

D25/111199

REPORT TO WESTERN REGIONAL PLANNING PANEL

FROM SENIOR PLANNER (CRAIG MORTELL)

DATE 17 MARCH 2026

**ON DEVELOPMENT APPLICATION
3 REDMOND PLACE, 154 LONE PINE AVENUE AND 5255 MITCHELL
HIGHWAY, ORANGE
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, REMEDIATION – CATEGORY 1**

PAN-556873 - XXX

Application Lodged	7 August2025
Development Application No	DA 298/2025(1)
Plan No/s	Appendix E - Engineering Drawings - Colliers plan set (24-1057C-DA-0001 to 24-1057C-DA-0955 (81 Sheets)) Appendix G - Oculus Landscape Plans (31 Sheets) Lighting Plans - Oculus & Lighting, Art & Science (SK-001 to SK-104 (5 sheets)) Appendix O-Q - Draft Subdivision plans Samuel B. Byrnes (11 sheets) Appendix AC - Signage Plans - NRM Engineering (S-100 (1 sheet))
Applicant	Landcom Level 15, 6 Hassall Street PARRAMATTA NSW 2150
Owner/s	Orange City Council PO Box 35 ORANGE NSW 2800
Land Description	Lot 6 DP 1031236 - 3 Redmond Place, Orange Lot 1 DP 153167 - 154 Lone Pine Avenue, Orange Lot 200 DP 1288388 - 5255 Mitchell Highway, Orange
Proposed Land Use	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 of Proposed Development	\$62,217,122
Provisions of LEP 2011 (amended)	R1 General Residential
Details of Advertisement of Project	Advertised on the Council website on Tuesday, 12 August 2025 and neighbouring properties notified. Exhibition closed on Wednesday, 10 September 2025.
Recommendation	Approval

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EXECUTIVE SUMMARY

Consent is sought for Torrens title subdivision of three existing lots into 167 lots, comprising 158 residential lots and 9 superlots (inclusive of two public open space lots and one lot for a sewer pump station) over four stages. The application also includes associated works such as bulk earthworks, vegetation removal, construction of new roads, installation of utilities, a temporary site office, the creation and embellishment of a new open space network and signage at 3 Redmond Place, 154 Lone Pine Avenue and 5255 Mitchell Highway, Orange (the site).

The proposal also includes minor demolition works including buildings, fences, pavements, signs and drainage (including dam dewatering) and removal of 33 trees; as well as a temporary billboard sales sign and installation of a temporary relocatable site/sales office.

Key Issues

- Referral Agencies and Integrated Development

NSW Rural Fire Service

The site is mapped as bushfire prone land and was referred to the RFS as Integrated Development in accordance with section 4.14 of the Act. The Bushfire Safety Authority was received on 28 September 2025 and the revised design of the proposal remains consistent with the requirements of the BSA.

Transport for NSW

The application comprises more than 50 lots in proximity to a classified road, and therefore triggers traffic-generating development provisions under section 2.122 and schedule 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021. The proposal was referred to TfNSW who provided a response dated 17 December 2025 stating support for the project and advising that it would not adversely impact the classified road network or warrant upgrades to relevant intersections along the Mitchell Highway (HW7).

- Planning Agreement

The overall development of the land is subject to a Planning Agreement between Council and Landcom as the developer. The focus of the Planning Agreement relates to the provision of an embellished linear parkland. The Planning Agreement has been subject to a separate process as part of the earlier rezoning of the site.

- Notification and Submissions

The application was notified 12 August 2025 and exhibition closed on 10 September 2025. Two submissions were received during this period, with a further submission from a prospective developer of neighbouring land received after the exhibition period closed. The matters raised in the submissions have been addressed in this report, and it is considered that the proposal has satisfactorily responded to all relevant matters.

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- Consent Authority

Western Regional Planning Panel

Due to the value of the development being over \$30m and being a Council-related development over \$5m (the subject site being Council owned land) the application is defined as regionally significant development in accordance with items 2 and 3 of schedule 6 of State Environmental Planning Policy (Planning Systems) 2021. Accordingly, the Western Regional Planning Panel is the applicable consent authority for the proposal.



Figure 1 - locality plan

The site is under the ownership of Orange City Council, and the project will be delivered by Landcom under a Project Delivery Agreement, which includes the delivery of a minimum of 20% affordable housing across the site.

The proposed subdivision has been designed to minimise environmental, social and economic impacts, with all technical studies confirming the site is suitable for development subject to standard mitigation measures. Contamination will be remediated, biodiversity impacts are low and manageable, and stormwater, flooding and bushfire risks can be effectively addressed through the adopted engineering and land-management strategies. Traffic and servicing assessments demonstrate that the development can be appropriately supported by the existing and upgraded infrastructure network. The subdivision layout delivers substantial public open space, improved visual amenity and high-quality urban design outcomes, contributing positively to housing supply and community wellbeing. The likely impacts of the development are acceptable and can be satisfactorily managed through the recommended conditions of consent.

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FINANCIAL IMPLICATIONS

Nil

POLICY/GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That the Panel consents to development application DA 298/2025(1) for *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* at Lot 6 DP 1031236 - 3 Redmond Place, Lot 1 DP 153167 - 154 Lone Pine Avenue and Lot 200 DP 1288388 - 5255 Mitchell Highway, Orange, pursuant to the conditions of consent in the attached Notice of Determination.

THE PROPOSAL

The proposal involves a staged development of a Torrens title subdivision over 4 stages of 3 existing lots into 167 lots in total, comprising:

- 158 low density residential lots
- 6 superlots for apartments or multi-dwelling housing
- 2 public open space lots and
- 1 lot for a sewer pump station.

There will also be associated works such as bulk earthworks, vegetation removal, construction of new roads (including signage, street lights and street trees), installation of utilities, the creation and embellishment of a new open space network and a temporary billboard sales signage, as well as installation of a temporary site/sales office.

The proposal has been slightly modified compared to the design that was publicly exhibited. The exhibited version was spread over 5 stages (stages 1-4 and stage 4A) comprising a total of 164 lots in total including the superlots, public open space lots and the sewer pump station lot. Further discussions between the applicant and Council resulted in the removal of stage 4A, which was to comprise a single lot intended for a 66-unit affordable housing apartment complex. The land in that stage has been absorbed by the balance of stage 4, with a minor reconfiguration of lots and road layouts whereby the first north-south road as you enter from Lone Pine Avenue was shifted slightly eastwards. The 20% affordable housing requirements will now be met with other lots scattered throughout the development.

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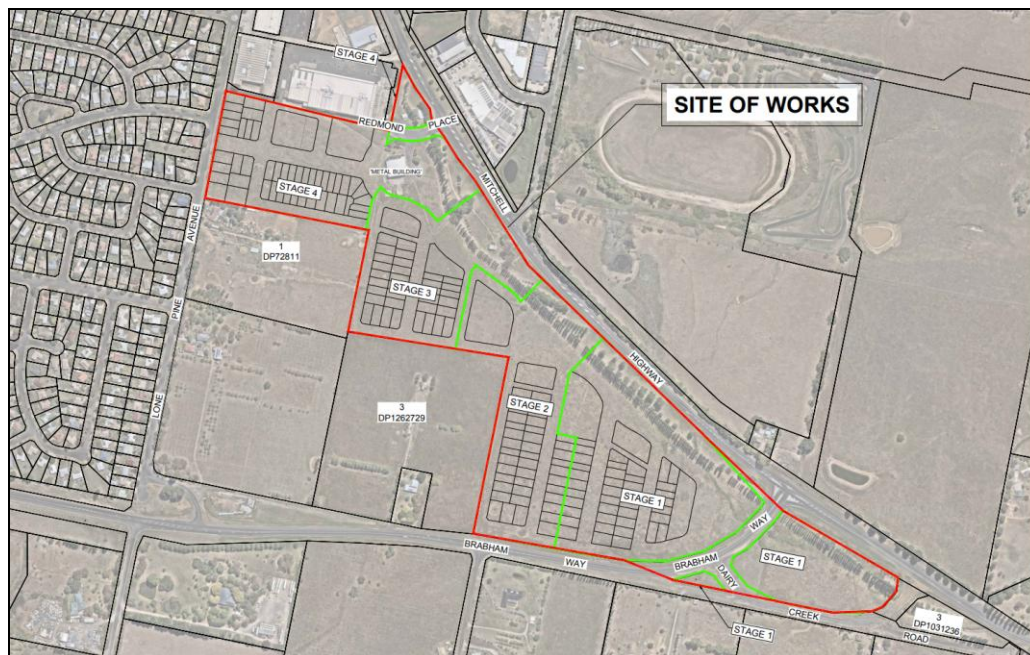


Figure 2 - site and staging plan

SITE OFFICE

Subsequent to the public exhibition period the applicant advised of an intention to include a site/sales office in the form of a temporary demountable building to be located in proximity to the existing hangar on the site (refer Figure 3) in order to take advantage of the existing access and parking in that area and avoid the need for additional civil works. This had not been included in the original application as there were ongoing discussions with Council about the potential use of the hangar for a sales office.

However, the hangar is currently being used by a number of community groups for storage and related purposes, and while Council has held discussions with those groups about relocation, at the time of writing no final agreement has been reached. As such it was ultimately determined that a separate temporary demountable site/sales office may be more appropriate.

The office is intended to support the marketing and sale of residential lots and has been nominated for a period of 5 years or until subdivision sales are completed (presumed to be the earlier of the two) after which it will be removed. The intent is to operate the sales office for up to seven days per week. This is likely to fluctuate during the development becoming more active as and when different works on site complete. The applicant also suggests a modest level of wayfinding signage to assist visitors attending the facility. The proposed structure is approximately 4m by 9m (refer Figure 4).

While this facility was not placed on public exhibition, the minor and temporary nature of the site office, its distance from any neighbouring properties, the visually screened location behind the line of poplar trees and the ability to easily restore its footprint after the use concludes all suggest that the inclusion of this facility will have negligible impact on the environment or surrounding lands. Conditions may be imposed in respect of hours of operation and not obstructing access to the parkland, hangar or other features of this location.



Figure 3 - indicative location of site/sales office

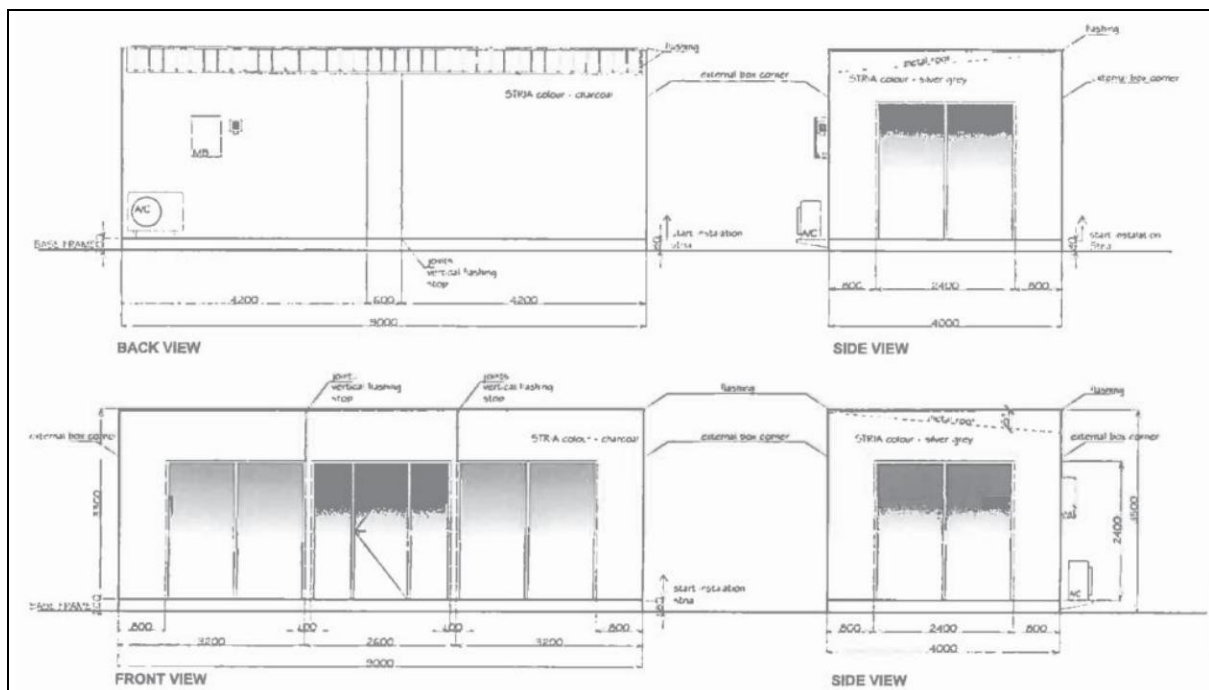


Figure 4 - plans and elevations of site/sales office

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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 (ie 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);	The development site is not identified on the Biodiversity Values Map.
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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	The development does not involve clearing of native vegetation.
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Trigger 3

development is otherwise likely to significantly affect threatened species (clauses 7.2 and 7.3 of BC Act 2016). the test for determining whether proposed development is otherwise likely to significantly affect threatened species is listed in the BC Act 2016, under s7.3: (a) <i>in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,</i> (b) <i>in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:</i> (i) <i>is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or</i>	The LEP biodiversity mapping does not apply to the land. The zoning of the land is a combination of R1 General Residential across the majority of the site, with some RE1 Public Recreation applying to the stormwater bioretention basin at the eastern end of the site. The application is supported by a Biodiversity Assessment Report prepared by OzArk. The Poplar trees, while exotic, can provide a degree of nesting opportunities. These trees are to be retained. Very few habitat features remain within the subject site. One stag (standing dead tree) with no hollows and one stag containing five small hollows are likely to be impacted by the proposal. Some boulders within the paddocks may provide habitat for reptiles and mircobats – while these boulders will be moved, they can be retained within the project site. A small dam surrounded by wet sedges could provide habitat for various water birds, however as the dam is located
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(ii) <i>is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,</i> (c) <i>in relation to the habitat of a threatened species or ecological community:</i> (i) <i>the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and</i> (ii) <i>whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and</i> (iii) <i>the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,</i> (d) <i>whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),</i> (e) <i>whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.</i>	between two large wetlands (Suma Park and Spring Creek reservoir), this likely contributes little value to the habitat of water birds in the area. Additionally, the proposal will deliver an artificial wetland a short distance from the dam, and this is likely to be adopted by any species previously using the dam. The OzArk assessment concludes that up to 0.46ha of native vegetation was detected on the site. Of this, 0.17ha would be impacted, which is below the 0.25ha clearing threshold that would trigger the Biodiversity Offset Scheme. Assessments of eight targeted fauna species were conducted, with none of the species found on the site. Thirty-nine fauna species were detected, of which one, the Grey-headed Flying-fox, is listed as vulnerable under the BC and EPBC Acts. Sixty-three flora species were found none, of which were listed as threatened under the BC or EPBC Acts. Twenty-four threatened and/or migratory fauna species were assessed as having moderate-to-high likelihood of occurring at the site. Tests of significance for these species concluded that the proposal would not result in a significant impact to any threatened fauna species.
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Trigger 4

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.

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Section 4.14 Consultation and Development Consent - Certain Bush Fire Prone Land

Section 4.14 of the *Environmental Planning and Assessment Act 1979* requires that approval for development on bushfire prone lands not be granted until and unless the consent authority is satisfied that the development conforms to Planning for Bushfire Protection or a certificate by a person recognised by the RFS as a qualified consultant in bush fire risk assessment has been provided confirming the development meets the requirements.

This does not apply to subdivision of land that could be lawfully used for residential purposes. However, despite this section not being applicable to the application, the need for an Integrated Development referral under clause 4.46(1) of the Act remains as the proposal needs approval under section 100B of the Rural Fires Act. The application was referred to NSW RFS who issued a Bushfire Safety Authority under section 100B on 28 September 2025.

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

The part sets out a range of administrative matters. Of relevance to the application are the aims of the plan, the consent authority, constraints identified through mapping and the suspension of covenants, agreements and instruments.

