PLANNING & DEVELOPMENT COMMITTEE

AGENDA

2 DECEMBER 2025

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **PLANNING & DEVELOPMENT COMMITTEE MEETING of ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE on Tuesday, 2 December 2025.**

Barry Omundson

CHIEF EXECUTIVE OFFICER

For apologies please contact Executive Support on 6393 8391.

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1 INTRODUCTION

MEMBERS

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

1.1 Apologies and Leave of Absence

1.2 Declaration of pecuniary interests, significant non-pecuniary interests and less than significant non-pecuniary interests

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

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

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

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

RECOMMENDATION

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

2 GENERAL REPORTS

2.1 Items Approved Under the Delegated Authority of Council

RECORD NUMBER: 2025/802
AUTHOR: Ben Hicks, Coordinator Development Assessment

EXECUTIVE SUMMARY

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

LINK TO DELIVERY/OPERATIONAL PLAN

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

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

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

FURTHER CONSIDERATIONS

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

SUPPORTING INFORMATION

Reference:	DA 303/2017(3)	**Determination Date:**	6 November 2025
PR Number	PR27555		
Applicant/s:	Mr N Farrell		
Owner/s:	Polpure Holdings Pty Ltd		
Location:	Lot 201 DP 1227253 - 12B Astill Drive, Orange		
Proposal:	Modification of development consent - resource recovery facility (composting). The modification involved a minor change to the siting and size of the approved Stage 2 shelter structure.		
Value:	Not applicable		

Reference: DA 266/2025(1) **Determination Date:** 24 October 2025
PR Number PR28644
Applicant/s: Ms SM Hill
Owner/s: Ms SM Hill
Location: Lot 501 DP 1263072 - 37 William Street, Orange
Proposal: Restaurant or cafe
Value: Not applicable

Reference: DA 287/2025(1) **Determination Date:** 14 November 2025
PR Number PR23401
Applicant/s: Commins Planview P/L
Owner/s: Mr LW and Mrs EM Bevan
Location: Lot 200 DP 1137942 - 7 Huntley Road, Orange
Proposal: Warehouse or distribution centre and hardware and building supplies (alterations and additions)
Value: $89,300

Reference: DA 302/2025(1) **Determination Date:** 14 November 2025
PR Number PR25970
Applicant/s: Commins PLANVIEW P/L
Owner/s: Mr CH and Mrs MJ Boardman
Location: Lot 98 DP 1180866 - 26 Colliers Avenue, Orange
Proposal: Vehicle Repair Station (ancillary storage shed)
Value: $56,925

Reference: DA 343/2025(1) **Determination Date:** 14 November 2025
PR Number PR30072
Applicant/s: Mr M Paddison
Owner/s: Ploughmans Lane Pty Ltd
Location: Lot 1 DP 1305111 - 1 Clontarf Close, Orange
Proposal: Dual occupancy, subdivision (two lot Torrens title) and retaining walls
Value: $821,329

Reference: DA 363/2025(1) **Determination Date:** 11 November 2025
PR Number PR9815
Applicant/s: BP Australia Pty Ltd
Owner/s: BP Australia Pty Ltd
Location: Lot 1 DP 998018 - 76-82 Peisley Street, Orange
Proposal: Business identification signage (illuminated pylon - logo and fuel grade pricing)
Value: $36,004

Reference:	DA 392/2025(1)	**Determination Date:**	11 November 2025
PR Number	PR7489		
Applicant/s:	Bassman Drafting Services		
Owner/s:	Ayrdale Pty Ltd		
Location:	Lot 1 DP 544211 - 181 March Street, Orange		
Proposal:	Depot (change of use, alterations to existing building and front fence)		
Value:	$88,000		

TOTAL NET* VALUE OF DEVELOPMENTS APPROVED BY THE CEO UNDER DELEGATED AUTHORITY IN THIS PERIOD:	$1,091,558

** **Net** value relates to the value of modifications. If modifications are the same value as the original DA, then nil is added. If there is a plus/minus difference, this difference is added or taken out.*

Additionally, since the November 2025 meeting report period (21 October to 14 November 2025), another 16 development applications were determined under delegated authority by other Council staff with a combined value of $3,564,600.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

RECORD NUMBER: 2025/2434
AUTHOR: Dhawala Ananda, Town Planner

EXECUTIVE SUMMARY

Application lodged	8 August 2025
Applicant/s	Mr M Pasquali
Owner/s	Dinkum Homes (NSW) Pty Ltd
Land description	Lot 2 DP 1274880 - 2 Kalkadoon Place, Orange
Proposed land use	Secondary Dwelling (shed conversion)
Value of proposed development	$41,500.00

Council's consent is sought for conversion of an existing detached shed into a secondary dwelling at 2 Kalkadoon Place, Orange - Lot 2 DP 1274880.

The lot currently contains a single storey detached dwelling house and a detached shed with access from Kalkadoon Place. The proposal involves alterations and additions to the detached shed to convert it to a secondary dwelling.

The secondary dwelling will contain one bedroom, a bathroom, and a combined kitchen, living and dining area, with an internal floor area of approximately 42m². The existing structure will be reclad in timber cladding with new doors and windows installed. No change is proposed to the building's footprint, form or height.

The proposed development is neighbour notified development pursuant to Council's Community Participation Plan 2019 and Schedule 1 of the *Environmental Planning and Assessment Act 1979*. At the completion of the exhibition period two submissions had been received, raising concerns relating to building and site design, neighbourhood character, privacy, noise and drainage.

These matters have been considered in detail in the assessment report. In summary, the shed structure is existing and has formed part of the site for some time. Its conversion will not introduce new built form or change established relationships with adjoining properties. The single-storey height, existing boundary fencing and established vegetation maintain acceptable levels of visual screening and privacy.

While the materiality will differ from the surrounding brick dwellings, the shed has always been visually distinct, and the recladding works will not create new impacts. Noise associated with the development will be typical of residential use, and construction activity will be subject to standard conditions. No changes are proposed to the existing stormwater drainage arrangements.

The proposed development is consistent with the planning provisions applying to the land and the nature of the use. It represents a modest and low-impact form of infill housing that makes effective use of an existing building with limited physical or environmental impacts.

Approval is recommended.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place



Figure 1 - locality plan

DECISION FRAMEWORK

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

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

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

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

DIRECTOR'S COMMENTS

The proposal seeks to convert an existing detached shed into a secondary dwelling, approximately 42m² in size. The proposal is consistent with the secondary dwelling provisions of the State Environmental Planning Policy (Housing) 2021, which seeks to encourage diverse housing types and make greater use of existing residential land.

Notification was undertaken for 14 days, which resulted in two submissions against the proposal. Those concerns raised, have been addressed through design and layout, noting that the proposal is small in nature and is likely to only increase the occupancy of the site by one or two people.

The proposed development is consistent with the planning provisions applying to the land and the nature of the use. It represents a modest and low-impact form of infill housing that makes effective use of an existing building and has limited physical or environmental impacts. Impacts of the proposal are further reduced given it is located on a battleaxe allotment and is unable to be viewed from the street.

Based on the above, approval of the development application is appropriate.

LINK TO DELIVERY/OPERATIONAL PLAN

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

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council consents to development application DA 312/2025(1) for *Secondary Dwelling (shed conversion)* at Lot 2 DP 1274880 - 2 Kalkadoon Place, Orange pursuant to the conditions of consent in the attached Notice of Approval.

FURTHER CONSIDERATIONS

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

Service/Project Delivery	Approval or refusal may affect infrastructure demands, service planning or community expectations.
Financial	Decisions may lead to financial implications through infrastructure contributions, legal appeals or compensation claims
Reputation/Political	The outcome may attract public or political scrutiny, especially if perceived as inconsistent or contentious.
Environment	The application may have environmental impacts - positive or negative - depending on the nature of the development.
Compliance	The decision must align with planning legislation, regulation and controls and Council policies to avoid legal risk.
People & WHS	Development activities may introduce safety risks for workers, residents or the broader community.
Information Technology/ Cyber Security	Systems used to assess and manage the application must ensure data integrity and secure handling of sensitive information

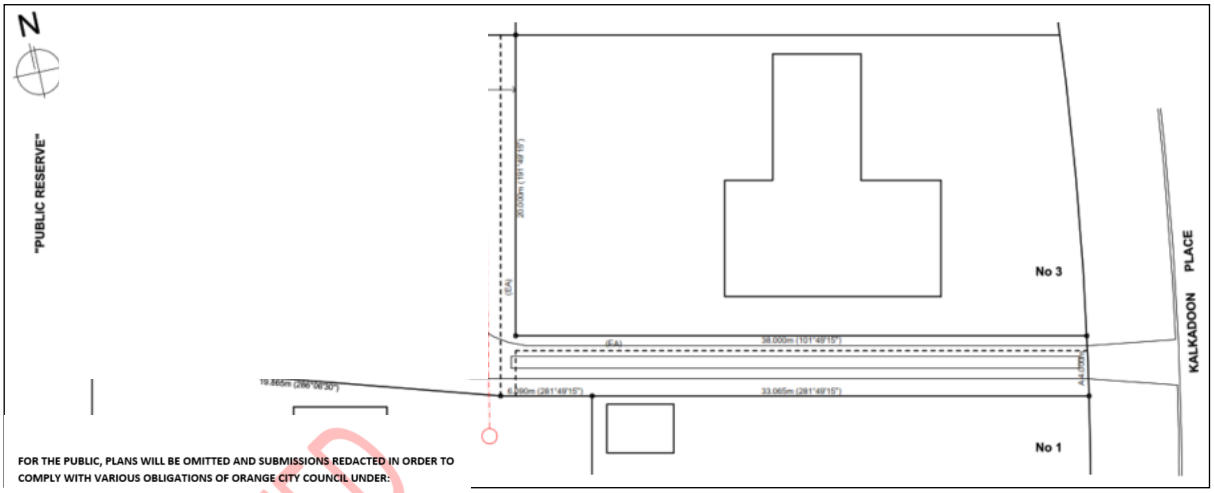
2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

SUPPORTING INFORMATION

THE PROPOSAL

The proposal involves alterations and additions to the shed to convert it to a secondary dwelling. The secondary dwelling is proposed to have a floor area of approximately 42m^2 and will contain one bedroom, one bathroom and a combined open plan kitchen, living and dining. The secondary dwelling is located on a battleaxe lot.

The proposed site plan and floor plan is shown in Figures 2 and 3 respectively.



ure 2 - proposed site plan

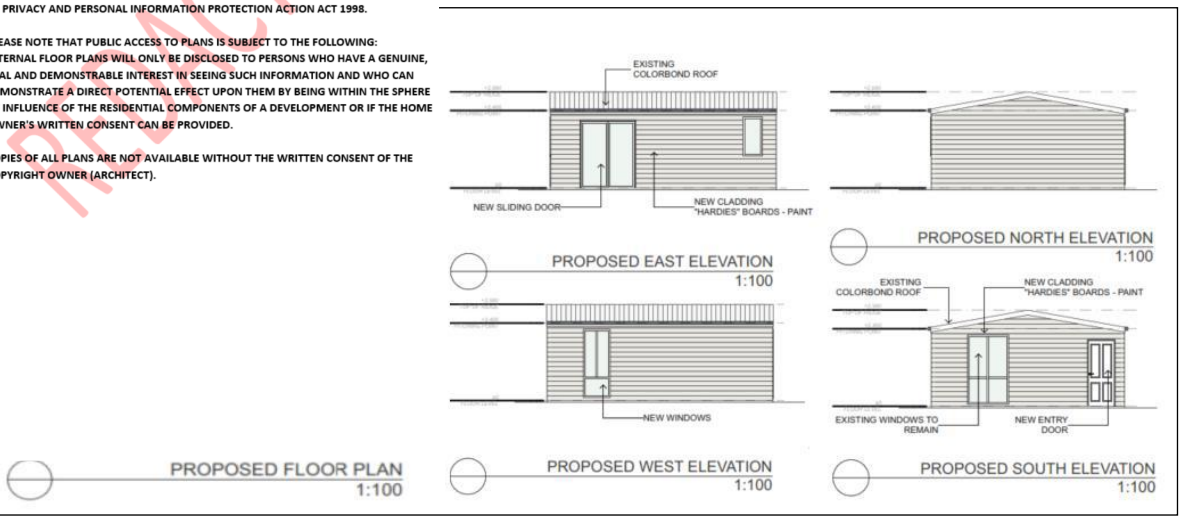


Figure 3 - proposed floor plan and elevations

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

SITE VISIT



MATTERS FOR CONSIDERATION

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

Section 1.7 of the EP&A Act identifies that Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 have effect in connection with terrestrial and aquatic environments.

There are four triggers known to insert a development into the Biodiversity Offset Scheme (i.e. the need for a BDAR to be submitted with a DA):

- Trigger 1: development occurs in land mapped on the Biodiversity Values Map (OEH) (clause 7.1 of BC Regulation 2017);
- Trigger 2: development involves clearing/disturbance of native vegetation above a certain area threshold (clauses 7.1 and 7.2 of BC Regulation 2017); or
- Trigger 3: development is otherwise likely to significantly affect threatened species (clauses 7.2 and 7.3 of BC Act 2016).

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

The fourth trigger (development proposed to occur in an Area of Outstanding Biodiversity Value (clause 7.2 of BC Act 2016) is generally not applicable to the Orange LGA; as no such areas are known to occur in the LGA. No further comments will be made against the fourth trigger.

Summary

The site does not occur within land mapped on the Biodiversity Values map, or it does not reach the clearance threshold to trigger requirements for a BDAR. As the proposal does not trigger any four requirements for insertion into BOS, a Biodiversity development Assessment Repot is not required to be lodged.

Section 4.15

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)

Orange Local Environmental Plan 2011

Part 1 - Preliminary

Clause 1.2 - Aims of Plan

The broad aims of the LEP are set out under Subclause 2. Those relevant to the application are as follows:

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

(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,

(e) to provide a range of housing choices in planned urban and rural locations to meet population growth,

The application is considered to be consistent with the applicable aims of the plan.

Clause 1.6 - Consent Authority

This clause establishes that, subject to the Act, Council is the consent authority for applications made under the LEP.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

Clause 1.7 - Mapping

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

Land Zoning Map:	**Land zoned R1 General Residential**
Lot Size Map:	No Minimum Lot Size
Heritage Map:	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:	Not within the drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Flood Planning Map:	Not within a flood planning area

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

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions:

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any relevant instrument under Section 13.4 of the Crown Land Management Act 2016, or

(c) to any conservation agreement under the National Parks and Wildlife Act 1974, or

(d) to any Trust agreement under the Nature Conservation Trust Act 2001, or

(e) to any property vegetation plan under the Native Vegetation Act 2003, or

(f) to any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995, or

(g) to any planning agreement under Subdivision 2 of Division 7.1 of the Environmental Planning and Assessment Act 1979.

Council staff are not aware of the title of the subject property being affected by any of the above.

Part 2 - Permitted or Prohibited Development

Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table

The subject site is located within the R1 General Residential Zone. The proposed development is defined as a Secondary Dwelling under OLEP 2011 and is permitted with consent for this zone. This application is seeking consent.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

Clause 2.3 of LEP 2011 references the Land Use Table and Objectives for each zone in LEP 2011. These objectives for land zoned R1 General Residential Zone are as follows:

Objectives of zone R1 General Residential

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.*
- *To ensure that development along the Southern Link Road has an alternative access.*

The proposed development will provide for housing needs within the subject area. It is considered that the proposal is consistent with the relevant objectives of the zone.

Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards

This part is not applicable to the proposed development as the application does not involve any provisions or development standards under this section.

Part 5 - Miscellaneous Provisions

Clause 5.4 - Controls Relating to Miscellaneous Permissible Uses

This clause contains various development standards that apply to specific types of development. Relevantly the clause requires:

Secondary dwellings on land other than land in a rural zone: the total floor area of the dwelling, excluding any area used for parking, must not exceed 60m² or 50% of the floor area of the principal dwelling (whichever is the greater)

In this regard the proposed secondary dwelling will comprise a floor area of 42m^2 which is consistent with this requirement.

Part 6 - Urban Release Area

Not relevant to the application. The subject site is not located in an Urban Release Area.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

Part 7 - Additional Local Provisions

7.3 - Stormwater Management

This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied that the proposal:

(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water

(b) includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water; and

(c) avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

There is no change to the existing stormwater management of the site. There is no increase in hardstand or roofed surfaced as a result of the proposal and therefore post development runoff levels will not exceed the predevelopment levels.

7.6 - Groundwater Vulnerability

This clause seeks to protect hydrological functions of groundwater systems and protect resources from both depletion and contamination. Orange has a high water table and large areas of the LGA, including the subject site, are identified with "Groundwater Vulnerability" on the Groundwater Vulnerability Map. This requires that Council consider:

(a) whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and

(b) the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.

Furthermore, consent may not be granted unless Council is satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact,

(c) if that impact cannot be minimised - the development will be managed to mitigate that impact.

The proposal is for residential development and 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.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

Clause 7.11 - Essential Services

Clause 7.11 applies and states:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) storm water drainage or onsite conservation,

(e) suitable road access.

In consideration of this clause, all utility services are available to the land and adequate for the proposal.

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

Chapter 3 Diverse housing

Part 1 Secondary dwellings

52 Development may be carried out with consent

(1) Development to which this Part applies may be carried out with consent.

(2) Development consent must not be granted for development to which this Part applies unless -

(a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and

(b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and

(c) the total floor area of the secondary dwelling is -

(i) no more than 60m^2, or

(ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.

In relation to the clause 52(1) of the *SEPP (Housing) 2021*, consent is sought for the development of a secondary dwelling by converting the existing shed/garage within the R1 General Residential zone.

In relation to Clause 52(2) of the *SEPP (Housing) 2021*, the proposed development, upon completion, will comprise only the principal dwelling and the secondary dwelling. The total floor area of the proposed secondary dwelling is 42m², which is well within the maximum permissible floor area of 60m².

The proposal satisfies the requirements of Clause 52 of the *SEPP (Housing) 2021*, and as such, the development is considered acceptable with respect to this provision.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 - Remediation of Land

4.6 - Contamination and Remediation to be Considered in Determining Development Application

(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.

The proposed development is located within an established residential area. The structure was previously used for storage associated with the residential use of the land. Council is not aware of any activities on the site that may have resulted in contamination. On this basis, no further investigation is considered necessary, and the site is regarded as suitable for the proposed development.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION 4.15(1)(a)(ii)

There are no draft Environmental Planning Instruments currently on exhibition that relate to the subject land or proposed development.

DESIGNATED DEVELOPMENT

The proposed development is not designated development.

INTEGRATED DEVELOPMENT

The proposed development is not integrated development.

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

Orange Development Control Plan 2004

The Orange Development Control Plan 2004 (ODCP) applies to the site (Part 7). An assessment of the development against the relevant Planning Outcomes will be undertaken below.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

DCP 07 - Development in Residential Areas

PO 7.7-1 PLANNING OUTCOMES - NEIGHBOURHOOD CHARACTER	
1	Site layout and building design enables the: - creation of attractive residential environments with clear character and identity; - use of site features such as views, aspect, existing vegetation and landmarks.
2	Buildings are designed to complement the relevant features and built form that are identified as part of the desired neighbourhood character.
3	The streetscape is designed to encourage pedestrian access and use.

The proposed development aligns well with the planning outcomes. The secondary dwelling is reuse of an existing building present within the streetscape, this supports the preservation of the streetscape's character and contributes positively to the broader neighbourhood ambiance.

The secondary dwelling is accessible from Kalkadoon Place.

PO 7.7-2 PLANNING OUTCOMES – BUILDING APPEARANCE	
1	The building design, detailing and finishes relate to the desired neighbourhood character, complement the residential scale of the area and add visual interest to the street.
2	The frontage of buildings and their entries address the street.
3	Garages and car parks are sited and designed so that they do not dominate the street frontage.

The proposed secondary dwelling is single-storey and consistent with the prevailing built form in the locality. Although the materiality differs from the surrounding brick and tile dwellings, this is a characteristic of the existing outbuilding, and the recladding will improve its appearance.

The proposed secondary dwelling does not face the street but is accessible via the driveway to Kalkadoon Place. The secondary dwelling is located on a battleaxe lot.

The existing garage is maintained for the primary dwelling and the access to Kalkadoon Place via driveway remains.

PO 7.7-4 PLANNING OUTCOMES – SETBACKS	
1	Street setbacks contribute to the desired neighbourhood character, assist with integration of new development and make efficient use of the site.
2	Street setbacks create an appropriate scale for the street considering all other streetscape components.

The proposed secondary dwelling will be contained within the existing shed on the site, which is to be converted for residential use. The existing building setbacks will be retained.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

PO 7.7-5 PLANNING OUTCOMES – FENCES AND WALLS	
1	Front fences and walls: - assist in highlighting entrances and creating a sense of identity within the streetscape. - are constructed of materials compatible with associated housing and with fences visible from the site that positively contribute to the streetscape - provide for facilities in the street frontage area such as mail boxes.

The principal dwelling located on the battleaxe lot has established side, rear and front fences and a mailbox.

No new boundary fences or fencing between principal and secondary dwellings are proposed.

ENERGY EFFICIENCY

Council's Energy Smart Homes Code is deemed to form part of this DCP. The Energy Smart Homes Code endeavours to optimise naturally comfortable housing with reduced energy consumption. This approach maximises environmental benefits and minimises energy costs for residents.

A BASIX Certificate has been prepared. The proposed dwelling will comply with the relevant provisions in respect of water, thermal comfort and energy. The proposed development is considered satisfactory in terms of Council's Energy Efficiency Code.

PO 7.7-6 PLANNING OUTCOMES – VISUAL BULK	
1	Built form accords with the desired neighbourhood character of the area with: - side and rear setbacks progressively increased to reduce bulk and overshadowing; - site coverage that retains the relatively low-density, landscaped character of residential areas; - building form and siting that relates to land form, with minimal land shaping (cut and fill); - building height at the street frontage that maintains a comparable scale with the predominant adjacent development form; - building to the boundary where appropriate.

The proposed secondary dwelling is identified to be within the visual bulk envelope (VBE) as shown in Figures 7 and 8 below. The site coverage is proposed to remain the same as no increase in the floor area of any buildings.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

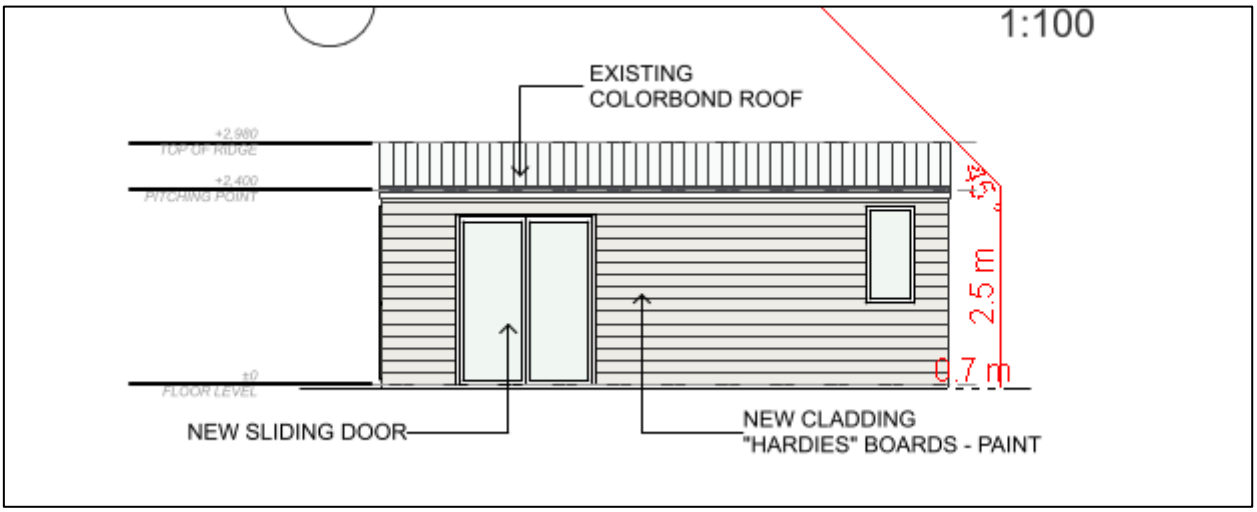


Figure 4 – VBE northern elevation

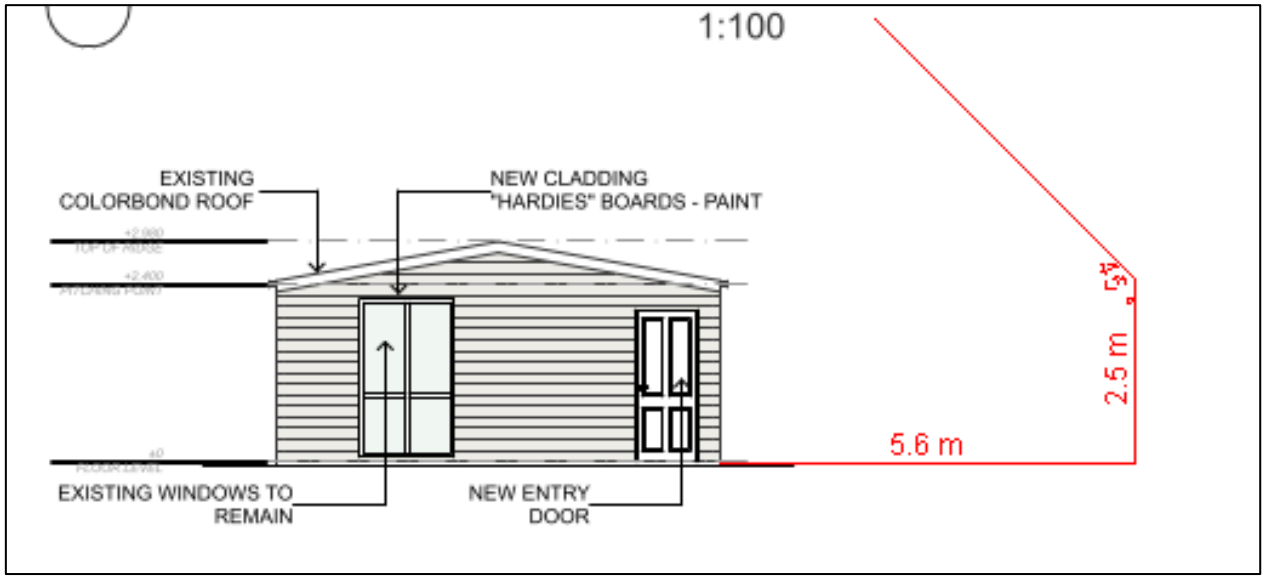


Figure 5 – VBE eastern elevation

PO 7.7-7 PLANNING OUTCOMES - WALLS AND BOUNDARIES	
1	Building to the boundary is undertaken to provide for efficient use of the site taking, into account: - the privacy of neighbouring dwellings and private open space; - the access to daylight reaching adjoining properties; - the impact of boundary walls on neighbours.

