

DRAFT CONDITIONS

General Conditions

1	Approved plans and supporting documentation				
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
	Approved Plans				
	Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
	P002766S-02	C	Plan of Subdivision Of Lot 200 in DP1288388 - Stage 1 (4 sheets)	Samuel B. Byrnes	22/07/2025
	P002766S-03	B	Plan of Subdivision Of Lot 144 in DP1320477 - Stage 2 (2 sheets)	Samuel B. Byrnes	22/07/2025
	P002766S-04	B	Plan of Subdivision of Lot 145 in DP1320477 - Stage 3 (2 sheets)	Samuel B. Byrnes	22/07/2025
	P002766S-05	C	Plan of Subdivision Of Lot 146 in DP1320477 - Stage 4 (2 sheets)	Samuel B. Byrnes	22/07/2025
	24-1057C-DA-001 to 24-1057C-DA-0955	C	Civil Works (83 sheets)	Colliers	13.02.26
	L000 to L704	1 to 6	Landscape Plan (33 sheets)	Oculus	16.02.26
	SK-001 to SK-104	P2	Lighting Plan (5 sheets)	Lighting, Art C Science	June 2025
	S-000	A	Signage Plan (3 sheets)	NRM Engineering	11/07/2025
	ET4-7010N		Telescopic Solar LED Solar Light	Eurotech	20/02/26

	Approved Documents			
	Document Title	Version Number	Prepared by	Date of Document
	Redleaf Water Cycle Management Report and Addendum (24-1057)	C	Colliers	Report 16/07/2025 Addendum 25/02/2026
	Infrastructure Servicing Assessment	C	Colliers	21/07/25
	Traffic Impact Assessment		GHD	21 July 2025
	Biodiversity Assessment Report	V3.3	OzArk	17/11/2025
	Archaeological Technical Report	V3.0	OzArk	May 2024
	Bush Fire Assessment Report	D	Integrated Consulting	30/07/2025
	Detailed Site Investigation	20674/1-AA	Geotechnique Pty Ltd	24 June 2025
	Remedial Action Plan	20674/2-AA	Geotechnique Pty Ltd	19 February 2026
	Arboricultural Impact Assessment	7	McArdle Arboricultural Consultancy	23 July 2025
	Redleaf CPTED Report	A	Oculus	07/07/25
	In the event of any inconsistency between the approved plans and documents, the approved Plans prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails. Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.			
2	Development and subdivision works requirements			
	All of the following 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 engineering work required by the			

	following conditions is to be completed prior to the issue of an Occupation or Subdivision Certificate, unless stated otherwise. Condition reason: To comply with Council's Development and Subdivision Code.
3	Species Selection All street trees and open space trees are to be selected in accordance with Orange DCP chapter 19 Schedule 19-D Preferred Species and Planting Requirements, unless otherwise agreed to in writing by Council's City Presentation Manager. Placement of trees is to ensure unfettered access to kerbside waste collection for waste service vehicles. Street verges are to be turfed with Council approved species, consistent with the preferred species described in Schedule 19-D. Bioretention basins and wetlands are to be landscaped with endemic species to create habitat for birds, mammals and micro fauna. Condition reason: To promote quality urban ecological outcomes and reduce the urban heat island effect.
4	Demolition, Excavation and Construction Management All demolition, excavation and construction activities are managed in accordance with the requirements of— (a) Orange Development Control Plan, Chapter 19, Schedule 19F—Construction and site management, (b) Council's Subdivision and Development Code, (c) relevant standards and codes of practice including— • <i>AS 2601:2001 The demolition of structures,</i> • <i>AS 4970:2009 Protection of trees on development sites,</i> • the SafeWork NSW <i>Code of Practice for Demolition Work,</i> • the SafeWork NSW <i>Code of Practice for Construction Work.</i> Condition reason: To ensure compliance with Council's Subdivision and Development Code and relevant Australian Standards
5	Bush Fire Requirements The development must be carried out in accordance with the Rural Fire Service s100B – Subdivision – Torrens Title Subdivision General Terms of Approval (28 September 2025) attached as "Annexure A". Condition reason: To ensure legislative compliance with Bush Fire requirements.

