preparation areas

The NSW Heritage Council provides a free advisory panel (FASAP Fire Access and Services Advisory Panel) to assist with specific issues where heritage and BCA provisions and compliance may be at conflict.

Policy:

- vi. **Any strategies or solutions to address any statutory compliance issues at the property should be governed by the cultural significance of the place. Where necessary, alternative solutions and compromises should always be pursued so that culturally significant fabric is not altered or removed. Assistance if necessary could also be sought from the Fire Access and Services Advisory Panel of NSW Heritage Council in Sydney.**

3.2.4 Policy - Non Statutory Controls**Australia ICOMOS**

As noted in this document, Australia ICOMOS are associated stakeholders in the future of the property in view of its heritage significance and the need for appropriate care and management.

Policy:

- i. **Adopt best practice conservation guidelines embodied in the *Australia ICOMOS Burra Charter* in caring for the former Orange Congregational Church into the future. Employ specialist advice, consultants, builders and tradespersons who are conversant with the principles, methodology and approach of the Burra Charter.**

National Trust of Australia (NSW)

As noted in this document groups such as the National Trust of Australia are associated stakeholders in the future of the property in view of its significance in the history and development of Orange as well as its streetscape values.

Policy:

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- ii. **Recognise and respond positively to the interested and experienced heritage bodies, such as, the National Trust of Australia and other local historical societies, as they are indirect stakeholders in the ongoing care and conservation of the property. These groups have the potential to make a positive contribution through their understanding and appreciation of local history.**

Congregational Church and Uniting Church

As noted in this document, community groups, such as those associated with the former Orange Congregational Church and Uniting Church of Australia are associated stakeholders in the future of the property in view of their attachment to the place from over 100 years of use as a place of worship.

Policy:

- iii. **Recognise and respond positively to the previous owners and associated community groups, such as, the Congregational Church of Australia, the Uniting Church of Australia and interested members of their congregations, as they are indirect stakeholders in the ongoing care and conservation of the property. These groups have the potential to make a positive contribution through their understanding of the specific history of the property and its buildings.**

Local Community

As noted in this document, the wider Orange community will have an interest in the ongoing care and conservation of the property, as they are indirect stakeholders in the wider issue of the historic character of Orange and its significant buildings that make Orange a tourist destination and an attractive place to live.

Policy:

- iv. **Recognise and respond positively to the wider Orange community and their interest in the property, Bowen Terrace and the East Orange Heritage Conservation Area, as they are indirect stakeholders in the ongoing care and conservation of the wider City of Orange. These groups have the potential to make a positive contribution through their appreciation of good outcomes within the built environment.**

3.2.5 Policy – Archival Records

Management of records associated with the conservation of the place forms an important component of an effective management strategy. These records record for posterity the scope of changes to be undertaken

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and the reasoning behind the change. The safe storage of these records in a publicly accessible archive is important.

Prior to the commencement of works that will result in change to a heritage item there will be a need to undertake an archival record. Heritage NSW has prepared guideline publications to assist in this task. The following publications are essential reading and reference:

- How to carry out work on heritage buildings, Heritage NSW 1995, updated 2002
- *How to Prepare Archival Records of Heritage Items*, Heritage NSW, 1998
- *Photographic Recording of Heritage Items Using Film or Digital Capture*, Heritage NSW, 2006

Policy

- Prior to the commencement of works undertake an archival record following the guidelines prepared by Heritage NSW and ensure that copies are distributed to the relevant authorities for future record.**

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3.3 **PLAN** - POLICY TO GUIDE FUTURE OUTCOMES

3.3.1 Policy – Owners, Lessees and Staff

At this stage it is thought that the current owners will be the occupiers of the building, however, there is the possibility that a tenant may occupy or manage the property or day-to-day catering business at some time in the future. While the issue of contractual leases is important the key to successful care and management of the place will be to ensure that the occupiers and day-to-day users or staff:

- Understand and respect the significance of the place.
- Undertake a cautious approach to change of the place.
- Establish a simple framework to foster early discussion of issues and opportunities.

It is recommended that a simple business plan be developed by the owners of the property to ensure that key issues are understood by users of the property perhaps with regular meetings together with a simple agenda and record keeping of decisions made and actions taken. This approach will ensure that a clear direction for the future is mapped out and can be discussed with respective parties and Council, if necessary.

Policy:

- i. **Develop a simple business plan to guide the ongoing use of the building together with advice to relevant tenants or staff in understanding the significance of the place and undertaking a cautious approach to change.**

3.3.2 Policy - Potential for Change

The Orange City Council LEP broadly outlines works that require consent and those that may be permissible without consent. The following extracts from C1.5.10(2) illustrate the statutory issues relating to the potential for change:

(2) Requirement for consent *Development consent is required for any of the following—*

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

(i) a heritage item,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

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- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (e) erecting a building on land—*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*

The Orange City Council LEP 2011 also broadly outlines works that do not require consent. The following extracts from Cl.5.10(3) illustrate the issues:

(3) When consent not required However, development consent under this clause is not required if—

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—*
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*

The Orange City Council LEP 2011 also outlines the types of documents typically necessary to support any proposals for change. The following extracts from Cl. 5.10(4) and (5) and (6) illustrate the approach:

(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment The consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or*
 - (b) on land that is within a heritage conservation area, or*
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would*

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affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans *The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.*

In terms of the more specific issues relating to the former Orange Congregational Church this conservation management strategy has in the earlier sections outlined the broader issues relating to the key aspect of 'significance' and how that aspect must guide the general approach of change to the heritage item.

Section 2.2 outlined the 'opportunities and constraints arising from the significance' and section 2.3 began the important process of 'grading of significance'. The significance gradings established were HIGH, MODERATE, SOME, LOW and INTRUSIVE. The related plans and elevations illustrate the broad gradings of significance throughout the building and grounds. The conservation policies in Section 3.1.9 and 3.2.2 outline the objectives and degrees of change regarded as acceptable.

Broadly the principles are that elements of HIGH significance should be retained and conserved while elements that are INTRUSIVE should be removed. There are a range of elements that lie between the two extremes with varying degrees of significance that will need to be carefully considered and managed accordingly.

Also, there are a range of individual building fabric components within the broader group of building elements noted above, that will need to be considered separately. A particular room may be of high significance but later alterations may be of low significance. For instance, the 1903 and 1926 sections of the Church and Hall are of high significance, but, the widening of the podium in the 1970s is of low significance and perhaps intrusive. A room-by-room record of fabric is recommended to guide the ongoing care and conservation and will allow greater potential for change where appropriate. This level of detail would be typical of a conservation management plan. It could also form part of the schedule of conservation works recommended to accompany a development application.

Policy – Adaptation

- i. **Adaptation of the former Orange Congregational Church may take place provided that significant fabric and the spatial arrangements in and around the building, identified in this conservation management strategy, are not adversely impacted.**
- ii. **Adaptation should occur in areas of no or little significance**

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- iii. **Retain significant forms and elements and ensure that changes are sympathetic to the character of the significant elements**
- iv. **Provide facilities that are contemporary, well designed and fitted out and which support a viable, compatible use of the property.**

3.3.2.1 Minor Works and Exemptions

Refer to section 2.4 for background discussion on minor works.

Policy:

- i. **Manage the maintenance and minor work to the property with the understanding of significance outlined in this conservation management strategy, in order to balance owners and use requirements with the constraints and opportunities of the significance of the place.**
- ii. **Understand that there are currently no exemptions in place for works on the former Orange Congregational Church other than day-to-day maintenance.**
- iii. **Adopt the Burra Charter definition of ‘Maintenance’ as a guide to these works. “Maintenance means the continuous protective care of a place, and its setting. Maintenance is to be distinguished from repair which involves restoration or reconstruction”.**
- iv. **Seek professional support, assistance and guidance prior to any works from an appropriate heritage consultant.**
- v. **Adopt the suggested design guidelines in Section 2.4 of this conservation management strategy**
- vi. **Liaise with Orange City Council and make use of Council’s free heritage advisory service to clarify whether proposed works are regarded as exempt by Orange City Council or require a Minor Works notification under Clause 5.10 or require a Development Application.**

Although the Heritage NSW ‘Standard Exemptions’ provide a guide for owners of State heritage items they have no statutory relevance to locally heritage listed places but the document does provide broad guidance in terms of general definitions, approach and methodology in a heritage context. Refer

<https://www.heritage.nsw.gov.au/assets/Standard-Exemptions-Guidance-PDF.pdf>

In the introduction to the 2020 edition of the Standard Exemptions Heritage NSW states that “The activities/works must have little to no impact on the significance of the heritage item and support the items’ day to day practical management”. The basis of the approach is:

- *Check the listing* (to understand significance)

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- *Check if exemptions apply* (to relate the proposed works to typical exemptions)
 - *Engage suitably qualified and experienced professional advice* (to ensure best practice conservation outcomes)
 - *Record keeping* (to provide an ongoing resource in the care and management of a heritage item)
- vii. **Refer to the Heritage NSW 2020 guidelines to the ‘Standard Exemptions’ for works to State heritage items for initial guidance in terms of the general principles applying to works generally. The Heritage NSW standard exemptions only apply to State Heritage Register listed items. Liaise with Orange City Council prior to works occurring.**

3.3.2.2 Alterations and Additions

Refer to section 2.4 for background discussion on alterations and additions.

Policy

- i. **Manage the alterations and additions to the property with the understanding of significance outlined in this conservation management strategy, in order to balance owners and use requirements with the constraints and opportunities of the significance of the place.**
- ii. **Adopt the outline adaptation guidelines in Section 2.4 of this conservation management strategy**
- iii. **Limit future alterations and additions to areas of lesser significance.**
- iv. **Additions to the building on the south and western elevations (Bathurst Road), northern elevation of the Church (Summer Street) would not be appropriate to consider but dependant on the impact on significance to the property and neighbouring development.**
- v. **Alterations and/or additions to the existing additions on the eastern elevation of the Church would be appropriate to consider but dependant on the impact on significance to the property and neighbouring development.**
- vi. **Seek professional support, assistance and guidance prior to any works from an appropriate heritage consultant.**
- vii. **Develop options for future alterations and additions and consider the impact of each option.**
- viii. **Liaise with Orange City Council early in the design process to avoid abortive works in developing inappropriate options.**

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3.3.2.3 New Buildings

Refer to section 2.4 for background discussion on alterations and additions.

Policy:

- i. **Manage any new buildings considered within the property with the understanding of significance outlined in this conservation management strategy, in order to balance owners and use requirements with the constraints and opportunities of the significance of the place.**
- ii. **Adopt the outline adaptation guidelines in Section 2.4 of this conservation management strategy**
- iii. **Limit future new buildings to areas of lesser significance.**
- iv. **New buildings on the southern and western elevations (Bathurst Road), and the northern elevation of the Church (Summer Street) would not be appropriate or possible to consider in view of the constrained land available.**
- v. **New buildings towards the eastern end of the Church and the property may be appropriate to consider but dependant on the impact on significance to the property and neighbouring development.**
- vi. **Seek professional support, assistance and guidance prior to any works from an appropriate heritage consultant.**
- vii. **Develop options for future alterations and additions and consider the impact of each option.**
- viii. **Liaise with Orange City Council early in the design process to avoid abortive works in developing inappropriate options.**

3.3.3 Policy - Professional Advice and Input

The significance of the property and its setting is such that it warrants relevant expert advice. There will be a range of issues to address in coming years which will require the skilled heritage professionals, such as conservation architect, landscape architect, archaeologist, material conservators, experienced tradespersons, specialist suppliers and others. Continuity of conservation advice is important.

The appropriate supervision of building repairs and restoration works in progress is critical to quality control and value for money. Proposed works that involve alteration or change to significant aspects of the property should also involve appropriately skilled and experienced tradespersons and professionals. Work should be professionally documented in advance and the right level of trade skills employed and those trades supervised during the work.

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There may be a need for assessments of heritage impact and other documentation necessary for the relevant statutory authorities dependant on the proposed scope of work

Policy:

- i. **Plan and budget accordingly to ensure the continuity of professional conservation advice to guide the appropriate care of the buildings and the place.**
- ii. **Specialist, experienced and knowledgeable tradespersons must be employed to undertake all conservation works including maintenance.**

3.3.4 Policy – Ongoing Tasks

3.3.4.1 Further Research and Investigation



A single remaining plaque over the mail door into the Church from the Memorial Porch commemorating the friendship of two family members in the congregation (Source : Christo Aitken + Associates)

The importance of ongoing research is critical to an understanding of the place. There will be opportunities for further documentary and physical research into the former Congregational Church and its history and built fabric. Contact should be maintained with the Public Library Local Studies, the Orange Historical Society, the Orange Family History group and Uniting Church in view of their additional resources and archives.

There are gaps in the available history and this limits understanding of aspects of the buildings past. As additional information becomes available it is important for that information to be presented and recorded as it could be integrated into future iterations of this conservation management strategy. It may also provide useful information relating to building form, fabric and materials which could influence future changes to the property.

The working folder established as part of this conservation management strategy could form the basis for the ongoing collection of reference material.

Policy:

- i. **Integrate the need for ongoing research into the care and management regime for the Orange Congregational Church through involvement of local and regional historical societies. Encourage the use of working folder to provide a framework for additional information and historical material as it becomes available.**
- ii. **As referred to in this report in section 3.1.8 Policies - Fabric, initiate discussions with the Uniting Church to carry out further research and investigation to record and interpret the original wall plaques which were removed in 2019 prior to the auction.**

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3.3.4.2 Record Keeping

Record keeping is an essential part of managing a heritage property. It occurs at a number of different levels, such as in ongoing research as noted above, but also occurs as part of the process of change. The process of change includes the cyclical maintenance regime through to the occasional major change events. A written diary is as important as a photographic record and both must be integrated into the ongoing care and management process.