The development does not propose to alter or change the existing fences around the site; it does not reduce the amount of daylight that reaches adjoining properties or unreasonably impact upon their privacy.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

PO 7.7-8 PLANNING OUTCOMES - DAYLIGHT AND SUNLIGHT	
1	Buildings are sited and designed to ensure: - daylight to habitable rooms in adjacent dwellings is not significantly reduced; - overshadowing of neighbouring secluded open spaces or main living-area windows is not significantly increased; - consideration of Council's Energy Efficiency Code.

The proposed secondary dwelling does not reduce the amount of sunlight afforded to the private open space of the dwelling to the east or the existing dwelling within the subject land. This is primarily attributed to the fact that the building is existing and that there is no material change to its footprint.



Figure 6 - POS

PO 7.7-9 PLANNING OUTCOMES - VIEWS	
1	Building form and design allow for residents from adjacent properties to share prominent views where possible.
2	Views including vistas of heritage items or landmarks, are not substantially affected by the bulk and scale of new development.

Due to the setting and surrounding development, there are no prominent views or landmarks that would be adversely affected by the proposed development.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

PO 7.7-10 PLANNING OUTCOMES – VISUAL PRIVACY	
1	Direct overlooking of principal living areas and private open spaces of other dwellings is minimised firstly by: - building siting and layout; - location of windows and balconies; and secondly by: - design of windows or use of screening devices and landscaping.

The proposed secondary dwelling includes a bedroom window that faces the private open space of the primary dwelling. Due to site constraints, the layout of the secondary dwelling cannot feasibly be altered to relocate the bathroom to the west and the bedroom to the east, as this would create difficulties in connecting to the existing sewer main.

The applicant has confirmed that the proposed bedroom window will be fitted with obscure glazing to maintain visual privacy between the two dwellings. The living room windows of the secondary dwelling are oriented to the east, overlooking its own private open space and not directly facing the existing primary dwelling.

Privacy in relation to neighbours

The proposed secondary dwelling involves the conversion of an existing shed on the property. The adjoining neighbours are located to the north, north-east, and east. The north-eastern and eastern neighbours are well separated from the proposed development by existing landscaping and a 1.8-metre-high boundary fence, which provides adequate screening.

The northern neighbour will not be adversely affected in terms of visual privacy, as the dwelling is situated at a higher finished floor level. Additionally, no windows are proposed along the northern elevation of the proposed secondary dwelling.

PO 7.7-11 PLANNING OUTCOMES - ACOUSTIC PRIVACY	
1	Site layout and building design: - protect habitable rooms from excessively high levels of external noise; - minimise the entry of external noise to private open space for dwellings close to major noise sources; - minimise transmission of sound through a building to affect other dwellings.

Ambient noise levels are low due to the predominant residential land use pattern.

The subject site is a battleaxe lot and is not located in close proximity to any major noise generating sources.

The principal and secondary dwellings do not share a wall.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

PO 7.7-12 PLANNING OUTCOMES - SECURITY	
1	The site layout enhances personal safety and minimises the potential for crime, vandalism and fear.
2	The design of dwellings enables residents to survey streets, communal areas and approaches to dwelling entrances.

The site layout is acceptable having regard to the security planning outcomes. The subject lot is a battleaxe configuration, and the proposed secondary dwelling does not increase these risks. No windows of the dwelling face Kalkadoon Street; however, the layout maintains clear lines of sight within the private property. The design does not impede residents' ability to monitor communal areas or approaches to dwelling entrances.

PO 7.7-13 PLANNING OUTCOMES - PUBLIC TRANSPORT	
1	Residential unit development is accessible to public transport.

The proposal is considered to be satisfactory in this regard. The subject land is located within an area serviced by public bus routes.

PO 7.7-14 PLANNING OUTCOMES – CIRCULATION DESIGN	
1	Accessways and parking areas are designed to manage stormwater.
2	Accessways, driveways and open parking areas are suitably landscaped to enhance amenity while providing security and accessibility to residents and visitors.
3	The site layout allows people with a disability to travel to and within the site between car parks, buildings and communal open space.

The proposal is considered satisfactory with respect to circulation design. The subject lot is a battleaxe configuration, and the ingress and egress of vehicles will continue to operate in a forward direction, consistent with typical manoeuvring arrangements for such lots. Sufficient landscaping is provided alongside the driveway, ensuring a functional and visually appropriate circulation layout.

PO 7.7-15 PLANNING OUTCOMES - CAR PARKING	
1	Parking facilities are provided, designed and located to: - enable the efficient and convenient use of car spaces and accessways within the site; - reduce the visual dominance of car-parking areas and accessways.
2	Car parking is provided with regard to the: - number and size of proposed dwellings; - requirements of people with limited mobility or disabilities.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

The primary dwelling provides two undercover car parking spaces in the attached garage. In relation to the proposed secondary dwelling, there is adequate space to accommodate an additional vehicle on the existing driveway directly in front of the secondary dwelling, ensuring sufficient onsite parking for both dwellings.

PO 7.7-16 PLANNING OUTCOMES – PRIVATE OPEN SPACE	
1	Private open space is clearly defined for private use.
2	Private open space areas are of a size, shape and slope to suit the reasonable requirements of residents, including some outdoor recreational needs and service functions.
3	Private open space is: - capable of being an extension of the dwelling for outdoor living, entertainment and recreation; - accessible from a living area of the dwelling; - located to take advantage of outlooks and to reduce adverse impacts of overshadowing or privacy from adjoining buildings; - orientated to optimise year-round use.

The secondary dwelling will have direct access from its living area to private open space of approximately 30 m², inclusive of a compliant 5m-by-5m useable area. This space is level, clearly defined for the exclusive use of the secondary dwelling and capable of functioning as an extension of the internal living areas for outdoor living and recreation.

The principal dwelling retains sufficient private open space in the form of established lawn and alfresco areas located adjacent to its main living area. The proposal therefore provides appropriate and functional POS for both dwellings in accordance with the planning outcomes.

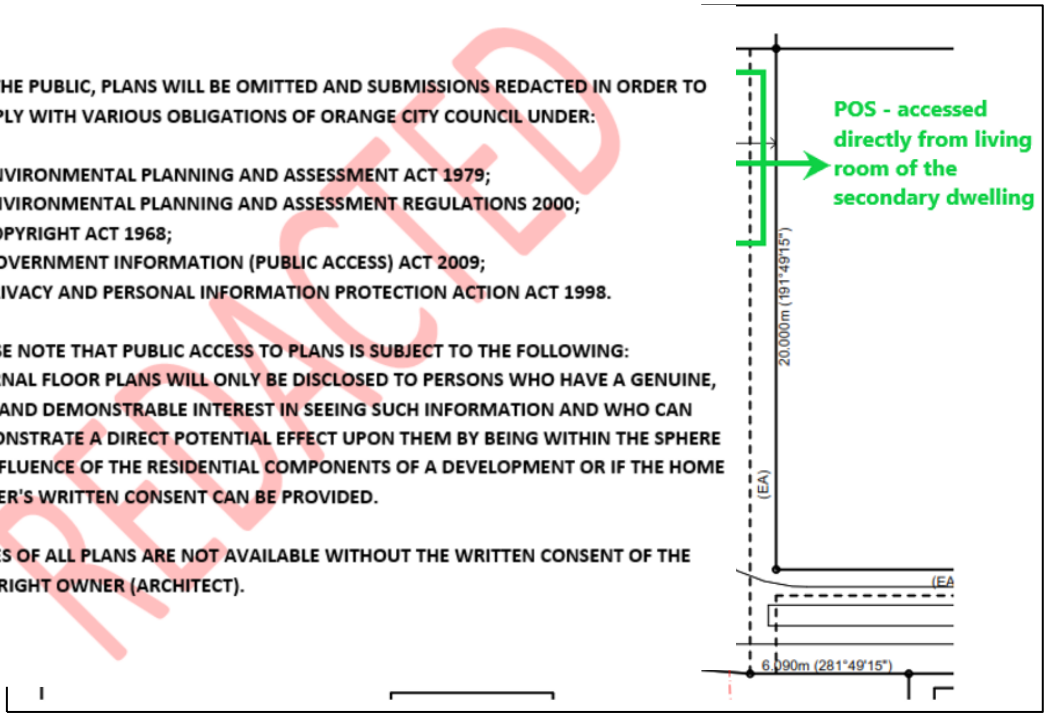


Figure 7 – Private open space areas for the principal dwelling (red) and secondary dwelling (green)

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

PO 7.7-17 PLANNING OUTCOMES – OPEN SPACE AND LANDSCAPING	
1	The site layout provides open space and landscaped areas which: - contribute to the character of the development by providing buildings in a landscaped setting; - provide for a range of uses and activities including stormwater management; - allow cost-effective management.
2	The landscape design specifies landscape themes consistent with the desired neighbourhood character and vegetation types and location, paving and lighting are provided for access and security.
3	Major existing trees are retained and protected in a viable condition whenever practicable through appropriate siting of buildings, accessways and parking areas.
4	Paving is applied sparingly and integrated in the landscape design.

The site layout provides open space and enhanced landscaped area which contributes positively to the character of the streetscape. The proposal does not involve the removal or disturbance of the existing and established vegetation within the site.

The subject site offers existing landscaping, and no additional landscaping is required.

PO 7.7-18 PLANNING OUTCOMES - STORMWATER	
1	On-site drainage systems are designed to consider: - downstream capacity and the need for on-site stormwater retention, detention and re-use; - scope for on-site infiltration of water; - safety and convenience of pedestrians and vehicles; - overland-flow paths.
2	Provision is made for on-site drainage which does not cause damage or nuisance flows to adjoining properties.

It is proposed that stormwater from the development will continue to be conveyed to the street as is presently the situation.

PO 7.7-19 PLANNING OUTCOMES - EROSION AND SEDIMENT CONTROL	
1	Measures implemented during construction to ensure that the landform is stabilised and erosion is controlled.

An erosion and sediment control plan are required to be prepared as part of the engineering design plans for the development.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

DEVELOPMENT CONTRIBUTIONS

Section 7.11 Development Contributions

Development contributions are applicable to the proposed development, pursuant to *Orange Development Contributions Plan 2024* (Remainder of LGA) as follows:

Open Space and Recreation	one-bedroom dwelling @ $1,323.37	1,341.61
Community and Cultural	one-bedroom dwelling @ $173.58	175.97
Roads and Traffic Management	one-bedroom dwelling @ $2,919.83	2,960.10
Stormwater Drainage	one-bedroom dwelling @ $31.57	33.31
Plan Preparation and Administration	one-bedroom dwelling @ $133.49	135.33
TOTAL:		**$4,646.32**

The contribution will be indexed quarterly in accordance with Orange Development Contributions Plan 2024 - 1 December 2025 – 28 February 2026 (Remainder of LGA), which may be inspected at the Orange Civic Centre, Byng Street, Orange.

Section 64 Water and Sewer Headworks Charges

The headworks charges for water, sewer and drainage works apply to the proposal. The contributions are based on water supply headworks and sewerage headworks for a 1-bedroom dwelling.

PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

Demolition of a Building (clause 61)

The proposal involves the demolition of a few existing doors and windows present on shed. 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 involves a change of building use for an existing building. Council is satisfied that the fire protection and structural capacity of the building are appropriate for the proposed new building use. Relevant conditions are attached.

Buildings to be Upgraded (clause 64)

Upgrading of the building will be required to ensure the existing building is brought into partial or total conformity with the Building Code of Australia. Conditions are attached in relation to the required upgrading works.

BASIX Commitments (clause 75)

A BASIX Certificate has been submitted in support of the proposed development.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

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

The development has been assessed against the provisions of the OLEP and ODCP, with consideration given to matters including vehicular access, parking, privacy, solar access, and building and site design. Environmental matters including groundwater vulnerability, stormwater management and contamination have also been addressed.

Construction impacts would be minimal. Any impacts are expected to consist of typical construction-related noise and dust, which are temporary in nature, occur within standard construction hours, and are managed through conditions of consent.

The development is not anticipated to result in any perceptible adverse social or economic impacts on the locality. The proposal will contribute modestly to local housing supply and generate minor, short-term construction-related employment.

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

The development is appropriate for the locality as it is permissible with consent, and the site is suitable for occupation by the development as it is located on suitably zoned R1 General Residential.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15(1)(d)

The proposed development is defined as "notified development" under the provisions of the Community Participation Plan. The application was notified for the prescribed period of 14 days and at the end of that period two submissions were received in relation to this development.

A summary of the issues raised in the submissions, along with Council's assessment response, is provided below.

Issue: Neighbourhood Character and Architectural Compatibility

The proposed secondary dwelling is a Colorbond shed, inconsistent with the surrounding brick veneer homes. The architectural style does not align with the established residential aesthetics of the cul-de-sac. The shed was originally built as a garage and not intended for residential use. The design does not contribute to an attractive residential area and disrespects the long-established neighbourhood character.

Assessment Response

The proposed secondary dwelling at 2 Kalkadoon Place is compatible with the existing character and land use of the neighbourhood. Secondary dwellings are a permitted and complementary use within the R1 General Residential Zone, and the proposal aligns with the planning intent for this area. The structure in question is an existing building located on a battleaxe site, and its conversion will not alter the interface with adjoining properties, aside from the recladding of external walls.

Detached ancillary structures/outbuildings are common in the Kalkadoon Place area, and the proposed dwelling reflects this pattern. Its location on a battleaxe allotment ensures it remains outside the public domain view, preserving the streetscape. The design and siting of the dwelling have been carefully considered to avoid overlooking, overshadowing, or visual encroachment on neighbouring properties. As such, the proposal will neither detract from nor dominate the prevailing-built form and character of the neighbourhood.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

Issue: Privacy and Proximity Concerns

The proposed dwelling is within approximately 2m of a neighbour's master bedroom. The rear wall is only 600mm from the boundary fence. Alfresco area faces directly into neighbouring properties, compromising privacy. Increased occupancy will affect the privacy of lawn areas and open spaces of surrounding homes. The dwelling is too close to side boundaries, further compromising privacy.

Assessment Response

The proposed secondary dwelling has been designed to minimise impacts on neighbouring properties. No windows on the rear or northern elevation directly overlook the neighbouring private open space. The rear wall, 600mm from the boundary, contains no openings, and the west-facing bedroom window will be fitted with obscure glazing.

The living area is oriented towards the secondary dwelling's own private open space, and existing 1.8m high fencing and landscaping provide additional screening. The development does not significantly increase occupancy or adversely impact neighbouring lawns or open space. Overall, the design maintains visual privacy and is consistent with relevant planning outcomes.

Issue: Noise and Amenity Impacts

Existing residents have caused disturbances between 11:30pm and 1:30am. Outdoor entertaining is likely to generate excessive noise. The alfresco area directly faces neighbouring homes, amplifying noise concerns.

Assessment Response

The development is consistent with typical residential use, and no unusual or excessive noise-generating features are proposed/expected. The living room is facing the secondary dwelling's private open space rather than directly facing neighbouring properties. Existing 1.8m high fencing and landscaping will provide visual and acoustic screening.

Issue: Site Layout, Access, and Overcrowding

The site is a battleaxe block with limited usable space. Approximately 150m² of the site is dedicated to driveway, reducing effective site coverage. Communal exterior areas may become overcrowded. The 38m inclined driveway is not pedestrian-friendly and passes close to existing residences. Parking is already limited, and the new dwelling may worsen congestion and pedestrian safety.

Assessment Response

The proposed secondary dwelling has been designed to suit the constraints of the battleaxe lot while maintaining functional site layout and safe access. Although a large portion of the site is allocated to the driveway, sufficient private open space remains for both dwellings, and communal areas are appropriately scaled to avoid overcrowding.

The driveway design ensures safe vehicular access, and existing landscaping provides separation from neighbouring properties. Adequate onsite parking is available, including two spaces for the primary dwelling and an additional driveway space for the secondary dwelling, maintaining parking capacity without impacting surrounding streets. The proposal is consistent with typical battleaxe lot arrangements and does not create unreasonable pedestrian or vehicular safety risks.

2.2 Development Application DA 312/2025(1) - 2 Kalkadoon Place

Issue: Environmental and Drainage Concerns

Increased building footprint may hinder natural stormwater infiltration. Potential for localised flooding due to reduced permeable surface area.

Assessment Response

The proposed secondary dwelling retains sufficient landscaped areas to allow natural stormwater infiltration. Stormwater will connect to the existing drainage system, ensuring no increased risk of flooding to neighbouring properties.

PUBLIC INTEREST s4.15(1)(e)

The proposal will not be inconsistent with any policy statement, planning study or guideline that has not been considered in this assessment. There are no aspects of the proposal that will be contrary to the welfare or well-being of the general public.

INTERNAL REFERRAL ADVICE

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

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.

ATTACHMENTS

1 Draft Notice of Determination, D25/139739⇩
2 Plans, D25/136662⇩
3 Submissions (redacted), D25/136661⇩

ORANGE CITY COUNCIL

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA 312/2025(1) PAN-559139
Applicant	Marco Pasquali 173 LORDS PLACE ORANGE 2800
Description of development	Secondary Dwelling (garage conversion)
Property	2 KALKADOON PLACE ORANGE 2800 2/-/DP1274880
Determination	Approved Consent Authority - Council
Date of determination	10/11/25
Date from which the consent operates	2/12/25
Date on which the consent lapses	2/12/30

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

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1. To ensure compliance with relevant statutory requirements.
2. To ensure the utility services are available to the site and adequate for the development.
3. To provide adequate public health and safety measures.
4. To prevent the proposed development having a detrimental effect on adjoining land uses.
5. To comply with the Environmental Planning and Assessment Act 1979.
6. The proposal will reasonably satisfy local and state planning controls.
7. The proposal development will be consistent with the zone objectives and principal development standards.
8. The proposal development will complement the existing or desired future character of the area.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Ben Hicks
Acting Manager Development Assessment
Person on behalf of the consent authority

For further information, please contact Dhawala Ananda / Senior Planner

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Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	**Approved plans and supporting documentation**
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise. **Project name: Proposed conversion of existing shed to granny flat; Project No: 25-067; Drawing numbers: DA01, DA02, DA03, DA04, DA05, DA06 (6 sheets); Drawn by designsatm, dated October 2025.** In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.
	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.
2	**Development and subdivision works requirements**
	All of the following conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All engineering work required by the following conditions is to be completed prior to the issue of an Occupation or Subdivision Certificate, unless stated otherwise.
	Condition reason: To comply with Council's Development and Subdivision Code.
3	**National Construction Code**
	All building work must be carried out in accordance with the provisions of the National Construction Code.
	Condition reason: To ensure compliance with relevant statutory requirements.

Building Work

Before issue of a construction certificate

4	**Obtain a section 307 Certificate of Compliance**
	Submit an application to Council under section 305 of the Water Management Act 2000 to obtain a section 307 Certificate of Compliance. The Application for a 307 Certificate under section 305 Water Management Act 2000 form can be found on Councils website. A section 307 Certificate must be obtained prior to the issue of any Construction Certificate.
	Condition reason: To comply with relevant statutory requirements.
5	**Section 68 application - water and sewer**
	An approval under Section 68 of the *Local Government Act* is to be sought from Orange City Council, as the Water and Sewer Authority, for water, sewer and stormwater connection. Details concerning the proposed backflow prevention between the nominated water tank supply and the potable system are to be provided. No plumbing and drainage is to commence until approval is granted.
	Condition reason: To ensure the utility services are available to the site and adequate for the development.
6	**Structural certification for additional loads**
	A qualified practising registered structural engineer must provide structural certification to Council (where Council is the Accredited Certifier) verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the National Construction Code (previously known as Building Code of Australia) prior to a construction certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building, including its performance under earthquake actions (AS1170.4).
	Condition reason: To ensure the existing structure can support the new loads.
7	**Contributions - payment of development contributions**
	The payment of **$4,646.32** must be made to Council in accordance with Section 7.11 of the Act and Orange Development Contributions Plan 2024 (Remainder of LGA) toward the provision of the following public facilities:

Open Space and Recreation	one-bedroom dwelling @ $1,323.37	1,341.61
Community and Cultural	one-bedroom dwelling @ $173.58	175.97
Roads and Traffic Management	one-bedroom dwelling @ $2,919.83	2,960.10
Stormwater Drainage	one-bedroom dwelling @ $31.57	33.31
Plan Preparation and	one-bedroom dwelling @ $133.49	135.33

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Administration		
TOTAL:		**$4,646.32**

The contribution will be indexed quarterly in accordance with Orange Development Contributions Plan 2024 (Remainder of LGA) - 1 December 2025 - 28 February 2026, which may be inspected at the Orange Civic Centre, Byng Street, Orange.

Condition reason: Because the development will require the provision of, or increase the demand for public amenities and services.

Before building work commences

8	**Appoint PC**
	Appoint Principal Certifier. The person having the benefit of the development consent and a construction certificate shall: (a) Appoint a Principal Certifier and notify Council of the appointment (if Council is not appointed) and, (b) Notify Council of their intension to commence the erection of the building (at least two (2) day's notice is required) The Principal Certifier shall determine when inspections and compliance certificates are required.
	Condition reason: To ensure compliance with relevant statutory requirements.
9	**Construction certificate required**
	A construction certificate must be obtained from Council or an accredited certifier at least two (2) days prior to any building or ancillary work commencing. Where the construction certificate is obtained from an accredited certifier, the determination and all appropriate documents must be notified to Council within seven (7) days of the date of determination.
	Condition reason: To ensure compliance with Section 6.7 of the Environmental Planning and Assessment Act 1979, and Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
10	**No commencement until details received**
	The construction works the subject of this development consent MUST NOT be commenced until:

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	(a) Detailed plans/specifications of the building have been endorsed with a construction certificate by: (i) the Council, or (ii) a registered certifier, and (b) The person having the benefit of the development consent: (i) has appointed a Principal Certifier, and (ii) has notified the Council of the appointment, and (c) The person having the benefit of the development consent has given at least two (2) day's notice to the Council of the person's intention to commence the erection of the building; and (d) Builder's name and licence number has been supplied to Council or the Principal Certifier; or (e) Owner Builder's permit issued by Department of Fair Trading to be supplied to Council or the Principal Certifier; and (f) Home Building Compensation Fund (HBCF) has been paid and a copy of the Certificate supplied to Council or the Principal Certifier; and (g) A sign has been erected onsite in a prominent position containing the information prescribed by Clause 98A(2) and (3) of the EP&A Regulations, being the name, address and telephone number of the Principal Certifier for the work, name of the principal contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained onsite while work is being carried out and removed when the work has been completed.
	Condition reason: To ensure compliance with relevant statutory requirements.
11	**Onsite toilet**
	A temporary onsite toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available onsite.
	Condition reason: To provide adequate public health and safety measures.