Remediation Work

During remediation work

6	Remediation - action plan
	Prior to the issue of a subdivision works certification the remediation works shall be carried out in accordance with Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 and the Remediation Action Plan prepared by Geotechnique Pty Ltd (reference: 20674/2-AAR1), dated 19 February 2026.
	Condition reason: To ensure compliance with relevant statutory requirements.

On completion of remediation work

7	Remediation - action plan
	A validation report is to be provided to Council in relation to all remediation work undertaken in accordance with the Remediation Action Plan prepared by Geotechnique Pty Ltd (reference: 20674/2-AAR1), dated 19 February 2026, within 30 days of the date of the validation report. The validation report is to be prepared in accordance with NSW EPA Guidelines for Consultants Reporting on Contaminated Land (2020) and Guidelines for the NSW Site Auditor Scheme 2017.
	Condition reason: To ensure remediation works are completed in accordance with approved plans.

Subdivision Work

Before issue of a subdivision works certificate

8	Engineering plan design and construction requirements
	Engineering plans, showing details of all proposed work and adhering to any engineering conditions of development consent and the Orange City Council Development and Subdivision Code, are to be submitted to, and approved by, Orange City Council or an Accredited Certifier (certifier - subdivision) prior to the issuing of a Subdivision Works Certificate.
	Condition reason: To comply with Councils Development and Subdivision Code.
9	Soil and Water Management Plan

	A Soil and Water Management Plan (SWMP) is to be submitted to Orange City Council or an Accredited Certifier (certifier - subdivision) for approval prior to the issuing of a Subdivision Works Certificate. The management plan is to be in accordance with the Orange City Council Development and Subdivision Code and the Landcom, Managing Urban Stormwater; Soils and Construction Handbook. Condition reason: To comply with Councils Development and Subdivision Code.
10	Dust management plan A dust management plan is to be submitted to Orange City Council or an Accredited Certifier (certifier - subdivision) upon application for a Subdivision Works Certificate. Condition reason: To comply with Councils Development and Subdivision Code.
11	Stormwater detention design The development's stormwater design is to include the incorporation of stormwater detention within the development, designed to limit peak outflows from the land to the pre-existing natural outflows up to a 1% AEP storm event, with sufficient allowance in overflow spillway design capacity to safely pass flows of lower frequency (that is, a rarer event) without damage to downstream developments. Where appropriate, the spillway design capacity is to be determined in accordance with the requirements of the Dam Safety Committee. The design of the detention storage is to be undertaken using the DRAINS rainfall-runoff hydrologic model (or an approved equivalent capable of assessing runoff volumes and their temporal distribution as well as peak flow rates) based on the most recent version of Australian Rainfall and Runoff calculations allowing for applicable climate change factor(s). The model is to be used to calculate the flow rates for the existing and post-development conditions. The developed flows are to be routed through the proposed storage within the model so that the outflows obtained are no greater than the flows obtained for the pre-existing natural flows. A report detailing the results of the analysis, which includes: • catchment plan showing sub-catchments under existing and developed conditions; and • schematic diagram of the catchment model showing sub areas and linkages; and • tabulation detailing the elevation, storage volume and discharge relationships; and • tabulation for the range of frequencies analysed, the inflows, outflows and peak storage levels for both existing and developed conditions, • together with copies of the data files for the model and engineering design plans of the required drainage system, The report is to be submitted to and approved by Orange City Council prior to the issue of a Subdivision Works Certificate. Condition reason: To comply with Councils Development and Subdivision Code.
12	On-site stormwater treatment system