The best practice guidelines for care of historic buildings all stress the importance of record keeping. It is recognised that historic places must change with time but without appropriate records then important aspects of places will be lost for the future.

Recording must include a photographic record and owners and lessees should establish an organised collection of photographs of the property both historic and current photographs. The latter will assist with the maintenance program, such as recording deterioration rates, while the former will provide a clearer understanding of significance for all stakeholders.

Policy

- i. **Prepare a comprehensive catalogue of photographs for the property which includes historic and current material. Ensure that an ongoing photographic record is maintained for all actions as they occur in the property. The catalogue will compliment the suggested CMS working folder.**

3.3.4.3 Risk Assessment

The issue of risk assessment in heritage planning in New South Wales is increasingly being considered in the preparation of conservation management plans. The type of risks vary from building to building apart from the most common hazards namely wind storms, hail storms, fire, flooding, earthquakes vandalism, civil disturbance and vehicle impact.

The most obvious risks with the highest probability for the Orange Congregational Church at this point in time could be regarded as:

- Weather events
- Fire (within the building)
- Fire (neighbouring properties)
- Vandalism (graffiti, broken windows etc)
- Vehicle related damage

Policy:

- i. **The owners and/or lessees should develop a clearly stated management approach to the issue of risk assessment and**

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reduction as part of the overall care and management of the place. The potential risks must be reassessed on a regular basis as circumstances change.

3.3.4.4 Review of Policy

While the general intent of conservation management policies are unlikely to change rapidly there may be changes to the methods of implementation as circumstances change. It is therefore essential that they be reviewed and reconsidered to ensure their relevance and supplemented as and when necessary.

Policy

- i. **As circumstances change it is appropriate to review the applicability and relevance of the conservation policies. Supplementary, refined or amended policies can be added to the conservation management strategy in between major reviews or perhaps the writing of the conservation management plan, if necessary in the future.**

3.3.4.5 Adoption, Implementation and Review

This outline conservation management strategy is the first step in the long-term management of the property. It is a document that anticipates on-going expansion and refinement as circumstances change or as additional funding becomes available.

The owner of the property should retain copies and be involved in the review process. Copies could also be made available to the local Council and local historical society or family history group if it assists in the ongoing care and management of the place.

Policy

- i. **This conservation management strategy has capacity within its established framework to be expanded or refined in stages as necessary to address changed circumstances or specific needs or specific proposals.**
- ii. **This conservation management strategy should be reviewed every 5 years or sooner if:**
 - the management structure changes
 - the use changes substantially
 - new physical or documentary evidence results in a change in the aspects of cultural significance

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PART III IMPLEMENTATION PROGRAM

4.0 ONGOING CONSERVATION PROGRAM

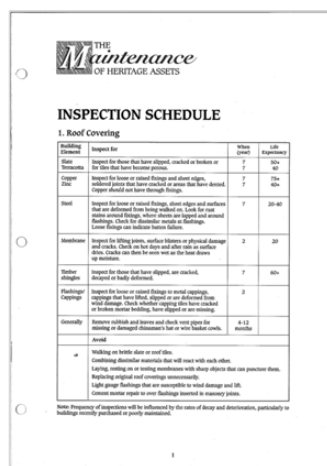
In the future management of the property the decision-making process should be focussed on the significance of the place, its significant elements and its significant fabric. The care and protection of the place should be managed in a methodical and professional manner in order to retain and recover significance where possible.

Orange City Council is the consent authority for all building work as the property is listed as a local heritage item in the Orange LEP 2011 and the property is located in the East Orange Heritage Conservation Area. As such a development application may be necessary for major works, changes or alterations to the property and the application must be accompanied by a statement of heritage impact which assesses the proposals in terms of the recognised significance and the conservation policies outlined in this report.

Management Processes

The following broad management processes should be implemented in considering the ongoing use of the property:

- This conservation management strategy (CMS) should be made available to current and future occupiers, users and owners of the property to ensure that they are aware of the significance and conservation policies.
- This CMS should be lodged with Council in conjunction with future alterations and additions to the property. Council may add this document to the Orange City Council's Local Studies Collection for future reference. Copies of this CMS should also be forwarded to the Local Historical Society for their reference.
- Skilled and appropriate consultants should be employed to assist in the ongoing care and management to ensure that the appropriate technical skills are applied early in the design process to avoid impact on significance.
- A risk assessment plan should developed with appropriate Building Code of Australia advice on key public safety and Occupational & Health issues. Insurance cover for the property should be reviewed to acknowledge the areas of significance.
- A regular review of the conservation management policies should occur as they provide a framework for the management of heritage issues. The policies may need to progressively respond to changing circumstances in order to remain relevant. The CMS should generally be reviewed every five years but this cycle may change because of changes in ownership,



Heritage NSW Maintenance Series, 1998
(Source : OEH / Heritage NSW)

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changes in legislation or changes in use. The review needs to be carried out by experienced conservation practitioners.

- The management processes need to develop a framework for (i) maintenance works and (ii) conservation works.

4.1 Maintenance Works

A program of cyclical maintenance needs to be developed.

EXTERNAL PROGRAM/ESTIMATE SCHEDULE											
Building Element	1	2	3	4	5	6	7	8	9	10	Year
1. Roof covering											
Roofing											
Roofing											
2. Roof Drainage											
Downspout pipe											
Downspout											
3. Eaves											
Truss											
Roofing											
4. Fabric											
Roofing											
Roofing											
Roofing											
5. Structure											
Truss											
Roofing											
6. Joinery											
Truss											
Roofing											
7. Painting											
Roofing											
Roofing											
Roofing											
8. Services											
Roofing											
9. External Works											
Truss											
Roofing											
Roofing											
10. Urgent maintenance											
TOTAL \$											

Heritage NSW Information Series 1.1, 1998
(Source : OEH / Heritage NSW)

The regular expenditure of small amounts of maintenance funding is better management for a building generally and is more cost effective than large injections of capital every 20 years or so. Maintenance is defined in the *Burra Charter and its Guidelines* as the continuous protective care of the fabric, contents and setting of a place.

All buildings should be inspected at regular intervals to identify any deterioration and required maintenance work including cleaning. Frequency may be influenced by the rates of decay and deterioration of various building elements. Annual budgeted expenditure on maintenance could be of three kinds:

- *Committed expenditure* ie tasks that occur every year, maintenance contracts etc
- *Variable expenditure* ie tasks that may not occur every year, such as, painting etc
- *Managed expenditure* ie tasks that are unforeseen, emergencies etc.

Heritage NSW have good resource material to assist in developing a maintenance plan. The following documents should be referred to:

- *Preparing a Maintenance Plan, Information Sheet 1.1, 1998*
- *Inspection Schedule, The Maintenance of Heritage Assets, 1998*

Copies of the above guidelines are included in this CMS volume 2 - working folder.

It is recommended that a Maintenance Plan based on the above resource material or similar, be prepared and implemented in the coming 3-6 months, say, mid 2021. The maintenance plan should include an ongoing log book with appropriate detailed and general photographs for future record and reference.

4.2 Conservation Works

A detailed Schedule of Conservation Works needs to be developed.

The care of historic properties and buildings is informed by a full understanding of the components and elements that make up a place and their respective levels of significance. The process needs to be

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[illegible]

methodical on a room-by-room basis with each element of building fabric scheduled together with an understanding of its relative level of significance and a brief recommendation. Each window and door should similarly be scheduled and numbered on a key floor plan. For instance, a particular door, such as the existing door from the 1903 Church into the 1926 Sunday School Hall (Door D4 on the January 2021 site inspection sketch) may retain its original late 19th C rim lock which is of high significance and must be retained. However, a particular wall, such as the west wall in the 1903 Church has lost its original skirting and it should be replaced with an appropriate timber skirting to match the remaining polished Federation skirtings on the north, south and east walls.

The conservation works can be scheduled over a period of, say, 1-5 years, depending on the urgency and need. This schedule of conservation works could also be programmed to coincide with related programs of building work, such as the replacement or repainting of roof sheeting may be scheduled in 3 years time and the missing 6nos original roof vents could be scheduled to coincide with that specific program of work to save costs.

It is recommended that a detailed Schedule of Conservation Works based best practice conservation practice, be prepared and implemented in the coming 6-12 months, say, early 2022. The Schedule of Conservation Works must be completed prior to any internal building works, alterations and additions to avoid loss of significant fabric. The schedule should include an ongoing log book with appropriate detailed and general photographs for future record and reference.

4.3 Heritage Asset Manual

The implementation of the maintenance program and the schedule of conservation works has the potential to be expanded to develop a longer-term asset management manual for the property. The heritage asset manual could include contacts and materials used including tradesmen, specialist craftsmen, material suppliers and manufacturers etc. This information will be a useful resource for future owners in the continuing process of care.

It is recommended that a simple heritage asset manual be developed from the maintenance program and the schedule of conservation works to assist current and future owners in the effective care and management of the property.

[illegible]

Detailed Schedule of Conservation Works
with levels of significance and outline
policies for the fabric (Source : Christo
Aitken + Associates)

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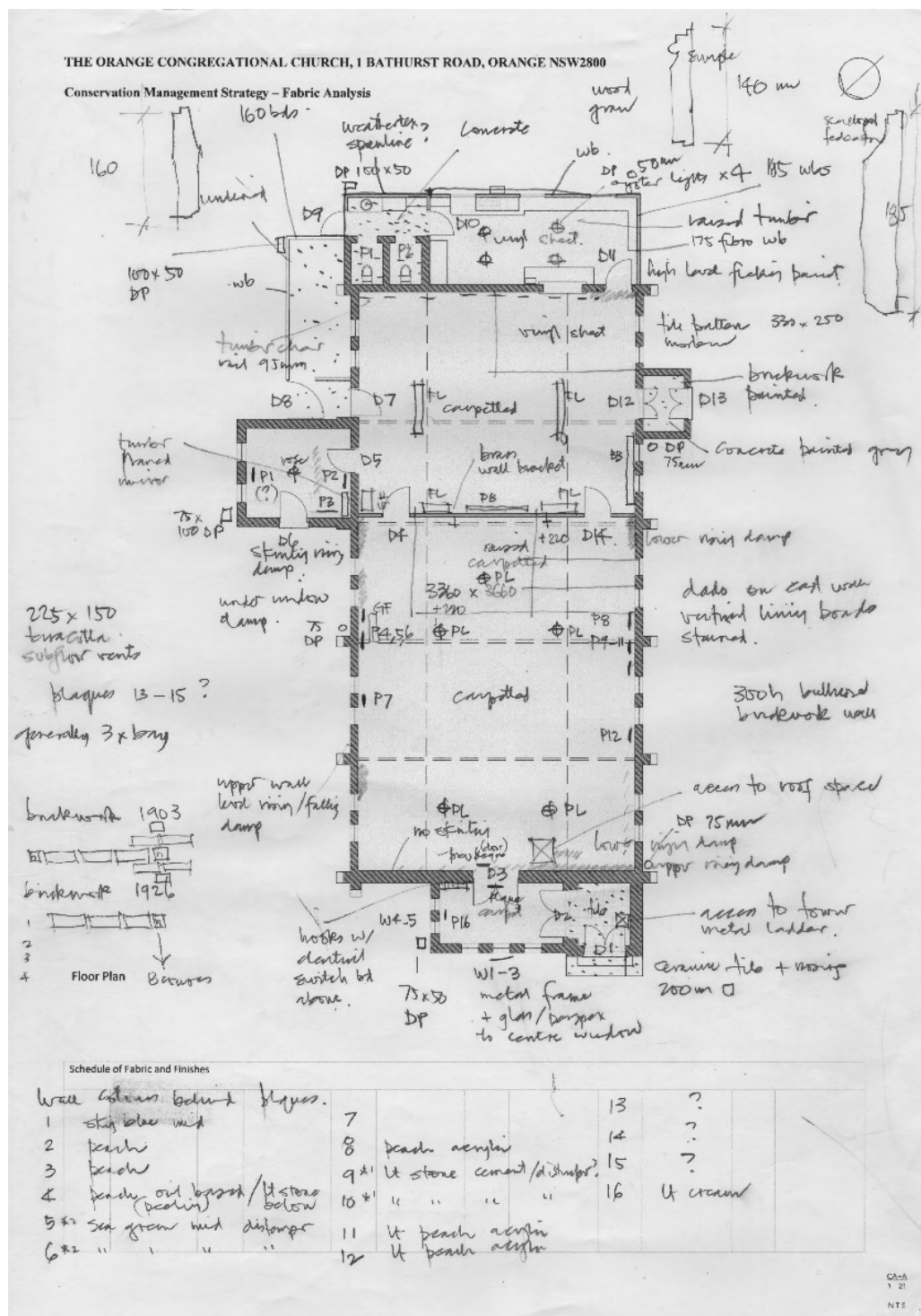
BIBLIOGRAPHY AND REFERENCES