During building work

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12	**Adjustments to utility services**
	Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
	Condition reason: To comply with Councils Development and Subdivision Code.
13	**Hours of work - construction**
	All construction work on the site is to be carried out between the hours of 7am and 6pm Monday to Friday inclusive, 7am to 5pm Saturdays, and 8am to 5pm Sundays and Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
	Condition reason: To ensure compliance with relevant statutory requirements.
14	**Protection of the Environment Operations Act - material delivery**
	All materials onsite or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material, or when disposing of waste products, or during any other activities likely to pollute drains or watercourses.
	Condition reason: To protect waterways from pollution by stockpiled or placed construction materials.
15	**Visual Privacy (Western Elevation Window)**
	The window on the western elevation shall be fitted with obscure glazing to maintain visual privacy between the proposed secondary dwelling and principal dwelling.
	Condition reason: This measure ensures that overlooking into primary dwelling private open space is prevented.

Before issue of an occupation certificate

16	**No use or occupation without occupation certificate**
	No person is to use or occupy the building or alteration that is the subject of this approval with the prior issuing of an occupation certificate.
	Condition reason: To ensure compliance with the Building Code of Australia.
17	**Section 68 final - water and sewer**

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	Where Orange City Council is not the Principal Certifier, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Orange City Council and a compliance certificate issued, prior to the issue of an occupation certificate.
	Condition reason: To ensure the utility services are available to the site and adequate for the development.

Occupation and ongoing use

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

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the *Conditions of development consent: advisory notes*. The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

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

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Dictionary

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

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

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.
Building work means any physical activity involved in the erection of a building.

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

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

Council means ORANGE CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

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

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

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

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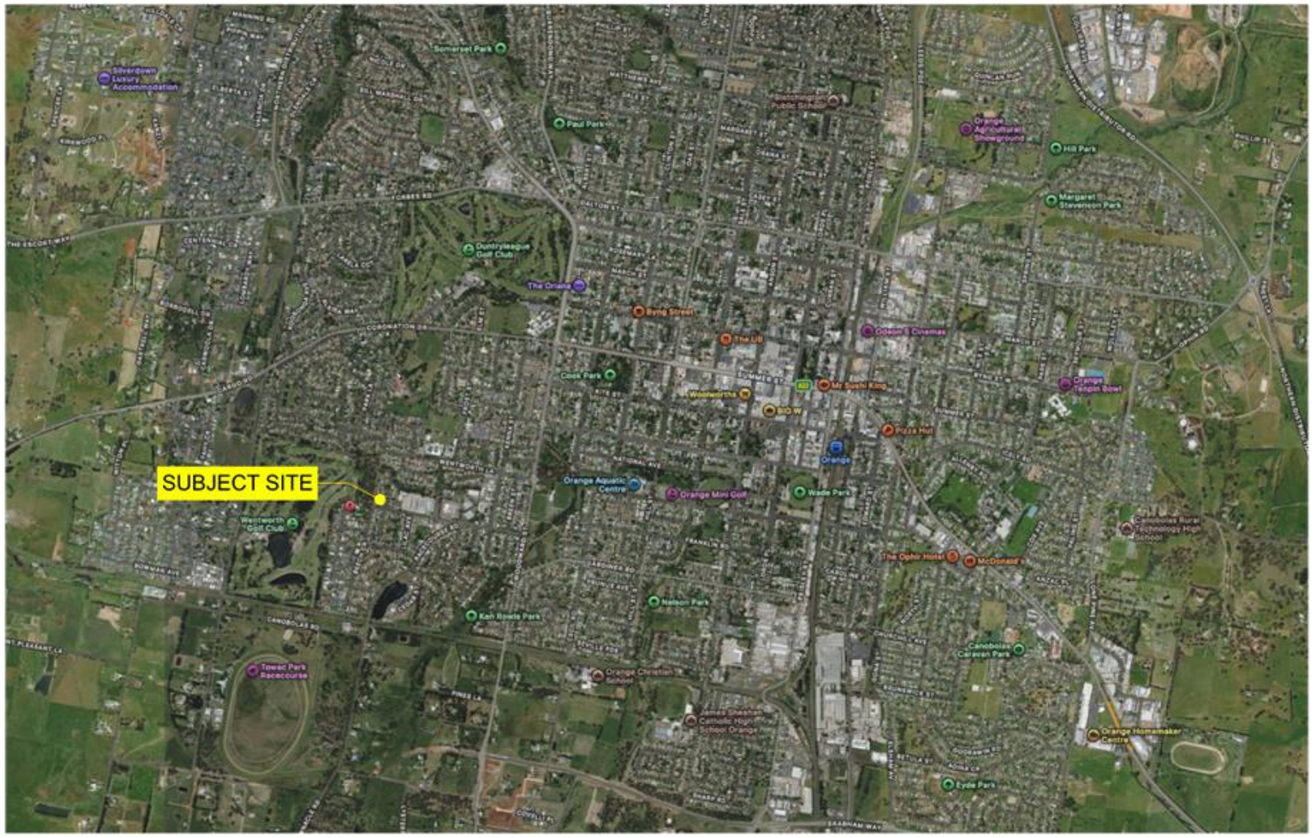
Stormwater drainage system means all works and facilities relating to:

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

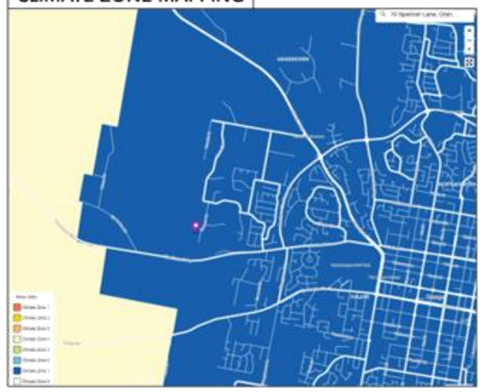
Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

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

DRAFT



CLIMATE ZONE MAPPING



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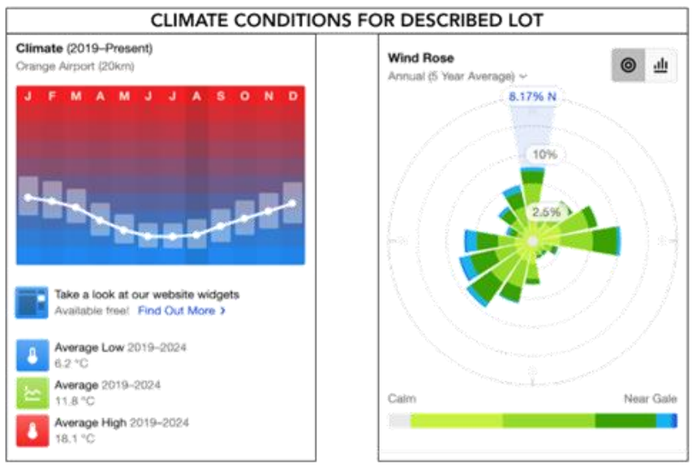
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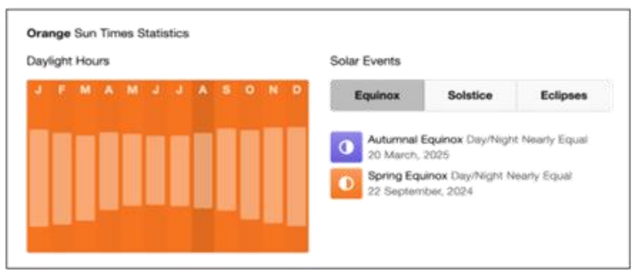
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CLIMATE CONDITIONS FOR DESCRIBED LOT







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Drawn | Checked |

Client I. ZHANG

Site: 2 KALKADOON PLACE ORANGE
LOT2 - DP1274880

DEVELOPMENT APPLICATION
Locality Map

DRAWING TITLE :

PROPOSED CONVERSION OF EXISTING SHED TO GRANNY FLAY

PROJECT NAME :

DA01

DRAWING NO.

PROJECT NO. **25-067**
DATE: October 2025

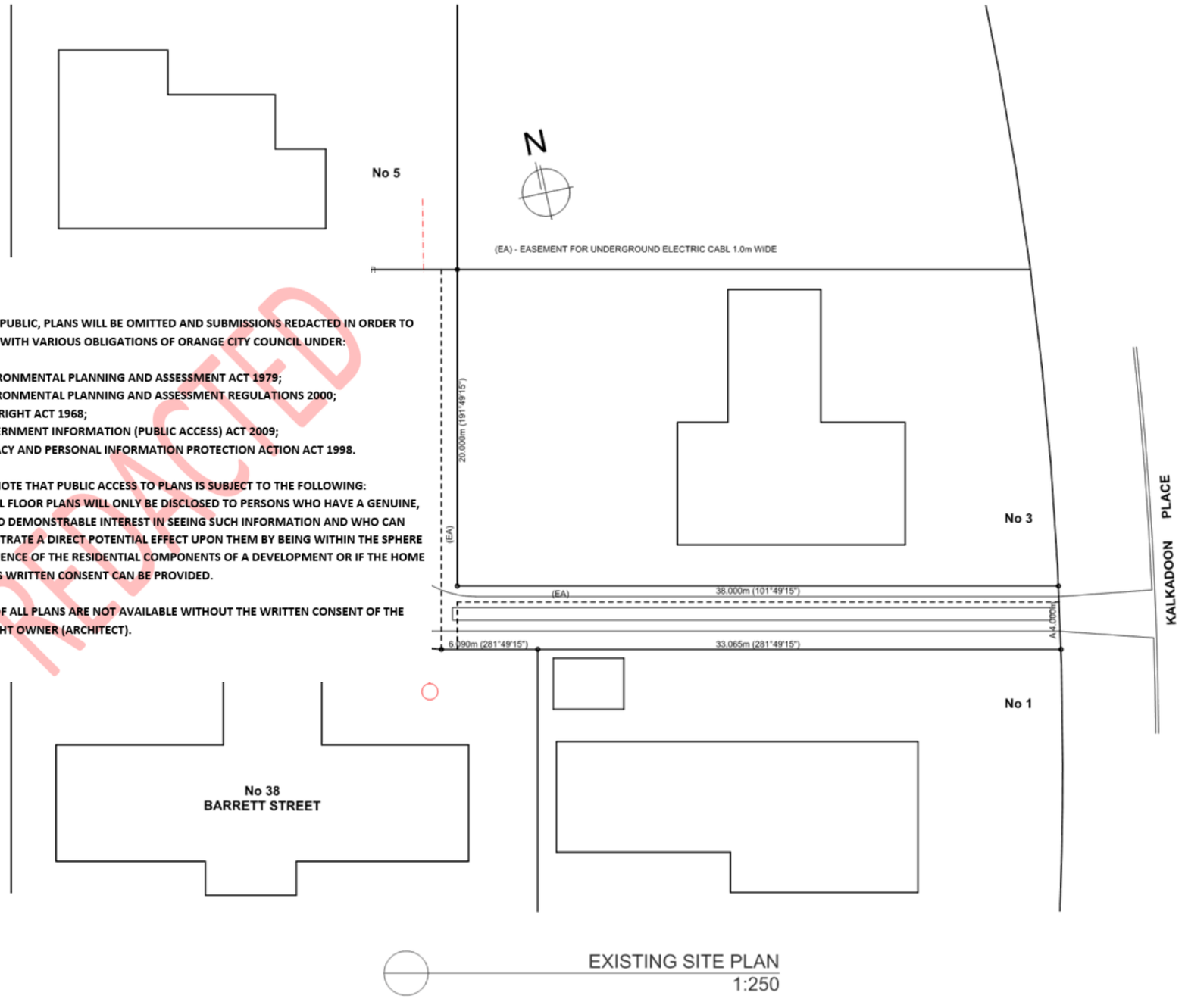
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EXISTING SITE PLAN
1:250

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Client I. ZHANG

Site: 2 KALKADOON PLACE ORANGE LOT2 - DP1274880

DEVELOPMENT APPLICATION
Existing Site Plan

DRAWING TITLE :

PROPOSED CONVERSION OF EXISTING SHED TO GRANNY FLAY

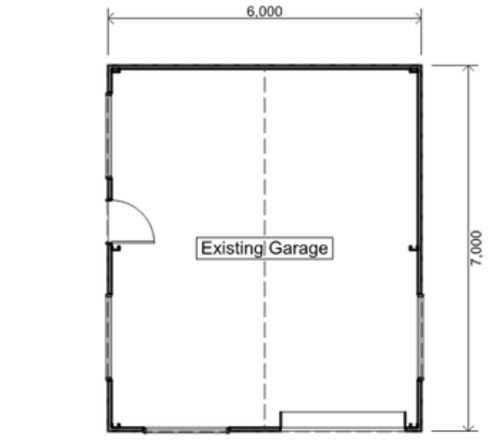
PROJECT NAME :

DA02

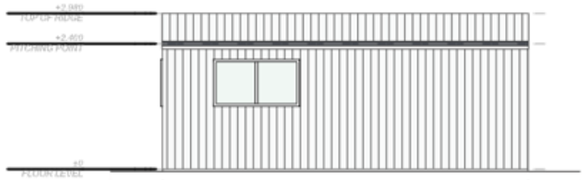
DRAWING NO.

PROJECT NO. 25-067
DATE: October 2025





EXISTING FLOOR PLAN
1:100



EXISTING EAST ELEVATION
1:100



EXISTING NORTH ELEVATION
1:100



EXISTING WEST ELEVATION
1:100



EXISTING SOUTH ELEVATION
1:100

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Client I. ZHANG

Site: 2 KALKADOON PLACE ORANGE LOT2 - DP1274880

DEVELOPMENT APPLICATION
Existing Plan & Elevations

DRAWING TITLE :

PROPOSED CONVERSION OF EXISTING SHED TO GRANNY FLAY

PROJECT NAME :

DA03

DRAWING NO.

PROJECT NO. **25-067**

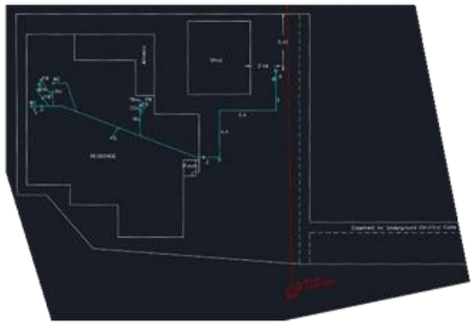
DATE: October 2025

BASIX commitments:

Shower head rating	3 star
Toilet rating	4 star
Kitchen taps	4 star
Bathroom taps	4 star
Alternate water	3,000L rainwater tank (min.) & 42m2 roof area connected
Alternate water connections	WC, washing machine, 1 external tap
HWS	Electric storage
Cooling – living	AC (EER>3.5)
Heating – living	AC (EER>3.5)
LED lights	Throughout
Bath fan	Ducted, manual on/off
Kitchen range hood	Ducted, manual on/off
Laundry fan	Nil
Hot plates / oven	Electric / Electric
Solar PV	6.6kW (min.)
Clothesline	Outdoor

Thermal Efficiency summary:

Roof	Medium (SA >0.475<0.70) & reflective sarking
Ceiling insulation	R5.0
External wall insulation	R2.7
Internal wall insulation	R2.5 (internal walls shared with bathroom)
Floor insulation	Nil
Infiltration	Draught stoppers & foam seals on external door. Draught stoppers on all exhaust fans.
Downlights	Downlights to be IC-F rated to permit coverage with insulation.
Window / glass door type	Double glazed sliding composite frame U=3.40 & SHGC=0.53 (+or- 5%) (or equivalent)
Front door	Solid timber (glass panels <25% of door area)



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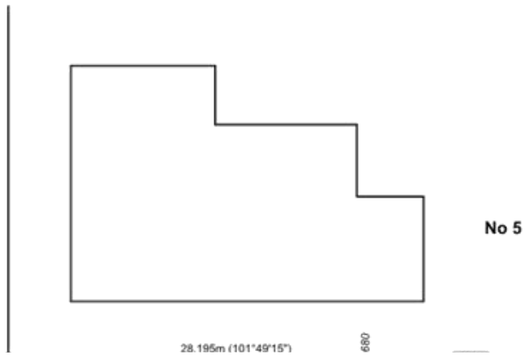
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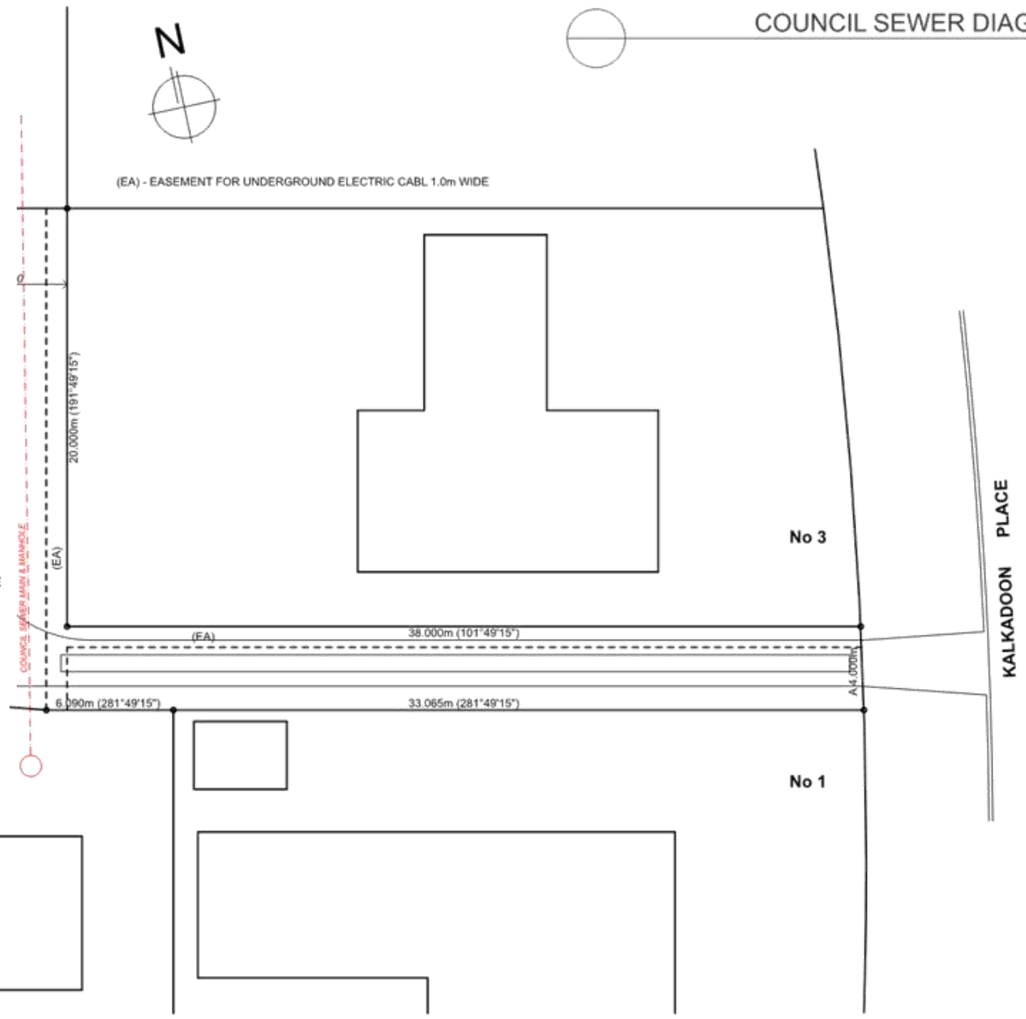
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COUNCIL SEWER DIAGRAM
1:500



PROPOSED SITE PLAN
1:250

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Client I. ZHANG

Site: 2 KALKADOON PLACE ORANGE LOT2 - DP1274880

DEVELOPMENT APPLICATION
Proposed Site Plan

DRAWING TITLE :

PROPOSED CONVERSION OF EXISTING SHED TO GRANNY FLAY

PROJECT NAME :

DA04
DRAWING NO.

PROJECT NO. 25-067
DATE: October 2025

N

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BASIX commitments:

Shower head rating	3 star
Toilet rating	4 star
Kitchen taps	4 star
Bathroom taps	4 star
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Alternate water connections	WC, washing machine, 1 external tap
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Heating – living	AC (EER>3.5)
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Kitchen range hood	Ducted, manual on/off
Laundry fan	Nil
Hot plates / oven	Electric / Electric
Solar PV	6.6kW (min.)
Clothesline	Outdoor

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Ceiling insulation	R5.0
External wall insulation	R2.7
Internal wall insulation	R2.5 (internal walls shared with bathroom)
Floor insulation	Nil
Infiltration	Draught stoppers & foam seals on external door. Draught stoppers on all exhaust fans.
Downlights	Downlights to be IC-F rated to permit coverage with insulation.
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PROPOSED FLOOR PLAN
1:100

EXISTING
COLORBOND ROOF

NEW SLIDING DOOR

NEW CLADDING
"HARDIES" BOARDS - PAINT

PROPOSED EAST ELEVATION
1:100

PROPOSED NORTH ELEVATION
1:100

NEW WINDOWS

PROPOSED WEST ELEVATION
1:100

EXISTING
COLORBOND ROOF

NEW CLADDING
"HARDIES" BOARDS - PAINT

EXISTING WINDOWS TO
REMAIN

NEW ENTRY
DOOR

PROPOSED SOUTH ELEVATION
1:100

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Client I. ZHANG

Site: 2 KALKADOON PLACE ORANGE LOT2 - DP1274880

DEVELOPMENT APPLICATION
Proposed Plan & Elevations

DRAWING TITLE :

PROPOSED CONVERSION OF EXISTING SHED TO GRANNY FLAY

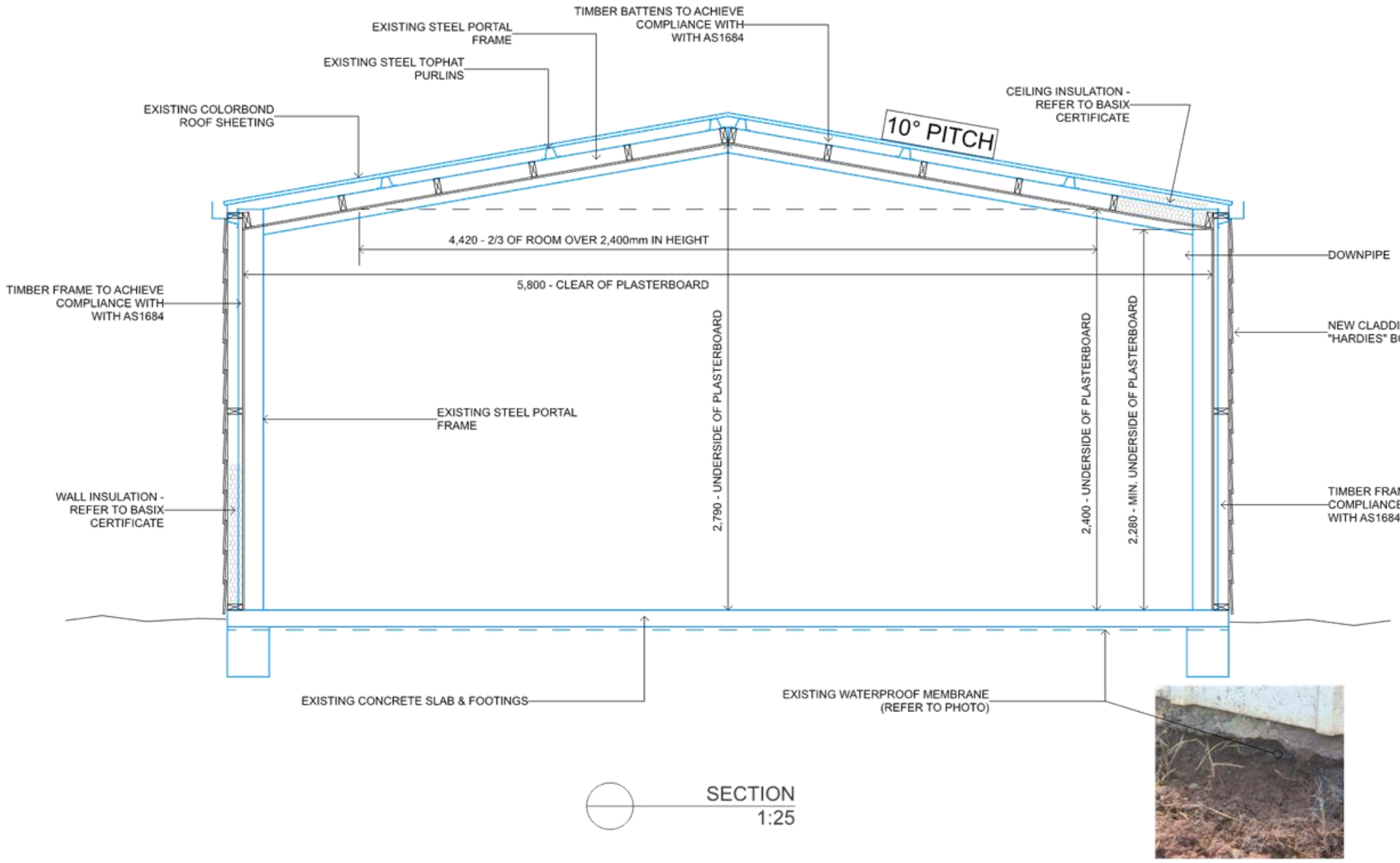
PROJECT NAME :

DA05

DRAWING NO.

