



PLANNING & DEVELOPMENT COMMITTEE

AGENDA

2 JUNE 2026

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **PLANNING & DEVELOPMENT COMMITTEE MEETING of ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE** on **Tuesday, 2 June 2026**.

Scott Maunder
CHIEF EXECUTIVE OFFICER

For apologies please contact Executive Support on 6393 8391.

AGENDA

EVACUATION PROCEDURE

In the event of an emergency, the building may be evacuated. You will be required to vacate the building by the rear entrance and gather at the breezeway between the Library and Art Gallery buildings. This is Council's designated emergency muster point.

Under no circumstances is anyone permitted to re-enter the building until the all clear has been given and the area deemed safe by authorised personnel.

In the event of an evacuation, a member of Council staff will assist any member of the public with a disability to vacate the building.

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1 INTRODUCTION

MEMBERS

Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

1.1 Apologies and Leave of Absence

1.2 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 & Development Policy Committee at this meeting.

2 GENERAL REPORTS

2.1 Items Approved Under the Delegated Authority of Council

RECORD NUMBER: 2026/496

AUTHOR: Paul Johnston, Manager Development Assessments

EXECUTIVE SUMMARY

Following is a list of more significant development applications approved by the Chief Executive Officer under the delegated authority of Council and by the Western Regional Planning Panel. 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 “7.3 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 Coordinator Development Assessment on Items Approved Under the Delegated Authority of Council.

FURTHER CONSIDERATIONS

The recommendation of this report has been assessed against Council’s key risk categories and the following comments are provided:

Service/Project Delivery	Acknowledging the report has no impact on Council’s service or project delivery.
Financial	There are no financial implications associated with noting the information provided.
Reputation/Political	The recommendation is procedural and presents no reputational or political risk.
Environment	No environmental risks arise from acknowledging the report.
Compliance	The action aligns with required governance processes and introduces no compliance risk.
People & WHS	No workforce or safety risks are associated with this administrative action.
Information Technology/ Cyber Security	The recommendation does not involve systems or data and presents no IT or cyber security risk.

2.1 Items Approved Under the Delegated Authority of Council

SUPPORTING INFORMATION

DA number: DA 298/2025(1) **Determination date:** 16 April 2026 (WRPP)
Applicant/s: Landcom
Owner/s: Orange City Council
Property: Lot 6 DP 1031236, Lot 1 DP 153167 and Lot 200 DP 1288388 - 3 Redmond Place, 154 Lone Pine Avenue and 5255 Mitchell Highway, Orange
Proposal: Subdivision (167 lot Torrens title and new roads), demolition (buildings, ancillary structures and tree removal), bulk earthworks and installation of a temporary sign and sales office
Value: \$62,217,122

DA number: DA 413/2025(1) **Determination date:** 7 April 2026
Applicant/s: Byng Administration Services Pty Ltd
Owner/s: Byng Administration Services Pty Ltd
Property: Lot 8 DP 1311057 - 164 Shiralee Road, Orange
Proposal: Subdivision (17 lot Torrens title and new roads) and demolition (tree removal)
Value: Not applicable

DA number: DA 428/2025(2) **Determination date:** 25 March 2026
Applicant/s: James Richmark Pty Ltd
Owner/s: Mr TJ and Mrs AP Zinga
Property: Lot 27 DP 137125 - 234 McLachlan Street, Orange
Proposal: Modification of development consent - dwelling alterations and additions; subdivision (two lot Torrens title); demolition (sheds); multi dwelling housing (three dwellings) and subdivision (four lot Community title). The modification involves correcting an error whereby the plans of the proposed subdivision that were submitted with the DA were not included in the original stamped DA plans.
Value: Not applicable

DA number: DA 464/2025(1) **Determination date:** 21 April 2026 (WRPP)
Applicant/s: NSW Greyhound Breeders Owners and Trainers Association
Owner/s: Orange City Council
Property: Lots 500 and 501 DP 1254834 - 32 Perc Griffith Way, Orange
Proposal: Recreation facility (major) and demolition (existing buildings and tree removal)
Value: \$15,786,936

DA number: 481/2025(1) **Determination date:** 1 April 2026
Applicant/s: Impact Petroleum Solutions Pty Ltd
Owner/s: Mr MS Dhanda and Ms K Kaur and Mr M Singh and Mrs S Kaur
Property: Lot 1 DP 718475 - 26 Moulder Street, Orange
Proposal: Demolition (removal of four underground storage tanks) and Category 1 remediation
Value: \$33,000

2.1 Items Approved Under the Delegated Authority of Council

TOTAL NET* VALUE OF DEVELOPMENTS APPROVED BY THE CEO UNDER DELEGATED AUTHORITY IN THIS PERIOD: \$78,037,058
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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.*

Additionally, since the April 2026 meeting report period (24 March to 18 May 2026), another 43 development applications were determined under delegated authority by other Council staff with a combined value of \$14,480,308.