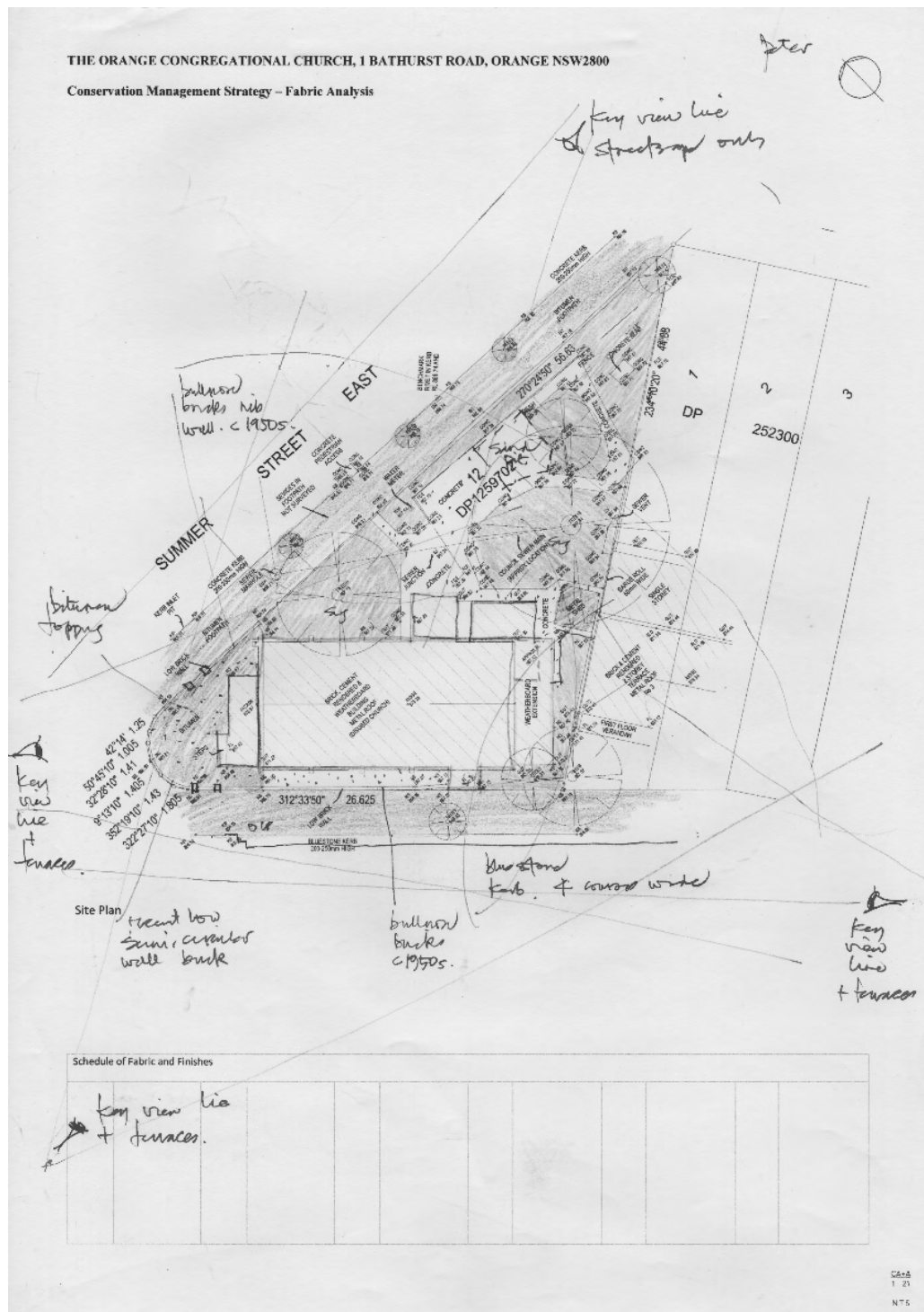
Refer to CMS Part I section 1.0 Information Sources and section 1.12
Source of this Information

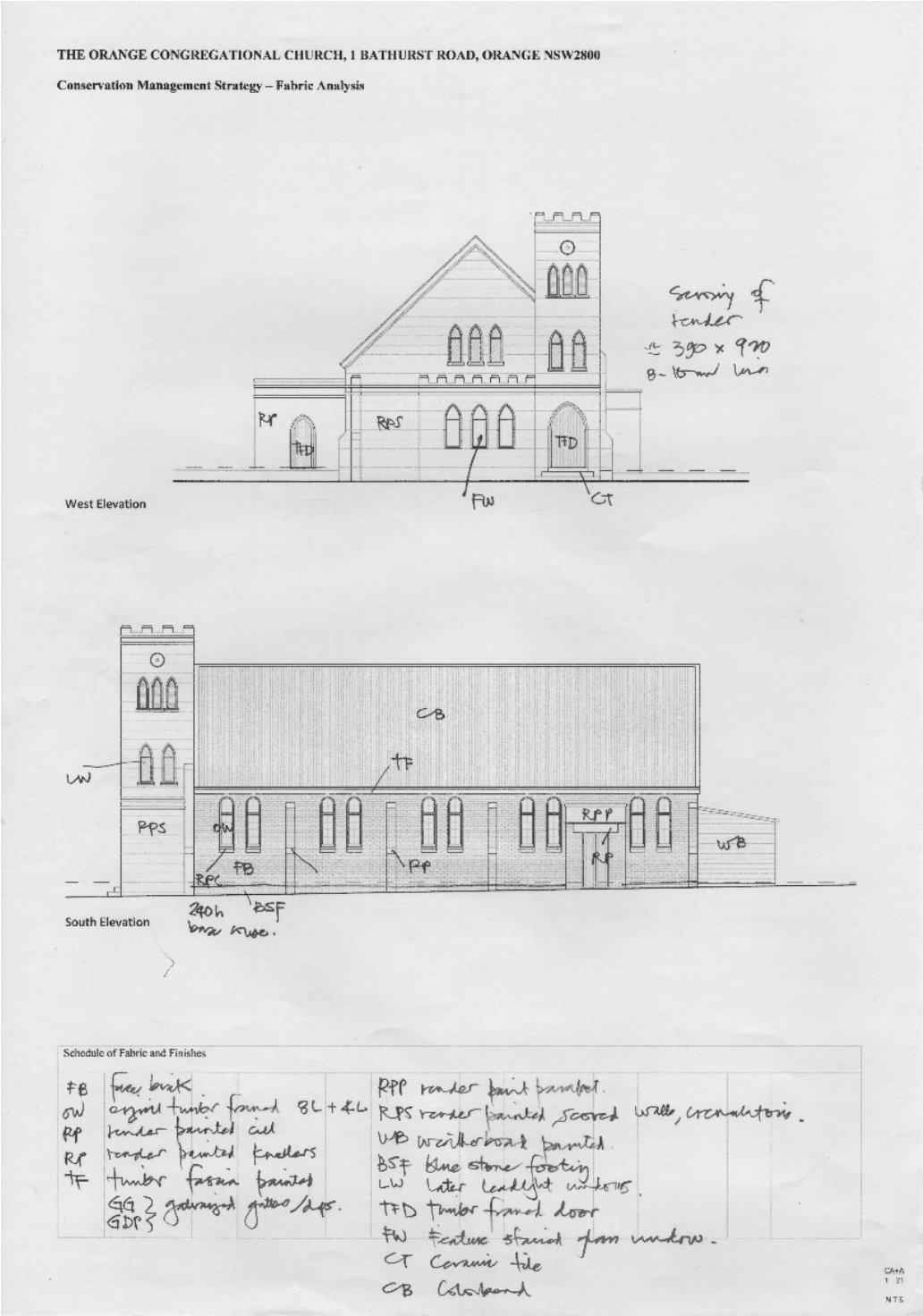
ATTACHMENTS

Site Inspection, Notes and Sketches

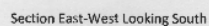
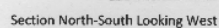
Record Photographs Contact Sheets







Conservation Management Strategy – Fabric Analysis

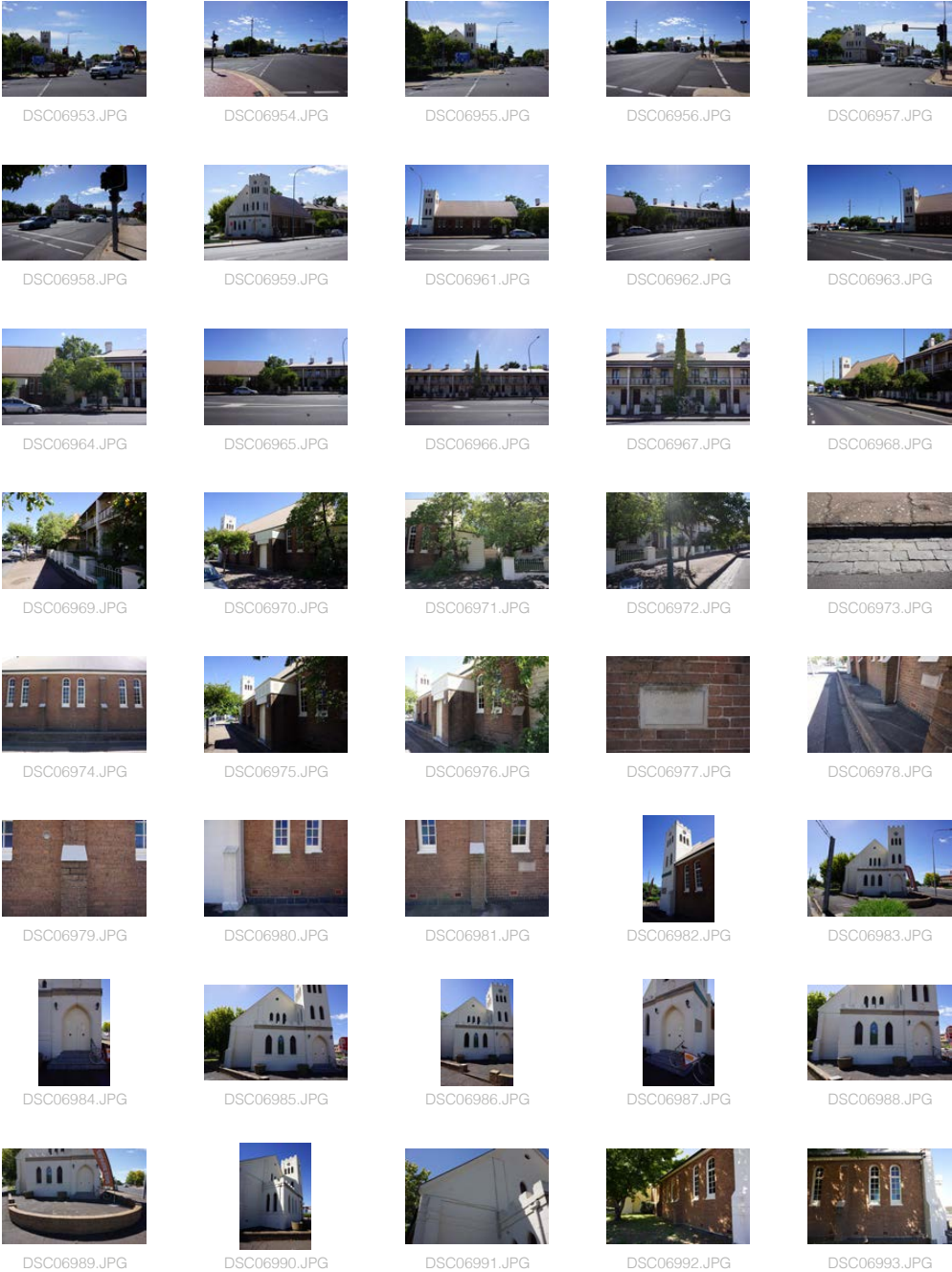


SP/P set blaster painted
UB/S living bds stained.
C carpet
RTF raised timber floor
CW1 orig windows K03
CW2 1926