PROJECT NO. **25-067**

DATE: October 2025



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Client I. ZHANG

Site: 2 KALKADOON PLACE ORANGE LOT2 - DP1274880

DEVELOPMENT APPLICATION
Section

DRAWING TITLE :

PROPOSED CONVERSION OF EXISTING SHED TO GRANNY FLAY

PROJECT NAME :

DA06

DRAWING NO.

PROJECT NO. **25-067**
DATE: October 2025

Submission 1

FORMAL OBJECTION TO - APPLICATION for DEVELOPMENT CONSENT

Application No. - DA312/2025 (1)

Proposal – Secondary Dwelling (shed conversion)

Lot/DP – Lot 2 DP 1274880

Address – 2 Kalkadoon Place, Orange 2800

General Manager Orange City Council,

We are writing to express our **Objection** to the proposed DA as detailed above on the grounds of conflicting opinions to numerous design elements as outlined in the submitted DA currently before council for approval.

1.The building design does not assist with the creation of an attractive residential area – the proposed dwelling is an existing Colourbond shed which is to be converted to a living area. The existing neighbourhood is in a very well-established area comprising primarily of owner/occupied, brick veneer 3 / 4-bedroom family homes in a private, leafy cul-de-sac which backs onto Wentworth reserve and Wentworth Golf course.

2. The proposal will not complement the existing neighbourhood character – The communal exterior living areas may potentially become overcrowded in an already compact area considering a significant portion of the stated "Total Site Coverage" of buildings includes approx. 150m^2 dedicated solely to driveway. This site is a battleaxe block with already a very large home built close to boundary.

3. The proposal is **NOT** easily accessible to pedestrians – there is a 38-meter incline driveway from the street which passes directly by two existing private residences.

4. The proposal is currently constructed of Colourbond iron sheets in an established neighbourhood of brick veneer homes. The proposed shed was already on the block when purchased as a double garage shed.

5. The total size coverage of all buildings on the site being less than 60% of the total land area, does not consider the fact a considerable proportion of that area is dedicated to driveway being approx. 150m^2.

6. The privacy of the neighbouring dwellings has not been taken into consideration – the proposal will be within approx. 2m of closest neighbour's

7. The rear wall of the proposal is 600mm from the boundary fence.

8. The proximity of the proposal to neighbouring dwellings is such that it will adversely affect the privacy of such dwellings.

9. The proposal is currently of Colourbond iron on the exterior façade in a well-established neighbourhood of brick veneer homes.

10. The privacy of the neighbouring dwellings and open spaces will be drastically compromised – we have already had several encounters with the existing new dwelling residents regarding excessive noise between the hours of 11:30pm and 1:30am with the alfresco area facing directly towards our residence. The privacy of the lawn areas of all existing neighbours will be compromised by the increase of potential inhabitants of Kalkadoon place if the proposal is approved. This shed is going to be a standalone separate dwelling with a separate services meter to the current dwelling on the site. There is already a car space issue on the street and driveway. This new proposed separate dwelling on the small block will create more of an issue with parking and safe pedestrian access.

11. Excessive noise has already been an issue on several occasions with confrontations between the hours of 11:30pm and 1:30am occurring. The alfresco area of the dwelling 2 Kalkadoon place faces the long-established dwelling of Kalkadoon place.

12. Private open space **has not** been taken into consideration with the beautiful aspect of Wentworth reserve and Wentworth Golf Course being overlooked to instead face directly into several existing neighbours' private open spaces.

13. Excessive noise generated when people are entertaining outdoors.

14. The new building footprint and occupancy may now be too large to accommodate natural stormwater infiltration creating localised flooding risks.

15. The dwelling is too close to a side boundary leaving compromising existing neighbours' privacy.

16. The architectural style is completely out of step with the prevailing pattern of the street and disrespects the long-established neighbourhood with little to no consideration for the privacy of those residents in proximity.

Regards

TO: OCC CEO

Submission 2

OBJECTION TO DA 312/2025(1) LOT2 DP1274880 SECONDARY DWELLING

The conversion of the garage will add to noise and privacy issues that already exist.
The small site is impractical for the number of vehicles now without the creation of more accommodation.
The proposed development is detrimental to kalkadoon plc and neighbours

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Certificate No 0012088506

BASIX commitments:

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Toilet rating	4 star
Kitchen taps	4 star
Bathroom taps	4 star
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Kitchen range hood	Ducted, manual on/off
Laundry fan	Nil
Hot plates / oven	Electric / Electric
Solar PV	6.6kW (min.)
line	Outdoor



- 2 KALKADOON PLC IS ALREADY BUILT OUT FOR ACCOMODATION. THE PREVIOUS TENANT HAD 5 CARS AND MANY VISITORS WITH CARS.
- THE EXISTING DWELLING HAS WRONG ORIENTATION.- NO PRIVACY.
- THE PROPOSED DWELLING TO CLOSE TO BOUNDARY FOR PRIVACY.
- MORE PEOPLE ON THIS SMALL SITE CREATS MORE PROBLEMS.

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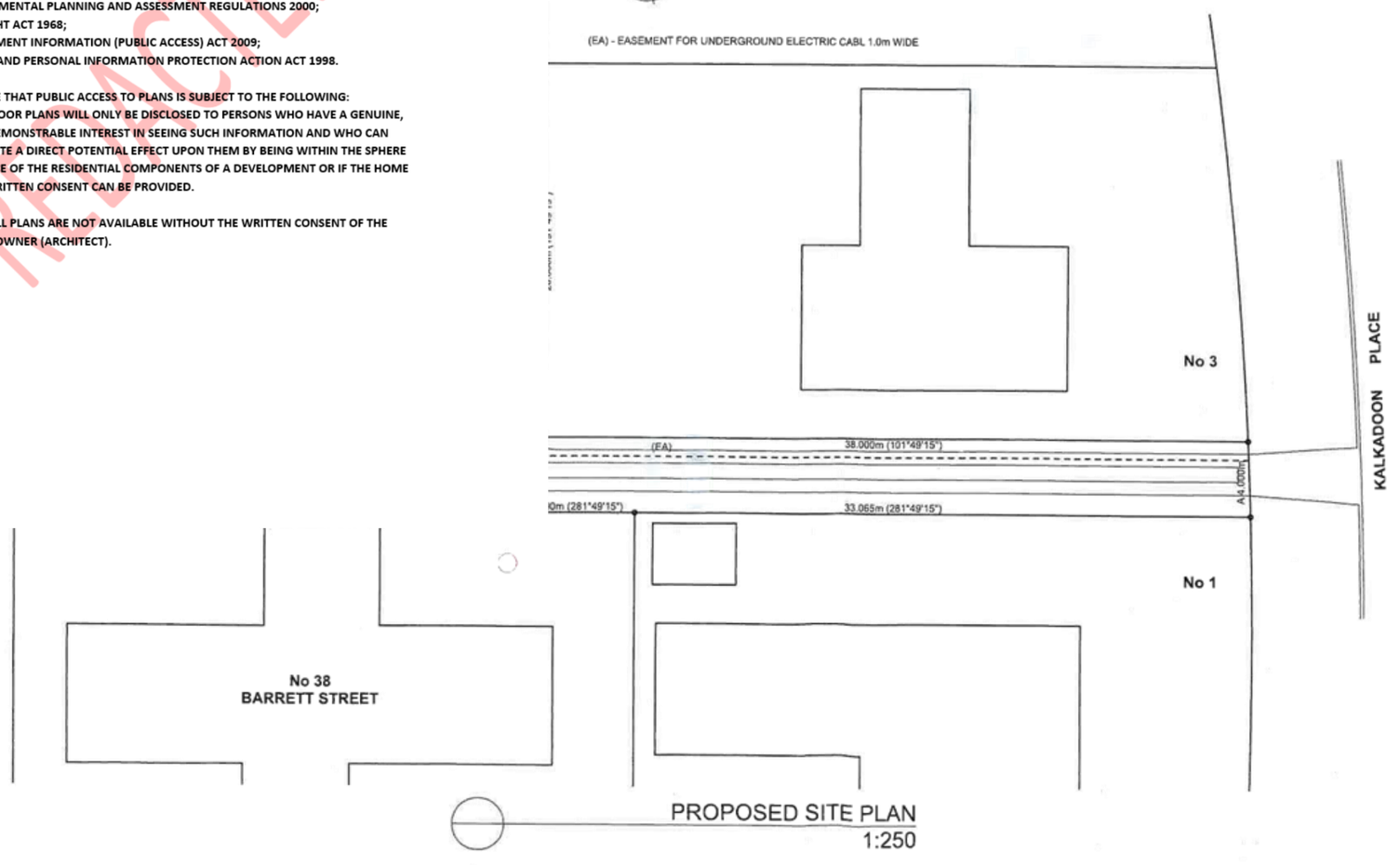
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PROPOSED SITE PLAN
1:250

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Client

Site: 2 KALKADOON PLACE ORANGE LOT2 - DP1274880

DEVELOPMENT APPLICATION
Proposed Site Plan

DRAWING TITLE:

PROPOSED CONVERSION OF EXISTING SHED TO GRANNY FLAY

PROJECT NAME:

DA04

DRAWING NO.

PROJECT NO. 25-067
DATE: July 2025

2.3 Development Application DA 761/2024(1) - 25 Lone Pine Avenue

RECORD NUMBER: 2025/2357
AUTHOR: Kate Yates, Senior Planner

EXECUTIVE SUMMARY

Application lodged	3 January 2025
Applicant/s	EDPR Australia Pty Ltd
Owner/s	Mr RD and Mrs JS Carney
Land description	Lot 143 DP669179 - 25 Lone Pine Avenue, Orange
Proposed land use	Electricity Generating Works (solar farm) and Battery Energy Storage System (BESS)
Value of proposed development	$7,677,087.71 (excluding GST)

The development application seeks consent for Electricity Generating Works (solar farm) and Battery Energy Storage System (BESS), at 25 Lone Pine Avenue, Orange.

Council is advised that pursuant to Section 2.19(1) and Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, the proposal qualifies as regionally significant development being private infrastructure exceeding $5 million and the Western Regional Planning Panel is the consent authority.

The purpose of this report is to inform Council that assessment of the Development Application has been completed, and the application will be referred to the WRPP with a recommendation to refuse the application.

Council may now choose to make a written submission to the WRPP on the proposed development. Should Council wish to make a submission to the WRPP, it will need to nominate specific planning matters to be addressed in the letter to be tabled for consideration of the WRPP.

It should be noted that in accordance with the Sydney and Regional Planning Panels Operational Procedures, a Council submission cannot be specifically referenced in the assessment report or recommendations prepared by Council staff.

Plans and supporting information are attached to assist Council in making a submission on the matter.

The application is scheduled for determination by the WRPP on 9 December 2025.

DIRECTOR'S COMMENTS

The application seeks consent for erection of an electricity generating facility with a 5MW solar farm and battery energy storage system.

The proposed development includes approximately 11,650 fixed solar modules. The proposed PEG system consists of solar panels installed in a fixed position at alternating angles 1m high on posts driven 0.8 to 2m into the ground, covering approximately 5 hectares.

Following a preliminary assessment of the proposed development Council identified concerns with the strategic justification for allowing a solar farm and BESS on the subject site, a highly important, environmentally and visually sensitive and contained location, particularly regarding landscape, environment, agricultural productivity, heritage, scenic values and cumulative impacts.

2.3 Development Application DA 761/2024(1) - 25 Lone Pine Avenue

The proponent submitted an amended design, which reduced the visual impact to one of the key heritage items, however significant visual exposure from Bloomfield House and 4 Malabar Road remained.

Council Officers recommended further amendments be made to reduce the layout in line with the base of the dam on the adjoining western boundary. Noting a greater reduction in the extent of solar panels was not adopted.

On 9 July 2025, Council officers wrote to the applicant identifying several issues why the application cannot be supported. These included:

(a) Harm to scenic quality and landscape character.

(b) Adverse impact on the setting of heritage items.

(c) Harm to water quality.

(d) Adverse environmental and agricultural impacts.

(e) Adverse glint and glare impacts.

Following this advice, the proponent submitted a Soil and Water Management Report, Drainage Plan, and Visual Impact Assessment Photomontages prepared by IRIS for two receptor locations only. The visual impact assessment report was not updated, and the remaining receptor locations were not adequately addressed.

The proposal was notified in accordance with Councils Community Participation Plan, and 25 submissions were received, including 22 in objection and 3 in support.

The approval timeline for regionally significant development is 275 days. As this application has all but reached this timeline, and Council officers have requested additional information on several occasions to address the deficiencies, the proposal is now referred for determination based on the information currently available.

The application remains significantly deficient, represents a significant impact on the location, adjoining heritage items, residents and recreational users of the lake, along with potential impacts to water quality, and bird communities. On this basis the application is recommended to the WRPP for refusal.

LINK TO DELIVERY/OPERATIONAL PLAN

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

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

2.3 Development Application DA 761/2024(1) - 25 Lone Pine Avenue

RECOMMENDATION

That Council resolves:

1 **To note the information contained in the report for development application DA 761/2025(1) for proposed *Electricity Generating Works (solar farm) and Battery Energy Storage System (BESS)* at Lot 143 DP 669179 - 25 Lone Pine Avenue, Orange.**
2 **To decide whether or not it makes a submission on the application to the Western Regional Planning Panel.**

FURTHER CONSIDERATIONS

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

Service/Project Delivery	Approval or refusal may affect infrastructure demands, service planning or community expectations.
Financial	Decisions may lead to financial implications through infrastructure contributions, legal appeals or compensation claims.
Reputation/Political	The outcome may attract public or political scrutiny, especially if perceived as inconsistent or contentious.
Environment	The application may have environmental impacts - positive or negative - depending on the nature of the development.
Compliance	The decision must align with planning legislation, regulation and controls and Council policies to avoid legal risk.
People & WHS	Development activities may introduce safety risks for workers, residents or the broader community.
Information Technology/ Cyber Security	Systems used to assess and manage the application must ensure data integrity and secure handling of sensitive information.

SUPPORTING INFORMATION

Summary of the Proposal

The development application seeks consent for the construction and operation of Electricity Generating Works (solar farm) and a Battery Energy Storage System (BESS) at 25 Lone Pine Avenue, Orange. The proposal includes:

- Installation of a fixed-tilt photovoltaic (PV) solar array across approximately 5 hectares of the site.
- Use of a PEG racking system with close-centred solar panels.
- A containerised BESS facility to store and discharge electricity.
- Associated infrastructure including inverters, transformers, perimeter security fencing, internal gravel access tracks, underground cabling and switching equipment.
- Site preparation works including gravel placement beneath the arrays, grassed swales at 70m intervals, a major rock-lined swale, and a sediment/detention basin at the southern boundary.

Electricity generated by the solar farm would be fed into the distribution network, with the facility operating for an expected 35-year lifespan.

2.3 Development Application DA 761/2024(1) - 25 Lone Pine Avenue

Summary of Assessment

A full assessment under Section 4.15 of the EP&A Act has been undertaken. Significant issues identified include:

1. Proximity to Spring Creek Reservoir (approx. 30m) and risks to the drinking water catchment.
2. Impacts to the Vegetated Riparian Zone (VRZ) of Gosling Creek, a fourth-order stream.
3. Inadequate demonstration that stormwater, erosion, and sediment, will be managed to protect water quality.
4. High landscape and visual impacts, including to neighbouring dwellings, recreational users of Spring Creek Reservoir, and heritage items such as Bloomfield House.
5. Agricultural impacts, with the site located on highly productive land (BSAL and Class 3 LSC).
6. Environmental concerns, including bird strike risk associated with the “lake effect”.
7. Adverse glint and glare impacts.
8. Overall site suitability concerns.

Council staff are not satisfied that the development appropriately responds to the environmental constraints of the land and have recommended that the Western Regional Planning Panel determine the application by refusal.

Public Submissions

A total of 25 including two supplementary submissions were received. Key issues raised include:

- Visual and landscape character impacts
- Impact on high quality agricultural land
- Heritage impacts
- Impact on Spring Creek Reservoir, wetlands habitat, water supply source
- Noise
- Proximity to town and residential areas
- Impact on property value
- Glint and glare impacts
- Fire risk and water contamination
- Decommissioning
- Community consultation
- Community benefit

All issues have been addressed in the planning report.

ATTACHMENTS

1 Development Application Assessment, D25/37005⇩
2 Plans, D25/141190⇩
3 Submissions (redacted), D25/138596⇩

ORANGE CITY COUNCIL

Development Application Assessment

Application Number:	DA 761/2024(1)
Site Address:	25 Lone Pine Avenue, Orange
Proposal:	Erection of a new structure, an electricity generating facility with a 5MW solar farm and battery energy storage system.
Date of Lodgement:	3 January 2025
Cost of Works:	$7,677,087.71 (excluding GST)
Notification:	For a period of 14 days between 28 January and 11 February 2025
Submission (total):	25 and 2 supplementary submissions received in October 2025
Recommendation:	Refusal
Officer:	Kate Yates, Senior Planner

Site and Surrounds

1. The subject site has a legal description of Lot 143 DP 669179, commonly known as 25 Lone Pine Avenue, Orange. It is mostly rectangular in shape with area of 7.10 hectares (ha). It has a primary street frontage to Lone Pine Avenue of 296m on the eastern boundary and 137m on the southern boundary. The nearest cross street is Malabar Road.
2. Existing site features include a residential dwelling, sheds and associated structures in the northeastern corner and agricultural land.
3. The surrounding area is characterised by a mix of land uses, including rural residential dwellings, orchards, prime agricultural land, public recreation area and Orange water source at Spring Creek Reservoir.
4. The subject site is in the vicinity of several heritage items of state and local heritage significance. These include:
    - Bloomfield House and former Moulder's orchard at 15 Catto Close (SHI 2220068 and I68)
    - "Clearview House" dwelling, orchard and gardens at 18 Steeles Lane, Summer Hill (SHI 2220061 and I61)
    - Cottage at 11 Shepherd Road, Bloomfield (SHI 2221051 and I289)
    - Bloomfield Public School, 11 Louie Lane, Orange (SHI 2221050 and I288)
    - Bloomfield Hospital. 1502 Forest Road, Orange (SHI 2220021)
5. Bloomfield House is 115m from the western boundary of the subject site with direct visual connection between the house and the proposed development (Figure 2- 4).
6. A site inspection was carried out on 23 June 2025, and photos of the site and surrounds are provided below:



Figure 1: Aerial view of subject site and surrounds



Figure 2: View of subject site looking east from 15 Catto Close "Bloomfield House"



Figure 3: View of subject site looking west towards 15 Catto Close "Bloomfield House" with Gaanha Bula - Mount Canobolas in the distance



Figure 4: View from the subject site looking west. 15 Catto Close is 115m from the proposed western boundary



Figure 5: View of subject site looking southwest from 4 Malabar Road



Figure 6: View from centre of subject site looking southwest with scenic vista to Gaanha Bula - Mount Canobolas



Figure 7: View looking north on Lone Pine Avenue towards 4 Malabar Road on crest



Figure 8: View of subject site looking north from southern boundary on Lone Pine Avenue



Figure 9: View looking southwest from the subject site towards Spring Creek Reservoir and Bloomfield School



Figure 10: Existing view northeast from Bloomfield Public School across Spring Creek Reservoir towards the subject site with 4 Malabar Road in view

Site conditions

7. The subject site is zoned C3 Environmental Management, located within the City's drinking water catchment, with groundwater vulnerability and category 3 bushfire prone land. Spring Creek Reservoir is 30m from the southern boundary of the subject site.

8. Levels on the site fall by 24m from high point of RL 913 to RL 889. The cross fall is approximately 6% and surface run off flows from northeast to southwest direction and discharges into Spring Creek Reservoir, a significant water body that contributes to the scenic qualities of the area, biodiversity, urban water supply, and recreational use for the community.

9. The site is identified as being subject to potential dam break flooding.

10. The site is prime rural land previously used for cattle grazing is mapped as Biophysical Strategic Agricultural Land (BSAL) within the Towac and Spring Hill soil landscapes. Characterised by Ferrosol soils, well drained friable structure, this is a rare soil type <1.5% land area in NSW. The soil is classified as Land and Soil Capability Class 3 high capability land, capable of sustaining grazing or cropping with careful management.

11. The Towac soil landscape dominates the lower slopes and flanks to the north of Gaanha Bula - Mount Canobolas. The soil type is derived from basalt flows separated by layers of volcanic ash. Sites within the Towac soil landscape are some of the most highly valued scenic areas of Orange and include Spring Creek Reservoir and vistas to Gaanha Bula - Mount Canobolas.

12. Existing site vegetation is exotic grasses and blackberry with stands of Central Tableland Clay Apple Box Grassy Forest (PCT 3366), a listed threatened ecological community on the western and southern boundaries. This habitat supports 29 listed threatened fauna species including freckled and blue-billed duck sightings 264m and 435m to the south on Spring Creek Reservoir.

Relevant Background

13. Council officers provided pre-DA advice to the applicant on several occasions over two years on 19 May, 8 June, 7 July, 11 July, 7 September, 17 October 2022, 5 April, 4 and 8 October 2024.

14. Pre DA advice related to the site location relative to council mapping for sensitive waterways, heritage, groundwater vulnerability, advice on site access, planning pathway, and owners consent.

Proposed Development

15. The application seeks consent for erection of a new structure, an electricity generating facility with a 5MW solar farm and battery energy storage system.

16. The proposed development includes approximately 11,650 fixed solar modules. The proposed PEG system consists of solar panels installed in a fixed position at alternating angles 1 metre high on posts driven 0.8 to 2m into the ground (Figure 11).
17. The array of solar panels are supported by a kiosk, two 2.5MW inverter stations (3m high), and battery energy storage systems (BESS) 2.9m high mounted 12.2m long skid pads at the centre and western edge of the array.
18. There is a 10m wide Asset Protection Zone (APZ) setback to the perimeter of the array.
19. The solar farm is enclosed within a 2.5m high security fence with three rows of barbed wire (3m overall height) and a 5m wide landscaped perimeter screen with species that grow to maximum 3m high to ensure no over shadowing of the solar panels (Figure 12 and the DA drawings depict the general arrangement).
20. Site access proposed via a 4m wide unformed road to a temporary carpark and materials laydown area on the northern boundary of the site and access road to the BESS within the APZ.
21. The solar farm is predicted to be installed with 3 month construction period that will employ 50 people and once operational the facility will be unmanned. Quarterly maintenance will be by 2 to 3 people.
22. The solar farm will be operational for 35 years and the solar arrays and infrastructure will be decommissioned within 2-3 years of the end of the project.



Figure 11: Proposed PEG system (Source: Jurchen Technology)



Figure 12: Proposed Solar farm general arrangement

Amendments

23. Following a preliminary assessment of the proposed development Council identified concerns with the strategic justification for allowing a solar farm and BESS on the subject site, a highly important, environmentally and visually sensitive and contained location. A cumulative impacts assessment was requested to provide a strategic evaluation of the combined effects of the solar farm and the potential for other developments on the landscape, environment, agricultural productivity, heritage, scenic values, infrastructure ad community over time in the Orange Local Government Area (LGA).

24. In addition, a more detailed visual impact assessment was requested for all sensitive receptor locations identified as "high" in the initial report dated 22 October 2024. The receptor locations include including neighbouring residences, key vantage points, significant landscape features at:

- OP2 Dwelling, 4 Malabar Road
- OP3 Bloomfield House 15 Catto Close
- OP34 Dwelling to southwest, 3 Lone Pine Avenue
- OP35 Dwelling to southwest, 21 Louie Lane
- OP36 Bloomfield Public School, 11 Louie Lane

25. Following a further assessment of the proposed development by Council Officers, a request for additional information and amendments was sent to the applicant on 13 March 2025 requesting the following design changes and information:

    (a) Design amendments to ensure no solar panels are located on the higher slopes

    (b) Cumulative impact assessment with a thorough justification for the need for a solar farm energy system on highly constrained land

    (c) Scenic landscape character assessment

    (d) Visual impact assessment with photomontage renders for all residences identified as being a "high" impact

    (e) Land and soil capability assessment

26. The applicant responded on 13 May 2025 with design amendments to reduce the original solar array footprint by approximately 20% on the northern slope to mitigate visual impacts. The BESS stations and kiosks were relocated from the centre of the site to the western boundary and the gravel access track moved from the eastern to the western boundary of the site.

27. Council reviewed the revised layout and acknowledged this partially reduced visual impacts, however, significant visual exposure from Bloomfield House and 4 Malabar Road remained.

28. On 21 May 2025, Council Officers recommended further amendments be made to reduce the layout in line with the base of the dam on the adjoining western boundary (Figure 13). Noting a greater reduction in the extent of solar panels was not adopted.