2.2 Secondary Dwelling Fact Sheet

RECORD NUMBER: 2026/1001

AUTHOR: Paul Johnston, Manager Development Assessments

EXECUTIVE SUMMARY

Secondary dwellings provide a flexible and affordable housing option within established residential areas, supporting increased housing diversity and more efficient use of existing land. Council staff have prepared a fact sheet which outlines key planning requirements, approval pathways, and design considerations to assist applicants with the preparation of applications for secondary dwellings.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “7.3 Plan for growth and development that balances liveability with valuing the local environment”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council note the Secondary Dwelling Fact Sheet and endorse its use as a guidance document to assist applicants in understanding planning requirements and facilitating complaint development outcomes within our LGA.

FURTHER CONSIDERATIONS

The recommendation of this report has been assessed against Council’s key risk categories and the following comments are provided:

Service/Project Delivery	Nil
Financial	Nil
Reputation/Political	Fact sheet has been designed to assist applicants navigate their way around the NSW planning system when wishing to establish secondary dwellings on properties within the City.
Environment	Nil
Compliance	Nil
People & WHS	Nil
Information Technology/ Cyber Security	Nil

SUPPORTING INFORMATION

Approval requirements for secondary dwellings and relocatable dwellings can vary depending upon the site, zoning and type of development proposed. Council staff have prepared the attached Fact sheet to assist applicants navigate their way around the NSW Planning System when looking to establish a secondary dwelling. The fact sheet provides general information and is intended as a starting point. It does not cover all planning, building or servicing requirements that may apply. Applicants are encouraged to contact Council staff early to discuss their proposal and confirm the relevant approval pathway before proceeding.

ATTACHMENTS

- 1 Secondary Dwelling Fact Sheet, D26/61884 [↓](#)

FACT SHEET



Secondary Dwellings



ORANGE.NSW.GOV.AU

ABOUT THIS FACT SHEET

Approval requirements for secondary dwellings and relocatable dwellings can vary depending on the site, zoning and the type of development proposed. This Fact Sheet provides general information and is intended as a starting point. It does not cover all planning, building, or servicing requirements that may apply. Applicants are encouraged to contact Council early to discuss their proposal and confirm the relevant approval pathway before proceeding.



Where Can I Build a Secondary Dwelling?

Under the Orange Local Environmental Plan 2011, secondary dwellings are permitted with consent in the following zones:

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- RU1 Primary Production
- RU5 Village
- E1 Local Centre
- E2 Commercial Centre
- MU1 Mixed Use

Secondary dwellings are also permitted in the R5 Large Lot Residential Zone under the State Environmental Planning Policy (Housing) 2021.

To find out the zoning of your land please refer to the NSW Planning Portal Spatial Viewer at www.planningportal.nsw.gov.au/spatialviewer



What Is a Secondary Dwelling?

A Secondary Dwelling, or granny flat, is a self-contained dwelling located within, attached to, or separate from another dwelling on the same site.



Do I need approval?

Yes. You must get approval before building a secondary dwelling, through one of two approval paths:

1. COMPLYING DEVELOPMENT

A secondary dwelling can sometimes be approved by seeking a Complying Development Certificate (CDC) issued by Council or a Private Certifier. This certificate combines approval for the use of the land and the building construction. For a CDC to be issued, the proposal must comply with the provisions within State Environmental Planning Policy (Housing) 2021. Schedule 1 contains some key matters for consideration and compliance.

A CDC cannot be issued for a manufactured home or moveable dwelling.

2. DEVELOPMENT APPLICATION

If a proposal doesn't meet the complying development provisions, you may lodge a Development Application (DA) with Council via the Planning Portal for assessment and determination. Applications submitted as a DA must comply with the requirements of the relevant Local Environmental Plan (LEP) and Development Control Plan (DCP) that applies to the land.

The DCP in particular will have requirements that affect the design and placement of the secondary dwelling on your property.

If the DA is approved, you will also need to apply for a Construction Certificate (CC) before any work can start on the site. You should also read your approval documents carefully as they will have a range of conditions.

If you are unsure how to comply with any of the conditions, please STOP and contact Council's planning department for guidance BEFORE proceeding.



Can I Subdivide A Secondary Dwelling?

No. Subdivision is not allowed under the provisions of the State Environmental Planning Policy (Housing) 2021. Only one Secondary Dwelling is permitted per lot, in conjunction with a principal dwelling.