Clause 1.2 - Aims of Plan

Clause 1.2 sets out the broad aims of the LEP Those relevant to the application are as follows: (a) <i>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,</i> (c) <i>to conserve and enhance the water resources on which Orange depends, particularly water supply catchments,</i> (e) <i>to provide a range of housing choices in planned urban and rural locations to meet population growth,</i> (f) <i>to recognise and manage valued environmental heritage, landscape and scenic features of Orange.</i>	The application establishes a new housing estate with an embellished linear parkland along the Mitchell Highway frontage. When complete this will provide an attractive regional lifestyle for approximate 274 households. The site is within the Orange Drinking water catchment and has included wetlands and bioretention basin to ensure the water supply is protected and water quality maintained or enhanced. The proposed subdivision establishes 167 residential lots across a range of sizes and a further 6 super lots for medium density and apartment complexes alongside the single detached dwellings. The design respects and preserves the established war memorial poplars as a key entrance statement for the city.
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Clause 1.6 - Consent Authority

Clause 1.6 establishes that, subject to the Act, Council is the consent authority for applications made under the LEP.	Due to a combination of project value exceeding \$30m and direct Council involvement as owner of the land, the application will be determined by the Western Regional Planning Panel.
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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, RE1 Public Recreation and SP2 Infrastructure
Lot Size Map:	No Minimum Lot Size
Heritage Map:	Not a heritage item or 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:	Within the drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	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:	Within a flood planning area
Buffer Zone Map:	Within a buffer area

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

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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) <i>to a covenant imposed by the Council or that the Council requires to be imposed, or</i> (b) <i>to any relevant instrument under Section 13.4 of the Crown Land Management Act 2016, or</i> (c) <i>to any conservation agreement under the National Parks and Wildlife Act 1974, or</i> (d) <i>to any Trust agreement under the Nature Conservation Trust Act 2001, or</i> (e) <i>to any property vegetation plan under the Native Vegetation Act 2003, or</i> (f) <i>to any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995, or</i> (g) <i>to any planning agreement under Subdivision 2 of Division 7.1 of the Environmental Planning and Assessment Act 1979.</i>	Council staff are not aware of the title of the subject property being affected by any of these scenarios.
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Part 2 - Permitted or Prohibited Development**Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table**

Clause 2.1 identifies the range of zones that apply to land in Orange. Clause 2.3 references the associated Land Use Table and Objectives for each zone in LEP 2011. The objectives for land zoned R1, RE1 and SP2 are set out in the following section.	The subject site is located within the R1 General Residential zone, the RE1 Public Recreation zone and the SP2 Infrastructure zone. The proposed development is defined as subdivision of land under OLEP 2011 and is permitted with consent for these zones. The application is seeking consent.
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Objectives**Zone R1 General Residential**

<i>To provide for the housing needs of the community.</i> <i>To provide for a variety of housing types and densities.</i> <i>To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.</i> <i>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.</i> <i>To ensure that development along the Southern Link Road has an alternative access.</i>	The development is a residential subdivision that will ultimately add 274 dwellings to Orange. The 158 low density lots range in size from 300m² to 832m², with most at the lower end of that range, and 9 super lots between 1772m² and 5168m² for multi-dwelling housing/apartments. The zone permits the complimentary uses on the resultant lots. The layout facilitates the extension of bus routes and contains walkways and cycleways. The site fronts Brabham Way (former Southern link road) but all lots will be accessed by internal roads.
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Objectives**Zone RE1 Public Recreation**

<i>To enable land to be used for public open space or recreational purposes.</i> <i>To provide a range of recreational settings and activities and compatible land uses.</i> <i>To protect and enhance the natural environment for recreational purposes.</i> <i>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.</i> <i>To ensure development along the Southern Link Road has alternative access.</i>	The development includes a linear park and proposes to embellish this space with a range of facilities including outdoor exercise equipment and playgrounds. The park will follow the natural drainage corridor of the land and include wetlands and bioretention basins to protect and enhance the ecological values of the site. The linear park will include a shared walkway/cycleway that links with the main internal road which is likely to form part of a future bus route.
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Objectives**Zone SP2 Infrastructure**

<i>To provide for infrastructure and related uses.</i> <i>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</i>	The area of the SP2 zone on the site is confined to small (0.1ha) wedge shaped section along the southern edge of the site between Brabham Way and Dairy Creek Road. This section is to be used for a sewer pump station consistent with the zone intent.
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Clause 2.6**Subdivision - Consent Requirements**

Clause 2.6 triggers the need for development consent for the subdivision of land. Additionally, the clause prohibits subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal and secondary dwellings being located on separate lots if either of those lots are below the minimum lot size applying to the land.	The proposal does not involve a secondary dwelling and is otherwise seeking consent for a 167-lot residential and public open space estate.
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Clause 2.7**Demolition Requires Development Consent**

Clause 2.7 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 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 appropriate manage the presence of any materials containing asbestos.
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Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards**Clause 4.1 - Minimum Subdivision Lot Size**

Clause 4.1 requires the subdivision of land to be equal to or greater than the size nominated for the land under the Minimum Lot Size Map.	The map does not nominate a minimum lot size for the subject land. The smallest lot proposed by the application is 300m ² .
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Clause 4.3 - Height of Buildings

Clause 4.3 limits the height of buildings (HoB) on land identified on the Height of Buildings Map.	The subject land is not identified on the Map as having a HoB limit.
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Clause 4.4 - Floor Space Ratio

Clause 4.4 limits the floor space ratio (FSR) permitted on land identified on the Floor Space Ratio Map.	The subject land is not identified on the Map as having an FSR limit.
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Part 5 - Miscellaneous Provisions

5.21 - Flood Planning

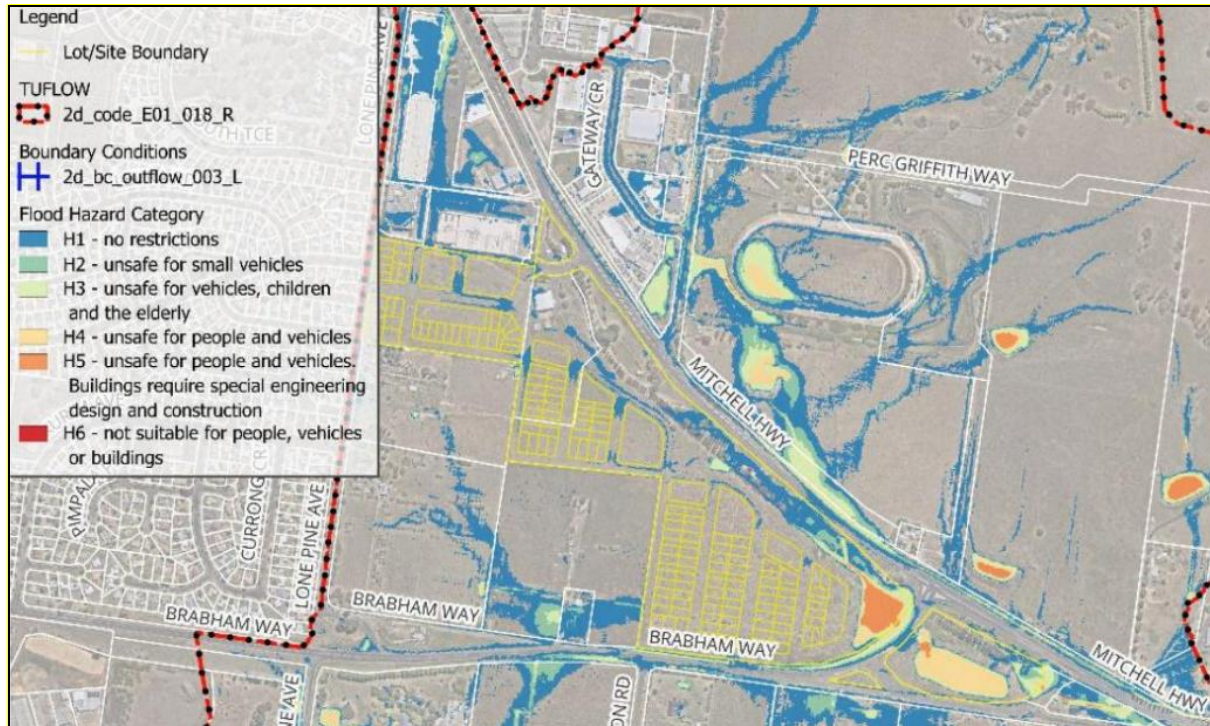


Figure 5 - 1% AEP flood hazards - post-development

Clause 5.21 applies to land identified on the Flood Planning Map as a Flood Planning Area and requires that, before any consent is issued, Council must be satisfied that the proposal:

- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and

- (a) The proposal is unlikely to alter the flood function and behaviour of the land, by virtue of having incorporated a detailed drainage system inclusive of pits, pipes and retention basins. The system design has been informed by a water cycle management report by Colliers.
- (b) The drainage system has been sized to ensure that post development flood behaviour will be equal to or reduced compared to pre-development flows and has shown that it will not increase the flood affectation of other properties.
- (c) The road layout and associated earthworks will reduce flooding potential on the site, and by adopting a grid-based layout will ensure that residents have safe and efficient evacuation options.
- (d) The proposal has utilised earthworks to raise lower areas of the site and uses

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(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

pipd drainage to convey waters around the estate to constructed wetlands and detention basins. These measures are considered appropriate responses to the hazard and will appropriately manage any risk to life in the event of a flood.

(e) The design of the estate and its stormwater management system have utilised a pit and pipe approach to convey flood waters to a constructed wetland and detention basin. This will ensure that flood waters are managed to reduce velocity and avoid erosion, siltation and damage to riverbanks and watercourses.

Part 6 - Urban Release Area

The subject site is located in an Urban Release Area. Clauses 6.1 – 6.3 must therefore be satisfied before consent can be granted.

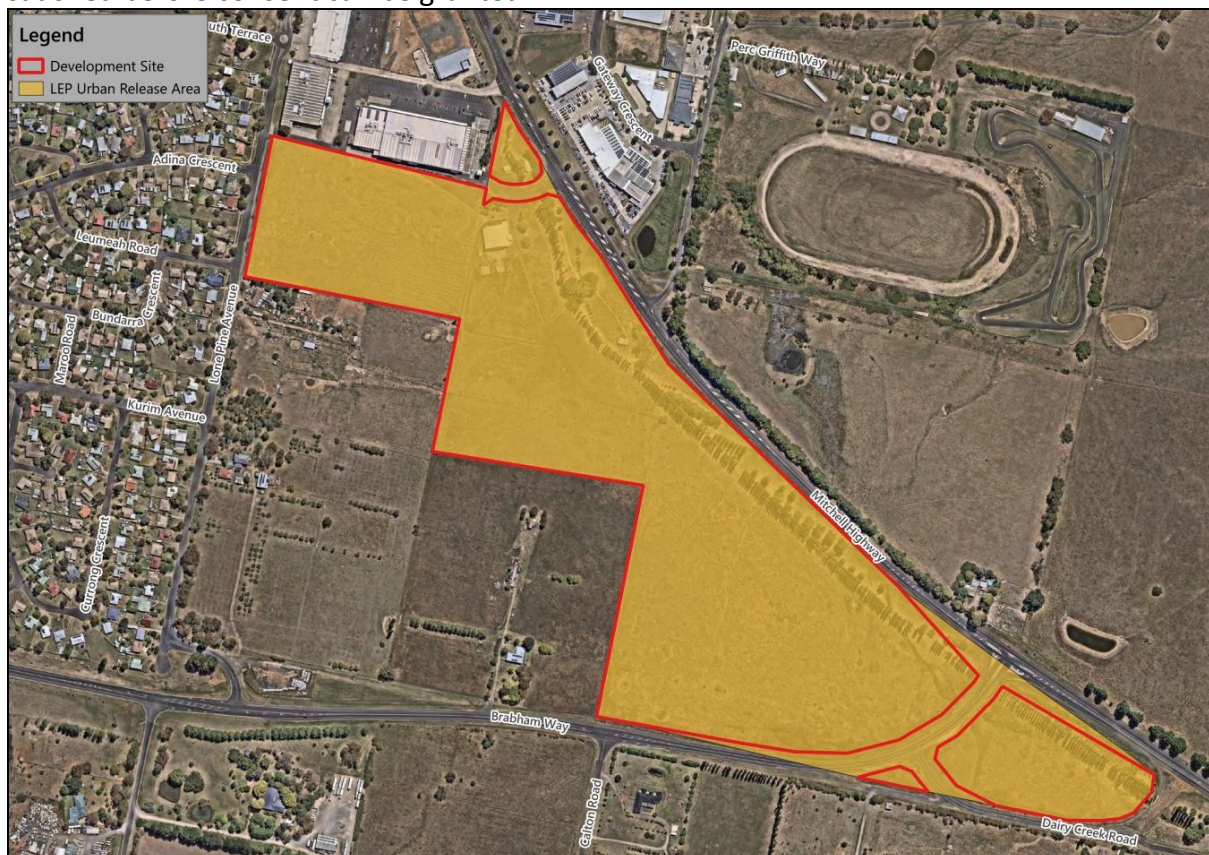


Figure 6 - Urban Release Area

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6.1 - Arrangements for Designated State Public Infrastructure.

Clause 6.1 requires satisfactory arrangements to be made for the provision of designated State public infrastructure before any subdivision of the land can occur.	The application was referred to Transport for NSW as traffic generating development under section 2.122 of the Transport and Infrastructure SEPP. Additionally, the matter was referred to the Manager of State Infrastructure at DPHI for a Satisfactory Arrangement Certificate (SAC). A request for a Satisfactory Arrangement Certificate (SAC) was first sent to the Manager of State Infrastructure on 14 August 2025. At the time of writing a Satisfactory Arrangement Certificate (SAC) has not been issued.
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6.2 - Public Utility Infrastructure

Clause 6.2 requires that Council be satisfied that any public utility infrastructure that is essential for the proposed development be available (or adequate arrangements have been made) before development consent can be granted.	The development will be fully serviced with public utilities as part of the project. Conditions can be included to ensure that adequate arrangements with providers are secured prior to release of subdivision certificates.
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6.3 - Development Control Plan

Clause 6.3 prevents development of the land until a Development Control Plan has been adopted in relation to the land. Such a DCP must address a range of core criteria.	A site-specific Development Control Plan was exhibited separately. At the time this DA was lodged the DCP was awaiting formal adoption. The DCP was adopted on 7 October 2025 commencing on 9 October 2025. Consistency with the site specific DCP is addressed in the DCP section of this report.
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Part 7 - Additional Local Provisions

7.1 - Earthworks



Figure 7 - bulk earthworks (red = cut, green = fill)

Clause 7.1 establishes a range of matters that must be considered prior to granting development consent for any application involving earthworks, including:

- the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*
- the effect of the development on the likely future use or redevelopment of the land*
- the quality of the fill or the soil to be excavated, or both*
- the effect of the development on the existing and likely amenity of adjoining properties*
- the source of any fill material and the destination of any excavated material*
- the likelihood of disturbing relics*
- the proximity to and potential for*

The earthworks proposed in the application are limited to the extent of cutting and filling required for the proposed subdivision and associated roads and infrastructure. The extent of disruption to the drainage of the site is generally considered to be minor and will not detrimentally affect receiving waterways.

At one location on the western edge of stage 2 (refer figure 8), the proposal originally sought to create a boundary retaining wall reaching approximately 1.5m in height and incorporate a drop pit and subsurface stormwater system fed by a side inlet from 84 Brabham Way. This would convey waters around the southern perimeter of the site. The retaining wall was not supported by Council as it would cause ponding on the neighbouring land and may complicate future development of neighbouring land at 84 Brabham Way (Lot 3 DP 1262729) if that land were rezoned and subdivided at some future point.

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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).*

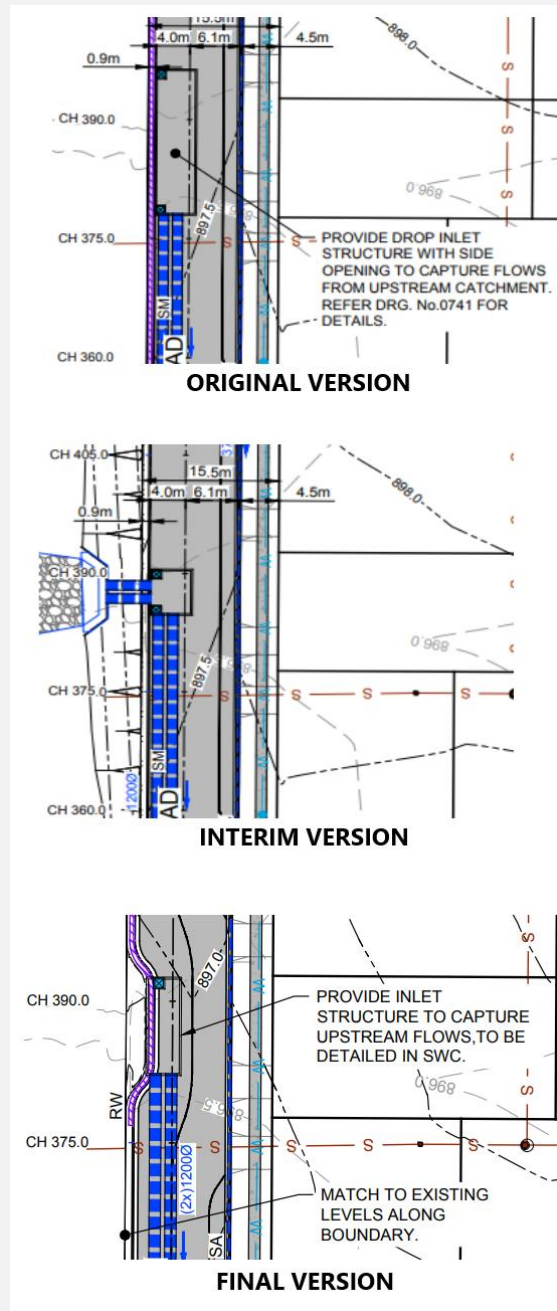


Figure 8 - stormwater configuration with 84 Brabham Way

A revised interim design that sought to extend into 84 Brabham Way was received and again not supported as it exceeded the site boundaries to impose a solution on other private lands for which there was no owner's consent.