	The development's stormwater design is to include the incorporation of stormwater treatment. Stormwater from the development shall be piped to a stormwater treatment basin / wetland before leaving the site. The design and construction of the stormwater treatment / wetland system shall ensure that the stormwater leaving the developed site achieves NorBE +10%. Engineering plans for this stormwater treatment system shall be submitted to and approved by Orange City Council prior to the issuing of a Subdivision Works Certificate. The applicant shall undertake comprehensive water quality modelling on for the site, using an accredited assessment tool (recommended using Music™ or other approved assessment tool) and shall include copies of the electronic data files. Modelling shall be undertaken for both pre- and post-development scenarios. Any gross pollutant trap(s) installed in the stormwater treatment system shall be selected from a range of existing Council approved systems. The stormwater treatment system and gross pollutant traps shall include sealed all-weather service vehicle access. Condition reason: To comply with Councils Development and Subdivision Code and protect Suma Park Dam water quality.
13	Stormwater - interlot stormwater system Proposed lots are to be provided with interlot stormwater drainage, including those lots abutting public land, where the surface of the entire lot cannot be drained to the kerb and gutter at the lot frontage. A grated stormwater pit is to be constructed within each lot provided with interlot stormwater drainage. Engineering plans for this drainage system are to be approved by Orange City Council or an Accredited Certifier (certifier - subdivision) prior to the issuing of a Subdivision Works Certificate. Condition reason: To comply with Councils Development and Subdivision Code.
14	Stormwater discharge Stormwater from the site is to be piped to the adjacent watercourse, where it is to be discharged through a standard headwall with appropriate scour protection and energy dissipater. Engineering plans of this drainage system are to be approved by Orange City Council or by an Accredited Certifier (certifier – subdivision) and a licence from the Department of Planning Infrastructure and Natural Resources for work within 40 metres of the watercourse is to be submitted prior to the issuing of a Subdivision Works Certificate. Condition reason: To comply with Councils Development and Subdivision Code.
15	Sewer main construction

	A sewer main is to be constructed from Council's existing sewer network to serve the proposed lot(s). Prior to a Subdivision Works Certificate being issued engineering plans for this sewerage system are to be submitted to and approved by Orange City Council. Plans shall detail any augmentation works necessary for Councils existing sewer network, connection point and pump station details. The existing sewer pump out serving 3 Redmond Place (Lot 6 DP 1031236) and Lot 200 DP 1288388 shall be decommissioned and the existing gravity sewer main connected to the reticulated sewer network for the proposed residential subdivision. Condition reason: To comply with Councils Development and Subdivision Code.
16	Water reticulation analysis A water reticulation analysis is to be carried out by Orange City Council on any proposed water reticulation system for the development. Engineering plans are to be submitted to and approved by Orange City Council prior to the issue of a Subdivision Works Certificate. Plans shall detail any augmentation works necessary for Councils existing water network, and any realignment works necessary for the existing trunk water main crossing the site and the mains located in Lone Pine Avenue. Condition reason: To comply with Councils Development and Subdivision Code.
17	Road naming application Prior to the issuing of a Subdivision Works Certificate, a Road Naming Application Form is to be completed and submitted to Council for approval. The road name(s) shall not be used, displayed or registered until approval has been issued by the Geographical Names Board. Condition reason: To comply with Councils Development and Subdivision Code.
18	Road construction requirements

	Lone Pine Ave shall be constructed to an urban standard for the full frontage of the development. This work is to include road pavement and pavement surfacing to key into the existing road pavement, kerb and gutter, piped stormwater drainage and an earth formed verge on the development side of the road. Brabham Way and Road 3 intersection shall be constructed with CHR and AUL intersection treatments on Brabham Way. This work is to include road pavement and pavement surfacing to key into the existing road pavement, kerb and gutter, line marking, signage, piped stormwater drainage and an earth formed verge on the development side of Brabham Way. All roads shall be constructed and designed in accordance with Orange City Councils Development and Subdivision Code. The applicant shall demonstrate compliance with NSW Design of Roads and Streets (DORAS) requirements. Plans shall indicate any required line marking or regulatory traffic signs including temporary signage / line marking for staged subdivision release. Engineering plans, showing details of all proposed work and adhering to any engineering conditions of development consent, are to be submitted to, and approved by, Orange City Council prior to the issuing of a Subdivision Works Certificate. Condition reason: To comply with Councils Development and Subdivision Code.
19	Vehicle access requirements for proposed lots 413 to 417 Proposed lots 413 to 417 shall be created under a Community Title subdivision with the rear laneway being dedicated as the common Lot for vehicle access. Condition reason: To comply with Councils Development and Subdivision Code.
20	Access over adjoining land If services and access is to be provided over adjoining properties, stormwater discharged onto adjoining land, or works are required to be undertaken on adjoining properties then, prior to the issue of a Subdivision Works Certificate, evidence of the registration of any required easements and rights of way over adjoining properties for the provision of services and access, and legal agreements for the undertaking of work shall be provided to the Principal Certifier. Condition reason: To ensure compliance with relevant statutory requirements.
21	Urban Permeability