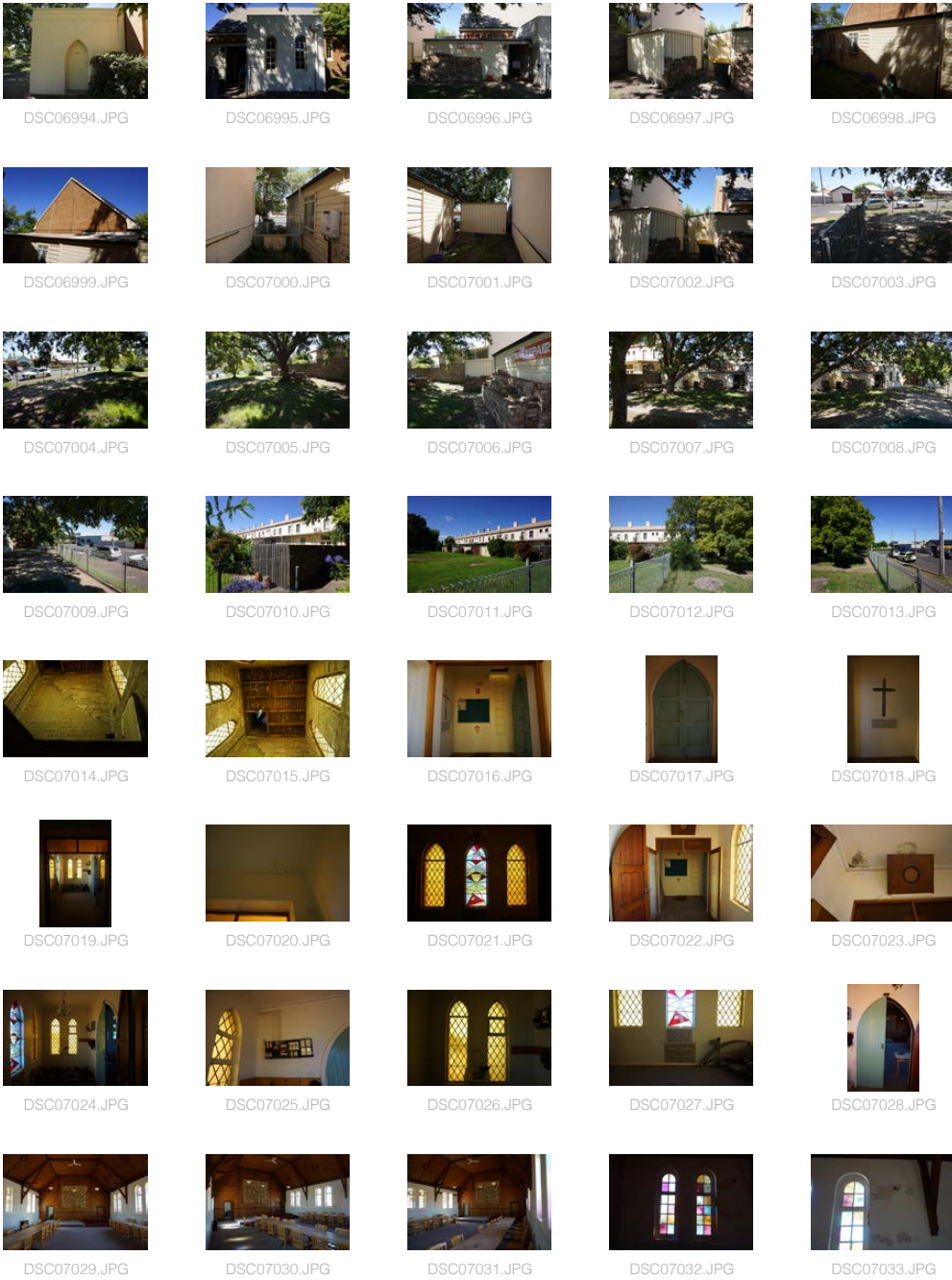
UD later door
WF later in how

CALL
1 21
NTS

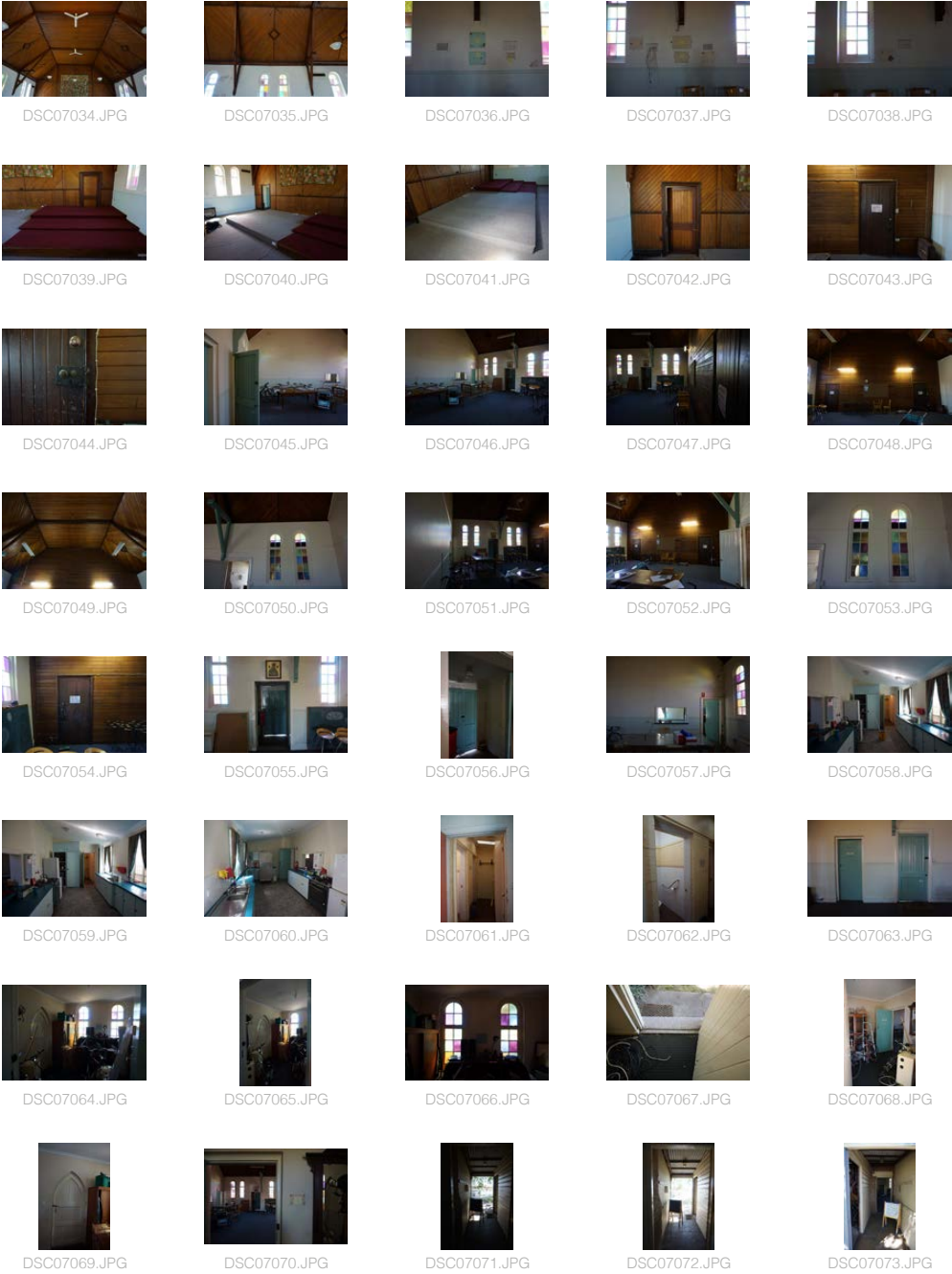
Former Congregational Church, 1 Bathurst Road, ORANGE NSW 2780



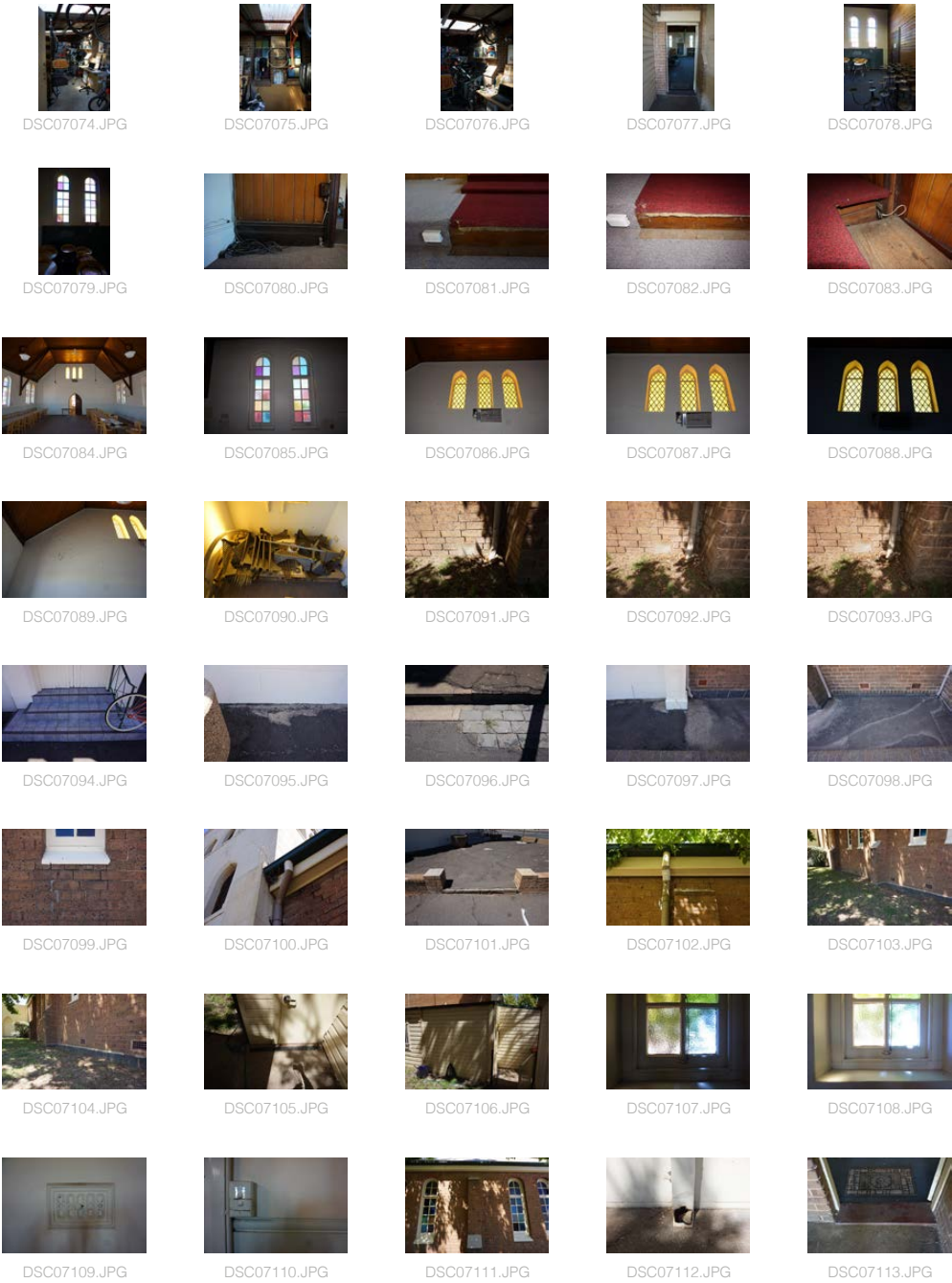
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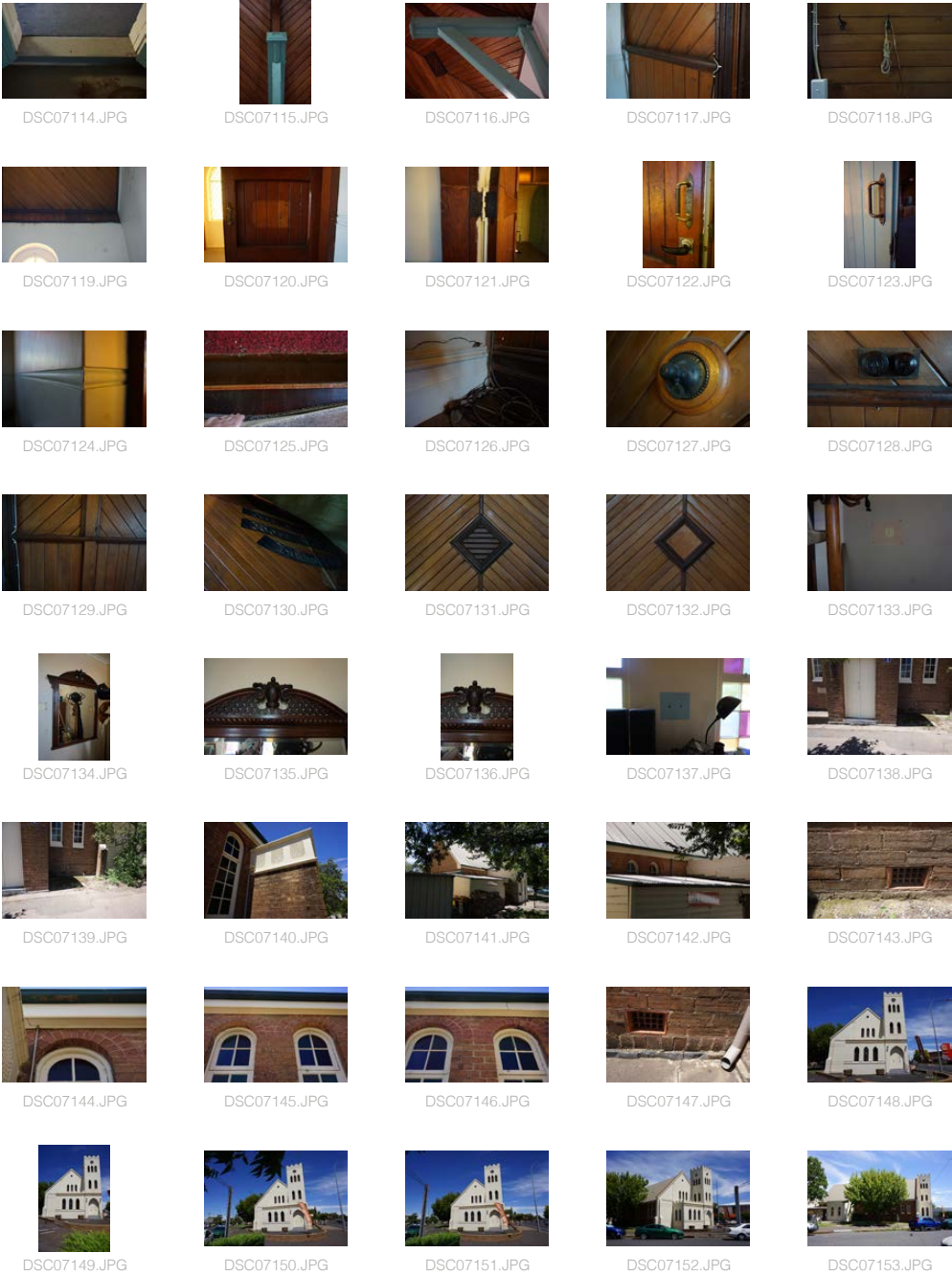
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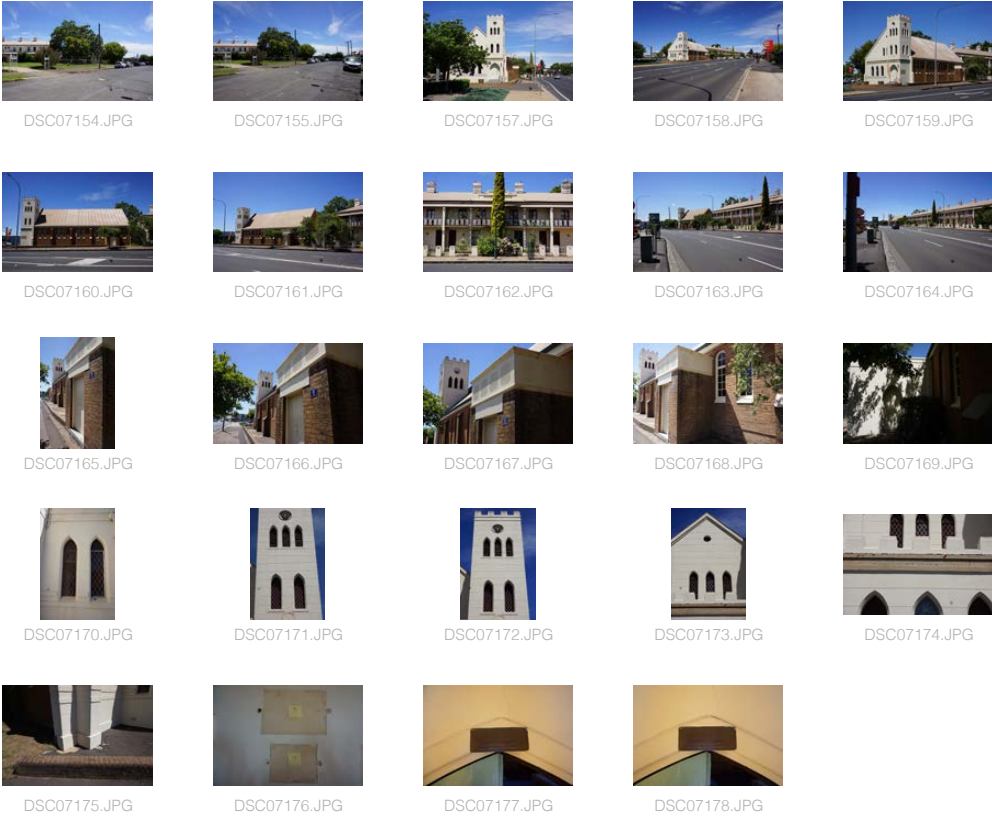
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DA 514/2021(1) Assessment of Compliance