Ultimately the layout was redesigned to include a minor indentation along part of Road 4 to enable the stormwater inlet to occur fully on the subject land. This final version necessitates the loss of some on-street parking for the affected length of Road 4, but otherwise does not alter the design as exhibited.

Beyond this the extent of the earthworks will not materially affect the potential future use or redevelopment of the subject site that may occur at the end of the proposed development's lifespan.

The site was investigated for contamination and some elevated levels of copper and lead were identified in some samples. Conditions may be imposed requiring the use of verified clean fill only. Excavated materials may be reused onsite where they are taken from areas that tested negative, and conditions may be imposed to require that surplus materials will be disposed of to an appropriate destination.

The change in ground level is significant in places and does alter the flow of stormwater. However, the earthworks will be appropriately supported onsite and stormwater flows managed through a combination of road reserves and sub-surface drains.

The effect on the amenity of adjoining properties from the earthworks is considered to be minor. The potential complication for orderly intensification of 84 Brabham Way (if that land should ever be rezoned) has been resolved by the minor alteration to proposed road 4, creating an indentation in the road to ensure that stormwater infrastructure need not require ponding of water on 84 Brabham Way.

The site is not known to contain any

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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 within the drinking water catchment. Conditions may be imposed to require a sediment control plan, including silt traps and other protective measures, to ensure that loose dirt and sediment do not escape the site boundaries.

7.3 - Stormwater Management

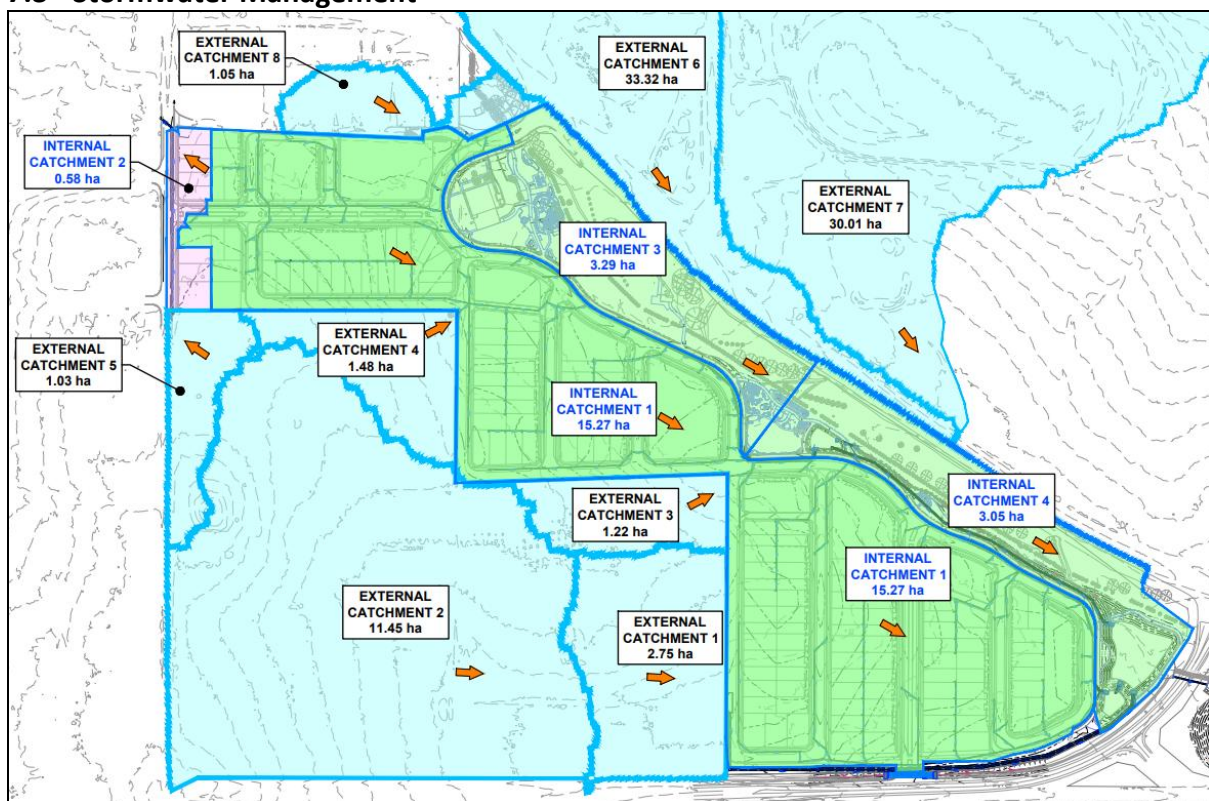


Figure 9 stormwater catchments and flow directions

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7.3 - Stormwater Management

Clause 7.3 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 proposal has been designed to include permeable surfaces and includes onsite retention of stormwater through the use of wetlands and bioretention basins. The post development runoff levels are not expected to exceed predevelopment levels.

7.4 - Terrestrial Biodiversity

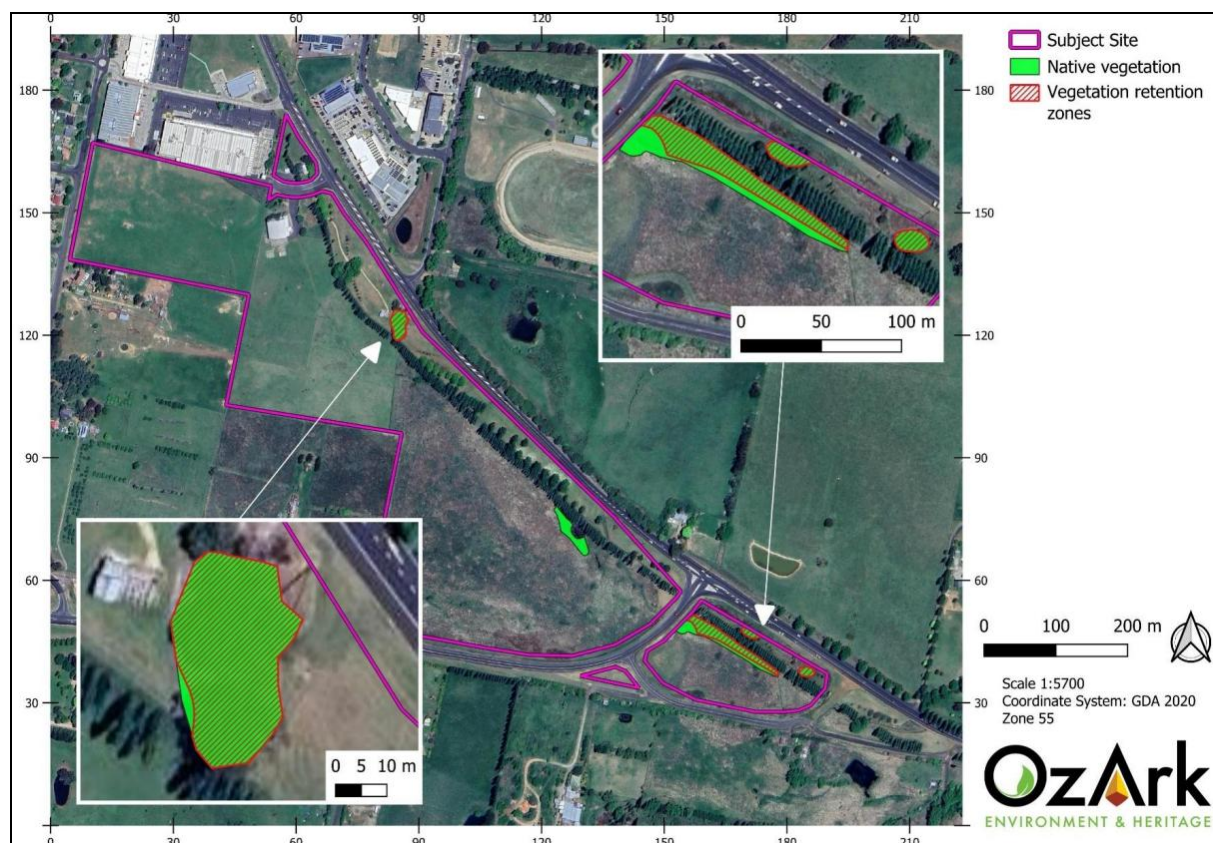


Figure 10 - native vegetation identified by OzArk surveys

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7.4 - Terrestrial Biodiversity (cont)

Clause 7.4 seeks to maintain terrestrial biodiversity and requires that consent must not be issued unless the application demonstrates whether or not the proposal: (a) <i>is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land</i> (b) <i>is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna</i> (c) <i>has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i> (d) <i>is likely to have any adverse impact on the habitat elements providing connectivity on the land.</i> Additionally, this clause prevents consent being granted unless Council is satisfied that: (a) <i>the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i> (b) <i>if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or</i> (c) <i>if that impact cannot be minimised - the development will be managed to mitigate that impact.</i>	The proposal is located on land that has not been identified on the Terrestrial Biodiversity Map as partially comprising “High or Moderate Biodiversity Sensitivity” land. The application was accompanied by a Biodiversity Assessment Report prepared by OzArk dated July 2025. OzArk conducted an initial field survey of the site on 18 January 2024. Targeted fauna surveys were conducted 23-26 October and 7-8 December 2024, and additional vegetation plot data was collected in February 2025. They found 0.46ha of Central West Creekflat Grassy Woodland, of which 0.17ha would be impacted by the proposal, which is below the 0.25ha clearing threshold for entry into the Biodiversity Offset Scheme. In terms of fauna two Grey-headed Flying-foxes were observed roosting within the planted Poplar trees which are to be retained. No other threatened fauna species were recorded and no flora species or populations listed as threatened under the BC or EPBC Acts were observed. The subject site was inspected by Council staff on 24 September 2025. Bulk earthworks are proposed across the majority of the site southwest of the linear parkland. However, no sensitive biodiversity beyond that identified in the OzArk study was identified. The proposal has been designed in a manner that seeks to avoid adverse consequences. Management of the proposal can be conditioned to further protect the environmental functions and values of the land. The proposal is unlikely to fragment, diminish or disturb the biodiversity structure, ecological functions or composition of the land and does not reduce habitat connectivity with adjoining sensitive areas.
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7.5 - Riparian Land and Watercourses

Clause 7.5 seeks to preserve both water quality and riparian ecological health. The clause applies to land identified as a "Sensitive Waterway" on the Watercourse Map.	The subject land does not contain such a waterway. The natural drainage lines of the site are contained within the proposed linear parkland and will be amended to include a wetland and bioretention basin. These features are intended to preserve water quality and enhance the ecological health of the site.
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7.6 - Groundwater Vulnerability

Clause 7.6 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. The consent authority must consider: (a) <i>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</i> (b) <i>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.</i> Furthermore, consent may not be granted unless Council is satisfied that: (a) <i>the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i> (b) <i>if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact,</i> (c) <i>if that impact cannot be minimised - the development will be managed to mitigate that impact.</i>	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 avoid impacts on groundwater and is therefore considered acceptable.
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7.7 - Drinking Water Catchments

(1) <i>The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.</i> (2) <i>This clause applies to land identified as “Drinking water” on the <u>Drinking Water Catchment Map</u>.</i> (3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to:</i> (a) <i>the distance between the development and any waterway that feeds into the drinking water storage, and</i> (b) <i>the onsite use, storage and disposal of any chemicals on the land, and</i> (c) <i>the treatment, storage and disposal of waste water and solid waste generated or used by the development.</i> (4) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</i> (a) <i>the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or</i> (b) <i>if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or</i> (c) <i>if that impact cannot be</i>	The proposal is designed to include a linear parkland that broadly follows the drainage line of the land and feeds into a proposed wetland and bioretention basin system. These features will allow the water to settle and be filtered through vegetation before flowing further downstream, ultimately into Suma Park Dam. Council’s engineers have advised on conditions of consent to ensure that the water quality leaving the site is better than predevelopment levels (NORBE +10%). Accordingly, the proposal is not anticipated to have any adverse impact on water quality or flows and that any effects can and will be effectively mitigated through the wetlands and bioretention basin system.
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<i>minimised - the development will be managed to mitigate that impact.</i>	
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Clause 7.11 - Essential Services

Clause 7.11 states that the consent may not be granted unless the consent authority is satisfied that the following services are available, or that adequate arrangements have been made to make them available. (a) <i>the supply of water,</i> (b) <i>the supply of electricity,</i> (c) <i>the disposal and management of sewage,</i> (d) <i>storm water drainage or on-site conservation,</i> (e) <i>suitable road access.</i>	All utility services are available to the land and adequate for the proposal.
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Clause 7.16 - Development in Redmond Place Precinct

(1) <i>This clause applies to land in the Redmond Place Precinct.</i> (2) <i>Development consent must not be granted for development for the purposes of residential accommodation unless the consent authority is satisfied that at least 3ha of the land to which this clause applies will be publicly accessible open space.</i>	The development comprises the entirety of the Redmond Place Precinct. The development includes the provision of approximately 5.635ha of public open space (across proposed Lot 142, part Lot 143 and Lot 144) in the form of a linear parkland, wetland and bioretention basin.
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Clause 7.17 - Affordable housing in certain areas in Redmond Place Precinct

(1) <i>In this clause, the Redmond Place Precinct Affordable Housing Principles are as follows—</i> (a) <i>affordable housing must be provided and managed to accommodate a diverse residential population within areas representative of all income groups in the Redmond Place affordable housing area,</i> (b) <i>affordable housing must be rented to tenants at rents that do not exceed a benchmark of 30% of actual household</i>	The current application relates to the subdivision only. Residential accommodation in the form of various dwelling typologies will be the subject of future applications. Future applications for the dwellings will be required to ensure that 20% of dwellings are delivered as affordable housing for a minimum period of 15 years. Proposed Lot 142 is 4.851ha and intended for public open space. Part of proposed lot 143 (2.423ha) is also intended for public open space, with the remainder of the lot intended for a sewer
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<i>income,</i> (c) <i> dwellings provided for affordable housing must be managed to maintain their continued use as affordable housing,</i> (d) <i> affordable housing must consist of dwellings constructed to a standard that, in the consent authority's opinion, is consistent with the same type of dwellings forming part of the proposed development that are not intended to be used as affordable housing, particularly in relation to solar access and privacy.</i> (2) <i> This clause applies to development for the purposes of residential accommodation on land in the Redmond Place affordable housing area.</i> (3) <i> This clause does not apply to development for the purposes of boarding houses, community housing, group homes, hostels or public housing.</i> (4) <i> Development consent must not be granted to development to which this clause applies unless the consent authority—</i> (a) <i> has considered the Redmond Place Precinct Affordable Housing Principles, and</i> (b) <i> has considered the impact of the development on the existing mix and likely future mix of residential accommodation in the Redmond Place affordable housing area, and</i> (c) <i> is satisfied that for a period of at least 15 years from the date of the issue of the occupation certificate—</i> (i) <i> the dwellings proposed to be used for affordable housing will be used for affordable housing,</i>	pump station.
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<i>and</i> (ii) <i>all dwellings used for affordable housing will be managed by a registered community housing provider, and</i> (d) <i>is satisfied that the development will result in at least 20% of the total number of dwellings, rounded to the nearest whole number of dwellings, being used for affordable housing in the Redmond Place affordable housing area.</i> (5) <i>In this clause—</i> community housing <i>has the same meaning as in the Community Housing Providers National Law (NSW).</i> public housing <i>has the same meaning as in the Housing Act 2001.</i> Redmond Place affordable housing area <i>means land identified as “Area 1” on the Affordable Housing Map.</i>	
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STATE ENVIRONMENTAL PLANNING POLICIES

The following SEPPs are applicable to the proposed development:

- *State Environmental Planning Policy (Planning Systems) 2021*
As it regards to being regionally significant development.
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
As it regards a buffer zone exclusion from complying development codes.
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
As it regards to being Traffic Generating Development.
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
As it regards to land contamination.
- *State Environmental Planning Policy (Industry and Employment) 2021*
As it regards to signage.

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STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

Section 2.19(1) of the SEPP invokes schedule 6 to identify development that is specified as regionally significant development for the purposes of the Act.