	The street block separating Road 3 and Road 4 exceeds the 220m length allowed under the Development Control Plan. Prior to the release of a subdivision certificate for stage 1, a concept design of future development on proposed lot 141 is to be submitted that demonstrates, under either Strata Title or Community Title, how a permeable link between Road 3 to Road 4 will be achieved. The permeable link may serve either pedestrians only or both vehicles and pedestrians and should be positioned toward the southern end of the lot. A Section 88B restriction-as-to-user is to be imposed on Lot 141 to ensure that future development of the lot delivers the permeable link.
	Condition reason: To ensure compliance with the Development Control Plan
22	Temporary Site / Sales Office Prior the issue of a subdivision works certificate and the installation of the temporary site / sales office, a site plan showing accurate setbacks confirming the location and orientation, and a decommissioning plan of the temporary site / sales office is to be provided to Council for approval by the Manager Development Assessment. The plan and any supporting information must demonstrate: • How the office will be serviced for water and sewer, including pumping sewer back to the on-site pump station to the west of the hangar building, and • How the office will be provisioned with other utility services (energy / telecommunications) and that arrangements with utility providers will not result in damage to any tree or other Council asset, and • The hours of operation, and • That the office will not intrude into the canopy area of any tree, and • That the office will not obstruct access to or impart any load onto any underground infrastructure, and • That the office will not obstruct access to the hangar building, and • That the office will not obstruct any existing car parking space or associated maneuvering area, and • That the office will not prevent or hinder access to public open space beyond the footprint of the office. The decommissioning plan must demonstrate: • The period of time for the operation of the temporary site and sales office to be no more than two (2) years, and • How temporary services will be decommissioned and removed, and • Details of how the land will be return to satisfactory condition in accordance with the landscape plan. Condition reason: To ensure the safe and orderly use of the land.

23	Signage Illumination
	All signs that are proposed to be illuminated shall meet the Illumination and reflectance criteria for Zone 4 set out within Table 5 of the <i>Transport Corridor Outdoor Advertising and Signage Guidelines 2017</i>. All illuminated signs must have the ability to be adjusted. Details of compliance shall be provided to the Council/Principal Certifier with an application for a Subdivision Works Certificate. Illumination of the billboard sign is to be limited to a maximum of 3 floodlights per side. Each floodlight is to be positioned and directed towards the message face of the sign only. Glare arising from direct view of the lighting element from any roadway is to be prevented by a combination of placement, direction and where required by hooding or screening.
	Condition reason: To limit the potential for glare and minimise distraction of motorists.
24	Advertising Signage
	Details of the content of the advertising sign (billboard) are to be submitted to and approved by Council's Manager Development Assessment prior to the issue of a Subdivision Works Certificate.
	Condition reason: To limit the potential for glare and minimise distraction of motorists.
25	Signage and Wayfinding
	Details of all public signage and wayfinding infrastructure shall be to be submitted to Council's Manager Development Assessment prior to the issue of a Subdivision Works Certificate.
	Condition reason: To ensure consistency with Councils adopted wayfinding strategy.
26	Essential Energy Requirements
	Any electricity infrastructure affecting the site and any associated infrastructure easements must be addressed to the satisfaction of Essential Energy prior to the issue of a subdivision works certificate. Evidence is to be submitted to the Private Certifier.
	Condition reason: To ensure the safe and orderly use of the land.
27	Affordable Housing