Conservation Management Strategy (CMS) - The Former Orange Congregational Church

Christo Aitken + Associates (February 2021)

CMS – Conservation Policies relating to Conservation and Change	
CMS Policy	Comment or Response by Proposed Development
Seek professional advice, support, assistance and guidance, prior to any works, from an appropriate heritage consultant	Complies. The assistance and guidance of Placemark Consultants has been obtained.
The adaptation of the building to a limited extent, is important to ensure its ongoing occupation and use.	Acknowledged.
Do as much as necessary to care for the place and to make it usable, but otherwise change it as little as possible so that its cultural significance is retained.	Complies. The revised proposal is for a change of use that requires only minimal works to adapt the premises for the proposed uses.

CMS – Conservation Policies relating to Conservation and Change	
CMS Policy	Comment or Response by Proposed Development
Establish viable and appropriate uses for the building that draw from the original intent of providing a gathering place, in some form, for the community.	Complies. The SoHI states that the new use will offer a meeting place for local residents, the broader population of Orange and visitors.
Appropriate future uses should also be respectful to the original designed use of the church building and the considerations of the wider stakeholders.	Complies. The SoHI is supportive because: <ul style="list-style-type: none"> • The proposed development will adapt the place to a new use that will allow the public to enjoy the interior and the grounds, with the former church as the backdrop. • The proposed changes will not alter the original fabric, the form or significant detail of the building. • The proposed Function space and Café/small bar uses will not remove walls or subdivide the original spaces of the church.
Future uses that necessitate a high degree of change to the building, form, layout and character would not be appropriate uses to consider.	Complies. As recognised in the SoHI, the proposed development does not necessitate a high degree of change.
Internal subdivision of the original Church and hall into smaller spaces would not be appropriate.	Complies. The proposed Function space and Café/small bar uses will not remove walls or subdivide the original spaces of the church.

CMS – Conservation Policies relating to Conservation and Change	
CMS Policy	Comment or Response by Proposed Development
Retain or re-establish an ongoing connection, in some form, with the earlier use of the property by the Congregational Church or Uniting Church.	<p>Complies. The SoHI is supportive because:</p> <ul style="list-style-type: none"> • The adaptively re-use of the church enables the community to visit and enjoy the building and site. • Some of the commemorative plaques which have now been recovered will be installed. • The interior will continue to demonstrate the work of Kent & Budden and the Arts & Crafts architectural style. • Carefully considered historical interpretation installations should be provided.
The building has strong landmark qualities that relate to siting, dominant views. Future works or changes should retain and avoid impacting on significant primary and secondary views along Bathurst Road of the Church and Bowen Terrace. Views of secondary significance are those on the Summer Street extension to the north of the Church some of which are visually screened by existing established trees.	<p>Complies. The SoHI is supportive because:</p> <ul style="list-style-type: none"> • The landmark will remain. The diverse mix of houses, terraces and shops and the significance or character of the HCA will not be impacted. • The proposed removal of the metal garden shed and the timber framed shed will enhance the setting. The elevations of the former church and terrace row, as seen from Bathurst Road, Summer Street and the approaches will remain unchanged. • The existing sightlines to the church and terrace row housing landmarks will remain.

CMS – Conservation Policies relating to Conservation and Change	
CMS Policy	Comment or Response by Proposed Development
Re-establish the soft margin with hedge planting and appropriate fencing along Bathurst Road and the Summer Street extension as evident in early historical photographs. An appropriate entry and fence will improve the setting of the building and the vistas along this important entry to Orange.	<p>Complies. The only new fencing is proposed along part of the Summer Street East boundary, essentially to minimise the potential acoustic and privacy impacts, and to mark the principal entry to the building.</p> <p>A soft edge (landscaping) will be provided on the street side of the taller section of new fence.</p> <p>New landscaping will be provided along the remaining section of weldmesh fence on Summer Street East.</p> <p>All other fencing along the site edge remains untouched.</p>
If during any works, including minor site works, archaeological or cultural item, relic or material is found, work must cease and advice must be sought from a heritage consultant and Orange City Council to advise of appropriate actions. Inform Heritage NSW.	Acknowledged. This Policy can be reinforced by a condition of consent.
A cyclic maintenance plan must be developed for the property. Prepare a repair program particularly for the moisture and water-related issues of rising and falling damp. Maintenance work or repairs should rely on evidence and not negatively impact on significant fabric. Regularly inspect hidden spaces.	<p>Complies. The SoHI states that the new use will promote managed repair and cyclic maintenance for the place.</p> <p>At Section 3.2, the SoHI recommends how the proposed changes should be implemented to ensure proper care and maintenance of the building. These implementation notes can be used to inform the development of a cyclic maintenance plan for the property.</p>

CMS – Conservation Policies relating to Conservation and Change	
CMS Policy	Comment or Response by Proposed Development
Original building fabric both externally and internally, which survives from significant periods which contributes to the overall significance of the former Orange Congregational Church should be retained and conserved.	<p>Complies. The SoHI recognises that:</p> <ul style="list-style-type: none"> The proposed changes will not alter the original fabric, the form or significant detail of the building. The items proposed for removal are of low or no contributory significance. Their removal will not impact on the overall significance of the place
Conservation priorities shall generally respond to the relative levels of graded significance of the place and its individual elements.	<p>Complies.</p> <p>This Policy is reflected and reinforced generally throughout the SoHI.</p> <p>The SoHI is satisfied that the proposed changes to the place are relatively minimal and will not impact on elements of the building assessed as being of High or Moderate Significance.</p>
Record conservation repairs and all new work.	Acknowledged. This Policy can be reinforced by a condition of consent.
Removal of intrusive elements or fabric of little significance is generally permitted, with notification of the proposed work to Council.	Complies. The SoHI states that the items proposed for removal are of low or no contributory significance. Their removal will not impact on the overall significance of the place

CMS – Conservation Policies relating to Conservation and Change	
CMS Policy	Comment or Response by Proposed Development
Reinstate significant building fabric elements removed from the building, for example 1903 roof vents, perimeter fencing on Bathurst Road and Summer Street and original internal lighting to the 1926 Sunday School Hall.	Acknowledged. However, reinstatement of the listed elements is unlikely or impractical given the passage of time and the likelihood that these elements no longer exist.
Where new fittings, fixtures or architectural elements are introduced they should be designed or selected to be sympathetic with the visual qualities and significant character of the existing building to minimise impact and loss of character or fabric.	Complies. The SoHI is satisfied that the proposed change-of-use and associated works, as described by the drawings will not detrimentally impact on the heritage significance of the Former Congregational Church, nor on the Heritage Conservation Area or the adjacent Victorian row of terrace houses (also a listed item).
Discuss potential changes early with the relevant statutory authorities and use the building and fabric analysis to illustrate the issues, potential impact and any mitigating measures proposed.	Complies. Consultation with Council and Council's Heritage Advisor has occurred during the DA process. The revised proposal responds positively to matters raised by Heritage NSW.
Liaise with Orange City Council to update the heritage listing citation using accurate, up-to-date information for the 'Former Five Ways Congregational Church	Acknowledge. However this Policy is not a critical matter for consideration in the assessment of this DA.

CMS – Conservation Policies relating to Conservation and Change	
CMS Policy	Comment or Response by Proposed Development
Prior to the commencement of works undertake a photographic archival record following the digital guidelines prepared by Heritage NSW and ensure that copies are distributed to the relevant authorities for their records, for example, the Local Studies Library.	Acknowledged. This Policy can be reinforced by a condition of consent.
Specialist, experienced and knowledgeable tradespersons must be employed to undertake all conservation works, including maintenance.	Acknowledged.

2.3 DEVELOPMENT APPLICATION DA 191/2023(1) - 1 GARTRELL WAY

RECORD NUMBER: 2024/1119

AUTHOR: Paul Johnston, Manager Development Assessments

EXECUTIVE SUMMARY

Application lodged	16 June 2023
Applicant/s	Reddall and Deirdre Leslie
Owner/s	Mr RE and Mrs D Leslie
Land description	Lot 24 DP 791830 - 1 Gartrell Way, Orange
Proposed land use	Demolition (sheds)
Value of proposed development	\$28,000

Council's consent is sought for Demolition of a listed heritage item and associated structures (*"Borrorell" Packing Sheds* (l196)) at 1 Gartrell Way, Orange - Lot 24 DP 791830.

The heritage item is a large farm shed (c1920) known as *"Borrorell" Packing Sheds*. The statement of significance states that the shed is *"A rare large simple steel and iron clad shed within a rural setting, retains the character to suit interpretation and worthy of listing as an item of significance"*. The assessment criteria for the subject shed highlights that the structure marks an early prominence of orcharding in the Orange area and is a rare example of the type that retains the original external character.

The impact of the demolition has been assessed by staff in the below report. The report has found that while the demolition of the two smaller sheds is acceptable, the removal of the heritage item would have the potential to have a detrimental impact on the heritage significance of the area given its listing. Retention of the heritage item would not necessarily preclude future subdivision.

The proposed development is advertised development pursuant to Council's Community Participation Plan 2019 and Schedule 1 of the Environmental Planning and Assessment Act 1979. At the completion of the exhibition period, no submissions were received.

Notwithstanding the above, the applicant has supported the application with a letter that was received from Council in response to a submission made in relation to the draft Community based heritage study which nominated the subject building at the time as a proposed heritage item. The response letter from Council at the time indicated that the subject building would not be formally listed as an item of environmental heritage. This particular letter has raised some conjecture as to whether or not there was a break down process in any way in which the building was formally listed as an item of Environmental Heritage under LEP 2011. This process issue has been addressed in the Directors comment below for Council's consideration.



Figure 1 - locality plan

DECISION FRAMEWORK

Development in Orange is governed by two key documents Orange Local Environment Plan 2011 and Orange Development Control Plan 2004. In addition, the Infill Guidelines are used to guide development, particularly in the heritage conservation areas and around heritage items.

Orange Local Environment Plan 2011 - The provisions of the LEP must be considered by the Council in determining the application. LEPs govern the types of development that are permissible or prohibited in different parts of the City and also provide some assessment criteria in specific circumstances. Uses are either permissible or not. The objectives of each zoning and indeed the aims of the LEP itself are also to be considered and can be used to guide decision making around appropriateness of development.

Orange Development Control Plan 2004 - the DCP provides guidelines for development. In general it is a performance based document rather than prescriptive in nature. For each planning element there are often guidelines used. These guidelines indicate ways of achieving the planning outcomes. It is thus recognised that there may also be other solutions of merit. All design solutions are considered on merit by planning and building staff. Applications should clearly demonstrate how the planning outcomes are being met where alternative design solutions are proposed. The DCP enables developers and architects to use design to achieve the planning outcomes in alternative ways.