Schedule 6 - Regionally Significant Development

2 General development over \$30 million <i>Development that has an estimated development cost of more than \$30 million.</i> 3 Council related development over \$5 million <i>Development that has an estimated development cost of more than \$5 million if—</i> <i>(a) a council for the area in which the development is to be carried out is the applicant for development consent, or</i> <i>(b) the council is the owner of any land on which the development is to be carried out, or</i> <i>(c) the development is to be carried out by the council, or</i> <i>(d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).</i>	The development meets two of the triggers listed in the schedule. Overall cost of the development is approximately \$62 million and is to occur on Council owned land. Both trigger 2 “General development over \$30 million” and trigger 3 “Council related development over \$5 million” are satisfied. Accordingly, Section 4.5(b) of the Act establishes the consent authority as “the regional planning panel for the area in which the development is to be carried out”.
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STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008

1.19 Land on which complying development may not be carried out (1) Specific land exemptions for Housing Code, Inland Code, Low Rise Housing Diversity Code, Pattern Book Development Code, Rural Housing Code, Agritourism and Farm Stay Accommodation Code and Greenfield Housing Code To be complying development specified for the Housing Code, the Inland Code, the Low Rise Housing Diversity Code, the Pattern Book Development Code, the Rural Housing Code, the Agritourism and Farm Stay Accommodation Code or the Greenfield Housing Code, the development must not be carried out on— ... (e) land identified by an environmental planning instrument as being— (i) within a buffer area, or (ii) within a river front area, or (iii) within an ecologically sensitive area, or (iv) environmentally sensitive land, or (v) within a protected area, or	The Buffer Zone Map of the Orange LEP has identified part of the site as comprising the Redmond Place Precinct Buffer Area. This area aligns with the road adjacent to the linear parkland and reaches into the lots fronting this road. The effect will be to exclude the affected lots from being able to develop under the complying development pathway. This approach was negotiated during the rezoning process and is intended to ensure that the visual appeal of the most significant entrance to Orange is maintained in accordance with the vision established in the Redmond Place Precinct DCP. This is the only aspect of the SEPP that is applicable to the proposed development.
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STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Chapter 2 - Infrastructure, Division 17 - Roads and Traffic



Figure 11 - proposed internal road network

2.122 - Traffic-Generating Development

Section 2.122 applies to development specified in Column 1 of the Table to Schedule 3 and relevantly requires:

...

(4) Before determining a development application for development to which this section applies, the consent authority must—

(a) give written notice of the application to TfNSW within 7 days after the application is made, and

(b) take into consideration—

(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including—

The application was initially referred to Transport for NSW (TfNSW) on 8 August 2025 under section 2.122 of the SEPP (Transport and Infrastructure).

TfNSW response was received on 24 October 2025 advising they required further information in order to formalise their position and suggesting that an updated traffic study was needed. TfNSW objected to the impact on the intersection of the Mitchell Highway and Lone Pine Avenue - which is indicated as being reduced to a Level of Service D - and also expressed concern for the intersections of Redmond Place and Mitchell Highway as well as Brabham Way and Mitchell Highway. TfNSW suggested that the proponent consider a voluntary planning agreement (VPA) to address these issues.

The applicant was requested to liaise with TfNSW and provide a response to the matters raised.

TfNSW ultimately provided a referral

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(A) <i>the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i> (B) <i>the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</i> (iii) <i>any potential traffic safety, road congestion or parking implications of the development.</i>	response generally supportive of the proposed development. The referral confirms the Traffic Impact Assessment and SIDRA model analysis, leading to the view that the proposal will not adversely impact the classified road network or warrant upgrades to affected intersections along Mitchell Highway (HW7). The advice noted that if there was any future increase in lot yield an updated Traffic Impact Assessment would be required. Subsequently, the dwelling yield has decreased by removing suggestions of a potential 66-unit affordable housing apartment complex at the end of stage 4. It should be noted that the layout retains a number of large sites suitable for multi-dwelling housing or apartments, and depending on the density achieved on those sites the overall dwelling yield could increase; but that at the present time the lot yield has not increased compared to the layout originally provided to TfNSW for assessment.
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STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021**Chapter 4 - Remediation of Land**

The proposal has been accompanied by a detailed site investigation which confirmed that the site has historically been used for rural and agricultural activities including livestock grazing, with more recent rural residential use. The DSI identified several areas of concern and potential contaminants; these included Bonded ACM and exceedances of copper and zinc.

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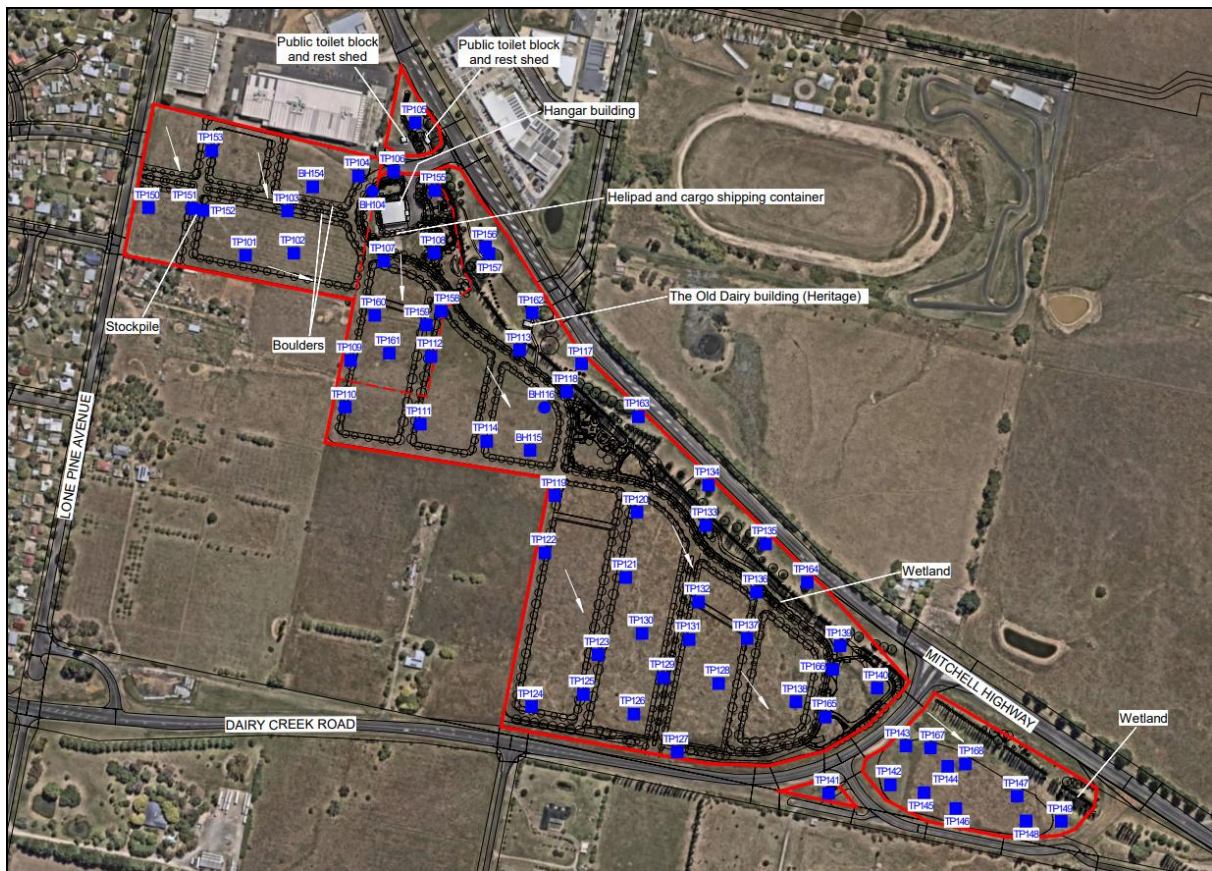


Figure 12 - detailed site investigation - sampling locations

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.*

Subsection 4(c) is triggered. The supplied site investigation and remedial action plans, both by Geotechnique Pty Ltd, have been considered in this assessment. The investigation found several areas of concern and potential contaminants based on the site history and inspection. The contaminants of concern were not at concentrations above adopted health-based criteria with the exception of lead in one sample. Bonded Asbestos Containing Material (ACM) was found in one sample exceeding HSL A. Five samples of fibro-cement tested positive, and copper and zinc concentrations exceeded EIL in one sample, with zinc in a further second sample.

Based on the investigation the Remedial Action Plan was prepared and submitted with the application. This outlines a 6-stage

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(2) <i>Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i>	process that, when adhered to, including an unexpected finds protocol, is expected will make the site fit for the intended residential purpose. This will be confirmed in the final stage, being the validation report. Under the SEPP the remediation works themselves are considered to be category 1 works. The Geotechnique RAP also nominates or commits to providing notification to Council prior to commencement of remediation and also requires that a Work Health and Safety Plan as well as a Construction Environmental Management Plan be provided. Consent conditions can ensure the above and prevent residential development from occurring in each stage until the site (or the relevant stage) has been remediated and validated.
(3) <i>The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</i>	The applicant has provided a Detailed Site Investigation and a related Remedial Action Plan, both prepared by Geotechnique Pty Ltd.
(4) <i>The land concerned is:</i> (a) <i>land that is within an investigation area,</i> (b) <i>land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</i> (c) <i>to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care</i>	Subsection 4(c) is triggered. The development proposes to carry out a residential subdivision on land to which there is no or incomplete knowledge as to whether development for a purpose referred to in Table 1 of the contaminated land planning guidelines has been carried out and historically it would have been lawful to carry out such development.

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purposes, or for the purposes of a hospital -land:

- (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
- (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

Chapter 3 - Advertising and Signage

The proposal includes the installation of an 18m² billboard sign set midway along the Mitchell Highway frontage for the purpose of promoting the estate and sales of lots, as well as assisting the public to navigate to the estate.

The sign dimensions are 6m wide by 3m high and set 2.4m above ground level, for a total overall height of 5.4m, comprised of corrugated sheeting on a metal post and rail structure. A conditions regarding the contents and lighting of the signage have been provided to ensure that the signage does not impact on motorists. Transport for NSW have

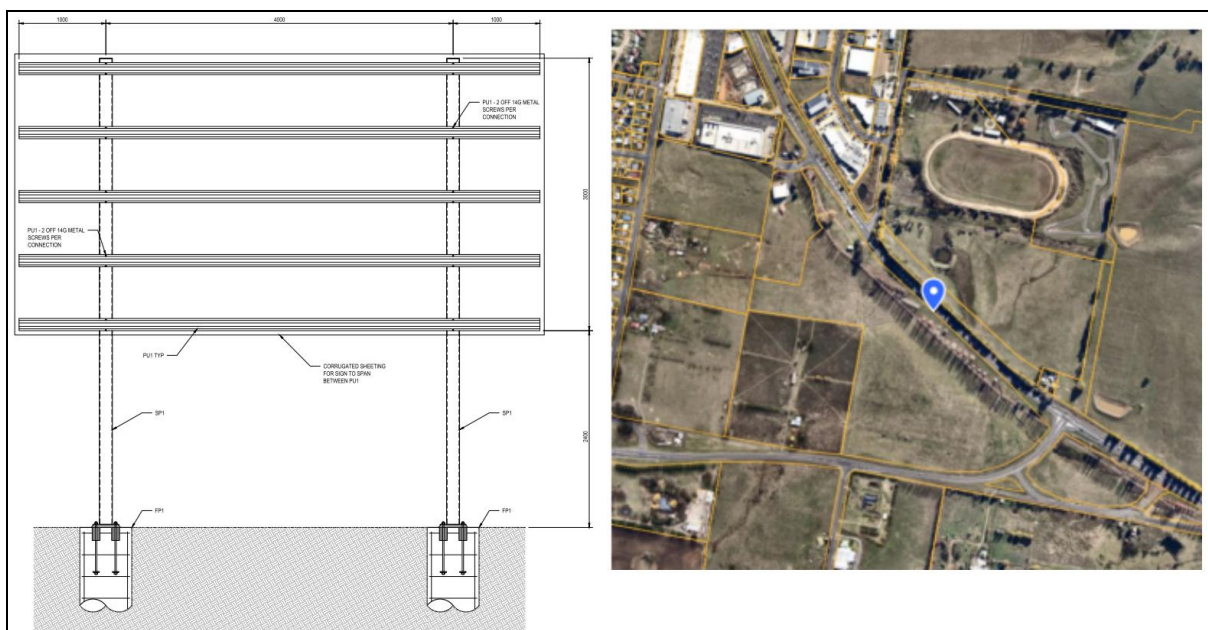


Figure 13 - elevation of proposed billboard structure and approximate location

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3.1 Aims, Objectives etc

(1) <i>This Chapter aims:</i> (a) <i>to ensure that signage (including advertising):</i> (i) <i>is compatible with the desired amenity and visual character of an area, and</i> (ii) <i>provides effective communication in suitable locations, and</i> (iii) <i>is of high-quality design and finish, and</i> (b) <i>to regulate signage (but not content) under Part 4 of the Act, and</i> (c) <i>to provide time-limited consents for the display of certain advertisements, and</i> (d) <i>to regulate the display of advertisements in transport corridors, and</i> (e) <i>to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</i>	The proposed estate billboard sign is intended to assist in the marketing of the site and promote sales. The scale and location of the sign is incongruous with the desired amenity and visual character of the area, and is considered to be in an unsuitable location. The quality and finish of the message face is unknown at the time of writing. The quality and finish of the structure is considered to be basic and utilitarian and cannot be regarded as being of a “high” standard. The sign has been proposed as permanent, but with changing message faces as the development unfolds. The proposed location directly faces onto the transport corridor of the Mitchell Highway (a state classified road). It should be noted that the message face of the sign at 3m x 6m is below the threshold of 20m² that would require approval of TfNSW. The proponent argues the sign will assist the public in navigation when searching for the estate.
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3.6 Granting of Consent to Signage

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

(a) <i>that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</i> (b) <i>that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</i>	The objectives of section 3.1(1)(a) are not adequately satisfied and the assessment criteria in Schedule 5 are likewise not adequately satisfied. As a minimum the sign location must be contained within the site boundaries and positioned clear of the war memorial poplars and other landscaping features to allow the poplars to be viewed independently and appreciated separate from the utilitarian design of the billboard.
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SEPP Schedule 5 Assessment Criteria**1 - Character of the Area**

<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i> <i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	The proposed sign in its proposed location is not compatible with the existing character of the area. The linear parkland serves as an important entrance vista to the City. The dominant element of this parkland is a long line of mature poplar trees that were planted as a war memorial. There is no particular theme for outdoor advertising in the area.
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2 - Special Areas

<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	The siting of the sign detracts from the visual amenity of a row of poplar trees established as a war memorial that have come to form a welcoming vista on the entrance to the City.
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3 - Views and Vistas

<i>Does the proposal obscure or compromise important views?</i> <i>Does the proposal dominate the skyline and reduce the quality of vistas?</i> <i>Does the proposal respect the viewing rights of other advertisers?</i>	The proposal does not obscure important views, does not dominate the skyline and does not impact on other advertisers. The sign placement is intrusive upon the vista entering Orange of a line of poplar trees.
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4 - Streetscape, Setting or Landscape

<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i> <i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i> <i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i> <i>Does the proposal screen unsightliness?</i> <i>Does the proposal protrude above</i>	The scale proportion and form of the sign are an incongruous intrusion to the streetscape and landscaped setting. The proposal detracts from the visual interest of the streetscape, setting and landscape, which is established by the mature line of poplar trees The proposal does not rationalise or reduce existing advertising and represents an increase. The proposal does not protrude above the
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<i>buildings, structures or tree canopies in the area or locality?</i> • <i>Does the proposal require ongoing vegetation management?</i>	tree canopy of the poplars. The proposal does not require ongoing vegetation management beyond that already anticipated in the parkland.
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5 - Site and Building

• <i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i> • <i>Does the proposal respect important features of the site or building, or both?</i> • <i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	The sign is a freestanding billboard structure unrelated to any building. However, it is understood the message(s) displayed will be restricted to sales of the proposed lots and related activities. In this sense the proposal is not seeking a generic billboard for the display of general advertising. The location of the sign does not respect the war memorial line of poplars or the broader landscaped aesthetic of the linear parkland. The sign does not show innovation or imagination in its relationship to the site and appears as an incongruous afterthought.
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6 - Associated Devices and Logos with Advertisements and Advertising Structures

• <i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	At the time of writing there is no information or design for the message face of the sign. The proponent has nominated illumination through a telescopic LED solar light from Eurotech. The lighting will be top-mounted on an arm extending 900mm from the sign with a peak brightness of 1500 lumens - according to a Eurotech brochure the light dispersion drops to 5% of this intensity at a distance of 2.5m.
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7 - Illumination

• <i>Would illumination result in unacceptable glare?</i> • <i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i> • <i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	Recently, consent for an electronic billboard off the Northern Distributor Road was approved after safety concerns, including being a distraction to motorists, were considered. That application involved an electronic sign capable of altering or animating its message surface. The current application is for a traditional static
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- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*



Figure 14 - distance to nearest dwelling



Figure 15 - landscaping visually screening residence

message surface and is therefore less likely to catch the eye of motorists in a distracting manner.

The nearest residence is approximately 60m from the sign location on the northern side of the Mitchell Highway (refer figure 14). However, this is shielded by dense landscaping in front of the residence (refer figure 15).

Proposed illumination of 1500 lumens is the equivalent of a 100W household bulb. When spread across the surface of a billboard, the resulting surface brightness is likely to be well below levels that would cause a disabling glare to motorists.

Given that the light dispersion drops away to only 5% at a distance of 2.5m and the message face has dimensions of 6m wide by 3m in height, it is considered appropriate to impose a condition setting a maximum of 3 lights be installed. According to the Eurotech light dispersion chart, this should allow 70% or higher illumination over the surface of the billboard (assuming even spacing at 1.5m).

8 - Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

As the proposal does not include animated or changing visual content, it is unlikely to distract attention of motorists. Therefore, the proposal is unlikely to reduce safety.

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.

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DESIGNATED DEVELOPMENT

The proposed development is not designated development.