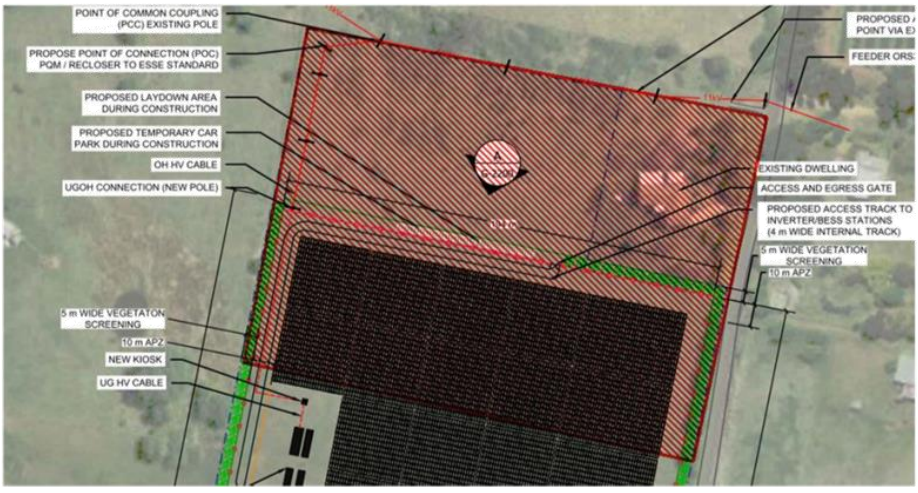


Figure 13: City's markup depicting the solar array area to be removed from the northern boundary (red hatch)

29. On 9 July 2025, Council Officers wrote to the applicant identifying several issues why the application cannot be supported. These included:

    (a) Harm to scenic quality and landscape character

(b) Adverse impact on the setting of heritage items
(c) Harm to water quality
(d) Adverse environmental and agricultural impacts
(e) Adverse glint and glare impacts

Council advised that the application could not be supported and recommended that the applicant withdraw the application. Alternatively, Council would present a report to the Regional Planning Panel with a recommendation to refuse consent.

30. On 24 July 2025 a meeting was held with the applicant to discuss reasons for refusal. The applicant offered to prepare further information to address visual impacts from neighbours, and a soil erosion and stormwater runoff report and requested Council reconsider its decision.

31. The applicant wrote on 30 July 2025 confirming options were being explored and additional studies would be submitted on 15 September 2025. This deadline was missed.

32. On 8 September 2025, Council Officers advised the applicant the approval timeline for regionally significant development is 275 days and the application was at 241 days since being referred to the Western Regional Planning Pannel.

33. On 22 October 2025 the applicant submitted a Soil and Water Management Report, Drainage Plan, and Visual Impact Assessment Photomontages prepared by IRIS for two receptor locations only (OP2 and OP3). The visual impact assessment report prepared by Zenith Town Planning was not updated, and the remaining receptor locations were not adequately addressed. Refer to discussion below.

Environmental Planning Assessment

Biodiversity Conservation Act 2016 & Fisheries Management Act 1994

34. Section 1.7 of the Environmental Planning and Assessment Act 1979 (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.

35. There are four triggers known to insert a development into the Biodiversity Offset Scheme (requiring the need for a BDAR to be submitted with a DA):

- Trigger 1: development occurs in land mapped on the Biodiversity Values Map (OEH) (clause 7.1 of BC Regulation 2017);
- Trigger 2: development involves clearing/disturbance of native vegetation above a certain area threshold (clauses 7.1 and 7.2 of BC Regulation 2017); or
- Trigger 3: development is otherwise likely to significantly affect threatened species (clauses 7.2 and 7.3 of BC Act 2016).

- Trigger 4: 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 Trigger 4.

36. No part of the site occurs within the Biodiversity Values Map, consequently, Trigger 1 does not apply.

37. The submitted Preliminary Biodiversity Assessment report prepared by Red-Gum Environmental Consulting Pty Ltd on 17 October 2024 states that site is mapped as non-native vegetation, dominated by exotic pasture grass which has little to no value to threatened fauna. Threatened flora is not present on site which was previously a pasture improved area. There are no Medium (and above) Biodiversity value zones, there is no precedent for the Biodiversity Conservation Act 2016 provisions to come into effect.

38. A site inspection confirmed the site is a highly modified grazing paddock with some native grasses present, an obvious history of pastoralism and cultivation. Most of the site is dominated by exotic grasses and Blackberry, and there is no notable native vegetation on site as such Trigger 2 does not apply.

39. The report concludes total loss of vegetation within the site is not likely and losses are minimised during construction using the following mitigation measures to reduce potential risk to threatened species:

    i. The site boundary and exclusion zones to be clearly identified prior to site establishment

    ii. Vehicle movements around the site will be restricted to the defined footprint and away from any existing native trees and flagging exclusion fencing to be installed.

    iii. Soil disturbance by vehicle and pedestrian access is to be kept to a minimum outside the proposal footprint

    iv. Any weeds removed (particularly those bearing seeds) are to be disposed of appropriately at the nearest waste management facility.

40. These construction measures could be conditioned to ensure that the proposed development does not significantly affect threatened species and Trigger 3 does not apply.

41. However, the Biodiversity Assessment report assumes there are no vegetation losses along proposed fences and fire breaks as the entire site will be under a “set-stocking grazing reqime” like how the site is currently managed using the principles of integrating grazing and solar project to take advantage of grass cover beneath the panels. This assumption is inconsistent with the proposed soil and water management report by MJM dated 13 October 2025 which proposes to lay gravel under the entire solar farm area and form a series of grassed and rock lined swales.

42. Existing remnant stands of flora on the western and southern boundaries and surrounding water bodies provide habitat. Glare from the fixed solar panels adjacent to

Spring Creek Reservoir may mimic a water body (Figure 14) and result in bird strike. Confirmed sightings in the locality recorded in the NSW SEED database include the Blue-billed Duck (*Oxyura australis)*, Freckled Duck (*Stictonetta naevosa)* and Superb Parrot (*Polytelis swainsonii)*, all listed as threatened species under the *Biodiversity Conservation Act* 2016. On this basis, Council cannot be satisfied that the proposed development will not have an ecological value of habitat that supports native fauna, and connectivity of habitat corridors.



Figure 14: Panels adjacent to Spring Creek Reservoir creating water-like glare.

43. The proposed development is 30m from Spring Creek Reservoir on Gosling Creek a Strahler fourth order stream and is defined as waterfront land under the Water Management Act 2000. Some works proposed on the land are located within the Vegetated Riparian Zone (VRZ) which forms an integral component of the riparian corridor. VRZs provide stability reducing bank erosion and therefore protecting water quality, providing habitat for terrestrial, riparian and aquatic ecosystems, connectivity for wildlife habitats and flood control. The applicant did not seek the assessment of the application as integrated development and therefore will require separate approval under the Water Management Act 2000 as a controlled activity. It would be the applicant's responsibility to seek this approval outside of the Development Application process, should consent be granted.

State Environmental Planning Policies

SEPP	Applicable	Compliance	Concurrence
Biodiversity and Conservation 2021	No	N/A	N/A
Exempt and Complying Development Codes 2008	No	N/A	N/A

SEPP	Applicable	Compliance	Concurrence
Housing 2021	No	N/A	N/A
Industry and Employment 2021	No	N/A	N/A
Planning Systems 2021	Yes	Yes	N/A
Primary Production 2021	No	N/A	N/A
Resilience and Hazards 2021	Yes	Yes	N/A
Resources and Energy 2021	No	N/A	N/A
Sustainable Buildings 2022 – Chapter 2	No	N/A	N/A
Sustainable Buildings 2022 – Chapter 3	No	N/A	N/A
Transport and Infrastructure 2021– Chapter 2	Yes	No, refer to discussion	N/A
Transport and Infrastructure 2021 - Chapter 3	No	N/A	N/A

State Environmental Planning Policy (Planning Systems) 2021

44. Under Section 2.19(1) and Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021, the proposal qualifies as regionally significant development being private infrastructure exceeding $5 million and the Western Regional Planning Panel is the consent authority.

State Environmental Planning Policy (Resilience and Hazards) 2021

45. Under Chapter 4 remediation of contaminated land for the purpose of reducing harm to human health or any other aspect of the environment by specifying when consent is required or not required for remediation work.

46. The subject site is in the vicinity of contaminated land in the Leewood Drive industrial estate to the northwest. Historic agricultural uses include grazing and land management.

47. Table 1 of the Contaminated Land Guidelines identifies agriculture and horticulture as potentially contaminating activities. While the site has historically been used for these purposes, the proposal does not involve a change to a more sensitive land use. The land is considered suitable in its current state for the proposed development, and further investigation as a precursor to development is not required.

State Environmental Planning Policy (Transport and Infrastructure) 2021

48. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

49. Under Chapter 2 Division 4 Clause 2.42(2) Determination of development applications for solar or wind electricity generating works on certain land states,

Development consent must not be granted unless the consent authority is satisfied the development is located to avoid significant conflict with existing or approved residential or commercial uses of land surrounding the development and is unlikely to have significant adverse impact on the regional city's scenic quality and landscape character.

Section 1.2 of this report provides detailed consideration of these matters.

Local Environmental Plans

Orange Local Environmental Plan 2011

50. An assessment of the proposed development against the relevant provisions of the Orange Local Environmental Plan 2011 (the LEP) is provided below.

51. The site is in the C3 Environmental Management zone. The proposed development is for electricity generating works which is permissible with consent in the zone. While permissible, the proposed development, design rationale, site design and planning issues are considered fundamentally at odds with the zone objectives:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To manage development within water supply catchment lands to conserve and enhance the city and district's water resources.
- To maintain the rural function and primary production values of the area and consistent with the relevant zone objectives.

52. The development proposal is not exempt or complying development.

53. The proposed development does not involve the subdivision of land.

Provision	Compliance	Comment
Part 2 Permitted or prohibited development		
2.3 Zone objectives and Land Use Table	Yes	The site is located in the C3 -Environmental Management zone. The proposed development is defined as an electricity generating works which is permissible with consent in the zone. However, the proposal does not meet the objectives of the zone. The site location is adjacent to and in the vicinity of heritage items, residential dwellings that overlook the site, and 30m from Spring Creek Reservoir part of Orange's water supply.

Provision	Compliance	Comment
		The fixed solar panel system layout with no gaps is located on undulating terrain that slopes to the west and southwest will alter scenic views, and result in glint and glare to neighbouring properties and road users. The solar farm proximity to Spring Creek Reservoir within the Vegetated Riparian Zone (VRZ) has the potential for "Lake effect" theory where aquatic and migratory birds mistake solar panel reflection for a body of water causing collision, bird strike and death. Existing high quality agricultural soils and ground cover will be altered by the proposed mitigation measures for erosion control and surface run off to place gravel under all solar panels with a series of gravel and rock lined swales and a sediment control basin with no gross pollutant trap that will discharge to Lone Pine Avenue, adjacent water body and water supply.
Part 5 Miscellaneous Provisions		
5.10 Heritage conservation	No	The site is not a heritage item but is located adjacent to several heritage items. The proposed development will have unacceptable impact on the heritage significance of adjoining heritage item Bloomfield House and former Moulder's orchard at 15 Catto Close (SHI 2220068 and I68). Refer to discussion Section 1.3 below.
5.11 Bush fire hazard reduction	Yes	Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.
5.21 Flood planning	Yes	The site is not identified as being subject to flooding as it is located outside of the Blackmans Swamp and Ploughmans Creek Floodplain Risk Management Study. No flood study was provided by the applicant.

Provision	Compliance	Comment
		However, the southern portion of the site is affected by dam break flood flooding due to proximity to Spring Creek Reservoir.
Part 7 Additional local provisions		
7.1 Earthworks	No	The proposed earthworks may have a detrimental impact on the environment, adjoining uses, cultural and heritage items and features of the surrounding land. The consent authority must consider if the development is likely to: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development, (d) the effect of the development on the existing and likely amenity of adjoining properties, (g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area, (h) any measures proposed to minimise or mitigate the impacts referred to in paragraph (g). Proposed erosion control management to place gravel across the site under the solar panels; to create grassed and rock lined swales and an onsite detention basin will alter the existing drainage patterns. Refer discussion Section 1.5 below
7.3 Stormwater management	No	The proposed development may impact on stormwater on the land and to adjoining downstream properties, native bushland and receiving waters. The consent authority must consider if the development is: (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, where practical, on-site stormwater retention for use as an

Provision	Compliance	Comment
		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 proposed stormwater detention basin does not include a gross pollutant trap to capture sediment prior to release onto Lone Pine Avenue and into Spring Creek Reservoir. The site is mapped as Biophysical Strategic Agricultural Land (BSAL) Class 3 LSC with high quality soil and water resources capable of sustaining high levels of productivity. The design does not have adequate measures in place to mitigate impacts on the waterway, drinking water catchment and environmentally sensitive area. Refer discussion Sections 1.5 and 1.6 below.
7.4 Terrestrial biodiversity	Able to comply	The site is not on land identified as High Biodiveristy Sensitivity on the Terrestrial Biodiversity Map. Refer discussion Section 1.6 below.
7.5 Riparian land and watercourses	No	The site is located on land that is identified as sensitive waterways on the Watercourse Map and within 30m of the top of the bank of Spring Creek Reservoir. The consent authority must consider if the development is likely to: (a) is likely to have any adverse impact on the following - (i) the water quality and flows within a watercourse, (ii) aquatic and riparian species, habitats and ecosystems of the watercourse, (iii) the stability of the bed and banks of the watercourse, (iv) the free passage of fish and other aquatic organisms within or along the watercourse,

Provision	Compliance	Comment
		(v) any future rehabilitation of the watercourse and its riparian areas, and (b) is likely to increase water extraction from the watercourse. The proposed development is adjacent to and drains into a Strahler fourth order stream that is defined as waterfront land. Some works proposed on the land are located within the Vegetated Riparian Zone (VRZ) which forms an integral component of the riparian corridor. VRZs provide stability reducing bank erosion and therefore protecting water quality, providing habitat for terrestrial, riparian and aquatic ecosystems, connectivity for wildlife habitats and flood control. Refer to discussion Section 1.5 below.
7.6 Groundwater vulnerability	Able to comply	The site is on land identified on the Groundwater Vulnerability Map. The consent authority must consider if the development is likely to: a) Cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems No ground water is proposed to be extracted and interference with the moderate to high groundwater dependent ecosystems near Orange b) the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater. No ground water is proposed to be extracted and interference with the groundwater table is not expected The proposed development is designed, sited and will be managed to avoid any significant adverse environmental impact. Refer to discussion below.

Provision	Compliance	Comment
7.7 Drinking water catchments	No	The site is on land identified as drinking water on the Drinking Water Catchment Map. The consent authority must consider if the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage: a) the distance between the development and the waterway that feeds into the drinking water storage is 30m. Some works proposed on the land are located within the Vegetated Riparian Zone (VRZ) which forms an integral component of the riparian corridor. b) the on-site use, storage and disposal of any chemicals on the land. Fuel and pesticides will be stored at the laydown area in a bunded area designed to AS1940-2004 and the Lithium-Ion batteries will be stored within the BESS Station compound. c) the treatment, storage and disposal of wastewater and solid waste generated or used by the development. The proposed detention basin does not include a gross filter trap to capture sediment prior to discharge to Lone Pine Avenue and Spring Creek Reservoir. Refer to discussion Section 1.5 below.
7.9 Airspace operations	Yes	The proposed development will not penetrate the Limitations or Operations Surface as shown on the Obstacle Limitation Surface Map for Orange Airport.
7.11 Essential services	Able to comply	Essential utility services for the proposed development are available. These include the supply of water, electricity, disposal and management of sewage, stormwater drainage or on-site conservation and road access. Relocation of an existing electricity pole is necessary for site vehicular access road. Refer discussion Section 1.9 below.

Development Control Plans

Orange Development Control Plan 2004

54. An assessment of the proposed development against the relevant provisions within the Orange Development Control Plan 2004 (the DCP) is provided in the following sections.

Provision	Satisfactory
DCP 3 General Considerations	
PO 3.1-1 Cumulative Impact	Refer to discussion Section 1.10
PO 3.2-1 Scenic, Landscape and Urban Areas	Refer to discussion Section 1.2 and 1.4
DCP 4 Special Environmental Considerations	
PO 4.5-1 Planning outcomes for Scenic Areas	Refer to discussion Section 1.2
DCP 12 Rural Environment Protection Zone	
PO 12.1-1 Planning outcomes - General controls in water supply catchments	Refer to discussion Section 1.5
PO 12.2-1 Planning outcomes - water quality protection area	Refer to discussion Section 1.5
DCP 13 Heritage	
PO 13.4-1 Planning outcomes for Development in the Vicinity of Heritage Items	Refer to discussion Section 1.3

1.1 Discussion

55. Key issues are adverse impacts on scenic amenity and landscape character, impacts on heritage items, harm to water quality and drinking water catchment, the environment and agriculture use, glint and glare, biodiversity, access to the site and traffic impacts, effects of noise emissions, cumulative impacts.

1.2 Adverse impact on scenic quality and landscape character

56. Part 5.1.1 of the Large-Scale Solar Energy Guideline reference can be used by Councils for the assessment of electricity generating facility with a 5MW solar farm and battery energy storage system.

57. The guideline states that applicants must consider landscape character and visual impacts early in the site selection and design process to minimise impacts and conflicts, including cumulative impacts.

58. Solar energy projects should be sited and designed to avoid areas with topographical constraints that would increase the visibility of a development.

59. Chapter 2 part 2.42 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 states that development consent must not be granted unless the consent authority is satisfied that the development -

(a) is located to avoid significant conflict with existing or approved residential or commercial uses of land surrounding the development, and

(b) is unlikely to have a significant adverse impact on the regional city's -

(i) capacity for growth, or

(ii) scenic quality and landscape character.

60. In determining whether to grant development consent, the consent authority must consider measures proposed to be included in the development to avoid or mitigate conflicts referred to in Subsection (2)(a) or adverse impacts referred to in Subsection (2)(b).

61. The site is located within the Towac (K-to) soil landscape that is derived from basalt flows separated by layers of volcanic ash. Sites associated with this soil landscape are associated with some of the most highly valued scenic areas of Orange. The proposed development site located on a high point with sloping topography in two directions will be visually prominent to neighbouring rural properties, to the publicly accessible Spring Creek Reservoir and distant vistas to Gaanha Bula - Mount Canobolas.

62. The proposed development would result in the erosion of the scenic rural character of the local area by virtue of developing existing undeveloped agricultural land with fixed solar arrays and associated structures, removing the rural character of the site. The proposed development would result in a significant adverse impact on Orange's scenic quality and landscape character. The impact is contrary to the provisions of Chapter 2 Part 2.42(ii) of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the Large-Scale Solar Energy Guideline. Given the varying topography and uncertainty surrounding the growth and maintenance of the proposed vegetative screening, it is not considered that this would sufficiently mitigate the identified adverse impact.

63. In scenic rural areas, to fit within the landscape, new buildings or structures should be situated below the ridgeline or visually contained within treed ridgelines when viewed from adjacent roads and public places. The proposed development is located on the ridgeline on a highpoint on sloping topography and will be visually prominent. The proposal is contrary to Clause 3.2-1 Scenic, Landscape and Urban Areas of the DCP.

64. Clause 4.5 of the DCP requires buildings or structures in scenic areas be designed to blend into the landscape and not be visually intrusive. Structures should be constructed using non-reflective materials. Muted shades should predominate so structures blend into the landscape when viewed from roads, public areas and residential areas.

The proposed 3m high security fence is galvanised steel which together with the solar panels will be visually prominent on the landscape. Councils' Heritage Advisor recommended the fence colour be amended to black, however, this change was not adopted by the applicant. The proposal is contrary to Clause 4.5-1 Scenic Areas of the DCP.

1.3 Adverse impact on heritage significance and setting on State Heritage and Local heritage items

65. The proposed development in the vicinity of heritage items would affect conservation of the heritage significance of heritage items in proximity to the subject site.

66. The proposed development will have unacceptable impact on the heritage significance of the adjoining heritage item Bloomfield House and former Moulder's orchard at 15 Catto Close (SHI 2220068 and I68).

67. Following a detailed inspection from Bloomfield House and review of the Heritage Impact Assessment, the City's Heritage Advisor determined a solar farm is not consistent with the rural land uses.

68. The site topography slopes from north to south and east to west, and the proposed solar arrays and BESS will be visually prominent on high ground, altering the rural landscape setting of Bloomfield House. Further, the western boundary of the proposed development is 115m from Bloomfield House and the visual impact of the solar arrays will change the prospect, outlook and views from the heritage item from a rural pastoral setting to an industrialised setting. This will have a substantial and unacceptable impact on the heritage significance of the state heritage and local listed heritage item.

69. The heritage items derive character and significance from the rural setting. The proposed development has a high visual impact on the heritage items, and the proposed landscape screen will not adequately mitigate the impacts due to the solar farm being located on high ground. The proposal is therefore contrary to Clause 5.10 of the LEP and Clause 13.4-1 Development in the vicinity of heritage items of the DCP.

1.4 Adverse visual impacts

70. The initial Visual Impact Assessment (VIA) prepared by Zenith Town Planning dated 22 October 2024, adopts the viewpoints or receptor locations within 2km radius of the site used by the Glint and Glare Study. The methodology uses Transport for NSW Guideline for landscape character and visual impact assessment practice note EIA -N04 developed to inform road and maritime work.

71. Landscape character impact and visual impact of a proposal are to be assessed separately. Landscape character assessment helps determine the overall impact of a project on an area's character and sense of place. While visual impact assessment helps define the day-to-day visual effects of a project on people's views.

72. The method to measure impact is based on the combination of sensitivity of an existing area to change and the magnitude (scale, contrast, quality, distance) of the proposal on that area or view. Sensitivity is defined as the qualities of an area, the number and type of receptors and how sensitive the existing character of the setting is to the proposed nature of change. For example, in this case, a rural landscape setting is more sensitive to change from a solar farm than a built-up industrial area.

73. Magnitude is the measurement of scale, form and character of a development proposal when compared to the existing condition and how far the proposal is from the viewer.

74. To evaluate the impact the combination of sensitivity and magnitude provides a measurement of landscape character impact for a development or visual impact for individual viewpoints from residences, and public places (Figure 15).

Sensitivity \ Magnitude	High	Moderate	Low	Negligible
High	High	High-Moderate	Moderate	Negligible
Moderate	High-Moderate	Moderate	Moderate-low	Negligible
Low	Moderate	Moderate-low	Low	Negligible
Negligible	Negligible	Negligible	Negligible	Negligible

Figure 15 – Landscape character and visual impact rating matrix

75. The VIA report finds the impacts on landscape character, magnitude of the project to be high resulting from a new use, size and scale of the solar farm relative to the rural landscape setting. The sensitivity of private property to landscape change is high then goes on to state the changes are minor due to the nearby Leewood industrial estate. The sensitivity of public places including Lone Pine Avenue, Spring Creek Reservoir to change are high. The report concludes the landscape character impacts to private property and public domain are high and argue the undulating topography and proposed screen planting will mitigate adverse impacts from all receptors including neighbouring heritage items and public domain.

76. The VIA report finds five dwellings to the east, west and southwest have a direct line of sight to the solar farm which is a high visual impact rating. These include OP2 (4 Malabar Road) to the east which is elevated above the site with direct views down across the site and OP3 (Bloomfield House, 15 Catto Close) which looks up the slope to the proposed solar farm. Four receptors to the east and a further nine locations have a visual connection to the site.

77. Residents at 4 Malabar Road will look over the middle and lower sections of the solar farm, while residents at Bloomfield House, and receptors OP33, and OP34 will look at the upper and middle sections of the solar farm above the 3m high vegetation screen on the western boundary.

78. Due to sparse roadside vegetation on Lone Pine Avenue to the east and south boundaries and direct sight lines from Spring Creek Reservoir result in a high visual impact.

79. An updated VIA report prepared in June 2025 included preliminary photomontages at key locations. However, the VIA report and photomontages do not adequately address sensitivity, magnitude and landscape character and visual impacts. The VIA makes assumptions regarding vegetation retention outside of the property boundary that should not be relied on as a mitigating factor to lower the visual impacts of the development.

80. Council requested more detailed viewpoint analysis from all affected receptor locations in March 2025. The VIA was to engage directly with the impacted residences to determine if the views will be directly from principal living spaces or primary open space areas connected to the dwellings.

81. Two additional photomontages were submitted for review on 22 October 2025 for 4 Malabar Road and 15 Catto Close (Bloomfield House) only.

82. The more detailed photomontages prepared for visual impact assessment use the Large-Scale Solar Guideline, Technical supplement (DPHI 2022) where a solar array occupies by 25% or more of the cell is counted as occupied and used to identify the magnitude of change.

83. Neighbouring property at 4 Malabar Road (OP2) to the east is elevated on a highpoint relative to the sloping topography of the subject site with district views across the valley to Gosling Creek, Spring Creek Reservoir and Gaanha Bula - Mount Canobolas in the distance.

84. The proposed solar farm will be visually prominent and alter the existing landscape character and visual catchment from habitable rooms of the property. This is clearly depicted by the visual analysis which shows visible areas in red and impacted cells in blue (Figure 16). The scenic quality assessment and details visual impact assessment finds the impact to be moderate. However, there are only 9 occupied cells, and the magnitude and impact rating is low.