DIRECTOR'S COMMENT

This DA relates to the demolition of an old stable, at 1 Gartrell Way Orange. The building is one of the few remaining old farm buildings left in the Ploughmans Valley area. The building is listed as a heritage item under the provisions of Orange LEP 2011.

The main justification made by the applicant is the impact of retaining the structure would have on the future subdivision opportunities of the land. The land has been identified for future subdivision in the DCP Master Plan for Ploughmans Valley for many years (that Master Plan exceeds the heritage listing of this building).

Whilst retention of an item of Environmental heritage is always the preferable position there appears to be some conjecture and question over the process in which the subject item was formally identified and subsequently listed in the LEP in 2013.

A review of the files associated with the former stable building (incorrectly called a 'packing shed' on the heritage listing) indicates a very convoluted history involving multiple reviews of this building for consideration as a heritage item.

In 2011 during exhibition of the Draft Orange Heritage Review, the owners of the building provided a detailed historical submission that referenced conversations with the original farm owner Mrs Gartrell, that questioned the original use of the building and identified the building in its current form as not being significant.

In September 2011, Council correspondence to the owner advised that the building is "not to be listed as an item and is not within a Conservation Area and so the advice is provided simply that and given in good faith".

Notwithstanding the contents of the Council letter, 1 Gartrell Way continued to be identified in the Community Based Heritage Study that was adopted (2012/501) by Council on 8 June 2012. How or why this listing took place is difficult to say. Given the letter of September 2011, it would seem to me that a simple administrative error has occurred that resulted in the building being identified as a heritage item.

This heritage listing causes procedural difficulties for our staff to assess this DA. Once a building is formally identified as a Heritage Item, Council's planning staff must assess the application against our Codes and the legislation as if the item was properly listed. It is not their role to consider the previous processes involved.

Additionally, it is normal practice to require an application include the future use of a heritage item or the land, which provides the justification as to why the City should lose a heritage item - in this case, the application is just for demolition. Future subdivision will be the subject of a separate application. It is for this reason that the assessment staff's report does not support the full demolition of the building in its entirety.

Whilst I cannot expect assessment staff to depart from the strategic documents of Council, I do think it is reasonable in this case for Council to approve the demolition.

The owners have over a protracted period justified on numerous occasions that the building was not significant enough to be heritage listed. I support the applicant's position. The listing of the building after notification that it would not be, creates an uncomfortable situation.

2.3 Development Application DA 191/2023(1) - 1 Gartrell Way

The building itself is interesting in the fact that it is made from cypress logs, but beyond that the building was modified following the 1980's hail storm, thus reducing its significance. Ideally it would be great to reuse the building elsewhere in the City, however, there are no funds to do this and investigations have not found a group willing to take the building.

As the Director of Development Services, I recommend to Council approval of this DA for the demolition of the stable building at 1 Gartrell Way, subject to deletion of Condition 2 of the draft consent by Council staff, replacing that condition with a new condition that requires the applicant to provide photographic records of the building in accordance with NSW Heritage Guidelines prior to its demolition.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan Strategy "11.1. Ensure plans for growth and development are respectful of our heritage".

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council consents to development application DA 191/2023(1) for *Demolition (sheds)* at Lot 24 DP 791830 - 1 Gartrell Way, Orange pursuant to the conditions of consent in the attached Notice of Approval

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION / THE PROPOSAL

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

THE PROPOSAL

The proposal involves the demolition of a listed heritage item and two other existing sheds. The sheds are located at the northern end of the property, fronting Borrodell Drive.

The works are proposed to take place during daytime hours and it is proposed that waste materials shall be collected for potential future reuse or will be disposed of at Council waste disposal facility (Ophir Road Resource Recovery Centre).

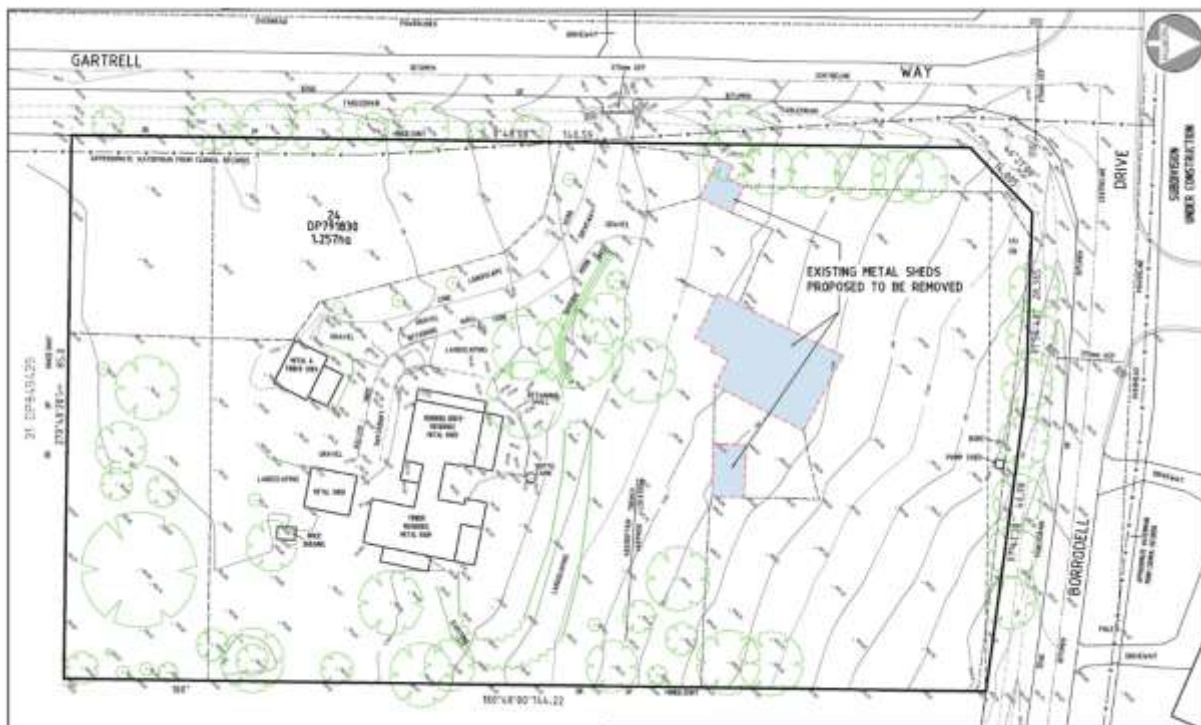


Figure 2 - site plan

MATTERS FOR CONSIDERATION

Section 1.7 - Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994*

Section 1.7 of the EP&A Act identifies that Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 have effect in connection with terrestrial and aquatic environments.

There are four triggers known to insert a development into the Biodiversity Offset Scheme (i.e. the need for a BDAR to be submitted with a DA):

- Trigger 1: development occurs in land mapped on the Biodiversity Values Map (OEH) (clause 7.1 of BC Regulation 2017);
- Trigger 2: development involves clearing/disturbance of native vegetation above a certain area threshold (clauses 7.1 and 7.2 of BC Regulation 2017); or
- Trigger 3: development is otherwise likely to significantly affect threatened species (clauses 7.2 and 7.3 of BC Act 2016).

The fourth trigger (development proposed to occur in an Area of Outstanding Biodiversity Value (clause 7.2 of BC Act 2016) is generally not applicable to the Orange LGA; as no such areas are known to occur in the LGA. No further comments will be made against the fourth trigger.

Summary

The site does not occur within land mapped on the Biodiversity Values Map and no clearing/disturbance is proposed. As the proposal does not trigger any of the four requirements for insertion into the BOS, a Biodiversity Development Assessment Report is not required to be lodged.

Section 4.15

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)**Orange Local Environmental Plan 2011****Part 1 - Preliminary****Clause 1.2 - Aims of Plan**

The broad aims of the LEP are set out under Subclause 2. Those relevant to the application are as follows:

- (a) *to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,*
- (b) *to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,*
- (c) *to conserve and enhance the water resources on which Orange depends, particularly water supply catchments,*
- (d) *to manage rural land as an environmental resource that provides economic and social benefits for Orange,*
- (e) *to provide a range of housing choices in planned urban and rural locations to meet population growth,*
- (f) *to recognise and manage valued environmental heritage, landscape and scenic features of Orange.*

The proposed development comprises the demolition of three existing packing sheds, one of which is identified as a heritage item.

Regarding Aim (a), it is considered that the demolition is inconsistent with the aim. The demolition of a heritage item is considered development that would detract from the unique character of Orange as an attractive regional city.

Further, the demolition of the item is also considered inconsistent with Aim (b) as heritage items are key to contributing to the social and environmental resources of future generations. The removal of the heritage item would be expected to negatively impact on the community by depriving the future generations of valuable historic resources, particularly in relation to the rich orchard history of Orange.

The Aims (c), (d) and (e) are not directly relevant it is noted that the application argues that the demolition will allow for the future subdivision of the land to provide future housing opportunities. While this is noted in the assessment, it is considered that not all three sheds must be demolished to achieve efficient and compliant subdivision outcomes in the future.

In terms of Aim (f), the proposed demolition is considered to directly oppose the aim of the plan, as the development does not consider alternative opportunities to manage the heritage significance of the sheds on the site and simply proposes to demolish the sites rather than consider other reasonable work-around solutions.

It is considered that the overall proposed demolition works are opposed to the relevant aims of the plan. However, it is noted that only the main central packing shed is an item, therefore it is considered that the demolition of the two smaller sheds would have negligible impacts in relation to the aims of the plan.

Clause 1.6 - Consent Authority

This clause establishes that, subject to the Act, Council is the consent authority for applications made under the LEP.

Clause 1.7 - Mapping

The subject site is identified on the LEP maps in the following manner:

Land Zoning Map:	Land zoned R2 Low Density Residential
Lot Size Map:	Minimum Lot Size 850m ²
Heritage Map:	Heritage item
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
Terrestrial Biodiversity Map:	No biodiversity sensitivity on the site
Groundwater Vulnerability Map:	Groundwater vulnerable
Drinking Water Catchment Map:	Not within the drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Flood Planning Map:	Not within a flood planning area

Those matters that are of relevance are addressed in detail in the body of this report.

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions:

- (a) *to a covenant imposed by the Council or that the Council requires to be imposed, or*
- (b) *to any relevant instrument under Section 13.4 of the Crown Land Management Act 2016, or*
- (c) *to any conservation agreement under the National Parks and Wildlife Act 1974, or*

- (d) *to any Trust agreement under the Nature Conservation Trust Act 2001, or*
- (e) *to any property vegetation plan under the Native Vegetation Act 2003, or*
- (f) *to any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995, or*
- (g) *to any planning agreement under Subdivision 2 of Division 7.1 of the Environmental Planning and Assessment Act 1979.*

Council staff are not aware of the title of the subject property being affected by any of the above.

Part 2 - Permitted or Prohibited Development

Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table

The subject site is located within the R2 Low Density Residential zone. The proposed development is defined as demolition under OLEP 2011 and is permitted with consent for this zone. This application is seeking consent.

Clause 2.3 of LEP 2011 references the Land Use Table and Objectives for each zone in LEP 2011. These objectives for land zoned R2 Low Density Residential are as follows:

Objectives of zone R2 Low Density Residential

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.*
- *To ensure that development along the Southern Link Road has an alternative access.*

The application involves demolition of sheds on the land. The larger centrally located building on the land is listed as an item of environmental heritage. The applicant states that the proposed demolition of the sheds will provide opportunity for future residential subdivision of the site. Detailed consideration in this report will need to be given to the significance of the shed and its impact on the future development of the land for subdivision. Subdivision of land currently does not form part of the application.

Clause 2.7 - Demolition Requires Development Consent

This clause triggers the need for development consent in relation to a building or work. This requirement does not apply to any demolition that is defined as exempt development.

The proposal involves demolition of three existing sheds, including a heritage item, and the applicant is seeking the consent of Council. The demolition works proposed will have no significant impact on adjoining lands, streetscape or public realm. Conditions may be imposed in respect of hours of operation, dust suppression and the need to investigate for, and appropriately manage the presence of, any materials containing asbestos.

Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards

Not relevant.

Part 5 - Miscellaneous Provisions**5.10 - Heritage Conservation**

Note: Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Orange,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(4) Effect of Proposed Development on Heritage Significance

*The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider **the effect of the proposed development on the heritage significance of the item or area concerned**. This subclause applies regardless of whether a heritage management document is prepared under Subclause (5) or a heritage conservation management plan is submitted under Subclause (6).*

The City of Orange has a rich store of environmental heritage that contributes significantly to the distinctive character and identity of its landscapes, townscapes, villages and places. The City's environmental heritage values reflect the cultural histories of its people, its historical patterns of development and its natural setting within the NSW Central Tablelands. They include values of both local and state significance and encompass Indigenous and non-Indigenous concepts of heritage, time, geography and culture. Together, they express the stories, cultural associations, events and meanings that help to make up the City's collective memory and its contemporary sense of place.

The assessment criteria for the heritage shed highlights that the structure marks an early prominence of orcharding in the Orange area and is a rare example of the type that retains the original external character.

When considering applications in relation to heritage items, Council staff rely on the conservation principles, processes, and practices of the Burra Charter (2013). The Burra Charter is an internationally recognised document prepared by Australia ICOMOS. It sets out best practice approaches to the conservation and management of environmental heritage that are specifically designed to reflect the unique circumstances of Australia's natural and cultural heritage.