INTEGRATED DEVELOPMENT

The proposed development is identified as being located on bushfire prone lands (category 3 Grasslands and Buffer) and is therefore integrated development requiring a section 100B approval under the Rural Fires Act. The matter was referred to the NSW Rural Fire Service and a formal response was received on 28 September 2025 outlining their General Terms of Approval.

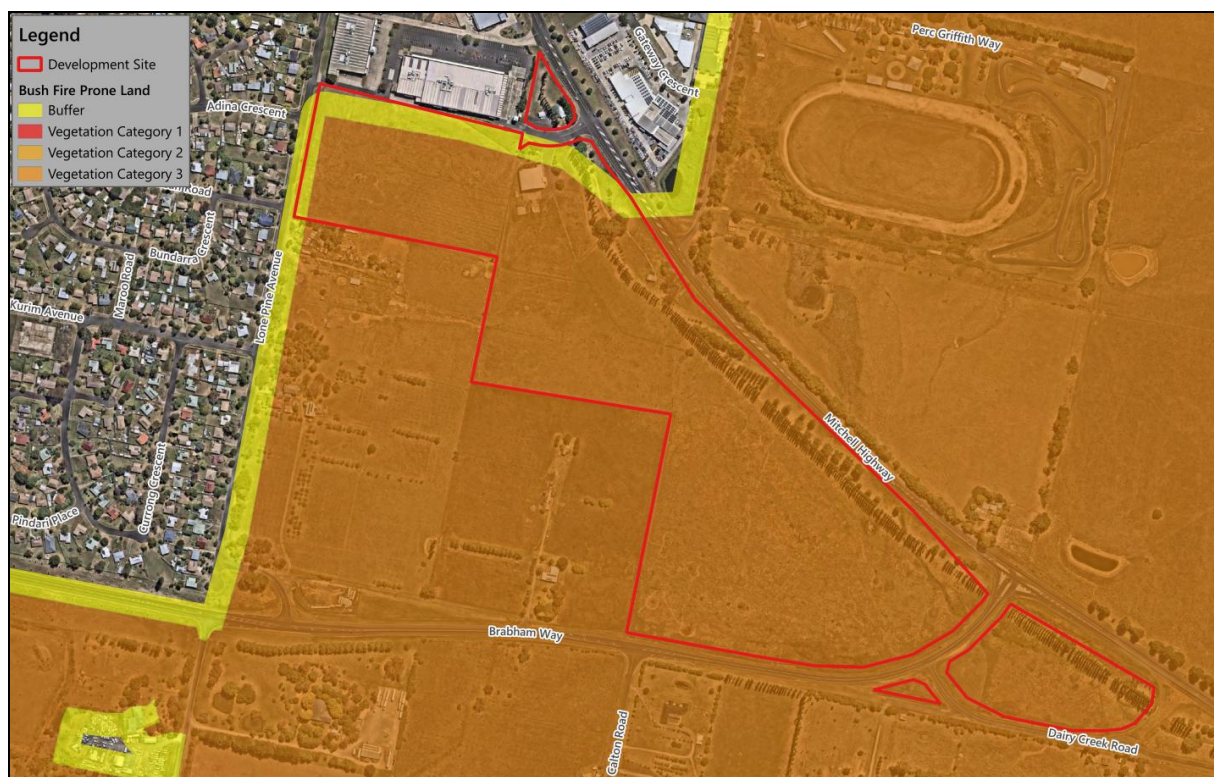


Figure 16 - Bushfire Prone Lands Map

EP&A Act s4.47 - Development that is Integrated Development

Section 4.47 of the Act applies to all applications for Integrated Development.

(2) Before granting development consent to an application for consent to carry out the development, the consent authority must, in accordance with the regulations, obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body in relation to the development.

(3) A consent granted by the consent authority must be consistent with the general terms of any approval proposed to

The response from the NSW Rural Fire Service was received on 28 September 2025, granting General Terms of Approval (GTA) and a Bush Fire Safety Authority (BFSa) subject to conditions.

The conditions relate to:

- The need for Asset Protection Zones
- Section 88B instrument on titles to reflect the APZs
- Compliance with Planning for Bush Fire Protection 2019 in terms of; landscaping, dwellings, fences/gates and

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be granted by the approval body in relation to the development and of which the consent authority is informed. For the purposes of this Part, the consent authority is taken to have power under this Act to impose any condition that the approval body could impose as a condition of its approval.



Figure 17 - area to remain clear for fire fighting vehicles (extract from Bush Fire Assessment Report)

public roads, water and utility services, fire hydrants, installation and storage of gas.

- Requiring an unencumbered area in the verge adjacent to the lot on the western side of the intersection of Roads 1 and 2 as per figure 16 in the Bush Fire Assessment report by Integrated Consulting. The area is to be kept as grass and paving only, with no other features that could impede the parking of a fire fighting vehicle in this location. (Refer to white area in figure 17 of this report)

All conditions are considered to be achievable.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)

Orange Development Control Plan 2004

Orange Development Control Plan 2004 ("the DCP") applies to the subject land. An assessment of the proposed development against the relevant Planning Outcomes will be undertaken below. Appendix B of the Statement of Environmental Effects provides the applicant's response to relevant matters of Orange DCP 2004, with the exception of Chapter 19 - discussed in a separate section of this report.

Planning Outcome 0.2-1 Interim Planning Outcomes - Conversion of Zones:

Throughout this Plan, any reference to a zone in Orange LEP 2000 is to be taken to be a reference to the corresponding zone(s) in the zone conversion table.

The corresponding zone to zone **2a Urban Residential** and zone **6 Open Space** (Orange LEP 2000) are zone **R1 General Residential** and zone **RE1 Public Recreation** (Orange LEP 2011).

As such, *Orange DCP 2004 - Chapter 7 Development in Residential Areas and Chapter 11 Land used for Open Space and Recreation* is relevant to this proposal. The provisions of these chapters are considered below.

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Chapter 7 Development in Residential Areas**7.2 - Residential Subdivision**

Planning Outcome PO 7.2-1 Planning Outcomes for Urban Residential Subdivision	
2 Lots are orientated to optimise energy-efficiency principles.	The vast majority of lots are correctly oriented for passive solar principles.
3 New roads are planned according to modified grid layouts with restrained use of cul-de-sac roads in new developments according to the UDAS Urban Form principles for Orange.	New roads have been planned accordingly.
4 Local open space is provided along creek corridors to create open space linkages for environmental conservation and social interaction. Release areas removed from creeks provide for open-space links incorporating substantial stands of native vegetation.	Local open space in the form of the linear park adheres to this requirement.
5 Release areas indicate trunk cycle and pedestrian ways that link the area to major open space networks and activity centres (schools, shopping centres and employment areas).	The estate is to be provided with cycle and pedestrian networks.
6 Lots below 500m ² indicate a mandatory side setback to provide for solar access and privacy.	Many lots are below 500m ² in area and have not nominated a mandatory side setback to allow for solar access/privacy. It should be noted that Chapter 19 of the DCP provides precinct specific design controls for the future dwellings.
7 Lots below 350m ² indicate existing or planned house layouts, which identify how privacy, solar access, vehicular access and private open-space needs are to be achieved.	Many lots are below 350m ² and have not indicated planned house layouts. It should be noted that chapter 19 of the DCP provides precinct specific design controls for the future dwellings.
8 Up to 25% of new subdivisions comprise small lots in dispersed locations.	The estate satisfies the requirement for small compact lots
9 Lots are fully serviced and have direct frontage/access to a public road.	The state is to be fully serviced and connected to the local road network.
10 Design and construction comply with the Orange Development and Subdivision Code.	Councils Technical Services division has provided advice and conditions to ensure that the estate complies with the Development and Subdivision Code.

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11	Corner lots provide for a house to front one street.	All corner lots proposed are capable of complying with this requirement.
12	Battleaxe lots provide an adequate accessway width for the number of dwellings proposed to be served in order to allow for vehicle and pedestrian access and location of services.	There are no battleaxe lots proposed.
13	Lots proposed to be used specifically for dual occupancy or units in new residential areas are identified on development application plans to inform prospective purchasers of the mixed residential form of the area and measures are outlined on how prospective residents are to be informed of these identified sites prior to purchasing land.	The development originally nominated a specific lot for an affordable housing apartment complex intended to provide for 66 affordable units. This approach was later removed and the overall dwelling yield reduced from 331 to 274. The intention for 20% of the yield to be affordable housing remains, with 55 affordable dwellings to be provided scattered throughout the estate.

Chapter 11 - Land Used for Open Space and Recreation

The chapter establishes an obligation to acquire land zoned for open space and that the land be used in accordance with a relevant adopted plan of management.	The linear park will be fully embellished and dedicated to Council as part of the development in accordance with the Planning Agreement between Council and the developer.
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Chapter 19 - Redmond Place Precinct

Chapter 19 which relates to the proposed land was formally adopted by Council on 7 October 2025 and commenced operation on 9 October 2025. Appendix A of the Statement of Environmental Effects provides the applicant's response to the matters raised in Chapter 19.

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Part 3 - Precinct Vision

3.1 Vision Statement and Design Principles	
Design Principle 1 - Connecting with Country <i>Prioritise Country and support the sharing of traditional stories and knowledge</i>	The proposed embellishment of the linear parkland includes facilities to encourage the sharing of stories and knowledge.
Design Principle 2 - Housing Choice <i>Provide diverse housing options, including medium density and affordable housing</i>	The proposed subdivision allows for a range of lot sizes, which under the R1 General Residential zone can then be developed for a range of housing typologies. The proposal has nominated a site for an affordable housing apartment complex to be subject to separate application.
Design Principle 3 - Connected and Safe <i>Provide safe, walkable and beautiful streets that connect people to homes, open spaces and public transport</i>	The proposed street layouts and designs will connect residents to the linear parkland and accommodate public transport routes through the centre of the site.
Design Principle 4 - Natural Landscape and Waterways <i>Design with nature by working with natural systems for water management and biodiversity, and by providing new parks, wetlands and tree canopy</i>	The provision of the linear parkland, wetland and associated stormwater basins broadly follows the natural drainage pattern. Additional landscaping and street tree planting will improve outcomes and canopy coverage.
Design Principle 5 - Active and Healthy <i>Provide opportunities for play, exercise and healthy living for people of all ages and abilities</i>	The provision of the linear parkland and associated embellishments will provide residents with opportunities for play, exercise and health living.
Design Principle 6 - Inclusive and welcoming <i>Foster a sense of belonging and community with places that bring people together</i>	The planned embellishment of the linear parkland will include opportunities for residents to gather and engage with each other.
Design Principle 7 - Heritage and Culture <i>Celebrate the history and beauty of the precinct's heritage and landscape setting</i>	The proposal broadly respects and protects the heritage and cultural values, such as the memorial line of poplar trees and inclusion of a yarning circle within the parklands.
3.2 - Precinct Concept Plan	
This part of chapter 19 presents the concept plan (replicated below) as physical form of the design principles in part 3.3.	The development plans match the concept plan diagram.

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Figure 18 - DCP Precinct Concept Plan

3.3 Important Character Elements

Cadastral Pattern

- A permeable and fine grain pattern of street blocks stitches the precinct into the city's existing urban fabric and ensures streets and open spaces are scaled to pedestrians.
- The urban layout respects the historical cadastral pattern and defines clear edges between the precinct and neighbouring road reserves and land holdings.
- Street blocks are oriented to maximise accessibility to public open space and respond to topography by facilitating natural drainage to basins and wetlands.

The submitted plans match the concept plan in terms of cadastral pattern and layout.

The perimeter road along the south and the linear park along the north define the edges and provide a clear relationship to neighbouring lands.

Orientation of street blocks and placement of open space enable residents to move northwards to the parklands.

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Blue Green Networks • The existing Gateway Park and Memorial, Hangar and visitor park are incorporated into an expanded network of recreation, cultural, wetland and stormwater management spaces. • The integration of blue and green networks supports natural groundwater recharge, landscape replenishment, biodiversity restoration and connecting with Country. • The linear park, wetlands and generous street tree canopy provide a cooling influence in summer and enable passive solar access for buildings and public spaces in winter.	The linear park retains the memorial hangar and visitor park and expands upon this with additional embellishment and facilities, including recreation elements and wetland/ stormwater facilities and spaces. The development broadly respects the natural drainage network with some modification to mitigate potential flooding concerns. Post development the drainage corridors are incorporated into the linear park which feed into the wetlands and bioretention system. The linear park, wetlands and street trees are broadly as anticipated by the concept plan.
Street Grid • The street grid provides a legible and highly connected hierarchy of street types and route choices for vehicles and pedestrians. • Street design and character reflect function in line with the precinct's street design standards. • Street frontage to public open space ensures buildings positively address and gain amenity from the public space. • Streets and verges provide opportunities for deep soil, urban tree canopy growth and bioretention during rainfall events.	The grid layout in the development applies the intended hierarchy of street types. The main internal road is single loaded to provide full street frontage to the public open space, enabling future dwellings to fully address the public space. Street verges are of suitable width to enable deep soil areas for street tree plantings.
Land use and Housing Mix • The precinct accommodates a compatible diversity of housing types and sizes, with medium density housing located along the park frontage and public transport spine to maximise amenity and convenience. • Key sites provide the opportunity for mid-rise (4 storeys) apartment development, including provision for limited ground floor commercial uses to serve day-to-day local needs. • A compact diversity of lot sizes, building forms and housing types provides visual richness and supports a sustainable social mix.	The development provides a mix of lot sizes ranging from 300m² through to larger medium density sites and an apartment block site. Exact composition of dwellings and typologies will be a matter for future applications.

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Views and Landscape • Street orientation supports legibility by enabling views towards local features and landmarks, including parks. • Views of surrounding non-urban hillsides and heritage landscapes are maintained as distinctive aspects of the precinct's sense of place. • Views of Gaanha Bula—Mount Canobolas facilitate connecting with Country and are preserved through building design and massing. • The City Gateway Avenue of parkland and trees is retained and embellished.	The north-south orientation of the long streets facilitates views and movements towards the linear parkland, while the southern perimeter road retains views towards Gaanha Bula-Mount Canobolas as well as local heritage items on neighbouring lands. The avenue of parkland trees is retained, and further parkland embellishments are proposed.
Public Domain • The public open space network incorporates recreation, cultural, education and ecological features—including play spaces, walking tracks and a wetland—that connect community and respond to a diversity of ages and needs. • Public art, cultural spaces and interpretive signage support connecting with Country. • The existing Visitor Park and Gateway Park and Memorial are incorporated into an extended linear public open space network. • Activation nodes—including key sites, the Hangar Building and recreation nodes—support public transport and promote active streets.	The proposed embellishment of the linear parkland, wetland and bioretention basin is consistent with this requirement, incorporating recreational, cultural, educational, and ecological features and functions. Public art and signage to support connecting with Country are also proposed. Street activation will be achieved through suitable design of future dwellings (subject to future applications).

Part 4 Environmental Management

4.1 Land and Soil Resources Design Criteria	
D1 Subdivision design minimises the need for excavation and fill through appropriate road and lot layout. Level transitions between lots ensure that lots step with the natural slope of the land in accordance with the preferred approach illustrated in Figure 19.10.	The proposal involves regrading of the site to ensure appropriate street gradients, reducing transitions between lots so that subsequent dwelling development can minimise retaining walls and achieve positive solar access. The earthworks proposed will also mitigate against potential flooding and improve stormwater management by directing flows through the street network rather than across residential lots.

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D3 Development ensures— (a) no ponding of water occurs on adjoining properties, and (b) no overland flow paths or flood prone land are adversely affected as a result of any filling or grading.	The regrading of the site is intended to prevent ponding of water on residential lots and direct overland flow through the proposed road reserves and stormwater infrastructure. As a result, the development is not anticipated to have any impact on neighbouring lands (up or downstream)
D4 All retaining walls, batters and support structures ensure adequate drainage lines connected to the stormwater drainage system for the site.	Initially a retaining wall was proposed on the boundary with the western neighbour (Lot 3 DP 126729 known as 84 Brabham Way), this incorporated a long drop inlet structure with side opening, which would capture flows from upstream and convey them via underground stormwater pipes around the southern perimeter of the development to the wetland area. This approach would be vulnerable to upstream obstructions at the side inlet on the neighbouring land and result in significant ponding of waters on the neighbouring land. There is no ability to impose conditions on the neighbouring land, such as easements for access, that would facilitate maintenance and removal of any brush or debris that might otherwise obstruct the side access. Subsequently the design was amended to create an indentation into road 4 so that the stormwater infrastructure could be fully contained within the subject site. This results in the loss of some on street parking for a short distance but otherwise resolves the engineering issues of the original design.

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D5 Any retaining wall— (a) has a height of no more than 1 metre, (b) where multiple retaining walls are located along the same slope—is separated from the next highest retaining wall by at least 2 metres, measured horizontally, and (c) is located outside any registered easement or zone of influence of a sewer main. Council may consider exceptions where— (d) there are exceptional circumstances due to the slope or geological character of the land, and (e) it is of the opinion that the retaining wall will not— (i) result in a detrimental impact on the amenity of any lot or the streetscape, or (ii) impede access to or the structural soundness of any water or sewer main.	The revised design complies with the requirements.
D6 The ground level (finished) of any site at its boundary to any public space (including any public road) is no more than 0.6 metres above the ground level (finished) of the public space.	Complies in relation to public spaces.
D7 All earthworks are to be carried out in accordance with <i>AS 3798:2007 Guidelines on earthworks for commercial and residential developments</i>. D8 Any fill imported to the site is to be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the <i>Protection of the Environment Operations Act 1997</i>. Where imported fill is used Council may require soil sampling for analysing chemical residue to be carried out on the fill material by an appropriately qualified person. D9 Where fill is to be placed permanently, topsoil and vegetation must be removed down to a suitable sub-grade material prior to the placement of the fill. The topsoil is to be stockpiled for use in revegetation of the site.	The proposal complies and, where appropriate, can be conditioned to reinforce compliance.