85. The visual impact and magnitude of change for the residents will be high, and the solar panels will mimic a water body which may result in bird strike (refer Adverse environmental and agricultural impacts discussion below)

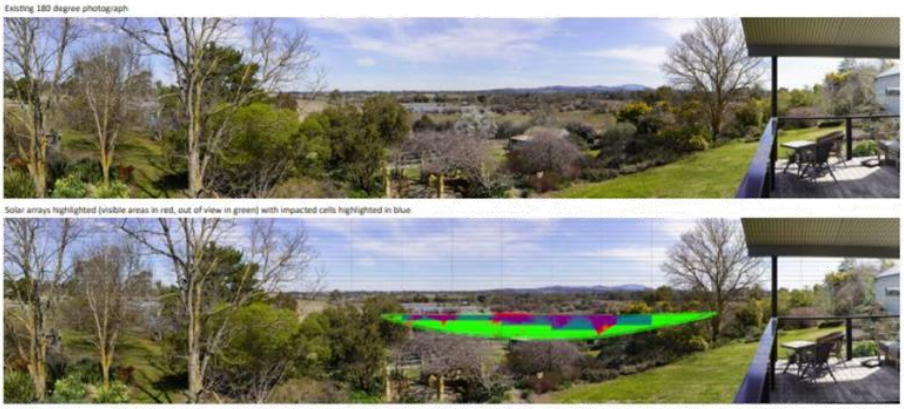


Figure 16: Visual impact assessment 4 Malabar Road

86. Local heritage item Bloomfield House curtilage and former Moulder's Orchards at 15 Catto Close (OP03) neighbours the subject site. The dwelling is 115m from the western boundary of the subject site with high visual impact.

87. Due to topography, with a ridgeline that slopes down west towards the house, the solar farm, coupling and connection poles in the foreground view will be visually prominent.

This is clearly depicted in the photomontage viewpoint analysis which shows visible areas in red and impacted cells in blue and poles in red (Figure 17). The scenic quality assessment and details visual impact assessment finds the impact to moderate to low due to only 6 cells being occupied. Noting the applicant did not inspect the property and the base image for photomontage visualisation was generated using a digital terrain model.

88. The photomontage model depicts proposed screening shrubs modelled at 2m height; however, the solar arrays will remain visually prominent from the heritage dwelling.



Figure 17: Visual impact assessment 4 Malabar Road

89. However, the proposal cannot rely on a 3m high landscape screening alone to mitigate landscape character and visual impacts on landscape character, the site is not flat, it slopes in two directions and plants take up to 5 years to reach maturity. Further, a landscape plan has not been provided to confirm the plant species, size, watering, and maintenance regime.

Planning principles view sharing impact on neighbours

90. The consent authority must assess view sharing using the planning principles from the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 case using a four step assessment to decide whether or not view sharing is reasonable.

Step	Applicant assessment	Council assessment
Step one - Assessment of views to be affected. Water views are valued more highly than land views. Iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a	The solar farm and BESS site is directly visual to five dwellings to the east, west and southwest. The view is a cleared rural farm backed by low hills and developed	Applying the principles to heritage items 15 Catto Place (Bloomfield House), 4 Malabar Road, neighbouring properties to the west and southwest and recreational assets on adjoining land enjoy highly valuable water views to Spring

Step	Applicant assessment	Council assessment
water view in which the interface between land and water is visible is more valuable than one in which it is obscured.	properties. Views are filtered by vegetation and topography.	Creek Reservoir and iconic views to Gaanha Bula - Mount Canobolas.
Step two - Consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.	Views may be available from the dwellings and paddocks of affected observation points	Views from habitable rooms and kitchens of adjoining dwellings will be impacted. The public using recreational walking tracks, rowing and fishing on Spring Creek Reservoir will be impacted. The subject site will be highly visible from Huntley Road approach from Orange Regional Airport to the City
Step three - Assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.	The array will occupy a large segment of the view from the five observation points that have a high impact rating. The outlook from other affected observation points is across cleared paddocks towards distant hills. The extent of impact for properties with low or moderate impact rating is mitigated by objects which reduce the prominence of the solar farm in the landscape.	Five dwellings look towards the subject site, and the solar farm will occupy the view. The impact is high and devasting particularly for residents at 15 Catto Place (Bloomfield House) and 4 Malabar Road. Noting residents at 4 Malabar Road carried out their own planning principles assessment in submissions

Step	Applicant assessment	Council assessment
Step four - Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.	The proposed solar farm and BESS are suited to a non-urban location and a legitimate use that is benign in terms of environmental impacts.	The site selection, proximity to heritage items, residential dwellings, recreational asset on adjacent land, topography that slopes in two directions resulting in a highly visible facility located on Class 3 LSC soils that drain towards Spring Creek Reservoir and water supply body are site planning issues. The site selection is not appropriate for the use and the resulting impacts on water and iconic views are considered unreasonable to neighbours.

1.5 Harm to water quality and the drinking water catchment

91. The subject site is within 30m from Spring Creek Reservoir on Gosling Creek which is part of the drinking water catchment and Orange's water supply. Overland flows across the site flow towards the south and southwest discharging to Spring Creek Reservoir. (Figure 18).



Figure 18 – Existing drainage lines and overland flow across the site discharge in Spring Creek Reservoir

92. The soil and water management report proposes to lay gravel over the entire ground surface occupied by solar arrays and BESS to mitigate scour and erosion across the site. East west gassed swales are proposed at 70m centres to convey sheet low and runoff towards a major rock swale on the western boundary. The major swale feeds to a

sediment detention basin on the southern boundary to detain runoff, sediment settlement and reduce velocity prior to discharge.

93. Stormwater runoff needs to downstream properties, native bushland and receiving waters needs to be managed to ensure that nutrients or silt does not enter waterways. The detention basin does not include a gross filter trap to capture sediment prior to discharge to Lone Pine Avenue and Spring Creek Reservoir.

94. Special protection areas have been identified around the Spring Creek reservoir and Gosling Creek, a main feeder creek. These protection areas generally define Zone 7 land within 200m of a main creek or within 400m from a water-storage reservoir.

95. Development within this area is also required to incorporate environmental-enhancement measures relating to the water body. Measures that may be required include streambank restoration and protection, tree planting and/or retention, runoff retention and control, wetland retention and/or provision of artificial wetlands for removing nutrients.

96. Council cannot be satisfied that the proposed development would be managed to avoid any significant adverse impact on water quality and flows, contrary to part 7.7(4) of the LEP and Clauses 12.1-1 and 12.2-1 Water supply catchments and Water quality protection areas of the DCP.

1.6 Adverse environmental and agricultural impacts

97. Stands of Central Tableland Clay Apple Box Grassy Forest (PCT 3366) exist on the western and southern boundary of the subject site (Figure 19).

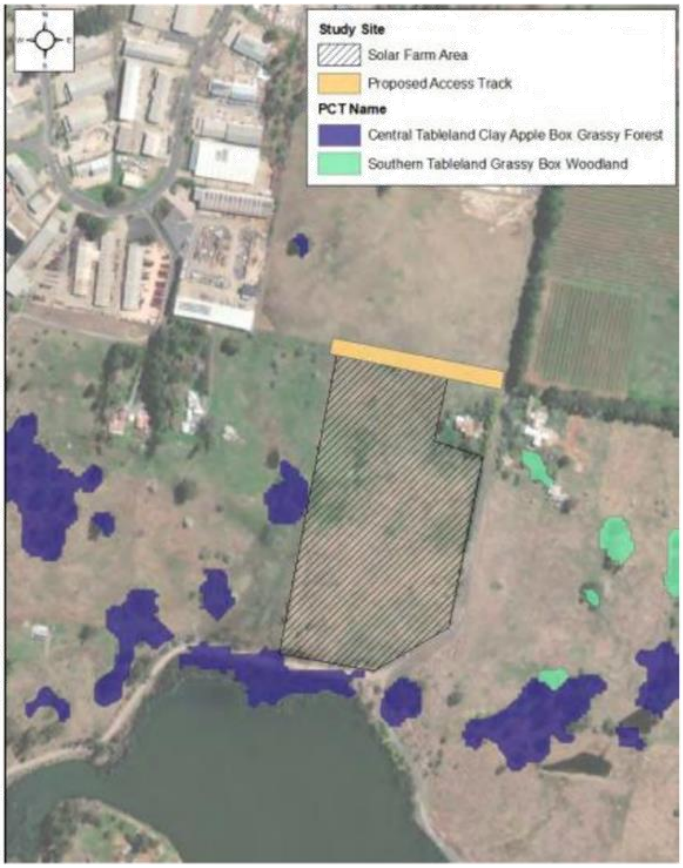


Figure 19 - Plant community types on adjacent land

98. Existing remnant stands of flora, Spring Creek Reservoir and wetlands 30m south of the subject site provide habitat for fauna and migratory birds.

99. Glare from the fixed solar panels adjacent to the reservoir and wetlands may mimic a water body or "Lake effect" theory where aquatic and migratory birds mistake solar panel reflection for a body of water causing collision, bird strike and death.

100. The subject site is identified as state significant agricultural land, mapped as Biophysical Strategic Agricultural Land (BSAL) with high quality soil and water resources capable of sustaining high levels of productivity. The Class 3 Land and Soil Capability (LSC) is highly productive land capable of sustaining grazing or cropping with careful management (Figure 20).

101. The Large-Scale Solar Energy Guidelines state that siting solar infrastructure on important agricultural land mapped as LSC Class 3 should be avoided. The solar farm site location is contrary to the guidelines.



Figure 20 – The subject site is state significant agricultural land

102. The submitted Land Use Conflict Risk Assessment (LUCRA) does not adequately address the NSW Department of Primary Industries LUCRA Guidelines, potential rural amenity issues, environmental protection issues and impacts of the proposal on nearby agricultural land and activities. There is absent clarity in the LUCRA for issues including biosecurity, livestock and groundcover management and decommissioning.

103. The DPI requested retention of at least 70% groundcover across the site and maintenance with sheep grazing or other methods to assist managing soil erosion risk and preserving the agricultural resource. The proposed lower height of solar array at 1.2m prevents the use of mechanical pasture and weed management using a spray rig on a quad bike, and sheep can 'interfere' with infrastructure at this height. If groundcover cannot be maintained, Council should be satisfied that measures are in place to prevent soil erosion, runoff and preserve topsoil for spreading post development.

104. An agricultural biosecurity management plan is required that incorporates 70% groundcover and focusses on pedestrian and vehicular movements during construction and operation that may affect the distribution of weeds and pests and impact agricultural productivity at the site and surrounds.

105. The DPI support the proposed decommissioning to removal all solar-related structures and ancillary infrastructure and return the site to pre-existing use and the Class 3 land and soil capability class. They note the importance of preserving the highly productive and rare agricultural land for food and fibre production for future use. The DPI recommend Council investigate instigating a bond or financial assurance to guarantee site rehabilitation at the end of life using circular economy principles.

106. Groundcover across the site located under 11,650 solar panels will be covered by a gravel layer, rather than retaining 70% groundcover, and an agricultural biosecurity management plan has not been provided.

107. Council cannot be satisfied that the land would be managed adequately to avoid adverse biosecurity impacts nor that the soil quality would be adequately protected to allow for the site to return to agriculture following decommissioning.

1.7 Adverse glint and glare impacts

108. Glint is defined as momentary flash of bright light and glare is a continuous source of excessive brightness relative to ambient lighting. Yellow glare has the potential to cause after image to observers or flash blindness. Green glare, which has low potential to cause temporary afterimage

109. The Glint and Glare Study nominate receptor points around the subject site at properties, and on roadways as OP or RT (Figure 21). The study indicates that without mitigation, residents driving on Lone Pine Avenue (RT07) would be exposed to glint and glare for a period that exceeds the maximum acceptable level prescribed under the Large-Scale Solar Energy Guideline.

110. Residents at Bloomfield House (OP03) will be exposed to moderate glare impact requiring mitigation measures to reduce impacts as far as practicable. However, the Glint and Glare Study claim the proposed perimeter vegetation screening is deemed adequate with no additional mitigation measures proposed (key receptor points are summarised below).

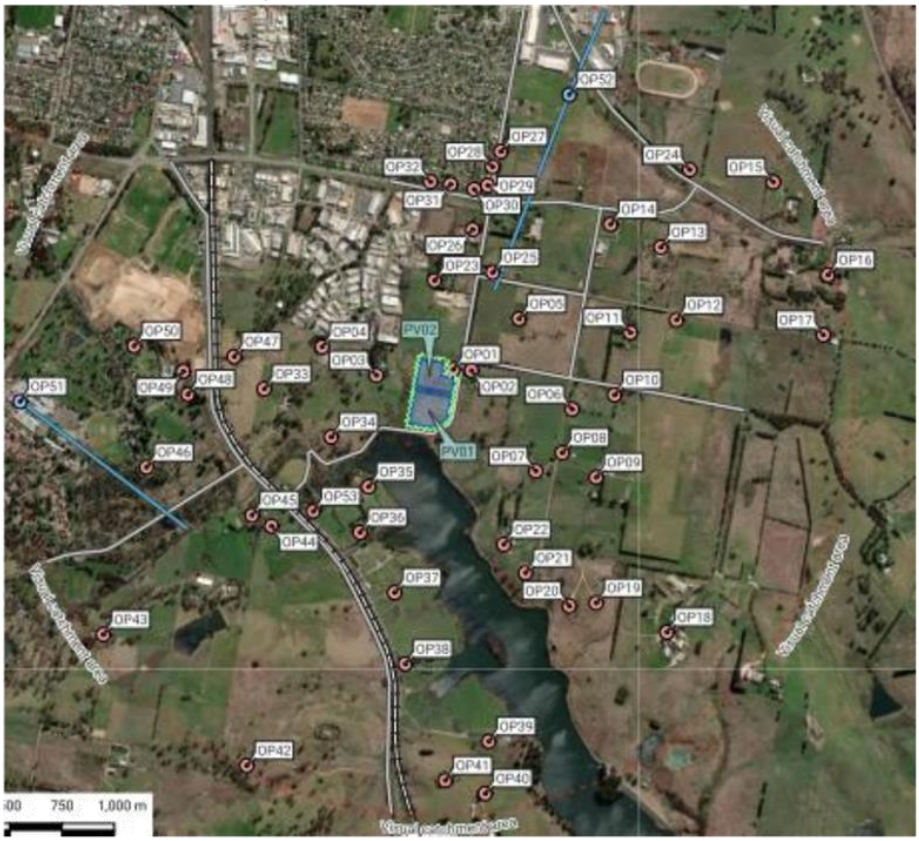


Figure 21 – Receptor observation points

Large-Scale Solar Energy Guideline August 2022		Location	Proposed mitigation measure
High glare impact >30 hours per year	Significant amount of glare that should be avoided	**RT07 - Lone Pine Avenue** 36 hrs/yr - Up to 14 minutes of yellow glare between 7:00am and 8:45am, from 10 March to 1 October	**NIL** *The yellow glare received by Lone Pine Ave was limited to the section immediately south of the proposed installation. We expect very low traffic volume along this section of road. Combined with the moderate daily duration, we consider this glare to be low impact, and further mitigation is not required.*
Moderate glare impact	Implement mitigation measures to	**OP03 - Bloomfield House** 26 hrs/yr - Up to 11 minutes of yellow glare between 6:15am	**NIL**

<30 hours & >10 hours per year	reduce impact as far as practicable	and 7:45am, from 16 January to 3 April and from 7 September to 23 November.	
		RT03 - Bloomfield Road 42 hours/year - Up to 15 minutes of green glare between 7:15am and 8:30am, from 19 March to 30 May and from 11 July to 21 September.	**NIL** *Given the variable nature of flight times and ability to adapt helicopter flight paths, the daily glare potential described in Table 4 for RT13 and OP51 is a worst-case scenario.* *As such, the impact of the green glare indicated at RT13 and OP51 is considered to be minimal.*
		OP51 - Bloomfield Hospital 20 hours/year - Up to 15 minutes of green glare between 6:30 am and 7:45 am, from 11 February to 20 March and from 20 September to 29 October.	

111. The applicant states that the proposed 5m wide vegetative screening to the perimeter of the 3m high security fence would provide sufficient screening to reduce glint and glare down to acceptable levels. This may be the case if the site were flat, however, it is located on land that slopes in two directions towards a waterbody and adjacent to heritage items and neighbouring dwellings. The submitted DA drawings note that planting to a maximum 3m height to ensure no overshadowing on the solar panels. However, the design appears to preference the operational function of the solar farm over mitigating glint, glare and view issues to neighbouring properties.

112. The applicant has not submitted landscape plans to confirm the plant species. Given the uncertainties surrounding the growth, watering and maintenance of landscape screening, it is not considered a sufficient or reliable mitigation measure for Council to be satisfied that the development would not result in unacceptable levels of glint and glare to neighbouring residents' habitable rooms and when driving on Lone Pine Avenue.

1.8 Effects of noise emissions

113. The subject site is 70m from 4 Malabar Road and 115m from 15 Catto Close (Bloomfield House). Residents raised concern over construction noise and ongoing operational noise emission from the inverter stations and BESS over a 35-year period.

Construction phase

114. Construction is expected to take 3 to 4 months. During construction, installation involves constructing a gravel access road and parking area, laying gravel across the grassed surface, forming grassed and rock lined swales, installation of prefabricated concrete pads, and the security fence.

115. Piling mounting steel posts 0.8-2m into the ground using a handheld jackhammer or hammer drill. Then mounting plates are attached to the rods which support the

11,650 PEG system solar panels. Underground trenching for cabling of each solar array to inverters and substation.

116. The applicant estimates 50 personnel on site working from 7am-4pm Monday to Friday. During the peak construction period, the traffic volume is expected to be up to a maximum of four heavy vehicles (semi-trailers or B-doubles) per hour with trucks typically accessing the site throughout the day, and generally between 10am and 2pm, and up to 40 light vehicles for worker transport per day.

Operational phase

117. The PV panels generate electricity which would be fed into the power grid via the adjacent existing powerline with excess solar energy from the PV system being stored in the BESS for night-time usage.

118. Key noise emissions from project operation are from the inverter and transformer(s).

119. The BESS typically consists of a lithium-ion battery rack in a shipping container fitted with relevant switches, controllers. This equipment generates heat, and a Heating Ventilation and Air Conditioning (HVAC) system is required to provide cooling, generating the primary noise source associated with the BESS. However, the Acoustic Report anticipates the noise emissions will be acoustically insignificant compared to ambient background noise levels at assessed receivers.

120. Ongoing quarterly maintenance will include light vehicle movements to conduct panel cleaning, repair or replacing infrastructure (as required), and mowing to control vegetation.

121. The Acoustic Report nominates a different receiver numbering system to the glint and glare and visual assessment reports. R01 is 4 Malabar Road and R11 is 15 Catto Close.

122. The predicted operational noise level at R01 is 32dB and the project noise trigger level is 35dB, indicating compliance can be achieved. Properties further away are predicted to have operational noise impacts of <30dB. For reference, <30dB is very low. Council's Environmental Health Officers advise it is not necessary to list exact predicted levels below this point as it would likely be imperceivable over background noise.

123. Construction will be daytime activity and will not occur at night. As such, sleep disturbance was not considered in the acoustic assessment.

124. There are no operational noise sources that generate significant maximum noise events and noise emissions from the project are predicted to satisfy the EPA maximum noise level criteria.

1.9 Essential services

125. If approved the proposed development would be required to relocate an existing power pole and the stockyard within the road reserve proposed to be used as an access road to the site (Figure 22). These features are not included on the DA drawings.



Figure 22 – Relocation of electrical pole and stockyard on proposed site access road would be necessary

1.10 Cumulative impacts

126. On 12 March 2025 Council Officers provided the applicant with a context analysis that demonstrated the southern portion of Orange LGA is highly constrained land. Council requested the applicant provide a cumulative impact assessment for the proposed development with a thorough justification for the need for electricity generating facility systems on highly constrained land zoned C3 Environmental Management for which solar energy systems are permitted with consent.

127. Council advised a cumulative impact assessment aims to ensure integrated decision making is informed by a broad strategic planning framework, considered the cumulative impacts of multiple projects over long period of time, informs further guidance at a strategic level to reduce adverse cumulative impacts of other development over time. Consistent with the Large-Scale Solar Energy Guideline, a series of principles guide appropriate site selection to limit ongoing cumulative impact and make consideration of:

- Proximity to existing transmission infrastructure
- Available connection capacity
- Level of solar radiation
- Distance to major centres
- Proximity to road and transport infrastructure
- Size and shape of land parcels
- Development restrictions and environment constraints

128. The submitted site-specific cumulative impact assessment is based on the findings of the Statement of Environmental Effects and combined environmental, social, economic and other impacts resulting from two approved solar systems in the Orange LGA. These

facilities are known as Orange Community Renewable Energy Park and Orange South 8B and 9B Solar Farm + BESS.

129. However, review finds the submitted cumulative impact assessment lacks adequate technical studies and supporting analysis. Several sections are inconsistent, particularly regarding potential impacts on waterways that are providing for the urban water supply.

130. The discussion of agricultural impacts assumes temporary land use, however, given the proposed site planning and design, the assessment does not sufficiently address how potential erosion may affect soil quality - especially the preservation of topsoil, which is critical for maintaining LSC Class 3 agricultural soils.

131. Furthermore, the economic analysis is limited to construction and decommissioning phases and does not compare the long-term economic contribution of the solar farm against agricultural use.

132. Overall, the findings rely on unsupported assertions rather than specialist research and technical evidence, making the assessment inadequate for determining the cumulative impacts of the proposal.

Consultation

Internal referrals

133. The application was discussed with Council's internal units including:

(a) Strategic Planning

(b) Heritage

(c) Environmental Health

(d) City Presentation

(e) Technical Services – Water

(f) Technical Services – Traffic, access, stormwater, flooding

(g) Waste Management

(h) Sustainability

External referrals

Department of Primary Industries and Regional Development

134. Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, the application was referred to NSW Department of Primary Industries and Regional Development (DPI) for comment. Sections 1.3(a) and (b) of the Act relate to ecologically sustainable development in land use decision making and responsible resource management for present and future generations.

135. DPI commented on the SEE and requested additional information to address agricultural production values and land and soil capability of the site, agrisolar, ground cover management, land use conflict, biosecurity, decommissioning and rehabilitation.

Notification

136. In accordance with the Orange Planning and Development Community Participation Plan 2019, the proposed development was notified for a period of 14 days from 28 January and 11 February 2025. 25 submissions were received, including 22 in objection and 3 in support.

137. The objections raised the following issues:

Issue	Response
Visual and landscape character impacts	
Detrimental effect on the scenic quality, landscape character, views and the aesthetic beauty of agricultural area. Unacceptable high visual impact on a rural area, scenic views to Spring Creek Reservoir and disrupts vista to Gaanha Bula - Mount Canobolas. High impact on landscape character and rural setting of heritage items and neighbouring properties and the impact on public domain 4 Malabar Road is elevated above the subject site and proposed vegetative screening will be ineffective and will not screen views of the solar farm. Screen planting is unreliable requires watering and ongoing maintenance.	The proposed development is sited on land with adverse visual and landscape impacts to neighbouring properties, to water views to Spring Creek Reservoir, and iconic views to Gaanha Bula - Mount Canobolas. If approved the solar farm would alter the rural landscape setting and curtilage of several state and local heritage items. In addition, the proposed development will be highly visible and impact on public domain views north from recreational tracks, the water body and Huntley Road approach from the airport. In scenic rural areas, to fit within the landscape, new structures should be situated below the ridgeline or visually contained within treed ridgelines when viewed from adjacent roads and public places. The proposed development is located on the ridgeline, on a highpoint, on sloping topography and will be visually prominent. The proposal is contrary to Clause 3.2-1 Scenic, Landscape and Urban Areas of the DCP. Council cannot be satisfied that the development meets the requirements of Chapter 2 part 2.42 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 - (a) is located to avoid significant conflict with existing or approved residential uses of land surrounding the development, and

Issue	Response
	(b) is unlikely to have a significant adverse impact on the regional city's - (ii) scenic quality and landscape character
View sharing principles applied by the residents at 4 Malabar Road (OP02) Enjoy views from habitable rooms and kitchen to Spring Creek Reservoir, rural landscape and iconic views to Gaanha Bula - Mount Canobolas. If built, the solar farm will result in significant impacts on the scenic quality of views and landscape character. Proposed vegetation screening will be ineffective and not screen the solar panels from view. The residents find the site is unsuitable, part of the drinking catchment, the fall of the land impacts too many observation points, and vegetative screening is ineffective, their habitable rooms will overlook the screening due to elevation	Photomontages submitted on 22 October 2025 illustrate the extent of view sharing from habitable rooms and the magnitude of change. The neighbouring residents at 4 Malabar Road find the high impact and the reasonableness of view sharing to be devastating and unacceptable.
Proposed vegetation screening will not mitigate adverse visual impacts due to 5-year time to reach maturity; the solar panels and security fence will be highly visible	Reliance on vegetation alone to screen a solar farm is not reliable mitigation measure. Plants are a living organism that require regular watering, maintenance to grow to maturity. The DA drawings omit a landscape plan, plant schedule and maintenance plan. Further the drawings note that vegetation screening to be maximum 3m high, to not overshadow the solar arrays. The design preferences optimal energy production over screening the development from both private and public domain.
Visual Assessment by Zenith Town Planning concludes 5 dwellings to east, west, and southwest that have a direct line of sight to the solar farm and BESS have a high visual impact rating. The upper sections of the solar farm will be visible from Lone Pine Avenue and Spring Creek Reservoir	The proposed development has an unacceptable visual impact on the public and private domain due to topography, proximity to neighbouring properties and public land use. Council cannot be satisfied the visual and landscape character impacts resulting from the poor site selection, solar farm design and vegetation screen mitigation measures are acceptable.