The principles, processes and practices described by the charter broadly underpin heritage conservation in NSW. The conservation process, which is considered through an ordered decision-making approach guided by sufficient evidence, is as follows:

1. It must be determined if the item is capable of retaining its cultural significance as places change, this pertains to an items curtilage, fabric and association with place.
2. Maintenance is then considered as the next option, which is fundamental to the conservation and retention of heritage items.
3. Preservation of fabric of significance is required, such fabric should not be altered.
4. Restoration and reconstruction of culturally significant fabric is considered, where supported by the necessary documentation.
5. Reconstruction, where appropriate, when an item is incomplete through damage or alteration is considered to ensure the significance of an item is retained.
6. Adaptation is considered where the adaptation has minimal impact on the cultural significance or assists in the retention of heritage items.
7. New work, where considered acceptable, in the form of additions that have minimal impact on the significance of an item can be considered when supported by the necessary documentation.
8. Retaining or reintroducing a use may be appropriate to facilitate conservation, where supported by the necessary documentation.
9. Retaining the association and meaning of place are considered if the above are not capable of being achieved, which generally results in the recording and interpretation of items, or the relocation of items.

The following supporting documentation as provided by the applicant is assessed in accordance with this approach.

Supporting documentation

The applicant has provided several arguments to justify the demolition of the three sheds, which include the following:

- *Adaptive reuse to a habitable structure would not be feasible as there would be significant works required to bring the structures up to current standards. Works would require removal of the existing concrete slabs and reinforcement of the current framing.*
- *The structural works would not be feasible and would completely alter the structure to the point of little resemblance to the current building.*
- *Maintaining the current use of the building for storage or a farm building will require significant works and ongoing maintenance.*
- *The sheds will potentially reduce the financial income from any future subdivision and will cause financial penalty for any future purchaser of the land.*

These arguments have been extracted from the accompanying Statement of Heritage Impact (Ray Christison, May 2023) and the Structural Inspection Report (Cook and Roe, April 2023).

Statement of Heritage Impact

The Statement of Heritage Impact fails to adequately consider the conservation process and methodology as outlined in the Burra Charter and is not supported by sufficient evidence.

The report, in part, discusses the extensive subdivision occurring in the area. However, it fails to adequately explore how the potential change may impact on the heritage significance of the shed.

The Statement of Heritage Impact does provide three management options which explore the conservation, restoration, and demolition and impact on significance, but is not adequately supported by the necessary documentation to guide the decision-making process.

The Statement of Heritage Impact notes that there are other better examples of Oranges agricultural history listed in the Orange Local Environment Plan 2011 which were:

- Item I286 - Dwelling (former packing shed), 168 Shiralee Road, Orange
- Item I324 - Rossi Orchard brick barn and shed, 98 Mount Pleasant Lane, Mount Pleasant
- It is noted that on review of these items that I286 only consists of a small heritage tin dwelling which does not appear to specifically relate to agriculture in Orange, and I324 is a vastly contrasting example of agriculture, with two much larger structures than the subject item.

The Statement of Heritage Impact does not adequately support the application and Council's planning staff therefore cannot support the demolition of the heritage item which will detrimentally deprive the community and future generations of a valuable historic example of agricultural heritage. This position is consistent with the assessment criteria contained in *NSW Heritage Manual - Assessing Heritage Significance* (NSW Heritage Office, July 2001), the Packing Shed is of a level of significance to warrant retention:

- Criterion (a): The shed is important in the course or pattern of Orange's agricultural history. The shed is associated with a significant human activity or historical phase, being Orange's agricultural and orcharding history.
- Criterion (b): The shed is associated with the life or works of a Gartrell family, who purchased the property at the end of World War II and was associated with the production of table grapes which were sent by rail to the markets in Sydney. The shed is the last remaining remnant associated with the agricultural activity historically conducted in the area.
- Criterion (c): The shed is not the work of an important designer. The packing shed has unsympathetic alterations, which could be easily rectified.
- Criterion (d): The shed is not associated with a particular community or cultural group important to local history.
- Criterion (e): The shed has the potential to yield information that will contribute to an understanding of Orange's agricultural history. Few remnant heritage items remain and are vulnerable to urban development.

- Criterion (f): The shed possess uncommon, rare, or endangered aspects of the City's history as they relate to customs, process, or human activities. As stated, prior rural and agricultural buildings of heritage significance are rare throughout the City and are vulnerable to urban development, and therefore should be retained.
- Criterion (g): The shed has principle characteristics of agricultural buildings of its period. The structure retains the original external and internal characteristics and is representative of Orange's orcharding and agricultural history.

Structural Inspection Report

The structural works referred to within the Structural Inspection Report are limited to the following:

- Repairing the cracked concrete slab at minimum, and for habitable uses recommends removal and replacement of the slab.
- Upgrade of timber framed structure (timber sections and connections between timber elements) to meet the Australian standards. It also discusses including additional members to reduce the spans of existing battens, beams and rafters. The report also states that, for a habitable use, additional structural members would be required, including more substantial bracing, along with some stiffening of existing members and strengthening of the timber connections.
- Replacement of original sheeting in the "near future", including fixings (either clout or tek screw).
- Installation of downpipes to manage stormwater drainage.

While the structural report argues that the above works are not financially feasible, an economic report has not been provided to support this argument. The report also highlights that the listed structural works are not urgent works and could be completed over time, similar to the expected maintenance for any heritage item of a similar nature. Therefore, the recommendations under the report suggest a maintenance and restoration approach to be suitable.

Independent Heritage Commentary

In addition, to the above, and the following advice provided by Council's Heritage Advisor, an independent heritage consultant was engaged by the applicant to explore options for the shed, however, this has been undertaken very briefly and the consultant has noted would require a much more detailed analysis to provide definitive advice.

The recommendations were made through no discernible methodology and provided as a basis to indicate alternative approaches. The recommendations were as follows:

1. Demolish the building and undertake measured drawings and photographic archive.
2. Disassemble and reconstruct elsewhere.
3. Adaptive reuse in location.
4. Subdivision, with the retention of the packing shed.

Heritage Advisors Assessment

The submitted evidence including the Statement of Environmental Effects, Structural Inspection Report, and Statement of Heritage Impact has been reviewed by Council's Heritage Advisor and several points have been made that supports the retention the item.

While the applicant and structural engineer argue that the retention of the shed is not feasible or viable, this is an assumption that is based on limited considerations of opportunities and assumes a certain habitable development outcome. With the current trend across Australia of restoration of a wide range of structures it is considered there is ample opportunity for creative solutions or uses for the future of the heritage item. To determine the feasibility or viability of restoration or reuse of the structure it would need to consider a future use, the extent of change required and the conservation works needed to stabilise the structure, which are all dependent upon a future user.

It should also be noted that cl 5.10(10) of the OLEP 2011 provides incentive opportunities for more creative land uses within heritage areas that are not usually permitted, which further emphasises the argument that a future user may take advantage of this and suitably reuse the item.

Community Based Heritage Study Process

In addition to the above, the applicant has provided further information that relates to the process undertaken for the Community Based Heritage Study in 2012. In this regard, the item was identified within a provisional list of items, likely arising from the Orange City Council Heritage Study (1986) by Hughes Trueman Ludlow.

The Draft Orange City Heritage Review and Draft Thematic History was placed on exhibition from 11 July 2011 to 8 August 2011, in which owners of the identified items were notified. The applicant was notified and did make a submission noting concerns of the listing regarding the development potential of the land and impacts on land value.

The applicant has referred to Council staff's response that was issued and noted in the commentary that the building is *"not to be listed as an item and is not within a Conservation Area and so the advice is provided simply that and given in good faith"*. However, it is to be noted that the recommendation within the letter did not reflect the commentary consistent with other letters recommending items not to be listed.

This has created conjecture in relation to the merits of the listing. Notwithstanding this, 1 Gartrell Way was identified in all further documentation presented to Sustainable Development Committee and Council. The Community Based Heritage Study was adopted (2012/501) by Council on 8 June 2012.

In 2013, Council commenced the local plan making process to list the items identified in the Community Based Heritage Study. Amendment 1 was on exhibition from 28 March 2013 to 30 April 2013 in which the applicants were notified. No submissions were received by Council in respect to the listing of 1 Gartrell Way in Schedule 5 of the Orange Local Environmental Plan 2011.

It is recognised that the process undertaken as part of the Community Based Heritage Study has caused conjecture in relation to the application, however, Council's planning staff are required to consider the application in accordance with the legal requirements under the Environmental Planning and Assessment Act 1979 and the Orange Local Environmental Plan 2011.

Additional information not subject to submitted Development Application

The applicant has foreshadowed the potential subdivision of the site into the future. It is worth noting whilst this may be the case, the application before Council staff is for the demolition, therefore the following comments by Council's Heritage Advisor are noted:

- The Heritage Advisor notes that the site is substantial in size and is capable of being subdivided in a way that could potentially retain the main shed structure within a new residential lot with a new dwelling. This approach has been recently demonstrated in relation to an industrial shed that is listed as a heritage item in Spring Hill which was retained in an approval for subdivision and a new dwelling.
- This is considered in conjunction with the fact that the subject site is located within the Ploughmans Valley DCP which identifies the site for further subdivision from one into six lots. While the DCP was established prior to the identification of the building as an item of environmental heritage, there is sufficient scope within the DCP that would allow opportunity for the item to be retained within one of the resulting new lots.
- It is noted that in the submitted Statement of Environmental Effects, that the image of the proposed future subdivision (seven lots) demonstrates a layout with some adjustment that could potentially retain the main shed into one of the new lots, which includes one more lot than what was allocated in the DCP concept.

A subsequent Development Application requesting approval for subdivision would be required for Council staff to assess the above.

Summary of Assessment

With consideration of the above, it is noted that the two smaller sheds are not included in the heritage item identification, and while they contribute to the heritage setting of the item the demolition of the smaller sheds will not detrimentally affect the heritage significance of the item.

It is concluded that the demolition of the heritage item will detrimentally impact on the heritage value of the area and site. The arguments made by the applicant have been taken into account, however, it is considered that the significance of this heritage item outweighs the arguments made by the applicant. It is recommended that a limited consent be issued that prevents the demolition of the central larger shed that is heritage item, but gives approval for the demolition of the two smaller sheds to the east and west of the main shed.

Part 6 - Urban Release Area

Not relevant to the application. The subject site is not located in an Urban Release Area.

Part 7 - Additional Local Provisions**7.1 - Earthworks**

This clause establishes a range of matters that must be considered prior to granting development consent for any application involving earthworks, such as:

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*
- (b) *the effect of the development on the likely future use or redevelopment of the land*

- (c) the quality of the fill or the soil to be excavated, or both*
- (d) the effect of the development on the existing and likely amenity of adjoining properties*
- (e) the source of any fill material and the destination of any excavated material*
- (f) the likelihood of disturbing relics*
- (g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area*
- (h) any measures proposed to minimise or mitigate the impacts referred to in Paragraph (g).*

The earthworks proposed in the application are minor and limited to the extent of removing footings from the ground and returning the site to natural ground level. The extent of disruption to the drainage of the site is considered to be minor and will not detrimentally affect adjoining properties or receiving waterways.

The extent of the earthworks will not materially affect the potential future use or redevelopment of the site that may occur at the end of the proposed development's lifespan.

The site is not known to be contaminated and conditions may be imposed requiring the use of verified clean fill only. Excavated materials will be reused onsite as far as possible and conditions may be imposed to require that surplus materials will be disposed of to an appropriate destination.

The earthworks will be appropriately supported onsite and the change in ground level is not substantial. Therefore the effect on the amenity of adjoining properties is considered to be minor.

The site is not known to contain any Aboriginal, European or Archaeological relics. Previous known uses of the site do not suggest that any relics are likely to be uncovered. However, conditions may be imposed to ensure that should site works uncover a potential relic or artefact, works will be halted to enable proper investigation by relevant authorities and the proponent required to seek relevant permits to either destroy or relocate the findings.

The site is not in proximity to any waterway, drinking water catchment or sensitive area. Conditions may be imposed to require a sediment control plan, including silt traps and other protective measures, to ensure that loose dirt and sediment does not escape the site boundaries.

7.3 - Stormwater Management

This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied that the proposal:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water*
- (b) includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water; and*
- (c) avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The removal of the sheds would result in less developed surfaces on the site and is expected to result in additional permeable surfaces for rainwater absorption. It is therefore considered that the post-development runoff levels will not exceed the pre-development levels.

7.6 - Groundwater Vulnerability

This clause seeks to protect hydrological functions of groundwater systems and protect resources from both depletion and contamination. Orange has a high water table and large areas of the LGA, including the subject site, are identified with "Groundwater Vulnerability" on the Groundwater Vulnerability Map. This requires that Council consider:

- (a) whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and*
- (b) the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.*

Furthermore, consent may not be granted unless Council is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact,*
- (c) if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The proposal is not anticipated to involve the discharge of toxic or noxious substances and is therefore unlikely to contaminate the groundwater or related ecosystems. The proposal does not involve extraction of groundwater and will therefore not contribute to groundwater depletion. The design and siting of the proposal avoids impacts on groundwater and is therefore considered acceptable.

