

17 July 2025

Chief Executive Officer
Orange City Council
135 Byng Street
ORANGE NSW 2800

Dear Sir,

Re: Letter of offer to enter into a planning agreement in association with Development Application on land at 3 Redmond Place, Orange

We act on behalf of Landcom (the **Developer**) in relation to the Development Application for subdivision and associated works at 3 Redmond Place, 154 Lone Pine Avenue and 5255 Mitchell Highway, Orange (the **Land**).

The Developer offers to enter into a planning agreement with Orange City Council (**Council**) under section 7.4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) to make development contributions to be used for or applied towards a public purpose as detailed in Attachment 1 of this letter.

This letter of offer to enter into a planning agreement has been prepared in consideration of the following:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- Environmental Planning and Assessment (Planning Agreements) Direction 2019
- Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012
- Planning Agreements Practice Note (February 2021), Department of Planning and Environment
- Orange Contributions Plan 2024 (**CP**).

Parties to the planning agreement

The parties to the planning agreement would be:

- Landcom
- Orange City Council.

Public purpose offer

The proposed contributions that fall within the broad definition of a public purpose under section 7.4(2) of the EP&A Act 1979 are outlined below:

- the provision public amenities and services
- the provision of transport or other infrastructure relating to land.

A schedule has been included in Attachment 1 of this letter that details the public purpose items that are the subject of this letter of offer.

Land to which the offer relates

The planning agreement relates to the Land at 3 Redmond Place, 154 Lone Pine Avenue and 5255 Mitchell Highway, Orange as described in Attachment 2 of this letter.

Development Application to which the offer relates

The offer to enter into a planning agreement is in connection with the Development Application for subdivision and associated works in accordance with the concept plan included as Attachment 3 and described in Attachment 4 of this letter.



Application of s7.11, s7.12 and Division 7.1, Subdivision 4 of the EP&A Act 1979 to the Development

It is proposed that the planning agreement will exclude the application of s7.11 and s7.12 of the EP&A Act 1979 to the Development. This is on the basis that the proposed works on the Land will result in a greater net benefit to the community than paying monetary contributions under the Orange CP 2024. Division 7.1, Subdivision 4 of the EP&A Act isn't excluded but it does not apply to development on the Land.

The Orange CP 2024 states:

Council may also consider an exemption to the full or partial provision of a development contribution that would otherwise be required by this Plan where an applicant has offered to enter into a planning agreement and where Council considers that the planning agreement will result in an equivalent or greater net benefit to the community than would otherwise occur.

Table 1 below compares the estimated local infrastructure contributions required under CP 2024 with the proposed schedule of works as part of a planning agreement offer. The contributions are based on the projected yield of 330 dwellings, which is an indicative estimate.

Table 1: Comparison of contributions between Orange CP 2024 and letter of offer

Facility	Orange Contributions Plan 2024		Proposed planning agreement
	Per subdivided lot or detached dwelling house	Current applicable s7.11 contributions	Letter of offer
Open space & recreation	\$2,445.55	\$807,031.50	\$3,728,955.73
Community & cultural	\$320.76	\$105,850.80	-
Roads & traffic management	\$6,043.32	\$1,994,295.60	-
Stormwater drainage	\$60.71	\$20,034.30	\$1,687,183.02
Plan preparation & administration	\$266.11	\$87,816.30	-
Total	\$9,136.45	\$3,015,028.50	\$5,416,138.75

Table 1 shows that the total contributions proposed under the planning agreement letter of offer is greater than the total contributions that would otherwise be paid under the Orange CP 2024. The detailed proposed public purpose items that form part of the planning agreement are outlined in the schedule of works in Attachment 1, including an itemised cost of works.

The public benefit to be provided by the planning agreement is 'above and beyond' the public benefit that would otherwise be provided if no planning agreement is provided and local contributions are paid in full under the Orange CP 2024.

There are significant efficiencies in entering into a planning agreement with the Developer. This includes the ability to control the timing, execution and scope of the infrastructure items that affect, and are required by the development, and the ability to coordinate the concurrent delivery of residential lots and local infrastructure in the most efficient way.