Issue	Response
Visual impact on aircraft and rescue helicopters approaching Orange Regional Airport and Bloomfield Hospital	Council has previously sought advice from the Civil Aviation Safety Authority (CASA) regarding electricity-generating works involving solar panels. CASA advised that solar farms are assessed using industry best practice, which is currently based on United States Federal Aviation Administration (FAA) guidance. Council understand that this guidance advises that glare is not a safety hazard to aircraft operations but can have a significant negative impact on air traffic control towers. The air space around Orange airport is non-controlled. All aircraft communicate using a CTAF frequency to land safely.
Impact on high quality agricultural land	
Inappropriate land use on valuable agricultural land classified as Class 3 high capability land and state significant agricultural land. High quality and friable basalt soils capable of sustaining high levels of productivity.	Solar farm located on good friable Class 3 LSC agricultural soils is not a suitable land use.
Solar farms should be located in NSW State Government negotiated Renewable Energy Zones (REZ)	The proposed development site is not part of the Central West Orana REZ. The site selection is not suitable on Biophysical Strategic Agricultural Land (BSAL) with high quality soil and water resources capable of sustaining high levels of productivity.
Sets a precedent for solar farms on or near the city boundary. Solar farms should be located further from town on poor agricultural land	The proposed development sets an undesirable precedent for land use in areas designated for agriculture and low-density rural development.
Alternative sites that are less disruptive to the environment and local community should be investigated. For example, could solar panels be located on Leewood Estate industrial shed roofs or on land further from town on poor agricultural land	The assessment of a development application is confined to the merits of the proposal on the land to which the application relates. Unlike State Significant Development, State Significant Infrastructure or designated development requiring an Environmental Impact Statement, there is no statutory requirement for the applicant to demonstrate justification of need or investigate alternative locations. Accordingly, Council cannot assess whether industrial roof spaces at Leewood Estate or more remote, lower-value rural land would be preferable. The relevant test under Section 4.15

Issue	Response
	is whether the subject site is suitable for the proposed development. For the reasons outlined in this report, Council is not satisfied that the site is suitable, including in relation to landscape character, ecological impacts, and the loss of high-quality agricultural land. These matters form part of Council's recommendation for refusal to the WRPP.
Heritage impacts	
Proximity to heritage items and neighbouring properties Negative impact on heritage setting of Bloomfield House and Moulder's Orchard	The proposed development is 115m from Bloomfield House and in the viewshed of several other state listed and local heritage items. The proposed development diminishes the heritage significance and rural landscape setting of these properties.
Impact on Spring Creek Reservoir, wetlands habitat, water supply source	
Close to the local reservoir, biodiversity impacts on water quality, local water catchment and wetlands	The proposed development is adjacent to Gosling Creek, a Strahler fourth order stream and is defined as waterfront land under the Water Management Act 2000. Some works proposed on the land are located within the Vegetated Riparian Zone (VRZ) which forms an integral component of the riparian corridor. VRZs provide stability reducing bank erosion and therefore protecting water quality, providing habitat for terrestrial, riparian and aquatic ecosystems, connectivity for wildlife habitats and flood control. The applicant has not sought integrated development, and insufficient information has been provided for Council staff to be satisfied that riparian function, water quality and wetland values will be protected.
Site location close to local reservoir, water catchment and water supply	The subject site is within 30m from Spring Creek Reservoir on Gosling Creek, part of the drinking water catchment and Orange's water supply. Overland flows across the site flow south and southwest discharging to the reservoir. There is inadequate information to assess potential impacts on the catchment and water supply.
Preserving wetlands, biodiversity and habitat of Spring Creek Reservoir	The application does not adequately address how habitat and associated biodiversity values

Issue	Response
	will be protected given the site's proximity to Spring Creek Reservoir.
Impact on recreational value for walking and cycling and water sports around Spring Creek Reservoir	The recreational setting of Spring Creek Reservoir, is acknowledged as part of the broader context in Council's consideration of the visual impact of the development, as well as its impact on scenic quality and landscape character, and confirms that the development would have an unacceptable adverse impact on the scenic quality and landscape character of the area.
Spring Creek Reservoir, wetland is part of Orange water supply, is 30m south of the subject site and habitat for fauna and migratory birds. "Lake effect" theory where aquatic and migratory birds mistake solar panel reflection for a body of water causing collision, bird strike and death.	The site's proximity to an environmentally sensitive waterbody and known bird habitat raises concerns that have not been resolved in the application.
Site is not flat, and the sloping topography conveys a large catchment of water, run off and sediment to the south Extent of solar panels at close centres increase the impervious surface and run off across the site to Spring Creek Reservoir	A Preliminary Sediment and Drainage Concept Plan has been submitted. It proposes a series of minor grassed swales at 70-metre intervals to intercept sheet flow, directing runoff to a major rock-lined swale on the western boundary, which then conveys flows to a sediment/detention basin on the southern boundary. Additional measures include gravel placement beneath the panel arrays to reduce scour and allow infiltration, and a forebay within the basin to trap coarse sediment.
Noise	
Noise emission from inverters and BESS and impact on residents and local fauna Proposed one-off noise validation monitoring to quantify emissions once the solar farm is operational If noise is an issue what measures will be implemented? Concern over noise emission from the inverter and BESS conveyed with prevailing southwest to northeast winds to 4 Malabar Road for 35-year operation period	Predicted operational noise level is 32dB at 4 Malabar Road, and the project noise trigger level is 35dB, indicating compliance is likely to be achieved. Properties further away are predicted to have operational noise impacts of <30dB. For reference, <30dB is very low. It's not worth listing exact predicted levels below this point as it would likely be imperceivable over background noise. Construction noise can be adequately managed through conditions should consent be granted.

Issue	Response
Proximity to town and residential areas	
Site location proximity to town and too close to neighbouring properties impacts on the quality of life for residents	The subject site is approximately 3.7 km from the Orange town centre, 800 m from established residential areas, and in close proximity to several individual dwellings. These matters have been considered as part of the assessment of potential amenity impacts on neighbouring properties.
Concern with risk of bushfires close to town	Bushfire risk has been appropriately addressed in the Bushfire Assessment Report, which confirms that the proposal can meet the requirements of *Planning for Bush Fire Protection 2019* subject to implementation of recommended mitigation measures.
Impact on property value	
Negative impact on property values that reduce by 25% when solar farm in view	There is no clear evidence that solar developments negatively impact property values, and this is not matter for consideration in planning assessment.
Glint and glare impacts	
Glint and glare impact to neighbouring homes, unacceptable yellow glare impact on Bloomfield House (OP03) and Lone Pine Avenue (RT07)	The Glint and Glare Assessment identify receptor locations where yellow glare and green glare are high. However, the study omitted OP02 (4 Malabar Road) from the findings. Without mitigation, residents driving on Lone Pine Avenue (RT07) would be exposed to glint and glare for a period that exceeds the maximum acceptable level prescribed under the Large-Scale Solar Energy Guideline. Residents at Bloomfield House (OP03) will be exposed to moderate yellow glare impact requiring mitigation measures to reduce impacts. The Study claims the proposed perimeter vegetation screening is deemed adequate with no additional mitigation measures proposed However, the proposed vegetative screening cannot be relied upon to screen glare impacts to neighbouring residents and road users. The site location and site design is not suitable.

Issue	Response
Glint and Glare study did not include OP02 (4 Malabar Road) which is 70m from the solar site, despite being close to RT07 Lone Pine Avenue where yellow glare for 14 mins each morning from March to October (36 hours/ per annum) Site topography slopes in two directions north to south and east to west, not a flat site. Fixed panels result in unacceptable glint and glare to several receptors.	Residents concern is warranted that the glint and glare assessment does not address their property and adequately assess potential impacts.
Fire risk and water contamination	
High fire risk close to town from bush fire and battery explosion. Concern over use of electrical fire retardants leading to water contamination in the Spring Creek Reservoir water supply	The BESS system contains a self-integrated automated fire detection and suppression system that is incorporated to the solar system monitoring system. The site is located on Bushfire Prone Land Vegetation Category 3 subject to medium bushfire risk. The design includes a 10m wide Asset Protection Zone to act as a defendable space for emergency services. However, the site proximity adjacent to Spring Creek Reservoir that provides the urban water supply suggests the site selection is not suitable.
Impact of herbicide to control vegetation between solar panels and contamination to water supply	The PEG system is fixed with no gaps between the solar panels. Gravel is placed over existing ground cover under the panels. Herbicide and pesticides are proposed to control weeds within the APZ and vegetation screening buffer may leach into the friable topsoil and be conveyed in overland flow to swales, detention basin and discharge to Lone Pine Avenue and the reservoir.
Degradation of solar panels and batteries and concern heavy metal release contamination in Spring Creek Reservoir and the water catchment	The applicant has advised that solar components will be maintained quarterly. Should components need to be replaced or when the plant is decommissioned at the end of its operational life, the applicant would engage organisations such as Pan Pacific Recycling to process solar farm component waste. It is acknowledged that the potential release of heavy metals into soil and water is an emerging concern, and this issue was also raised by DPI in their advice to Council. DPI recommended that,

Issue	Response
	should consent be granted, ongoing monitoring be required.
Decommissioning	
Concern over proper decommissioning and removal of solar farm infrastructure and Australia's capability for e-waste recycling of solar panels	Concerns regarding proper decommissioning, removal of infrastructure and Australia's capacity to manage solar panel e-waste are acknowledged. Decommissioning and recycling processes are expected to evolve over the life of the project, and industry capability is likely to be different in 35 years' time. Conditions can properly address this issue, should consent be granted.
Community consultation	
Lack of consultation with neighbouring properties by applicant and residents dissatisfied with the process and lack of transparency	Neighbouring properties were not consulted prior to the 14-day public exhibition. Council's Community Participation Plan encourages developers to undertake early engagement with neighbours; however, it is not a formal requirement. The applicant's community engagement strategy was lacking considering the proposed development site location on highly constrained land and proximity to neighbouring properties and heritage items.
Community benefit	
Employment in construction phase over a 3-4 month is short term jobs for the community	The construction phase provides short term employment however, ongoing local jobs for the community are limited.
Lack of detail on how the Orange community benefits from the solar farm	The small-scale solar farm will feed energy generated into Essential Energy grid. Benefits to the community, if any, have not been adequately communicated to residents.
How is the solar farm connected to the energy grid and location of transmission lines?	Details of how the solar farm will connect to the Essential Energy network, including the location and capacity of transmission or distribution lines, have not been clearly provided in the application.

Financial Contributions

138. The proposed development has not entered a VPA with Council and the Section 7.11 and Section 64 development contributions do not apply.

Summary and Recommendation

139. The proposed development has been assessed under Section 4.15 of the EP&A Act and is recommended for refusal for the reasons outlined in this report.

140. The undersigned declare, to the best of their knowledge that they have no interest, pecuniary or otherwise, in this development application or persons associated with it and have provided an impartial assessment.

Prepared by: **Kate Yates**
Senior Planner

Reviewed by: **Ben Hicks**
Coordinator Development Assessment

ORANGE SOUTH 7A
5MW SOLAR FARM + BESS

DEVELOPMENT APPLICATION

SITE ADDRESS:

25 LONE PINE AVENUE

ORANGE NSW 2800

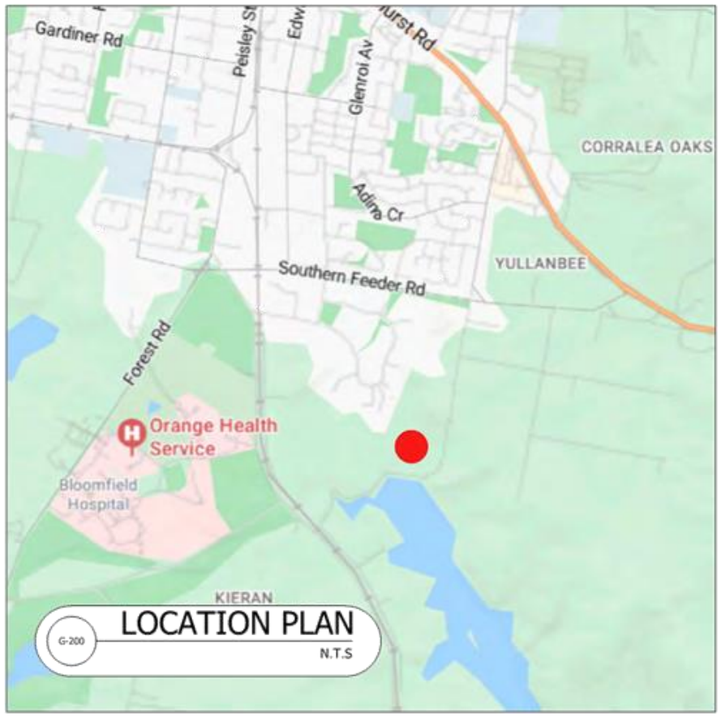
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SHEET NO.	SHEET TITLE
G-0100	COVER PAGE
G-0200	LOCATION / SITE PLAN
G-0300	GENERAL ARRANGEMENT (GA) PLAN
G-2200	SITE ELEVATIONS
G-4300	INVERTER FOOTING DETAILS
C-4310	BESS FOOTING DETAILS
C-5300	FENCING DETAILS
C-5301	GATE DETAILS
C-6300	ACCESS PATH DETAILS
C-6301	LANDSCAPE DETAILS
E-3400	INVERTER STATION DEATAILS
E-5300	BESS STATION DETAILS
E-5310	PEG ARRAY DETAILS

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DRG TITLE
SITE PLAN

STATUS
DEVELOPMENT APPLICATION

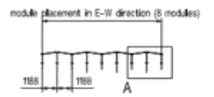
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02	29/04/2025	UPDATED DA DRAWING	LC
03	05/05/2025	UPDATED GA DRAWING	LC
04	09/05/2025	UPDATED GA DRAWING	LC

PROJECT
ORANGE SOUTH 7A

SITE ADDRESS
25 LONE PINE AVENUE
ORANGE NSW 2800

NOTES



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ORIG DATE:	23/10//2024	SCALE	NTS
REV DATE:	09/05/2025		
SHEET SIZE	A3	PAGE NO.	2 OF 13
DRG NO.	G-200	REV NO.	04

SITE INFORMATION	
LOT / DP (ALL LOT UTILIZED)	143 / 669179 & COUNCIL ROAD RESERVE
ADDRESS	25 LONE PINE AVENUE, ORANGE, NSW 2800
LGA	ORANGE CITY COUNCIL
LAT / LONG	-33.316611 / 149.113854
LOT AREA (TOTAL PARCEL)	7.10 ha
DEVELOPMENT FENCED AREA	5.11 ha
DNSP	ESSENTIAL ENERGY

PROJECT INFORMATION	
AC CAPACITY	4.99 MW
INVERTERS	2 x 3.4 MW AC
CONNECTION VOLTAGE	11 kV
CONNECTION FEEDER	ESSENTIAL ENERGY ORS3B6
CONNECTION SUBSTATION	ESSENTIAL ENERGY ORANGE SOUTH
ARRAY SETBACK	MIN. 10 m FROM SECURITY FENCE
ARRAY SYSTEM	PEG EW
ARRAY SIZE	VARIES
ACCESS PATH WIDTH	4 m



G-300 GENERAL ARRANGEMENT PLAN

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DRG TITLE
GENERAL ARRANGEMENT PLAN

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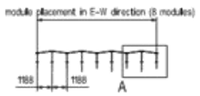
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03	05/05/2025	UPDATE GA DRAWING	LC
04	09/05/2025	UPDATE GA DRAWING	LC

PROJECT
ORANGE SOUTH 7A

SITE ADDRESS
25 LONE PINE AVENUE
ORANGE NSW 2800

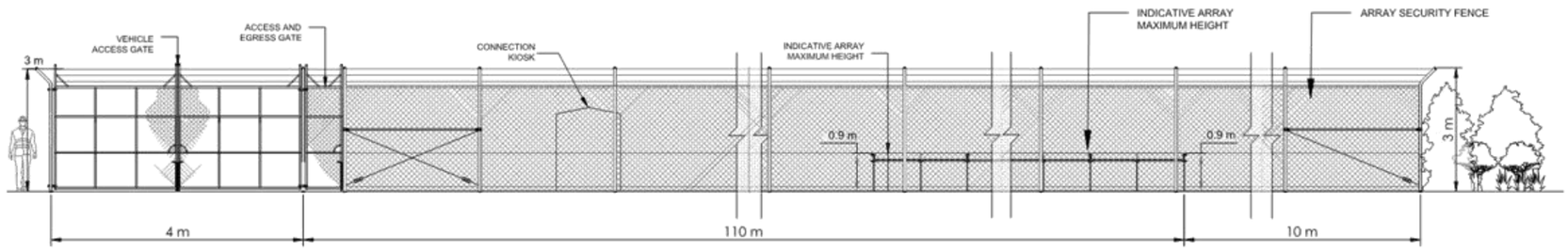
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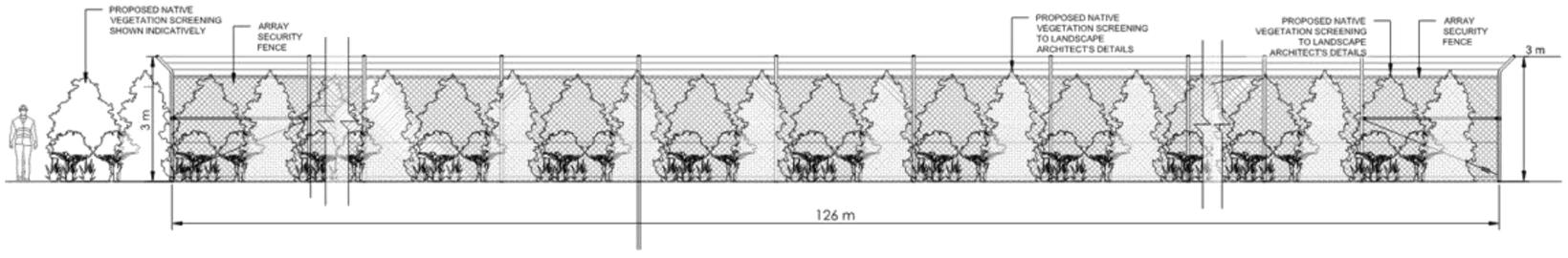
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CHKD: JJ/AN	APPR: JJ
ORIG DATE: 22/10/2024	SCALE 1:2000
REV DATE: 09/05/2025	
SHEET SIZE A3	PAGE NO. 3 OF 13
DRG NO. G-300	REV NO. 04



A G-2200 ELEVATION A
SCALE: NTS



B G-2200 ELEVATION B
SCALE: NTS

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DRG TITLE
SITE ELEVATIONS

STATUS
DEVELOPMENT APPLICATION

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NO.	DATE	DESCRIPTION	BY
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01	12/11/2024	UPDATED DA DRAWING PACK	LC

PROJECT
ORANGE SOUTH 7A

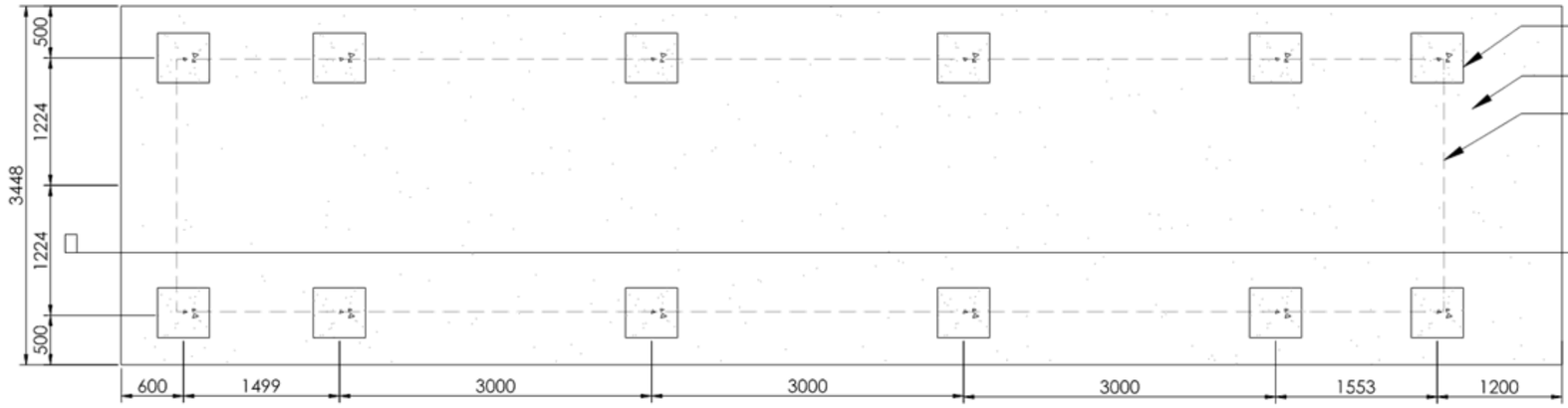
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ORANGE NSW 2800

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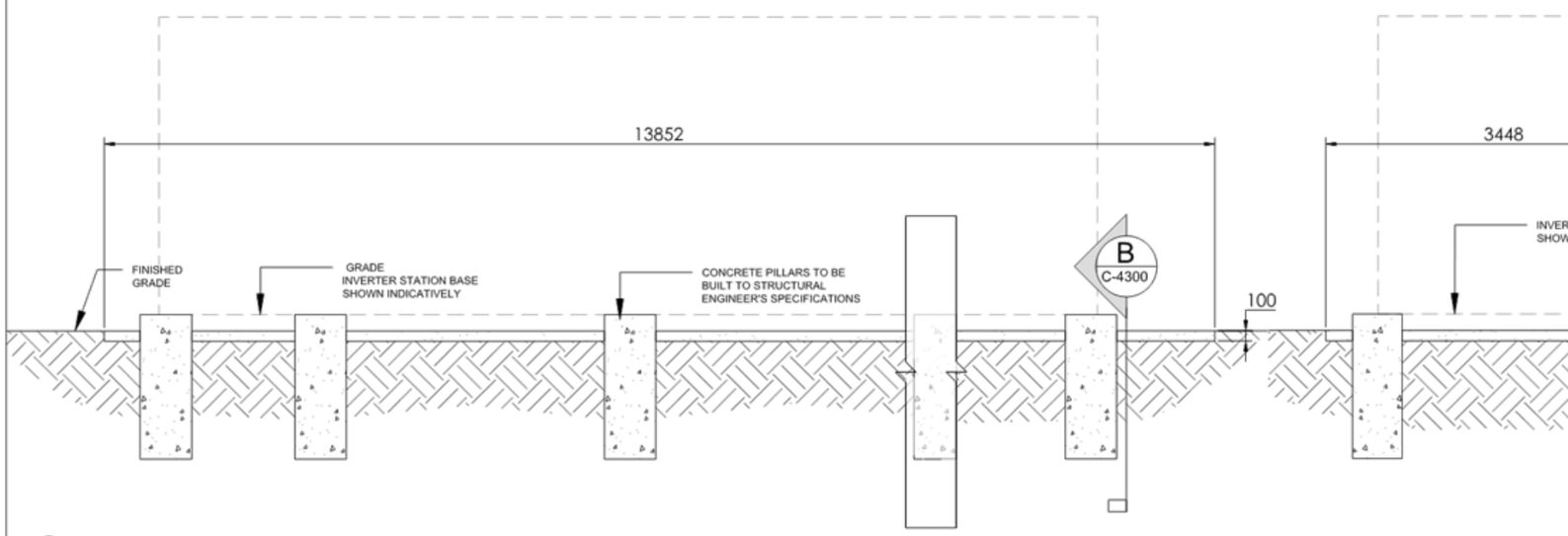
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ORIG DATE:	23/10/2024	SCALE	1:120
REV DATE:			
SHEET SIZE	A3	PAGE NO.	4 OF 14
DRG NO.	G-2200	REV NO.	01



1 C-4300 INVERTER FOOTING PLAN
SCALE: 1:50



A C-4300 SIDE SECTION
SCALE: 1:50

B C-4300 END SECTION
SCALE: 1:50

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DRG TITLE
INVERTER FOOTING DETAILS