Development Contributions

Council applies Section 7.11 Local Infrastructure Contributions and Section 64 Water and sewer headwork charges on secondary dwellings. Fees are based on the number of bedrooms and must be paid before issue of a CDC or CC. Fee Estimates can be found on Council's website.

Converting an Existing Structure

Many existing structures (such as a garage, screen enclosure or awning) are not constructed to the same standards as a dwelling. Anyone wanting to convert an existing structure to a secondary dwelling must ensure the building complies with the Class 1 (habitable) construction requirements of the National Construction Code (NCC). If not compliant, upgrades will be required by conditions. Where there is a conversion of an existing garage, provision of an additional covered parking space is required under DCP.



Non—discretionary development standards - the Act, s 4.15 (EP&A Act)

To be permitted these elements must be met to develop a secondary dwelling:

- (a) for a detached secondary dwelling—a minimum site area of 450m²,
- (b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.

Bush fire and flood planning requirements

Bush fire and flood related development controls may apply to secondary dwelling proposals. Check the Section 10.7 Zoning Certificate for the property to see if any restrictions apply to the land. A Section 10.7 Certificate can be obtained on application to Council. Check www.orange.nsw.gov.au/planning-development and www.rfs.nsw.gov.au/plan-and-prepare for more details.

Neighbour notification

Under Council's Community Participation Plan Council will notify a development application for a secondary dwelling to your neighbours for a minimum of 14 days.

Other Considerations

Before lodging an application, consider:

- BASIX requirements (energy efficiency). A BASIX Certificate is required for all new secondary dwelling proposals, including conversion of an existing structure to a secondary dwelling. A BASIX Certificate is not required for a transportable home. Check www.planningportal.nsw.gov.au/basix for details.
- Location of services such as water, sewer, electricity, NBN and other cables (Telstra / Optus). It is recommended you check with Before You Dig Australia www.byda.com.au
- Driveways - if a new or additional driveway is proposed avoid conflicts with street trees, street lights, power poles, stormwater pits in the kerb and other fixed assets that may be present. Any relocation of these assets will be at your expense and Council can not compel other agencies to relocate their assets.
- Easements or restrictions on the land (see Deposited Plan and 88b restrictions)
- Soil stability
- Asbestos
- Contamination
- Fire separation requirements - see National Construction Code (NCC)
- Impacts on private open space, solar access, accessibility and parking



Relocatable dwellings

What Is a Relocatable Dwelling?

Under the Local Government Regulation 2021, a relocatable dwelling is:

- A manufactured home or other moveable dwelling (not a tent, caravan, campervan, or registrable vehicle);
- May be self contained;
- Consists of at least one major section;
- May include an associated structure (carport, verandah, etc.).

Approvals Required

A relocatable dwelling on land outside a caravan park or Manufactured Home Estate requires:

1. SECTION 68 APPROVAL – INSTALLATION

Lodged through the NSW Planning Portal. You must provide:

- Site plan
- Floor and elevation plans showing finished ground levels
- Structural engineer's design (footings and tie downs)

2. SECTION 68 APPROVAL – PLUMBING & DRAINAGE

Required for:

- Water and sewer connections, OR
- On site wastewater systems

3. DEVELOPMENT APPLICATION (DA)

A DA is required for the use of the land associated with the relocatable home. The dwelling will be assessed as either a dwelling or secondary dwelling depending on site conditions.

Important Notes for Relocatable Dwellings

- No BASIX certificate required
- No Construction Certificate required
- Council conducts all inspections (via Section 68)
- Associated structures (garage, verandah, etc.) must be checked separately for CDC, exempt development, or DA requirements.

Installation Requirements

Relocatable homes must comply with Division 4, Part 3 of the Local Government Regulation 2021, including:

- Certification by a practising structural engineer as structurally sound;
- Installation in accordance with the engineer's specifications;
- Attachment of compliance plates.

Legislative Update (March 2026)

Recent and ongoing NSW planning reforms (2024–2026) do not alter:

- Secondary dwelling definitions, size limits, or approval processes
- Relocatable dwelling requirements under the Local Government Regulation 2021
- Section 68 approval pathways
- DA requirements for land use approval

Reforms currently underway (e.g., NSW Planning System Reforms 2025) primarily affect administrative processes, not the rules governing secondary or relocatable dwellings.

You are welcome to contact Council's Development Services Department for more detailed specific advice in relation to your proposal.



For more information, contact:

Orange City Council

Wiradjuri Country
PO Box 35, 135 Byng Street
Orange NSW 2800

P 02 6393 8000

E council@orange.nsw.gov.au

W www.orange.nsw.gov.au

Find out more

[www.orange.nsw.gov.au/
planning-development/](http://www.orange.nsw.gov.au/planning-development/)