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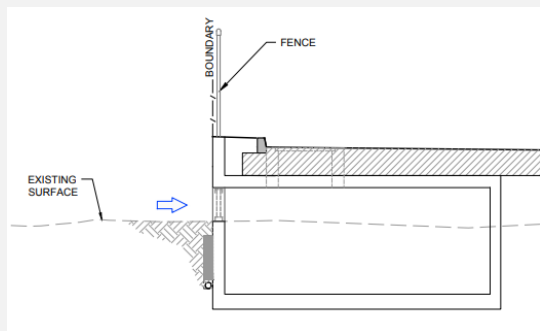
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D10 Where development—

- entails a change in site levels of more than 0.6 metres,
- is located on land with a slope of 15% or greater, or
- is otherwise, in the opinion of Council, likely to entail detrimental impacts on the environment or neighbouring land,

the application is to include a geotechnical investigation prepared by a suitably qualified geotechnical engineer and providing details on—

- the existing character and quality of soils and geology within the site and neighbouring land,
- existing and proposed finished ground levels,
- any groundwater or waterways likely to be affected by the development,
- any potential impacts on flood risk or flood behaviour within the locality,
- any hazards, including naturally occurring asbestos or contaminated land, that are present,
- details of the height, structure and engineering design requirements of any retaining walls to be constructed,
- details on the source, quality and type of any fill material to be used
- the measures required to ensure development avoids any detrimental impact on any adjoining properties, overland flow paths or flood prone land.



Cross section of original design showing boundary fence, retaining wall, drop inlet, side opening, road surface and kerb and gutter relative to existing ground level (source colliers).

Complies. The proposal has included a geotechnical study by GeoTech Testing Pty Ltd. Separately, Colliers provided a Water Cycle Management Report and flood modelling maps.

GeoTech Section 5.9 of that report provides general guidance on the slopes beyond which engineered retaining structures would be required and the design of such structures. The report characterises the site as having very low to low risk of slope instability across the site. It appears the report was prepared to advise the developer on general matters to guide their design work and not in response to the design nominating the retaining wall now proposed.

The Colliers report includes the proposed design and has modelled pre- and post-development flows. This indicates that in all but the Probable Maximum Flood the designed infrastructure will convey the flows as intended with no surface level inundation.

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4.2 Groundwater Design Criteria	
D1 Where development is likely to deplete or contaminate groundwater systems, the application is accompanied by a hydrogeological report prepared by a suitably qualified person and providing details of— (a) the extent and nature of any depletion or contamination, (b) the likely effects on groundwater dependent ecosystems, (c) the cumulative impact of the development on the hydrological functions and health of groundwater systems.	The proposal does not involve on-site storage or disposal of solid or liquid waste and chemicals, and no groundwater extraction is proposed. An OzArk study has indicated that there are no groundwater dependent ecosystems anticipated on the site. Therefore, the proposal is not likely to deplete or contaminate groundwater systems and is not expected to pose a risk to groundwater ecological systems.
D2 Development allows natural replenishment and recharge of groundwater sources through the use of bioretention and filtration of runoff.	The proposed design complies. The design incorporates wetlands and bioretention basins that will facilitate groundwater recharging.

4.3 Drinking Water Catchment Design Criteria	
D1 Development demonstrates a neutral or beneficial effect on the quality of water entering drinking water storages.	The proposed development has been designed to capture, settle and treat stormwater runoff via a wetland and bioretention basin such that there will be no adverse impacts on the overall Dairy Creek catchment which ultimately flows into Suma Park dam and the City's water storages.
D2 The public stormwater management network is designed to achieve a reduction in pollutant loads for total suspended solids, phosphorous and nitrogen of 10% from pre-development loads.	The Redleaf Water Cycle Management report (Colliers) finds that the proposed stormwater treatment train including rainwater tanks, gross-pollutant traps, sediment forebays and bioretention basins are capable of meeting the stormwater quality objective of NorBE + 10%.
D3 Development minimises run-off volumes and allows replenishment and recharge of groundwater sources. D4 All effluent is treated outside of the drinking water catchment.	Proposed wetlands and stormwater bioretention system complies.
D5 Public open space design ensures waterways are protected or enhanced.	Proposed linear parkland broadly follows the natural drainage alignment and ensures the development will protect and enhance this ephemeral waterway

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4.4 Flood Planning Design Criteria	
D1 Development on flood prone land is consistent with the objectives and requirements of Chapter 4A—Flood affected land.	Complies. Chapter 4A is predominantly concerned with the development of buildings on flood affected land and has minimal relevance to the subdivision stage. Additionally, figure 6.20 of Chapter 4A of the DCP indicates that the vast majority of the site falls outside of the catchment boundary of the <i>Blackmans Swamp Creek and Ploughmans Creek Flood Study</i>. As such the provisions of Chapter 4A are not directly applicable to the development. Notwithstanding this, it is considered that subsequent development of the proposed lots will be able to readily comply with the construction standards sought by the chapter where relevant.
D2 Development does not increase the risk of flood hazard on land outside of the precinct.	Complies. The subdivision design incorporates wetlands and drainage systems that will direct flood water to an on-site stormwater bioretention basin which is anticipated to maintain post development flows at pre development levels or less.
D3 Applications for development that, in the opinion of Council, is likely to be subject to flood risk or otherwise entail adverse impacts on flood risk are to be accompanied by a flood impact and risk assessment prepared in accordance with— • the DCP's objectives for flood affected land as described in Chapter 4A, and • the FRM Manual and accompanying guidelines. The assessment is to include details on— (a) the location and extent of any flood prone land, including any lots that may be liable to flood risk (pre- and post-development), (b) the impacts of the development on flood behaviour and risk, (c) the FRM measures required to manage flood risk, including consideration of the effects of climate change on flood frequency and behaviour.	The application for subdivision includes regrading of the land, and when combined with the civil engineering design of the roads it is anticipated that future flooding events will be almost entirely contained within the road reserves, linear parkland and bioretention basin. Actual residential lots should be clear of direct inundation in all but the most extreme events. However, should any updated flood study indicate a latent risk then development of the affected lots can still be required to provide a site-specific assessment.

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4.5 Bush Fire Hazard Design Criteria	
D1 Subdivision design— (a) complies with the requirements of any bush fire safety authority that may apply to the development, (b) is consistent with the requirements of Planning for Bush Fire Protection, and (c) enables the establishment and maintenance of the minimum Asset Protection Zone requirements and perimeter roads included in the precinct concept plan and as described in the Asset Protection Zone Map.	The application was referred to the NSW Rural Fire Service as integrated development under section 100B of the Rural Fires Act. The RFS issued General Terms of Approval and a Bush Fire Safety Authority on 28 September 2025 - each subject to conditions. The terms and conditions have been incorporated into the nominated conditions of consent.
4.6 Vegetation Management Design Criteria	
D1 Development supports the protection and enhancement of biodiversity within the precinct by— (a) protecting, restoring and enhancing native vegetation, including supporting embellishment of locally represented plant community types, (b) achieving tree canopy and species targets for planting in streets and public spaces as described in Design Element 6.6—Urban tree canopy, (c) supporting the DCP's preferred plant species for planting on private land in accordance with the requirements of Design Element 6.8—Landscaping, (d) supporting the construction of a new wetland in accordance with the requirements of Design Element 4.3—Responding to Country and Design Element 5.5—Stormwater management.	The parkland and street trees proposed are broadly consistent with protecting and enhancing biodiversity. The Biodiversity Assessment Report prepared by OzArk acknowledges that of the 0.46ha of native vegetation found within the site, some 0.17ha will be impacted by the proposal, which is below the threshold that would trigger entry into the Biodiversity Offset Scheme (BOS). Despite the impact on 0.17ha of native vegetation, the OzArk report finds the level of impact/disturbance will be acceptable provided there is no disturbance of the remaining 0.29ha of Central West Creekflat Grassy Woodland. Tree canopy targets are contained in Design Element 6.4 Urban Tree Canopy; refer to that section later in this assessment. Plant species for private land are contained in Design Element 6.7 Landscape Design and will be relevant to the subsequent development of the residential lots. Species selection is consistent with the DCP's preferred plant requirements. The proposal includes the establishment of a new wetland consistent with Design Element 4.3.

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D2 Existing tree planting within the Gateway Park is protected and enhanced as an important character element in accordance with the requirements of Design Element 6.2-Local Character	Complies, existing tree planting is retained, and additional landscape planting is proposed.
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4.8 Construction and Site Management Design Criteria	
D1 All demolition, excavation and construction activities are managed in accordance with the requirements of— (a) 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 <i>SafeWork NSW Code of Practice for Demolition Work,</i> • the <i>SafeWork NSW Code of Practice for Construction Work.</i> D2 Erosion and sediment control measures are in place to ensure site preparation, demolition and construction 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. D3 Demolition and construction works are to incorporate suitable dust and air quality control measures. D4 Before any demolition or construction work commences, a hazardous materials audit of the site is to be prepared by an appropriately qualified person and a report of the audit results provided to Council. The report is to include details of the nature and location of each hazardous material identified.	All matters raised in the design criteria can be readily addressed through conditions of consent.

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Part 5 Subdivision

5.1 General Requirements	
D1 Subdivision is consistent with the precinct concept plan, including in relation to— (a) street block and lot layout, (b) public open space network design and layout, (c) provision for water cycle management infrastructure, (d) street network design, and (e) the distribution and location of lot sizes and residential densities.	The submitted plans are consistent with the precinct concept plan.
D2 Street blocks are generally no more than 220 metres in length and 70 metres in depth. Blocks that are longer than 220 metres may be considered where pedestrian connectivity, stormwater management and traffic management objectives are met. In such cases, consideration should be given to the provision of a mid-block connection to ensure permeability for pedestrians.	The length of the north-south block between stages 1 and 2 is 227m on the eastern side and 249m on the western side. This block is capped at the northern end by proposed Lot 141 which is 5,045m² in area. It may be feasible for development of Lot 141 to incorporate a walkway connection along its southern boundary. This would help to provide a separation buffer between any higher density development of Lot 141 from the lower density forms likely to emerge on Lots 140 and 200 (being the southern neighbours). A consent condition could be imposed to establish this link as an easement.
D3 Street and block alignment supports legibility and wayfinding by emphasising public views of— • public open space • key sites and buildings • community amenities and recreation facilities • the precinct's scenic landscape setting, including Gaanha Bula—Mount Canobolas and heritage and rural hillscapes	The proposed design complies. The grid layout favouring north-south block lengths provides clear legibility and navigation. Each north-south street gives a clear and direct link through to the linear park; the meandering park edge street provides the main cross connection while ensuring views of the public open space. Perimeter roads along the southern boundary ensure views to Gaanha Bula – Mount Canobolas are preserved. The grid design ensures various views to the rural hillscapes beyond the site.

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D4 Lots are rectangular in shape. Where lots have a non-orthogonal shape, they are sized and oriented to enable development to meet all other relevant development controls and standards.	162 of the 167 lots are considered to be compliant, although some lots unavoidably have an angled frontage where the road network meanders along the linear parkland. Approximately 97% of the total. Of the five non-compliant lots: <u>In stage 1:</u> proposed Lot 111 and proposed Lot 129 have been designed in a wedge shape (refer figure 19). At their narrowest they are 12.84m and 8.76m respectively, widening towards the west reaching 23.76m and 16.685m (plus corner splay) respectively. With site areas of 549m² and 422m² and benefitting from a side frontage to an 8m laneway along their northern boundary, these lots are both considered to be able, with suitable bespoke designs, to be developed successfully. <u>In stage 4:</u> Lots 413-415 located on the outer curve of the main road have been designed with a wedge shape where the narrow end is between 5.995m and 6.455m wide (refer figure 20). These lots are served by a rear lane/cul-de-sac with sufficient turning space in the lane. The angle of the wedges achieves a broad frontage around 20m wide. The areas of the lots are 393m², 327m² and 372m² respectively. It is expected that these lots, while needing a bespoke design, remain capable of being appropriately developed for residential purposes.
D5 Except as otherwise provided in this chapter, all lots (other than battle-axe lots) have the following minimum lot width— • rear lane lots—4.5 metres • other lots—7.5 metres	The proposed layout complies.

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D6 Except as otherwise provided in this chapter, all lots have a minimum lot depth of 25 metres.	The proposal broadly complies. Proposed Lot 101 has an angled frontage whereby its shortest depth is non-compliant at 24.555m on the eastern side while the longer side is 30.78m (refer figure 21). Future development of the site is expected to observe the normal side setbacks such that the depth of the property at the side setback point is likely to be compliant. Similarly, Lots 414 and 415 which are wedge shaped lots (discussed under D4 above) share a non-compliant side boundary of 24.215m but become compliant on the opposite sides of the respective lots (refer figure 20). As above, once future side setbacks are observed it is likely that the lot depth at the side setback point would be compliant. All remaining lots (155 out of 158 or 98.1%) are compliant.
Vehicle Access	
D7 All lots have legal access to a public road.	The proposed layout complies.
D15 Adjacent access handles may be shared between more than 1 lot where— (a) the access handles in combination serve a maximum of 2 lots, (b) each lot is burdened by a cross easement enabling reciprocal rights of way for the shared use of each lot's access handle, (c) the minimum width of each access handle is 3 metres, (d) the minimum shared driveway width is 4.5 metres, and (e) adequate sight lines are available to enable safe vehicle and pedestrian movement.	Technically only applies to battleaxe lots and the proposed development does not include any battleaxe lots. However proposed Lots 413 to 417 are serviced by a rear lane/cul-de-sac that is 7m and variable width (refer figure 20). This access is proposed to be a public road, however Councils engineers do not support dedication of a road in this configuration as it does not comply with the subdivision code, and have instead nominated a condition that this area (Lots 413-417 inclusive) be created under Community Title with the access lane being dedicated as the common lot for vehicle access. It should be noted that this access will serve more than the maximum 2 lots stated by the control, however each of the served lots also has frontage to other proposed roads in the development and a 7m width is sufficient for two-way flow of traffic.

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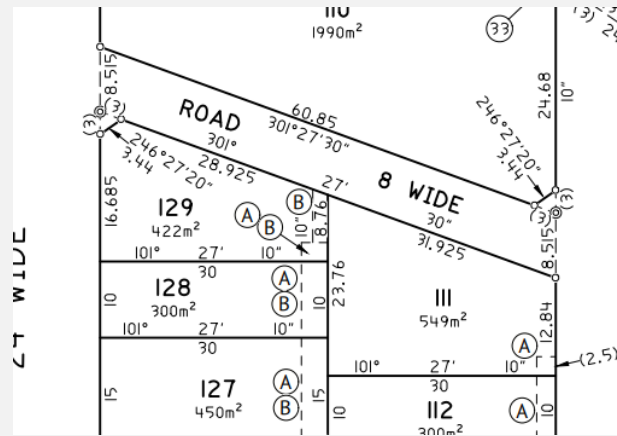


Figure 19 - proposed wedge-shaped Lots 111 and 129

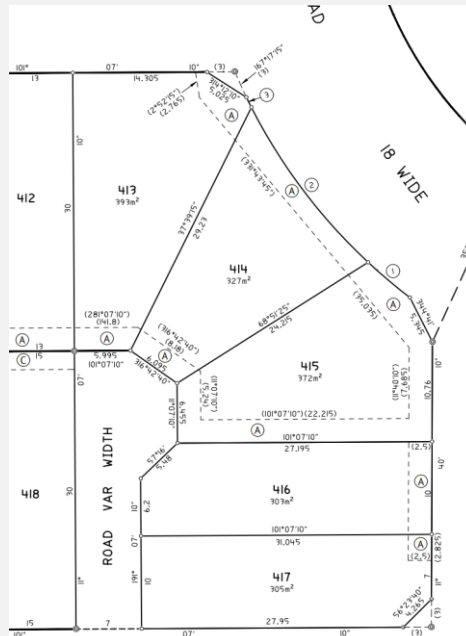


Figure 20 - proposed Lots 413-415 with narrow "frontages" served by a rear access

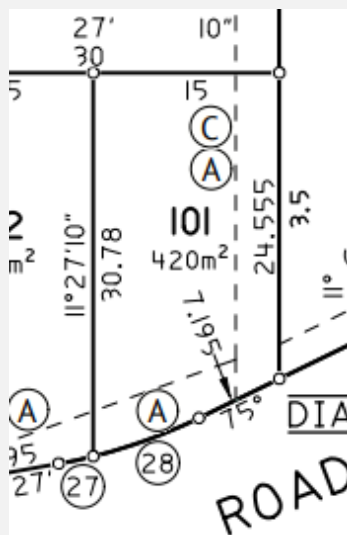
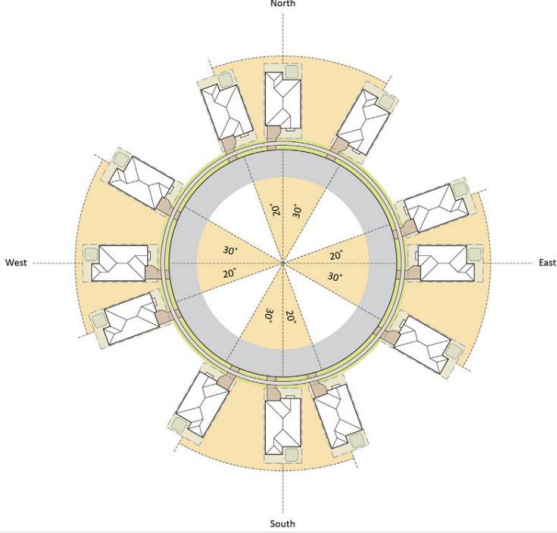


Figure 21 - proposed Lot 101

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5.2 Lot Layout and Orientation	
D1 Lot orientation— (a) optimises opportunities for passive solar design and good building orientation in relation to prevailing winds and breezes, and (b) optimises opportunities for solar access to dwellings and principle private open space areas in accordance with the recommended lot orientation ranges shown in Figure 19.15.  Figure 22 - DCP recommended lot orientation	D1 The layout complies; most lots achieve an acceptable solar orientation in accordance with figure 19.15. Only one lot, Lot 414, has an unfavourable northeastern to southwestern orientation (refer figure 20 and figure 22). This is due to being on the outside curve of the park street. There is no apparent alternative that could remedy this issue. Therefore 99.4% of lots are compliant, which for a subdivision of this size is considered to be an acceptable level of compliance.
5.3 Land Use and Density	
D1 Subdivision design supports the distribution of land uses and residential densities described in Table 19.1 and the Land Use Map.	The proposed design complies.
5.4 Street Typology and Grid	
D1 Public roads are designed in accordance with the Street Grid Map and street design standards described in Schedule 19-C.	The proposed design complies.
D2 Road design speeds are self-explanatory, with design solutions (including threshold treatments, street tree planting and nature strips) clearly communicating slower speed environments.	The layout has been designed consistent with normal suburban speed limits, threshold treatments, street tree planting and nature strips to communicate a slower speed environment.