The planning agreement will relieve Council of the obligation of delivering public open space to address demand generated by the development. The proposed size and embellishment cost of open space on the Land will provide a public benefit to future residents and existing residents in the broader community. These costs exceed the local contributions under the Orange CP 2024, for both open space and community and cultural infrastructure, demonstrating a greater public benefit offer on the Land through a planning agreement.



Explanatory note under s205 of the EP&A Regulation 2021

Attachment 4 of this letter includes a draft explanatory note that has been prepared in accordance with s205 of the EP&A Regulation 2021 that:

- summarises the objectives, nature and effect of the planning agreement
- contains an assessment of the merits of the proposed agreement.

Conclusion

Landcom's offer to enter in the planning agreement with Council as outlined in this letter will provide significant public benefits, over and above the benefits that would otherwise be provided if a planning agreement is not provided.

We propose the following next steps in relation to this offer:

- Council considers this offer and provides any comments for the Developer's consideration
- a draft planning agreement is prepared and reviewed by each party
- the draft planning agreement is publicly exhibited
- the planning agreement is executed.

We look forward to working with you to formalise the planning agreement.

If you have any questions in relation to this matter, please do not hesitate to contact me on 8667 8668.

Yours sincerely,

Chris Shannon
Western Sydney Practice Director



ATTACHMENT 1 – PROPOSED PUBLIC PURPOSE OFFER

Outlined below are the proposed public purpose development contributions in accordance with s7.4 of the EP&A Act 1979.

Table 2 outlines the proposed schedule of works and timing. The Open Space embellishment has been split into four stages in line with the delivery of the subdivision component of the development.

Table 3 outlines the cost of the proposed schedule of works, demonstrating that they are over and above the contributions under Orange CP 2024.

Table 2: Proposed schedule of works

Proposed schedule of works	Details	Timing
Public amenities and services (s7.4(2)(a) of EP&A Act 1979)		
Open space embellishment	Design and construction of open space and recreation areas on the Land.	
Stage 1 works	Additional planting	Prior to release of a subdivision certificate for the registration of 51 low density residential lots.
	Walking trails	
	Artworks	
	Entry signages	
	Hard landscaping	
	Electrical and lighting	
	Security, communications and data	
Stage 2 works	Additional planting	Prior to release of a subdivision certificate for the registration of 106 low density residential lots.
	Hard landscaping	
	Walking trails	
	Exercise equipment	
	Artwork	
	Electrical and lighting	
	Security, communications and data	
Stage 3 works	Additional planting	Prior to release of a subdivision certificate for the registration of 150 low density residential lots.
	Walking trails	
	Story telling signage	
	Artwork	
	Electrical and lighting	
	Security, communications and data	
Stage 4 works	Additional planting	Prior to release of a subdivision certificate for the registration of 194 residential lots.
	Hard landscaping	
	Walking trails	
	Playground equipment including shade sail	



Proposed schedule of works	Details	Timing
	Exercise equipment	
	Furniture and fixtures	
	Story telling and interpretation signage	
	Artwork	
	Electrical and lighting	
	Security, communications and data	
Transport and other infrastructure relating to land (s7.4(2)(c) of EP&A Act 1979)		
Stormwater management infrastructure	Design and construction of stormwater management works on the Land.	
Stage 1 works	Open water body pond (WL01) construction	Prior to release of a subdivision certificate for the registration of 51 low density residential lots.
	Bridge and viewing deck (WL01) construction	
	Stormwater swale embellishment	



Table 3: Proposed cost of the schedule of works

Proposed schedule of works	
Stormwater drainage construction	\$1,687,183
Open water body pond construction	\$472,774
Bridge and viewing deck at the wetland	\$1,032,979
Stormwater swale embellishment	\$181,429
Open space embellishment	\$3,728,956
Entry signage	\$416,848
Additional planting & embellishment to open space area	\$531,441
Walking trails	\$203,584
Artworks across open space	\$401,579
Additional electrical and lighting	\$233,144
Exercise equipment and/or fitness stations	\$251,579
Playground equipment including shade sail	\$251,579
Hard landscaping to playground areas and/or courts (soft fall ground, mulch, shade sails)	\$928,759
Additional furniture and fixtures along footpath and walking trails	\$207,579
Story telling and interpretation signage	\$111,579
Security, communications and data	\$191,281
Total stormwater and open space costs	\$5,416,139



ATTACHMENT 2 – THE LAND

The Land to which this planning agreement offer relates is described in the table below and shown with on the map following.