	Prior to the release of a subdivision works certificate for any stage a schedule and of affordable housing delivery (a total of 55 dwelling / a minimum of 20% of dwellings) is to be provided to Council for approval by Councils Manager Development Assessment demonstrating: • How many affordable housing dwellings are to be provided in each stage, and Nominating specific lots or committing to specific units / apartments in the residential super lots, provided that no stage has more than 20 nominated dwellings and the total of 55 nominated dwellings is spread across at least 3 stages. Condition reason: To ensure the delivery of Affordable Housing in accordance with legislative requirements.
28	Restriction-as-to-User - Affordable Housing Prior to the release of a subdivision works certificate a Restriction-as-to-User under section 88B of the NSW Conveyancing Act 1919 is to be created on the title for the proposed affordable housing lots, to the effect that: • from the date of the issue of an occupation certificate the lots nominated will be used for affordable housing for a period of 15 years, and • will be manage by a registered community housing provider. Condition reason: To ensure the delivery of Affordable Housing in accordance with legislative requirements.
29	Planning Agreement In accordance with Section 7.7 of the Environmental Planning and Assessment Act 1979, the Planning Agreement offered by the developer in respect of the Development Application, the subject of this consent, that relate to the delivery of public infrastructure as outlined in the draft Planning Agreement (drafted by Lindsay Taylor Lawyers and as amended in accordance with Council resolution 26/129 resolved 17 March 2026) must be entered into prior to issuing of Subdivision Works Certificate. The terms of the Planning Agreement must, thereafter be adhered to. Reason: To ensure the delivery of public benefit in accordance with the Planning Agreement.
30	Restriction-as-to-User – Planning Agreement Prior to the release of a subdivision works certificate evidence shall be provided to Council’s Manager Development Assessment that the Planning Agreement (drafted by Lindsay Taylor Lawyers and as amended in accordance with Council resolution 26/129 resolved 17 March 2026) has been registered on the title of the land, the subject of this development consent.

	Condition reason: To ensure the delivery of infrastructure and works in accordance with the Planning Agreement.
31	Placement of Infrastructure The final placement of street lights and substations may be repositioned to avoid conflicts with infrastructure or for other logistical reasons subject to an infrastructure layout plan being submitted to and approved by Councils Manager Development Assessment and Manager City Presentations. The layout plan is to be provided to Council prior to issue of a subdivision work certificate for approval by Manager Infrastructure to ensure that street lights and substations do not cause conflicts with footpaths, cycleways and may not intrude into the canopy of existing or retained trees. Additionally, in accordance with the Bush Fire Safety Authority issued by NSW RFS the 'unencumbered area' in front of Lot 431 identified in figure 16 of the Bush Fire Assessment Report by Integrated Consulting is to be kept clear of all structures, infrastructure or other assets that could impede the use of the area for fire service vehicles, including parking and manoeuvring. Condition reason: To comply with Council's Development and Subdivision Code and ensure legislative compliance with Bush Fire requirements.

Before subdivision work commences

32	Apply for Subdivision Works certificate An application for a Subdivision Works Certificate is required to be submitted to, and a Certificate issued by Orange City Council / Accredited Certifier prior to any excavation or works being carried out on site. Condition reason: To ensure compliance with relevant statutory requirements.
33	Soil and water management plan The approved Soil and Water Management Plan (SWMP) shall be implemented prior to construction works commencing. Condition reason: To ensure compliance with relevant statutory requirements.
34	Road Opening Permit required A Road Opening Permit in Accordance with Section 138 of the Roads Act 1993 must be approved by Council prior to any intrusive works being carried out within the public road or footpath reserve. Condition reason: To ensure compliance with relevant statutory requirements.

	Optus Certification
	The proposed wetlands and detention basin are in conflict with an existing Optus Communications Fibre Optic Cable. An application is to be made to Optus Communications for a Notice of Arrangement stating that arrangements have been made for the relocation of the Fibre Optic Cable. Prior to any works on site the location of the cable is to be confirmed in consultation with Optus Communications and no excavation may occur within 3 metres of the cable until the Notice of Arrangement has been issued.
	Condition reason: To ensure the protection of telecommunications assets.
35	Erosion and sediment control - implementation
	Erosion and sediment controls shall be implemented onsite in accordance with Managing Urban Stormwater: Soils and Construction - Volume 1 (4th edition).
	Condition reason: To prevent site erosion and sediment loss, and protect waterways from sediment pollution.