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D3 Intersections are designed to maximise ease of movement for pedestrians and cyclists and to slow vehicular traffic.	Intersection designs are consistent with the subdivision code, and the estate is unlikely to be a high traffic environment as it does not connect other urban areas to points of interest or destinations and would therefore typically only attract local resident traffic.
D4 Subdivision design provides for future public road connections to adjoining land.	The proposed design complies.
D5 Public road design facilitates— (a) safe, efficient and convenient access to kerbside waste collection for waste service providers, and (b) sufficient turning capacity for waste service vehicles to minimise the need for reversing or three-point turns.	The proposed design complies with both points (a) and (b).
D6 Where waste collection from a public open space requires waste service vehicles to park in the street, public road design ensures sufficient capacity (including, where necessary, the provision of parking bays) to minimise the likelihood of traffic flow congestion.	There is no indication in the design of any need for waste collection from a public open space.

5.5 Active and Public Transport Networks	
D1 Development supports the viability of public transport routes as described in the Active Transport Map by— (a) ensuring the provision of opportunities for medium density housing (including through the provision of smaller residential lots and integrated housing lots) along and within proximity to any proposed public transport route, and (b) ensuring the provision of footpaths, shared paths, street trees, public lighting and other supporting pedestrian infrastructure in accordance with the Active Transport Map and the street design requirements referred to in Design Element 5.3—Street network.	The proposal includes opportunities for medium density housing both on smaller lots and integrated housing lots which are located along the proposed bus route. The design provides for footpaths, shared paths, street trees, lighting and other facilities consistent with the requirements of Design Element 5.3

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D2 Development promotes the provision of healthy, safe and sustainable movement networks through the provision of an active transport network in accordance with that shown in the Active Transport Map.

The proposed layout complies with the Active Transport Map.



Figure 23 - DCP Active Transport Map

5.6 Public Open Space Network

D1 Public open space is provided in accordance with the layout of spaces and facilities described in the Public Open Space Map.

The proposal complies. The linear parkland and embellishments are broadly consistent with the public open space map.

D2 Existing parks and associated features, including the Gateway Park, Memorial Garden, Memorial tree planting, Old Dairy Building and Visitor Park, are preserved and integrated with the public open space network.

The proposal complies; the linear park incorporates the existing parks and associated features.

D3 Public open space is designed and delivered in accordance with the requirements of Design Element 6.5—Public domain design.

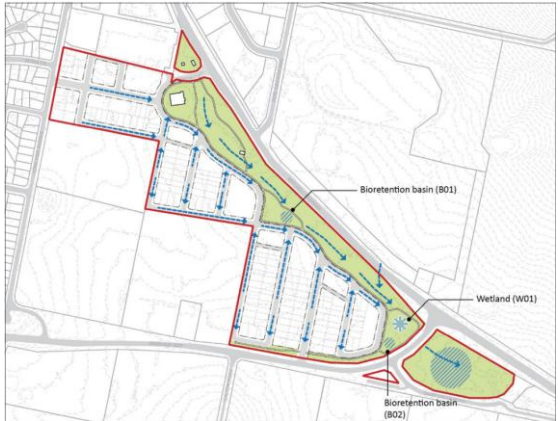
The proposal has included public open space consistent with the requirements of Design Element 6.5.



Figure 24 - DCP Public Open Space Map

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5.7 Water Cycle Management	
D1 Development supports the precinct vision by facilitating water cycle management in accordance with the outcomes described in the Water Cycle Management Map and Table 19.2. D2 Overland flow paths are incorporated into the public open space network. D3 Development demonstrates the incorporation of water sensitive urban design measures, including bioretention facilities. D4 The size and detailed location and design of any public water cycle management infrastructure will be required to be determined at the development application stage and in accordance with a water cycle management strategy for the development prepared by a suitably qualified engineer.	The proposal complies. A Water Cycle Management Report prepared by Colliers was submitted in support of the application. The key findings and recommendations of that report have been reflected in the subdivision design.  Figure 25 - DCP Water Cycle Management Map

5.8 Utilities and Services	
D1 Utilities and services— (a) are located underground wherever possible, (b) are integrated with the overall design of streets and public spaces, and (c) facilitate the DCP's tree canopy targets for streets and public spaces.	The proposal complies with the location and integration of utilities and services. Being underground, this will facilitate the tree canopy targets by eliminating the need for pruning under powerlines.
D2 Development provides for adequate lighting to streets and public spaces.	The proposal complies. The provided lighting plan includes street lights and lighting of the public open spaces.
D3 Utilities and services are designed to accommodate— (a) technological advancements, including smart meters and other smart technology, and (b) augmentations in response to future increases in service demand.	This is a matter for utility providers. The proposal can be conditioned to require the applicant to obtain a notice of satisfactory arrangements from each utility provider.
D4 Provision is made for telecommunications and fibre-ready facilities to be installed to all lots.	The proposal can be readily conditioned to provide for telecommunication facilities, including fibre, to the proposed lots.

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5.9 Precinct Staging	
D1 Subdivision layout supports the economical and coordinated staging of development, including the timely and cost-effective delivery of essential services.	The proposal complies and has been designed across 4 stages.
D2 Development is generally sequenced according to the stages described on the Development Staging Map. Exceptions to this staging will be considered where the applicant has demonstrated that the proposed variation— (a) will not create any additional financial burden on any public authority or utility provider, (b) is consistent with any relevant water supply and sewerage servicing strategies, (c) will not result in any additional impacts on the environment or amenity of neighbouring properties, (d) will expedite the delivery of well-located affordable housing, and (e) is consistent with the precinct vision and aims of this chapter.  Figure 26 - DCP Staging Map	The proposal is broadly consistent with the staging map.
D3 Development ensures all essential services, public amenities and public utility infrastructure, are provided for each development stage in a timely and coordinated manner.	The proposal conflicts with the alignment of an Optus fibre optic cable and would necessitate its relocation. A suitable condition of consent can be imposed to ensure the location of the cable is confirmed prior to any works occurring on the site and relocated at the applicant's expense and to the technical requirements of Optus communications. NOTE: Optus have not been consulted during the assessment of this application.

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5.10 Affordable Housing	
D1 Where subdivision will result in lots to be used for affordable housing in accordance with a relevant environmental planning instrument— (a) all lots proposed to be reserved for affordable housing are clearly indicated on the subdivision plan, and (b) a public positive covenant is registered against the title for any lot referred to in (a) above requiring the land to be reserved for affordable housing in accordance with the requirements of the environmental planning instrument.	The amended design has removed the concept of a single lot for affordable housing apartment complex and instead affordable housing will be required to be provided throughout the estate across all stages. A condition of consent is required to ensure that a minimum of 20% of lots/dwellings are identified prior to the release of any subdivision certificates. This condition will need to be drafted as a running total, meaning that if an earlier stage over-provides affordable housing, then subsequent stages could provide less provided that the overall total is always at or above 20%.
D2 Development supports social inclusion by ensuring— (a) a balanced and equitable distribution of affordable housing throughout the precinct, (b) the provision for affordable housing through a diversity of housing sizes and types, and (c) the provision of affordable housing in locations that are well located relative to amenities, recreation facilities and public transport.	The original proposal was inconsistent with this requirement as it opted to provide all 66 affordable housing dwellings within a single residential flat building in stage 4A. The rationale provided was one of financial viability. Affordable housing sites are provided to Community Housing Provider (CHP) partners at zero cost, so by consolidating the requirement into a single site this minimises the financial impact to the project. The applicant was asked to consider the potential for the residential apartment building to be a mix of affordable and market units to offset the loss of revenue from additional sites sprinkled throughout the estate. They initially advised that CHPs prefer to avoid a mixed occupancy as this complicates management of the building, with market residents' expectations potentially conflicting with CHP resident expectations. Ultimately, the project has moved away from a single 66-unit complex for the affordable housing commitment and will instead provide affordable housing in a dispersed manner. As a result, stage 4A was abandoned and the land merged into stage 4, resulting in some minor realignment of the layout; however the overall concept remains broadly consistent with the exhibited version. The changes were deemed to be minor, and the revised layout was not re-exhibited.

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Part 6 Urban Design

6.1 Responding to Country	
D1 Development supports the achievement of the connecting with Country precinct design outcomes described in Schedule 19-A, including where relevant— (a) the provision of public spaces and facilities for ongoing knowledge sharing and cultural education, (b) opportunities for public art and interpretation, (c) the restoration and healing of landscapes and water cycle systems, (d) establishment of a community garden, (e) the preservation and enhancement of public views of Ghaana Bula—Mount Canobolas, and (f) any other measures that, following consultation with Aboriginal stakeholders, are considered by Council to support the key design themes.	The proposal complies with this requirement. The embellishment of the linear parkland will include public spaces for knowledge sharing and cultural education, as well as public art and interpretation and a community garden. The design retains public views of Ghaana Bula – Mount Canobolas and also aligns the water drainage corridors, including provision of a wetland and bioretention basin to improve water cycle systems.
D2 Where development entails consultation with Aboriginal stakeholders, it ensures appropriate measures are taken to— (g) ensure the cultural safety and wellbeing of stakeholders, and (h) protect the Indigenous cultural and intellectual property of stakeholders.	The proposal has included and been informed by consultation with Aboriginal stakeholders. The OzArk Archaeological Technical Report undertook field surveys of the site and assessed the risk of harm to Aboriginal objects to determine the need for further investigation. No Aboriginal sites were identified during the survey. Consultation with local Aboriginal stakeholders also informed the Sala4D consultation feedback report. That report highlighted the community's desire to include educational signage of natural ecosystems with Aboriginal significance and include places for public, particularly Aboriginal art. The embellishment of the public open spaces has responded to these views.
D3 In the event of any unanticipated find or unanticipated skeletal remains, site work complies with the unexpected finds protocol described in Schedule 19-B.	The development can be readily conditioned to include an unanticipated finds procedure at relevant stages of the project.

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6.2 Local Character	
D1 Development preserves and enhances the important character elements described in Part 3—Precinct vision.	The proposal complies refer to discussion in Part 3.
D2 The design of streets and public open spaces promotes visual connection to the precinct's heritage and scenic landscape settings by maintaining and enhancing public views of key landscapes, including— (a) Gaanha Bula—Mount Canobolas, (b) neighbouring heritage landscapes, (c) Frederick's Valley hillsides, (d) North Orange and Byng hillsides and peaks, and (e) Spring Hill hillsides.	The design is consistent with this requirement as it maintains views to Gaanha Bula-Mount Canobolas, and the heritage landscapes through use of perimeter roads that ensure the views are not blocked out by built form.
D3 Subdivision design maintains a visual and physical curtilage to adjoining heritage items and non-urban landscapes by ensuring public road frontages and associated positive street address is provided along any shared boundary with a neighbouring property.	The layout is consistent with this requirement.

6.4 Urban Tree Canopy	
D1 Public roads achieve mature tree canopy coverage in accordance with the tree canopy coverage targets for each street type described in Schedule 19-C.	The design includes a detailed street tree network as shown in appendix G of the Statement of Environmental Effects
D2 Public spaces (excluding car parks, sports courts, playing fields and land used for bioretention or stormwater detention) achieve a minimum mature tree canopy coverage of 45%.	New plantings are proposed through the linear parkland intended to achieve the required canopy coverage - refer appendix G
D3 All tree planting and species selection is undertaken in accordance with the requirements described in Schedule 19-D.	The proposal can be conditioned to be consistent with the species selection outlined in Schedule 19-D, as amended by advice from Council's Manager City Presentation regarding species that are more suitable based on climate and local growing conditions.
D4 Development maintains and where possible enhances the existing tree canopy. Where established trees are proposed to be removed, replacement planting should be capable of maintaining at least an equivalent extent of tree canopy coverage at maturity.	The proposal complies. While some trees are to be removed owing to conflicts with the road layout, these losses will be offset by the planting of street trees and embellishment of the parklands.

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D5 Street tree species selection and placement ensure unfettered access to kerbside waste collection for waste service vehicles.	The proposal complies and a condition of consent can be included to ensure species selection adheres to the requirements of Council's Manager City Presentation.
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6.5 Public Domain Design	
D1 Public open space design incorporates, preserves and enhances the existing features of the Visitor Park and Gateway Park, including— (a) remnant tree planting and memorial poplars and tree arcs, (b) the Memorial Garden, and (c) the Old Dairy Building.	The public open space design is consistent with the requirements. The line of poplar trees is retained, as is the memorial garden and Old Dairy Building. These features have been integrated into the design for the linear park embellishment.
D2 The design and delivery of public spaces and buildings support the holistic delivery of the precinct vision and the supporting provisions of the DCP, including in relation to— (a) local character, (b) connecting with Country and cultural wellbeing, (c) public open space, (d) safety and accessibility, (e) wayfinding and legibility, (f) land use and density, (g) street and landscape design, (h) active and public transport, (i) urban heat management, (j) bioretention, groundwater recharge and water quality management, (k) flood and bush fire risk management, (l) biodiversity conservation and vegetation management, (m) urban tree canopy, and (n) water sensitive urban design.	The proposal broadly complies with the matters listed as addressed elsewhere in this assessment.
D3 Public space design provides for the incorporation of smart technologies, including in relation to— (a) security, (b) environmental monitoring, (c) wayfinding, interpretation and education, (d) community notice and public information, (e) lighting, (f) waste management, and (g) other relevant applications.	The proposed open space network is embellished with seating, drinking fountains, waste facilities, play equipment, shading, picnic sheltering and fencing. The layout facilitates wayfinding, interpretation and education, is appropriately illuminated which enhances security, and waste bins are provided in appropriate locations.

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D4 The design and layout of public open space is generally in accordance with— • for the Northern Park—the Northern Park Concept Plan as shown in Figure 19.25 • for the Central Park—the Central Park Concept Plan as shown in Figure 19.26 • for other public open spaces—the Precinct Plan as shown in Figure 19.5.	The design of public spaces is in accordance with the concept plans.
D5 The design and layout of streets and other public spaces promote year-round user comfort, including provision for cool landscapes and shade in summer, solar access in winter and protection from adverse wind effects.	The proposed layout of street is consistent with the requirement. Street trees assist in the provision of shade in summer, and the alignment of the streets has allowed the lots to be appropriately orientated for passive solar benefits. Retention of the mature poplar trees in the linear park and further tree planting along the street edge behind the poplars should assist as a wind break for northerly or southerly winds.
D6 Any waste bins required to service public open space are located within 10 metres of the street to enable efficient and convenient access for waste service providers.	Technical non-compliance. Two sets of waste bins have been located further than 10m from the street. One set is associated with the main playground area near the hangar building while the other is associated with the retained old dairy building. While convenience for collection is relevant, it is considered more important that the placement of bins is in reasonable proximity to active areas where people congregate and linger. In each case the bins have been located beside paved areas/walkways that lead to the street.