Legal description	Address	Area
Lot 1 DP 153167	154 Lone Pine Avenue	4.10 ha
Lot 6 DP 1031236	3 Redmond Place	2.28 ha
Lot 200 DP 1288388	5255 Mitchell Highway	17.85 ha
Total		24.23 ha



The Land

ATTACHMENT 3 – CONCEPT PLAN



Concept Plan



APPENDIX 4 – EXPLANATORY NOTE

Outlined below is a draft explanatory note as required by s205 of the EP&A Regulation 2021.

DRAFT PLANNING AGREEMENT OFFER

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

PARTIES

The Council of the City of Orange ABN 85 985 402 386 of 135 Byng Street, ORANGE NSW 2800
(Council)

and

Landcom ABN 79 268 260 688 of Level 14, 60 Station Street, PARRAMATTA NSW 2150 (Developer)

DESCRIPTION OF THE LAND TO WHICH THE DRAFT PLANNING AGREEMENT APPLIES

This planning agreement applies to the Land comprised as follows:

- Lot 1 DP 153167, 154 Lone Pine Avenue, Orange
- Lot 6 DP 1031236, 3 Redmond Place, Orange
- Lot 200 DP 1288388, 5255 Mitchell Highway, Orange.

DESCRIPTION OF DEVELOPMENT APPLICATION AND PROPOSED DEVELOPMENT

The draft planning agreement offer applies to the Land and the Development Application for subdivision and associated works on the Land to implement the concept plan.

DESCRIPTION OF DEVELOPMENT CONTRIBUTIONS

The Developer proposes the following development contributions in association with the Development Application:

- the provision public amenities and services for:
 - open space and recreation embellishment
- the provision of transport or other infrastructure relating to land for:
 - stormwater management infrastructure constructed on the Land.

SUMMARY OF OBJECTIVES, NATURE AND EFFECT OF THE AGREEMENT

Objectives of Draft Planning Agreement

The objectives of the planning agreement offer are to provide public infrastructure, services and amenity for existing and future residents in the Orange Local Government Area.

Nature of Draft Planning Agreement

The planning agreement offer is a planning agreement under s7.4 of the EP&A Act 1979. It is a voluntary agreement, under which the Developer makes Development Contributions for various public purposes.

Effect of the Draft Planning Agreement

The planning agreement offer:

- requires the Developer to undertake various works for a public purpose
- relates to the Development Application and the carrying out of the Development by the Developer
- excluded the application of s 7.11 and s7.12 of the EP&A Act 1979 to the Development
- provides a dispute resolution method where a dispute arises under the agreement, being mediation and expert determination
- provides that the agreement is governed by the law of New South Wales.

ASSESSMENT OF THE MERITS OF THE DRAFT PLANNING AGREEMENT



The planning purposes served by the Draft Planning Agreement

The planning agreement offer:

- promotes and co-ordinates the orderly and economic use and development of the land to which the Planning Agreement applies
- enables the delivery of public infrastructure and affordable housing.

The Draft Planning Agreement provides a reasonable means of achieving these planning purposes by requiring the Developer to design and construct public infrastructure for public purposes.

How the Draft Planning Agreement promotes the public interest

The planning agreement offer promotes the public interest by:

- promoting the objects of the Act set out in sections 1.3(a), (c), (d), (e) and (j)
- enabling the provision of infrastructure for the benefit of the public.

How the Draft Planning Agreement promotes the guiding principles for councils

The planning agreement offer promotes the guiding principles for local councils under s8A of the *Local Government Act 1993*:

- manage lands and other assets so that current and future local community needs can be met in an affordable way
- work with others to secure appropriate services for local community needs

WHETHER THE AGREEMENT CONFORMS WITH THE AUTHORITY'S CAPITAL WORKS PROGRAM

The proposed works in this planning agreement offer are not identified on capital works programs.

WHETHER THE AGREEMENT SPECIFIES THAT CERTAIN REQUIREMENTS MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE, OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE IS ISSUED

It is proposed to stage the delivery of the proposed Development Contributions with the release of subdivision certificates for the registration of residential lots.