STATE ENVIRONMENTAL PLANNING POLICIES

The following SEPPs applicable to the proposed development:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 - Remediation of Land

4.6 - Contamination and Remediation to be Considered in Determining Development Application

State Environmental Planning Policy (Resilience and Hazards) 2021 - Chp 4 Remediation of Land is applicable. Pursuant to Clause 4.6 *Contamination and remediation to be considered in determining development application*:

- (1) A consent authority must not consent to the carrying out of any development on land unless:*
 - (a) it has considered whether the land is contaminated, and*

- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

It is considered that the contamination status of the subject site is not directly relevant to the proposed demolition work and it is considered that any future subdivision of the land would require a preliminary contamination report to determine whether the site was suitable for residential development. In relation to the proposed demolition, conditions can be imposed to ensure that any materials in the sheds that have the potential to cause contamination are appropriately managed to avoid contamination occurring.

It is considered at this stage that no further investigation is required.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION 4.15(1)(a)(ii)

There are no draft Environmental Planning Instruments currently on exhibition that relate to the subject land or proposed development.

DESIGNATED DEVELOPMENT

The proposed development is not designated development.

INTEGRATED DEVELOPMENT

The proposed development is not integrated development.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)

Orange Development Control Plan 2004

Development Control Plan 2004 ("the DCP") applies to the subject land. The relevant chapters are:

- **Part 0** (Transitional Provisions - Ploughmans Valley and Scenic Areas) - while these controls relate to the site, it is considered that the controls are not directly relevant to the proposed demolition works and that the proposal will have negligible impacts in this regard. No further comments are required.
- **Part 2** (Natural Resource Management) - The relevant matters have been addressed in the LEP assessment above. No further comments are required.
- **Part 3** (General Considerations) - The relevant matters have been generally addressed in the LEP assessment above, except for waste generation. As the proposal consists of proposed demolition works, it is considered that a waste management plan will be required to address the DCP outcomes. A condition will be imposed requiring a waste management plan prior to works commencing. No further comments are required.
- **Part 4** (Special Environmental Considerations - Scenic Areas) - The demolition of the sheds will not adversely impact on the visual amenity of the scenic protection area. relevant matters have been addressed in the LEP assessment above. No further comments are required.

2.3 Development Application DA 191/2023(1) - 1 Gartrell Way

- **Part 7** (Development in Residential Areas) - While this chapter is generally not relevant to the proposed demolition, it is noted that the subject site is located within the Ploughmans Valley residential area. As discussed in the foregoing heritage assessment, further subdivision of the land is part of the justification made by the applicant for the demolition and has been considered in the assessment above. No further comments are required.
- **Part 13** (Heritage) - The proposed development involves the demolition of a heritage item and requires assessment against the relevant planning outcomes.

These matters have been addressed in the body of this report. The relevant Planning Outcomes requiring further comment are detailed below:

DCP2004-13 - Heritage**DEMOLITION**

Development consent is required before demolition works proceed on buildings or works that have heritage significance - including demolition of part of a building that has been recorded as having notable heritage features on the Inventory Sheet.

Demolition of heritage significant items is a sensitive matter. Any proposal to demolish part or the whole of a building or work that is identified as having heritage significance by virtue of being recorded on a Heritage Inventory Sheet or as having Local Level 2 or 3 significance in a Heritage Conservation Area needs to be justified.

The application must include information to justify to Council's satisfaction that all options for retaining the building have been reasonably exhausted and that the development enhances or improves the heritage setting by conforming with heritage-design principles.

Council may require that a photographic record be professionally undertaken in accordance with NSW heritage guidelines. A photographic record is not to be construed as justification to demolish a building with heritage significance.

To demonstrate that the new development will enhance the character of the City, an application to demolish must include details of the proposed development requiring the demolition of the heritage-significant building or site.

Applications involving demolition affecting heritage significance will be advertised to assess the community's views on the demolition affecting a site or sites with heritage significance.

For heritage significant buildings that were constructed originally as dwellings, all reasonable means should be given to retaining the heritage building and incorporating it into the development. Small weatherboard or corrugated iron-clad buildings can be improved and excised (or form part of a larger infill residential development) from a development site as a source for lower-cost housing suitable for "first home owners".

The proposed development involves the demolition of three sheds, one of which is a local heritage item. The item is identified as the "Borrodell Packing Sheds" and is identified as a rare and intact example of a shed that marks the orcharding history of the Orange area.

As per the DCP requirements, a proposal for demolition of a heritage item needs to be justified. The LEP assessment above concludes that the evidence provided by the applicant is insufficient to justify the demolition of the item, and does not outweigh the heritage significance of the item.

Additionally, insufficient evidence was provided by the applicant to demonstrate alternative solutions to retain the structure were considered prior to the request for demolition. The evidence from the structural engineer states that the adaptive reuse of the shed would not be financially feasible, however, this appears to consider limited options. As stated in the foregoing assessment, the feasibility of reuse would be based future uses and completely dependent on a future user. The evidence assumes that the shed would be a deterrent for potential buyers or a financial burden, and for that reason concludes that it is not worth retaining.

The main justification made by the applicant is the impact of retaining the structure will impact the future subdivision opportunities of the land. Whilst a concept plan that is contrary to the current DCP controls has been submitted for consideration, the application relates only to demolition at this stage and subdivision of land does not form part of this development application. It is considered that there remains suitable options available for subdivision of land having regard to the retention of this building. Detailed consideration to lot size and shape of future lots would be required to ensure that the building can suitably integrate into a more intensive residential use of the property in the future.

It is concluded that the application for proposed demolition does not satisfy the requirements of the DCP in terms of demolition of heritage items. It is recommended that a limited consent should be issued that allows for the demolition of the two smaller sheds, and prevents the demolition of the main larger shed that is identified as the heritage item.

INFILL GUIDELINES

The proposed development only relates to demolition and therefore does not require assessment against the infill guidelines. Options for future residential development of the land should have regard to the heritage significance of the site and be consistent with the infill guidelines.

PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

Demolition of a Building (clause 61)

The proposal involves the demolition of three existing farm sheds. A condition is attached requiring the limited demolition to be carried out in accordance with *Australian Standard AS2601 - 2001: The Demolition of Structures* and the requirements of Safe Work NSW.

Fire Safety Considerations (clause 62)

The proposal does not involve a change of building use for an existing building.

Buildings to be Upgraded (clause 64)

The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building.

BASIX Commitments (clause 75)

BASIX is not applicable to the proposed development.

THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)

- **Context and Setting** - The subject site is located within the Ploughmans Valley DCP which provides guidance the further development of the Borrodell Drive area. It is noted that the DCP identifies that the rural residential character of the area should be maintained. It is considered that the while the demolition of the smaller sheds will allow for further development of the subject site, the retention of the central shed will be consistent with the DCP principles of the Ploughmans Valley area.
- **Cultural Significance** - As assessed in the foregoing discussion, the one of the three sheds is a heritage item. While the demolition of the main heritage item (former packing shed) would have detrimental impacts on the cultural and historical significance of the Orange area, it is considered that the two smaller sheds will have a lesser impact on the cultural significance and would be a reasonable compromise. The retention of the item will maintain the significance of the item, while allowing subdivision of the surrounding land.
- **Noise** - The proposed demolition works will be conditioned to only occur within the regulated construction operating hours. This is considered sufficient to mitigate noise impacts.
- **Surface Water and Groundwater** - The site is identified on the groundwater vulnerable land map, however it is expected that the proposed demolition works and removal of footings will not generate any adverse impacts.
- **Social Impact in the Locality** - The demolition of a heritage item would be expected to have a detrimental social impact on the locality of the area due to the loss of such a culturally significant building. Whereas the removal of the two smaller sheds will have a lesser impact. As discussed above, a limited consent is recommended to prevent the demolition of the item, and permit the demolition of the two smaller sheds. This limited consent option allows for a reduced social impact on the locality.
- **Economic Impact in the Locality** - Due to the type and scale of the proposed development, the economic impacts of the development are not significant. No adverse impacts are assessed.
- **Cumulative Impacts** - The proposal is inconsistent with the Orange Local Environmental Plan 2011 and Council's Development Control Plan 2004. The proposal involves the demolition of a heritage item without sufficient justification to satisfy the legislative requirements. It is considered that only a limited consent should be issued that allows for the demolition of the smaller sheds but retains the main shed identified as the heritage item. It is assessed that the cumulative impacts of the proposed development are not such that the application should be completely refused, but limited.

THE SUITABILITY OF THE SITE s4.15(1)(c)

The subject land is suitable for the development due to the following:

- Demolition is permissible in the R2 Low Density Residential zone.
- The site is included within the Orange Urban Release Strategy - Ploughmans Valley (1997) and the demolition of structures would allow for further subdivision this strategy.

- Suitable access to the site is available for removal of materials.
- The site is not subject to known technological or natural hazards.

However, despite these matters, it is also noted that the site contains a heritage item as listed in the LEP, which is included in the demolition proposal. As discussed in the assessment above a limited consent is recommended. It is considered that the site is suitable for the removal of the two smaller sheds only.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15(1)(d)

The proposed development is defined as "advertised development" under the provisions of the Community Participation Plan. The application was advertised for the prescribed period of 14 days and at the end of that period no submissions were received.

PUBLIC INTEREST s4.15(1)(e)

The proposal will not be inconsistent with any policy statement, planning study or guideline that has not been considered in this assessment. There are no aspects of the proposal that will be contrary to the welfare or well-being of the general public.

SUMMARY


The proposed development is permissible with the consent of Council. The proposed development as a whole does not comply with the relevant aims, objectives and provisions of Orange LEP 2011 (as amended) or DCP 2004. A Section 4.15 assessment of the development indicates that while the demolition of the smaller sheds is acceptable, the demolition of an identified heritage item is unacceptable. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner. A condition has been included that limits the consent and prevents the demolition of the main central heritage item shed, and allows for the demolition of the smaller two sheds.

COMMENTS

The requirements of the Environmental Health and Building Surveyor and the Engineering Development Section are included in the attached Notice of Approval.

ATTACHMENTS

- 1 Notice of Approval, D24/68766 [↓](#)
- 2 Plans, D24/67850 [↓](#)

	ORANGE CITY COUNCIL Development Application No DA 191/2023(1) NA23/398 Container PR1673
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NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the *Environmental Planning and Assessment Act 1979*
Section 4.18

Development Application

Applicant Name:	Reddall and Deirdre Leslie
Applicant Address:	C/- Anthony Daintith Town Planning PO Box 1975 ORANGE NSW 2800
Owner's Name:	Mr RE and Mrs D Leslie
Land to Be Developed:	Lot 24 DP 791830 - 1 Gartrell Way, Orange
Proposed Development:	Demolition (sheds)

Building Code of Australia building classification:

Class not applicable

Determination made under Section 4.16

Made On:	9 July 2024
Determination:	CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:

Consent to Operate From:	10 July 2024
Consent to Lapse On:	10 July 2029

Terms of Approval

The reasons for the imposition of conditions are:

- (1) To maintain neighbourhood amenity and character.
- (2) To ensure compliance with relevant statutory requirements.
- (3) To provide adequate public health and safety measures.
- (4) To minimise the impact of development on the environment.

Conditions

- (1) The development must be carried out in accordance with:
 - (a) **Plans numbered 1 and 2 of 2, Ref 2023-032DA, prepared by Anthony Daintith Town Planning, dated 15 May 2023. (2 sheets)**
 - (b) statements of environmental effects or other similar associated documents that form part of the approval

as amended in accordance with any conditions of this consent.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 191/2023(1)

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Conditions (cont)**LIMITED CONSENT**

- (2) This consent is limited to the demolition of two of the three sheds included in the application. The authorised demolition pertains specifically to the two smaller sheds positioned to the west and east of the centrally located shed shown on the plans. This consent does **NOT** allow for the demolition of central, larger shed identified as local heritage item I196, known as the "Borrodell Packing Sheds".

PRESCRIBED CONDITIONS

- (3) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (4) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

PRIOR TO WORKS COMMENCING

- (5) The applicant is to submit a waste management plan that describes the nature of wastes to be removed, the wastes to be recycled and the destination of all wastes. All wastes from the demolition and construction phases of this project are to be deposited at a licensed or approved waste disposal site.
- (6) Soil erosion control measures shall be implemented on the site.

DURING CONSTRUCTION/SITEWORKS

- (7) All construction/demolition work on the site is to be carried out between the hours of 7.00am and 6.00pm Monday to Friday inclusive, and 8.00am to 1.00pm on Saturdays. No construction/demolition work is permitted to be carried out on Sundays or Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
- (8) Building demolition is to be carried out in accordance with *Australian Standard 2601:2001 - The Demolition of Structures* and the requirements of Safe Work NSW.
- (9) Asbestos containing building materials must be removed in accordance with the provisions of the *Work Health and Safety Act 2011* and any guidelines or Codes of Practice published by Safe Work NSW, and disposed of at a licenced landfill in accordance with the requirements of the NSW EPA.
- (10) All materials on site or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 191/2023(1)

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Other Approvals

- (1)

Local Government Act 1993 approvals granted under Section 68.

Nil
- (2)

General terms of other approvals integrated as part of this consent.

Nil

Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court. Pursuant to Section 8.10, an applicant may only appeal within 6 months after the date the decision is notified.

Disability Discrimination Act 1992:

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act* currently available in Australia.

Disclaimer - S88B of the Conveyancing Act 1919 - Restrictions on the Use of Land:

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Signed:

On behalf of the consent authority **ORANGE CITY COUNCIL**

Signature:

Name:

PAUL JOHNSTON - MANAGER DEVELOPMENT ASSESSMENTS

Date:

10 July 2024