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D7 Solar panels and solar light fittings are used for public lighting wherever possible.	Non-compliance. While the proposed street lights are an energy efficient LED design, the proposal does not include any solar panels or solar light fittings. Essential Energy does not have a standard solar streetlight in their approved material list. As the proposal does not include significant new buildings (shade elements being in the form of sails rather than fixed structures) there are minimal opportunities to include solar panels to offset the energy consumption. Freestanding panels would intrude on the landscaping and aesthetics of the design to the detriment of the City entrance. Council could investigate adding solar panels to the hangar building or the old dairy building in due course.
D8 The provision of public furniture, facilities and amenities is relevant to meeting social needs. Where relevant, Council will require an application entailing the provision of public open space, recreation facilities, community facilities or other social infrastructure to be accompanied by a social needs assessment demonstrating that the proposal is in accordance with the social needs of the community. Any assessment is required to be prepared by an appropriately qualified social planner or equivalent expert.	A social needs assessment was provided as part of the Planning Proposal to rezone the land. The design of the current application meets the recommendations of that original assessment.

6.6 Safety and Accessibility	
Surveillance and Crime Prevention	
D4 The design of buildings and places minimises the risk of crime by supporting the CPTED principles, including through— (a) the provision of opportunities for active and passive surveillance, (b) managing and controlling access to high-risk areas, (c) clearly defining the transition between public and private realms, and (d) ensuring materials support ongoing maintenance.	This requirement is primarily related to the subsequent development of housing on the proposed lots. From a subdivision perspective the design includes single loaded perimeter roads that preserve views for residents into public spaces and neighbouring lands, which will contribute positively to crime prevention.

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D5 The edges of public open spaces are framed by streets and accompanying positive address by lots and buildings.	The proposed layout complies with this requirement.
D6 Where Council considers the development to entail potential crime risk, the application is required to include a Safer by Design Audit prepared by a suitably qualified person that addresses— (a) the nature of any crime risks relevant to the development and locality, (b) the strategies to be employed to manage crime risks, and (c) any other matters raised by NSW Police.	The subdivision is not considered to entail crime risk and has included appropriate measures such as perimeter roads and lighting of streets and public spaces. Accordingly, the assessment has not sought a Safer by Design Audit for the subdivision stage of the estate. Future applications for dwelling houses and apartment buildings can, if appropriate, be required to address this measure in more detail.
Outdoor Lighting	
D7 Public lighting— (a) is provided for all streets, key pedestrian routes and public spaces, (b) permits passive surveillance, including facial recognition at the pedestrian scale, (c) supports wayfinding by highlighting key features of the public domain, (d) enhances safety at vehicle and pedestrian conflict points, (e) is coordinated with street tree planting, and (f) employs a range of lighting types suited to their intended functions and locations, including poles, bollards, wall-mounted lights, strip lighting and feature lighting.	The lighting plan submitted with the application complies with the requirements. Staff identified a few instances where light pole placement may conflict with underground assets such as stormwater pits. This has been addressed in the revised plans; however, the applicant has requested that the location of street lights and electricity substations be considered as indicative, with final placement to be confirmed at the subdivision certificate stage. This is broadly supported as it can ensure that each asset is appropriately located while responding to any technical issues encountered during the delivery of the development.
D8 Areas used for night-time activities, including the Hangar Building, are supported by appropriate lighting.	The lighting plan includes lighting of public open space assets, particularly in areas of congregation and along pathways. This includes ample lighting around the Hangar building.
D9 Light spill to surrounding properties is minimised by ensuring outdoor lighting is designed and installed in accordance with AS 4282:2023 Control of the obtrusive effects of outdoor lighting.	Street lighting and lighting of the public open space will have minimal effect on surrounding properties.

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6.7 Landscape Design	
Additional Requirements for Streets and Public Spaces	
D12 Planting on public land achieves the following minimum proportions of native species— • for public road reserves—30% of all trees and understorey planting • for public open space—70% of trees of all trees and understorey planting	Complies as illustrated in the Landscape Plans contained in Appendix G of the Statement of Environmental Effects.
D13 Street verges are turfed with Council approved species, consistent with the preferred species described in Schedule 19-D.	Can be confirmed through conditions of consent
D14 Bioretention basins and wetlands are landscaped with endemic species to create habitats for birds, mammals and micro fauna.	Can be confirmed through conditions of consent.

6.8 Water Sensitive Urban Design	
D1 Development incorporates water sensitive urban design measures, including where relevant— (a) permeable materials for paths and hardstand areas, (b) deep soil zones, (c) on-site retention and reuse of rainwater, including through the use of rainwater tanks, (d) bioretention facilities and basins, (e) wetlands, (f) sediment ponds, and (g) swales.	Complies as illustrated in the Landscape Plans (appendix G) and the Civil Engineering Plans (appendix E) of the Statement of Environmental Effects.

6.9 Legibility and Wayfinding	
D1 All public signage and wayfinding infrastructure is designed and delivered in accordance with Council's adopted wayfinding strategy and signage style guidelines.	Public signage and other wayfinding signs can be conditioned to be consistent with Council's wayfinding strategy and signage style guidelines.
D2 Legibility and wayfinding are supported by public domain design, including the incorporation of language, public views, public art and lighting and interpretive signage supporting the connecting with Country precinct design outcomes.	The proposal is consistent with this requirement.

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D3 The design and delivery of public signage and wayfinding infrastructure— (a) is integrated with the design of streets and public open spaces, and (b) promotes local legibility by supporting key landmarks and views as shown on the Key Landmarks and Views Map.	Street signs and other wayfinding signs can be conditioned to be consistent with councils' wayfinding strategy and signage style guidelines.
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PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)**Demolition of a Building (clause 61)**

The proposal involves the demolition of existing structures and features (above and below ground) including buildings, fences, existing pavement, drainage, signs and 26 trees - as per the Civil Engineering Plans prepared by Colliers. A condition is attached requiring the 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.

Council Related Development (clause 66A)

The application is a Council related development as Council is the land owner.

1) A council-related development application must not be determined by the consent authority unless— (a) the council has adopted a conflict-of-interest policy, and (b) the council considers the policy in determining the application.	Council has adopted a conflict-of-interest policy. Notwithstanding this the development will be determined by the Western Regional Planning Panel.
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BASIX Commitments (clause 75)

BASIX is not applicable to the proposed development.

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THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)

The proposal has been designed to minimise environmental impacts and is supported by comprehensive technical assessments. The site is generally suitable for subdivision, with manageable earthworks and no significant geotechnical constraints. Contamination within localised areas (asbestos and metals) will be removed and validated under the Remedial Action Plan, ensuring that the land is suitable for residential use.

Biodiversity impacts are low due to the highly modified nature of the site, and only minor vegetation removal is required. Fauna impacts will be managed through ecologist-supervised salvage procedures. Stormwater will be managed through a network of basins, wetlands and swales, achieving neutral or beneficial outcomes to downstream waterways and the Suma Park catchment. Flood behaviour remains acceptable, with no adverse downstream impacts.

Bushfire risk has been assessed in accordance with Planning for Bushfire Protection 2019, with all lots capable of achieving compliant BAL ratings. Perimeter roads and open-space areas will serve as low-fuel buffers, and staging arrangements ensure APZ standards are met prior to occupation. Noise and air-quality impacts are limited to construction and manageable through standard controls.

Traffic impacts are acceptable, with the surrounding network able to operate efficiently based on the updated modelling and Road Safety Audit outcomes. Internal roads, utilities and services can be delivered to required standards. The subdivision layout provides appropriate lot orientation, a strong open-space network, walkable street pattern and improved visual amenity along the Mitchell Highway frontage.

Socially and economically, the development will contribute to local housing supply, including affordable housing, and provide enhanced recreational and community spaces for the locality. No significant adverse social or economic impacts are anticipated.

Overall, subject to implementation of the recommended mitigation measures and conditions, the likely impacts of the development are acceptable and capable of being managed to an appropriate level.

THE SUITABILITY OF THE SITE s4.15(1)(c)

The site is well-suited for urban residential development, forming a logical extension of the existing settlement pattern and aligning with Council's strategic planning framework for growth on the eastern side of Orange. The land is predominantly cleared, has manageable topography, and can be fully serviced by existing and proposed water, sewer, stormwater, electricity and telecommunications infrastructure. Environmental constraints, including contamination, minor vegetation, stormwater management and bushfire exposure, have been assessed and can be effectively mitigated through established design measures and conditions of consent. The subdivision layout responds positively to the site's context by providing strong connections to surrounding roads, integrating a significant open-space network, and enhancing visual and environmental outcomes. Overall, the physical characteristics, service availability and strategic context of the land make it highly suitable for the proposed development.

The objectives of the zones are consistent with the outcomes of the proposed development.

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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 two submissions was received. After the exhibition period closed a third submission was received from a potential developer of the neighbouring land at 84 Brabham Way.

<u>The first submission</u> seeks to promote renewable energy, particularly solar panels, and requests that reticulated gas not be installed. The submission nominates that every house has a 5kw system with batteries installed either at each house or in a centralised aggregated form. The submission also encourages the use of heat pumps for hot water supply.	It needs to be noted that many of the issues raised are not directly relevant to a subdivision DA. For example, solar panels, batteries on dwellings and reflective roof colours are matters to be addressed during assessment of the dwellings. While it may be possible to require imposition of covenants on title, these would generally be set aside by clause 1.9A of the LEP. Matters around energy efficiency are already addressed through the BASIX system, and Council's ability to override BASIX with more stringent measures is not established.
<u>The second submission</u> discusses the issues of: • Water management: expressing support for water-sensitive urban design, stormwater pollution controls (important as the site drains to Suma Park Dam), retention/enhancement of the wetland, and inclusion of water cycle strategies. Also suggests considering incentives for rainwater tank installation. • Vegetation and streetscape: Commends alignment with Council's Urban Forest Strategy and inclusion of native species. Suggests further enhancement through free native plants for residents to strengthen biodiversity. • Lot orientation: Praises the design for optimising passive solar access. • Reflective roof colours: Requests consideration of reflective roofing to reduce summer heat (noted in draft DCP but missing in DA). • Active travel and public transport: Emphasises need for good pedestrian/cycle links and prioritised public transport access, given distance from CBD.	Energy related matters in the second submission are dealt with above. Active travel and public transport are facilitated by the road layout which has demonstrated a suitable route for buses to traverse the site. Reflective roof colours are generally not supported by Council. The term "reflective colours" may be interpreted as supporting shiny or glossy materials whereas the term "light colours" are intended to suggest more of a dull or matt finish. Reflective colours may lead to issues of glare impacting on neighbouring resident amenity or potentially distracting drivers. Council does support light colours to address summer heat loads. In either case the roof colour selection is not a relevant matter to the current DA. All dwellings will be subject of separate applications.

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<u>Second submission</u> (cont) • Public open space: Supports provision of parklands, biodiversity enhancement, and community infrastructure such as the community garden. • Energy provision: Criticises the DA for not prohibiting gas connections; argues this is a missed opportunity given environmental and health impacts. • Domestic animals: requests/supports mandatory desexing and containment of cats to protect biodiversity.	Council has not adopted any policy in relation to regulating domestic companion animals other than adhering to the requirements of the Companion Animals Act, eg dangerous dogs, microchipping, registration. The site is not proximate to areas of significant biodiversity. Therefore predation on native animals is unlikely to be significant.
<u>The third submission</u> from a potential developer of neighbouring land at 84 Brabham Way was primarily focussed on the interface between 84 Brabham Way and the subject site on the basis that: • The original design may impede the orderly development of 84 Brabham Way. • The variation in ground levels resulting from the proposed earthworks • Concern the retaining wall and inlet arrangement (originally proposed) may have potential to cause ponding to back up onto the low areas of 84 Brabham Way. • The potential for this development to constrain the development options at 84 Brabham Way with respect to the conveyance and discharge of stormwater flows (even at a pre-development level) into the low point of the common boundary.	The development has been partially redesigned in respect of the common boundary between the subject site and 84 Brabham Way. The new design allows for an indentation of proposed road 4 such that stormwater inlet into the drainage pipes can now occur wholly within the subject site. The sizing of inlets and pipes has been informed by the anticipated flows of 1:100 ARI design event, and modelling has demonstrated that in such events the extent of flooding on 84 Brabham Way will be equivalent to or less than the predevelopment flows. With regard to the change in elevation along the edge of proposed road 4, this has been necessitated in response to the flooding behaviour anticipated on the site. Just as it would be unreasonable for the subject development to impose a flooding constraint on 84 Brabham Way when alternative designs are available, it would be equally unreasonable to require a reduction in development potential of the subject site to facilitate a hypothetical future development of 84 Brabham Way. While the submitter has the option of lodging a Planning Proposal at any time, it should be noted that 84 Brabham Way is currently zoned C3 Environmental Management, with a minimum lot size of 100ha and is not identified in any adopted land use strategy as suitable for rezoning.

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PUBLIC INTEREST s4.15(1)(e)

The development is in the public interest as it delivers much-needed residential land, diverse housing opportunities including affordable housing, and high-quality public open space consistent with Council's strategic growth objectives. Environmental, servicing and safety considerations have been appropriately addressed, and the proposal will contribute positively to community wellbeing, urban design outcomes and local economic activity. Subject to the recommended conditions, the development represents a well-planned and beneficial use of the land that aligns with broader public expectations and planning policy.

The proposal will not be inconsistent with any policy statement, planning study or guideline 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. The proposal is consistent with the zone objectives and compliant with the LEP, site-specific DCP and will not adversely affect the surrounding development.

VOLUNTARY PLANNING AGREEMENT

Appendix Z of the Statement of Environmental Effects provides a letter of offer to enter into a Planning Agreement in accordance with section 7.4 of the Environmental Planning and Assessment Act 1979. The terms of the offer are summarised as follows:

In exchange for excluding the application from Section 7.11 and 7.12 contributions, certain works will be provided by the developer that are intended to provide a greater net benefit to the community than the foregone monetary contribution.

The contributions normally attributable to the development, based on 164 residential lots (158 low density and 6 super lots for medium density development) are as follows:

Facility	Orange Contributions Plan 2024	
	Per subdivided lot or detached dwelling house	Current applicable s7.11 contributions
1 March - 31 May 2026		
Open Space and Recreation	\$2,591.68	\$425,035.52
Community and Cultural	\$339.93	\$55,748.52
Roads and Traffic	\$6,404.43	\$1,050,326.50
Stormwater drainage	\$64.34	\$10,551.76
Plan Preparation and Administration	\$282.01	\$46,249.64
Total	\$9,682.40	\$1,587,913.60

It is noted that the letter of offer quotes different figures, with a total of **\$3,015,028.50** as this was based on 330 dwellings (rather than the lot count) and used the figures from 1 June – 31 August 2025, which have since been updated to reflect inflation. This application is only for the subdivision of land and the creation of the lots. The VPA is therefore effectively capturing future applications for the dwellings (either as Development Applications or Complying Development Certificates) within the scope of agreement.

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The table above shows the current figures for the period 1 March 2026 - to 31 May 2026. Note that with the removal of the affordable housing apartment complex the overall project is now anticipated to deliver 274 dwellings, with 55 of them being affordable housing. This is down from the original 330 and 66 respectively. If the above calculations are instead based on this revised dwelling count, then the total would become \$9,682.40 x 274 dwellings = **\$2,652,977.60**

In either case the actual contribution would be reduced by 3 lots/dwellings to account for the subject site being comprised of 3 existing lots. So, the final contribution amount would be either **\$1,558,866.40** based on proposed lots, or **\$2,623,930.40** based on dwelling count.

The works proposed to compensate for the loss of the above consist of:

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

This represents a net value gain of **\$2,269,904.31** compared to the contributions forgone.

It should be noted that the "Entry Signage" component relates to a temporary sign intended only to promote sales of the lots/stages. Such signage is not considered to represent a community benefit of the kind normally associated with contributions plans and/or planning agreements and should be disregarded. This would reduce the net value gain to **\$1,853,056.31**

Additionally, water and sewer contributions are required by way of a section 307 Certificate of Compliance under the Water Management Act 2000. A condition of consent requiring a section 307 certificate prior to any subdivision certificate has been recommended by Councils engineers.

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Beyond the financial considerations, the proposal represents an opportunity to add 274 dwellings to the housing supply, including 55 affordable housing units to be managed by a registered community housing provider, as well as providing a quality embellished linear parkland on the entrance to the City. While Orange is generally well served by a range of quality parklands, the eastern side of the City including the area of Glenroi has less provision than many other parts of the City.

Under the terms of the Planning Agreement works are to occur in stages, and these are triggered by the release of subdivision certificates for the 51st, 106th, 150th and 194th low density residential lots for stages 1-4 respectively. All stormwater management infrastructure is to be delivered as part of stage 1.

Further details of the planning agreement are the subject of a separate report to Council.

SUMMARY

The proposed development is permissible with the consent of Council. The proposed development complies with the relevant aims, objectives and provisions of Orange LEP 2011 (as amended) and DCP 2004. A section 4.15 assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

COMMENTS

The requirements of the Environmental Health and Building Surveyor and the Engineering Development Section are included in the attached Notice of Approval.