During subdivision work

36	Adjustments to utility services
	Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
	Condition reason: To comply with Councils Development and Subdivision Code.
37	Provision of services and works on public land
	The provisions and requirements of the Orange City Council Development and Subdivision Code are to be applied to this application and all work constructed within the development is to be in accordance with that Code.
	The developer is to be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing all the lots from Council's existing infrastructure. The developer is to be responsible for gaining access over adjoining land for services where necessary and easements are to be created about all water, sewer and drainage mains within and outside the lots they serve.
38	Provision of water service and sewer junction
	A water service and sewer junction is to be provided to every lot in the proposed residential subdivision in accordance with the Orange City Council Development and Subdivision Code.
	Condition reason: To comply with Councils Development and Subdivision Code.
39	Concrete footpaths and cycleways

	Concrete footpaths, a minimum of 1.2 metres wide, are to be constructed on both sides of all through streets and Lone Pine Avenue frontage. Concrete shared paths, a minimum of 2.5 metres wide, are to be constructed on one side of roads 1, 2, 10 and Brabham Way frontage. Construction work is to be to the requirements and standards of the Orange City Council Development and Subdivision Code. Condition reason: To comply with Councils Development and Subdivision Code.
40	Kerb and gutter layback and footpath crossing A heavy-duty concrete kerb and gutter layback and footpath crossing is to be constructed to serve 3 Redmond Place. The works are to be carried out to the requirements of the Orange City Council Development and Subdivision Code and Road Opening Permit. Condition reason: To comply with Council's Development and Subdivision Code.
41	Lots adjacent to waterway All proposed residential lots adjacent to a stormwater overland flow path are to be a minimum of 500mm above the 1% AEP flood level. Condition reason: To comply with Councils Development and Subdivision Code.
42	All services to be provided by developer Water and sewer services, including mains construction, pumping station construction, easements and all associated materials and works, are to be provided for the development at the cost of the developer. Condition reason: To comply with Councils Development and Subdivision Code.
43	All services contained within lots All services are to be contained within the allotment that they serve. Condition reason: To comply with Councils Development and Subdivision Code.
44	Unexpected finds - Aboriginal, relics, historical items 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 must cease; and the NSW Office of Environment and Heritage (OEH), and representatives from the Orange Local Aboriginal Land Council must be notified. Where required, further archaeological investigation must 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. Condition reason: To ensure any unexpected or significant finds are investigated, recorded and conserved where necessary.

45	Unexpected finds - contamination
	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 onsite 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 Council's Director Development Services is obtained in writing.
	Condition reason: To ensure any unexpected finds of contamination are notified to Council and managed appropriately to ensure any unexpected or significant finds are investigated, recorded and conserved where necessary.
46	License for waste material
	Any receiver of waste material must be properly licensed by the NSW Environment Protection Authority to receive that waste. If a non-licensed premises is intended to receive waste from the site then an approved notice within the meaning of Section 143(4) of the <i>Protection of the Environment Operations Act 1997</i> (Section 143 Notice) must be supplied prior to the removal of the material from the remediation site. Details of material removed - including volume, mass, classification, destination - and any Section 143 Notices are to be included in the validation report.
	Condition reason: To ensure compliance with relevant statutory requirements.
47	Filling of Lots
	Only Virgin Excavated Natural Material (VENM) shall be imported / deposited on the development site. Dry builder's waste, such as concrete, bricks, plaster, timber or putrescible materials, shall not be deposited on site. Any imported fill material must be certified as VENM on the EPA Standard Form and submitted to Council prior to importation of fill material onto the site.
	Condition reason: To comply with Councils Development and Subdivision Code.
48	Asbestos material removal and disposal
	Any asbestos material must be removed and disposed of in accordance with the provisions of the <i>Work Health & Safety Act 2011</i> and any guidelines or Codes of Practice published by SafeWork NSW.
	Condition reason: To ensure asbestos materials are handled and disposed of in a safe manner.

Before issue of a subdivision certificate

49	Apply for Subdivision Certificate
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	Application shall be made for a Subdivision Certificate under Section 6.3(1)(d) of the Act. Condition reason: To ensure compliance with relevant statutory requirements.
50	Provision of services for staged subdivision release Where staged release of the subdivision is proposed, all conditions of consent and contributions relative to the proposed staging of the development, and all engineering conditions of development consent as it relates to the servicing of the proposed lots / dwellings are to be completed prior to the issuing of a Subdivision Certificate. Condition reason: To ensure compliance with relevant statutory requirements.
51	Contributions - payment of water and sewer contributions (obtain section 307 Certificate) Submit an application to Council under section 305 of the <i>Water Management Act 2000</i> to obtain a section 307 Certificate of Compliance. The <i>Application for a 307 Certificate under section 305 Water Management Act 2000</i> form can be found on Councils website. A section 307 Certificate must be obtained prior to the issue of any Subdivision Certificate. Condition reason: To ensure compliance with relevant statutory requirements.
52	Filling of lots Evidence from a registered NATA laboratory is to be submitted prior to the issuing of a Subdivision Certificate stating that the filling of all low-lying areas and/or dams has been carried out in accordance with Australian Standard 3798-2007. Condition reason: To comply with Councils Development and Subdivision Code.
53	NBN certification Application is to be made to NBN for infrastructure to be made available to each individual lot within the development. Either a Telecommunications Infrastructure Provisioning Confirmation or Certificate of Practical Completion is to be submitted to the Principal Certifying Authority confirming that the specified lots have been declared ready for service prior to the issue of a Subdivision Certificate. Condition reason: To comply with Councils Development and Subdivision Code.
54	Essential Energy certification A Notice of Arrangement from Essential Energy stating arrangements have been made for the provision of electricity supply to the development, is to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate. Condition reason: To comply with Councils Development and Subdivision Code.
55	Easements for sewer mains

	An easement, to drain sewage and to provide Council access for maintenance of sewerage works; a minimum of 2.0 metres wide is to be created over all sewer mains. The Principal Certifying Authority is to certify that the easement is in accordance with the Orange City Council Development and Subdivision Code prior to the issuing of a Subdivision Certificate. Condition reason: To comply with Councils Development and Subdivision Code.
56	All services contained within lots and WAE plans All services are to be contained within the allotment that they serve. A Statement of Compliance and digital works as executed plans (in both .pdf and .dwg formats) for all services, from a Registered Surveyor, is to be submitted to Orange City Council prior to the issuing of a Subdivision Certificate. WAE plans shall include MGA co-ordinates and AHD levels with each of the services on a separate layer eg separate out water, sewer, storm water, gas, power, telecommunications to their own layers / drawing sheet. Condition reason: To comply with Councils Development and Subdivision Code.
57	Stormwater detention / stormwater treatment certification A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater detention basin and stormwater treatment system complies with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate. Condition reason: To comply with Councils Development and Subdivision Code.
58	Maintenance bond provided for infrastructure defect security. A Maintenance Bond, in accordance with the provisions and requirements of the Orange City Council Development and Subdivision Code, is to be provided to Orange City Council prior to the issuing of a Subdivision Certificate. A Certificate of Compliance, from Orange City Council, certifying that the maintenance bond has been paid, is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate. Condition reason: To comply with Councils Development and Subdivision Code.
59	Connection of existing buildings to gravity sewer and disposal of existing pump out system The existing buildings at 3 Redmond Place and Lot 200 DP 1288388 are to be connected to the proposed reticulated sewer. The existing pump out system is to be excavated and disposed of at a licensed landfill and the excavation backfilled with clean compacted material. Evidence of such work is to be provided to the Principal Certifying Authority prior to the issue of a Subdivision Certificate. Condition reason: To comply with Councils Development and Subdivision Code.

60	Restriction-as-to-User - stormwater easements
	Where stormwater crosses land outside the lot it favours, an easement to drain water is to be created over the works. A Restriction-as-to-User under section 88B of the <i>NSW Conveyancing Act 1919</i> is to be created on the title of the burdened lot(s) requiring that no structures are to be placed on the site, or landscaping or site works carried out on the site, in a manner that affects the continued operation of the interlot drainage system. The minimum width of the easement is to be as required in the Orange City Council Development and Subdivision Code.
	Condition reason: To comply with Councils Development and Subdivision Code.
61	Provision of services and works on public land
	Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision 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, and that Council will take ownership of the infrastructure assets.
	Condition reason: To comply with Councils Development and Subdivision Code.
62	Undertake Road Safety Audit
	Prior to the issue of a Subdivision Certificate, a pre-opening Road Safety Audit shall be undertaken of all areas of road works associated with the approved development. The report shall be undertaken in accordance with the requirements of Austroads <i>Guide to Road Safety – Part 6 Road Safety Audit (2022)</i> and be provided to Orange City Council Technical Services Division.
	Condition reason: To identify any potential road safety hazards.
63	Community Title subdivision for proposed Lots 413 to 417.
	Proposed lots 413 to 417 shall be created under a Community Title subdivision with the rear laneway being dedicated as the common Lot for vehicle access.
	Condition reason: To comply with Councils Development and Subdivision Code.
64	Road opening permit certificate of compliance
	A Road Opening Permit Certificate of Compliance is to be issued for the works by Council prior to an subdivision certificate being issued for the development.
	Condition reason: To ensure compliance with relevant statutory requirements.

Ongoing use for subdivision work

No additional conditions have been applied to this stage of development.

Demolition Work

Before demolition work commences

65	Dust, Erosion and Sediment Control
	Dust, Erosion and sediment control measures are in place to ensure demolition work— (a) avoids detrimental impacts on soil and ground stability, (b) avoids detrimental impacts on waterways, drinking water catchments, groundwater sources, vegetation and surrounding land, and (c) does not result in runoff carrying sediments or other pollutants leaving the site or entering the stormwater system.
	Condition reason: To ensure demolition work does not adversely impact the environment
66	Unanticipated Finds
	Prior to undertaking any demolition or excavation an unanticipated finds procedure is to be documented and submitted to Council. The procedure is to detail responses to unexpected discovery of archaeological relics, both Aboriginal and non-indigenous, as well as the discovery of unexpected contamination. At a minimum the procedure is to require: • the temporary cessation of work, • the photographic recording of all finds and • the consultation with appropriately qualified experts on significant finds before work proceeds.
	Condition reason: To preserve and protect the heritage of Aboriginal and non-indigenous cultural artefacts.
67	Road opening permit required
	A Road Opening Permit in accordance with Section 138 of the <i>Roads Act 1993</i> must be approved by Council prior to demolition work being issued or any intrusive works being carried out within the public road or footpath reserve.
	Condition reason: To ensure compliance with relevant statutory requirements.

During demolition work

68	Adjustments to utility services
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	Any adjustments to existing utility services that are made necessary by the demolition work are to be at the full cost of the developer.
	Condition reason: To comply with Council's Development and Subdivision Code.
69	Demolition - in accordance with AS 2601:2001
	Building demolition is to be carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the requirements of SafeWork NSW.
	Condition reason: To ensure compliance with relevant statutory requirements.
70	Hours of work - demolition
	All demolition work on the site is to be carried out between the hours of 7am and 6pm Monday to Friday inclusive, 7am to 5pm Saturdays, and 8am to 5pm Sundays and Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
	Condition reason: To ensure compliance with relevant statutory requirements.

On completion of demolition work

71	Site Stabilisation
	At the completion of demolition work any disturbed areas that are not intended to be further disturbed during construction are to be stabilised and within 5 working days either turfed or grass seeded to reduce the risk of dust, erosion or sediment dispersal.
	Condition reason: To protect the land from degradation, maintain the amenity of the area and the quality of water runoff from the site.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional

obligations are set out in the [*Conditions of development consent: advisory notes*](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means ORANGE CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision work certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Western Regional Planning Panel.