STATUS
DEVELOPMENT APPLICATION

REVISION REGISTER

NO.	DATE	DESCRIPTION	BY
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PROJECT
ORANGE SOUTH 7A

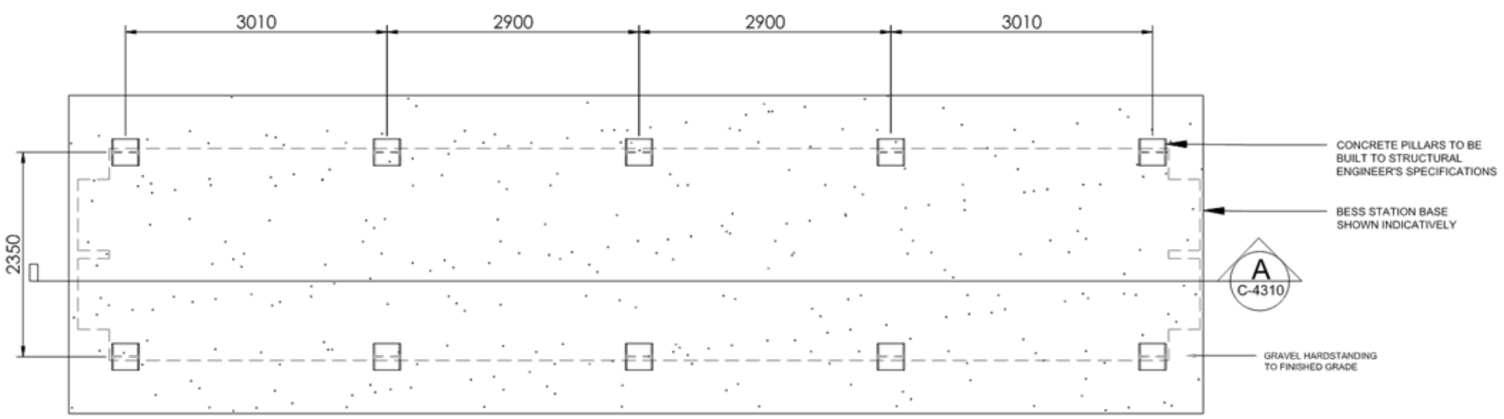
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ORANGE NSW 2800

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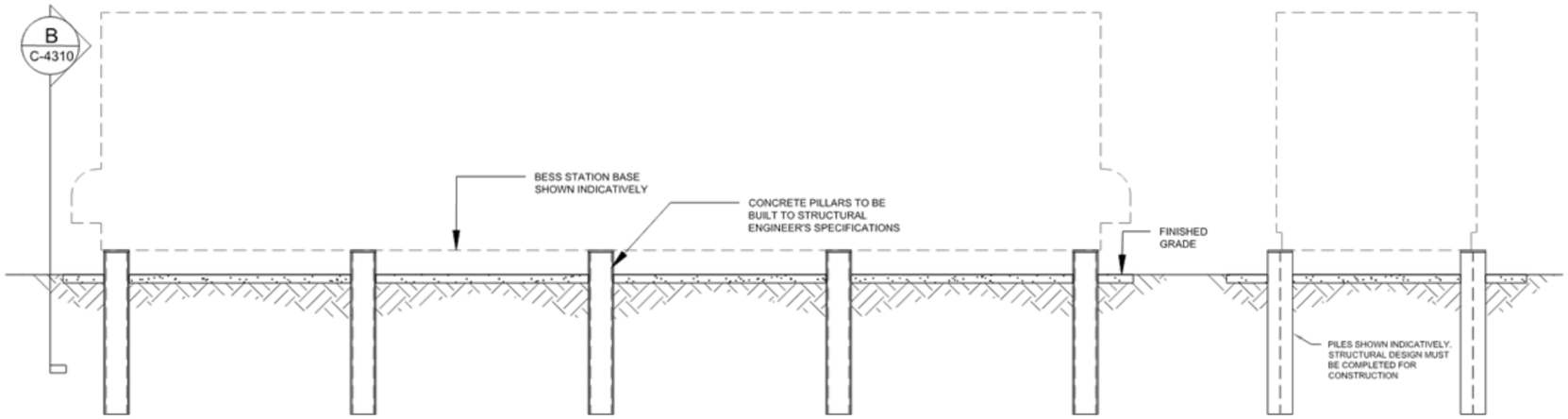
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REV DATE:			
SHEET SIZE	A3	PAGE NO.	5 OF 13
DRG NO.	C-4300	REV NO.	00



1 C-4310 BESS FOOTING PLAN
SCALE: 1:50



A C-4310 SIDE SECTION
SCALE: 1:60

B C-4310 END SECTION
SCALE: 1:60

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DRG TITLE
BESS FOOTING DETAILS

STATUS
DEVELOPMENT APPLICATION

REVISION REGISTER

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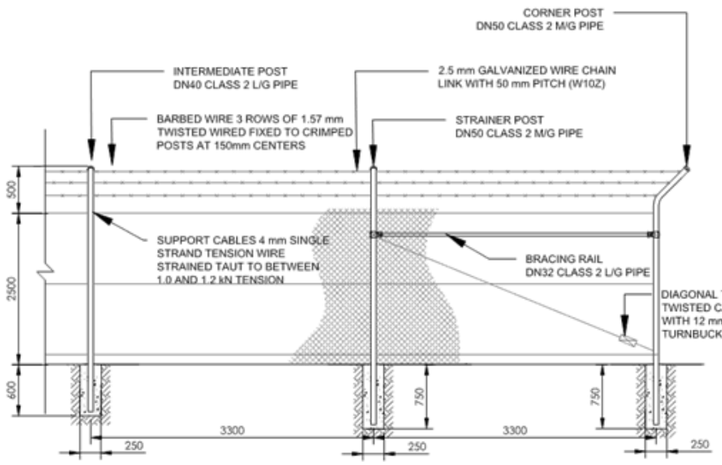
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ORANGE NSW 2800

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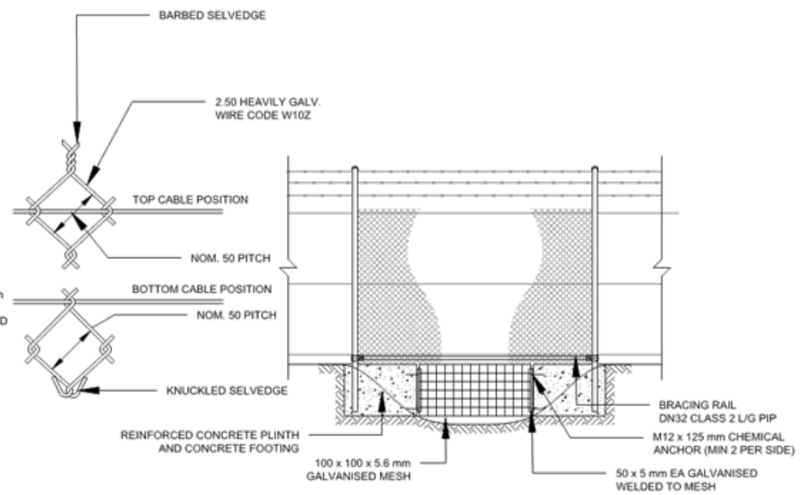
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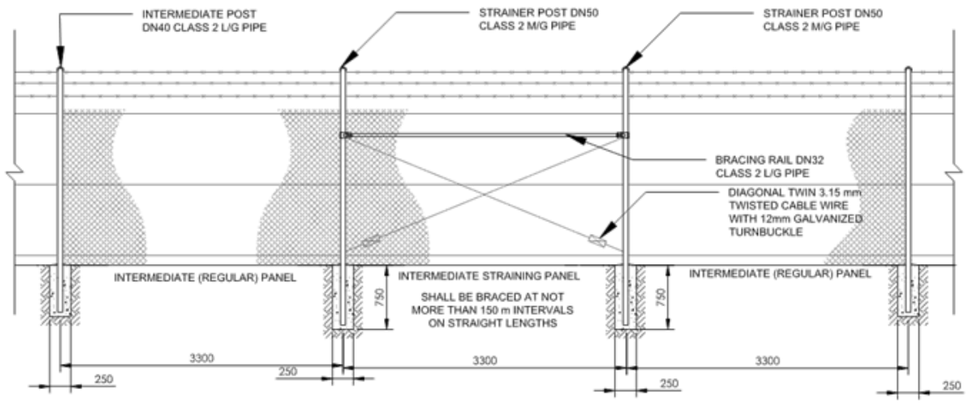
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DRG NO.	C-4310	REV NO.	00



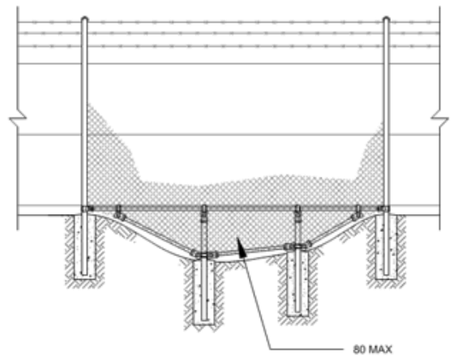
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SCALE: 1:60



3 C-5300 TYPICAL STORMWATER CROSSING
SCALE: 1:60



2 C-5300 INTERMEDIATE STRAINING PANEL FENCE SECTION
SCALE: 1:60



4 C-5300 TYPICAL GULLY CROSSING
SCALE: 1:60

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DRG TITLE
FENCING DETAILS

STATUS
DEVELOPMENT APPLICATION

REVISION REGISTER

NO.	DATE	DESCRIPTION	BY
00	23/10/2024	DA DRAWING PACK	LC
01	12/11/2024	UPDATED DA DRAWING PACK	LC

PROJECT
ORANGE SOUTH 7A

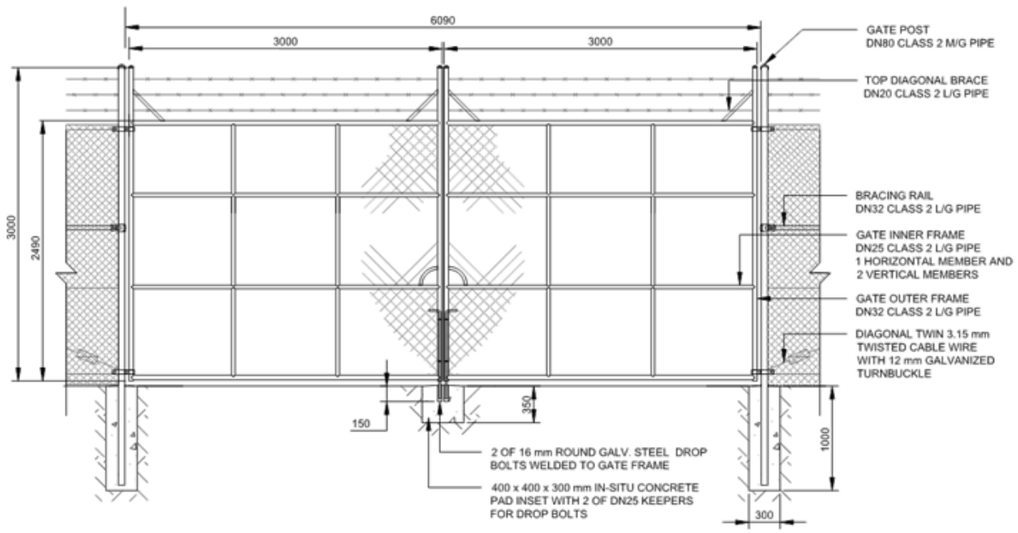
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ORANGE NSW 2800

NOTES
- FENCE AND GATES TO BE DESIGNED AND CONSTRUCTED TO AS 1725 PART 1

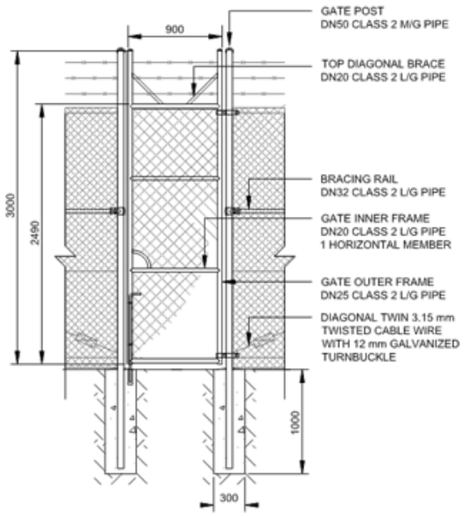
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DSN:	LB	DWN:	LC
CHKD:	AN	APPR:	JJ
ORIG DATE:	23/10/2024	SCALE	1:60
REV DATE:			
SHEET SIZE	A3	PAGE NO.	7 OF 13
DRG NO.	C-5300	REV NO.	01



2 C-5301 DOUBLE LEAF 6 METRE GATE SECTION
SCALE: 1:50



2 C-5301 SINGLE LEAF GATE SECTION
SCALE: 1:50

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DRG TITLE
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STATUS
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01	12/11/2024	UPDATED DA DRAWING PACK	LC

PROJECT
ORANGE SOUTH 7A

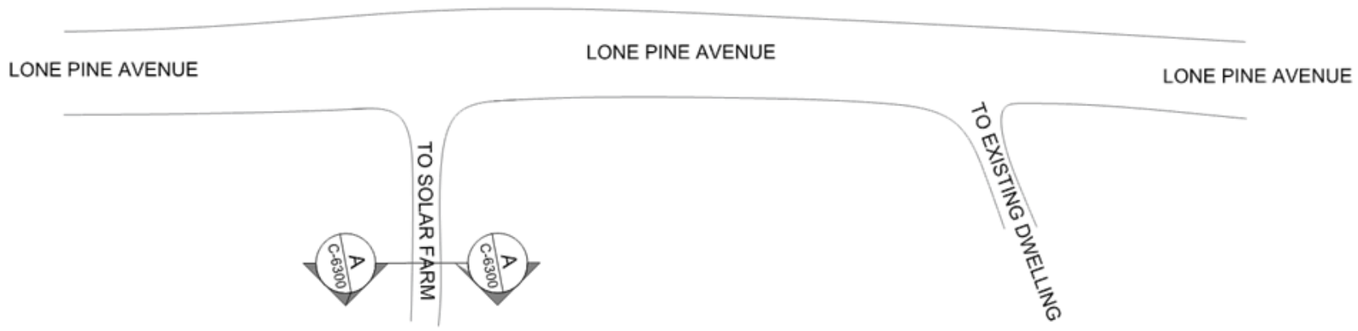
SITE ADDRESS
25 LONE PINE AVENUE
ORANGE NSW 2800

NOTES
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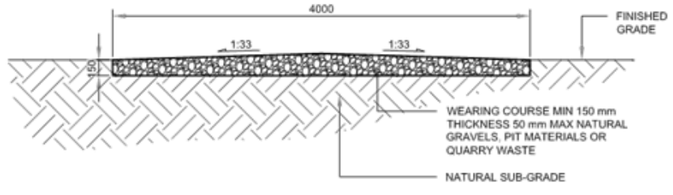
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CHKD:	AN	APPR:	JJ
ORIG DATE:	23/10/2024	SCALE	1:50
REV DATE:			
SHEET SIZE	A3	PAGE NO.	8 OF 14
DRG NO.	C-5301	REV NO.	01



1 C-6300 INDICATIVE TURNING DETAIL PLAN

SCALE: NTS



A- CROSS SECTION - ACCESS PATH

SCALE: 1:50

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DRG TITLE: ACCESS PATH DETAILS

STATUS: DEVELOPMENT APPLICATION

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NO.	DATE	DESCRIPTION	BY
00	23/10/2024	DA DRAWING PACK	LC

PROJECT: ORANGE SOUTH 7A

SITE ADDRESS: 25 LONE PINE AVENUE ORANGE NSW 2800

NOTES

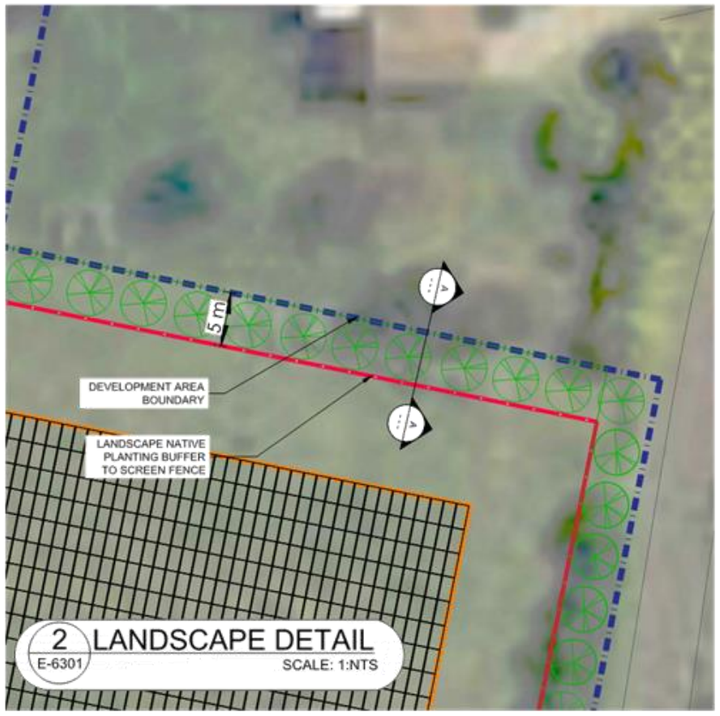
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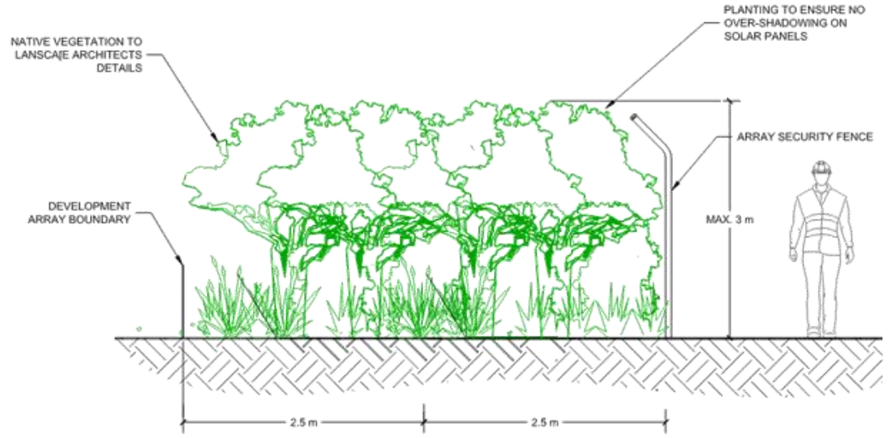
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DRG NO.	C-6300	REV NO.	00



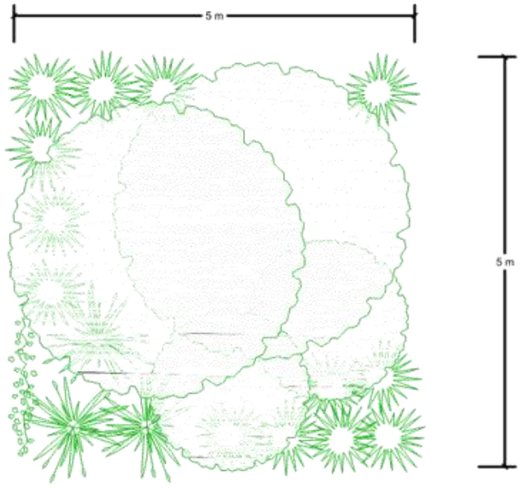
1 E-6301 KEY PLAN SCALE: 1:NTS



2 E-6301 LANDSCAPE DETAIL SCALE: 1:NTS



A E-6301 SECTION A SCALE: NTS



3 E-6301 INDICATIVE PLANTING STYLE SCALE: NTS

PLANTING SCHEDULE

KEY SYMBOL:	
VEGETATION TYPE:	NATIVE VEGETATION TO LANDSCAPE ARCHITECTURAL DETAILS
SPACING:	5.0 m
MAX. HEIGHT:	3.0 m

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DRG TITLE
LANDSCAPE DETAILS

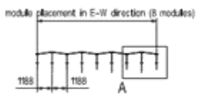
STATUS
DEVELOPMENT APPLICATION

REVISION REGISTER

NO.	DATE	DESCRIPTION	BY
00	23/10/2024	DA DRAWING PACK	LC
01	12/11/2024	UPDATED DA DRAWING PACK	LC
02	05/05/2025	UPDATED GA DRAWING	LC

PROJECT
ORANGE SOUTH 7A

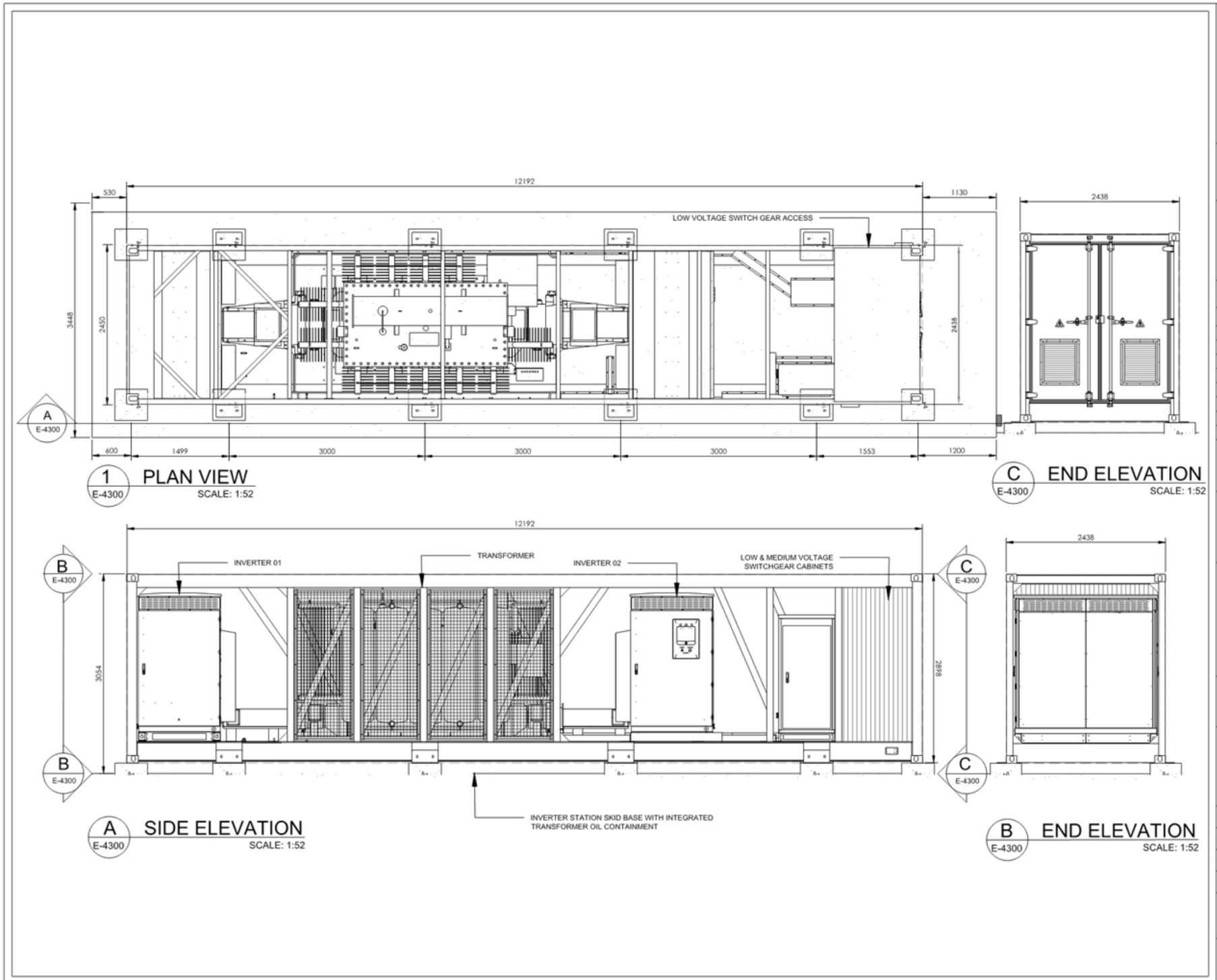
SITE ADDRESS
25 LONE PINE AVENUE
ORANGE NSW 2800

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DSN:	LC	DWN:	LC
CHKD:	JJ/AN	APPR:	JJ
ORIG DATE:	22/10/2024	SCALE	1:NTS
REV DATE:	05/05/2025		
SHEET SIZE	A3	PAGE NO.	10 OF 13
DRG NO.	G-6310	REV NO.	02



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DRG TITLE
INVERTER STATION DETAILS

STATUS
DEVELOPMENT APPLICATION

REVISION REGISTER

NO.	DATE	DESCRIPTION	BY
00	23/10/2024	DA DRAWING PACK	LC

PROJECT
ORANGE SOUTH 7A

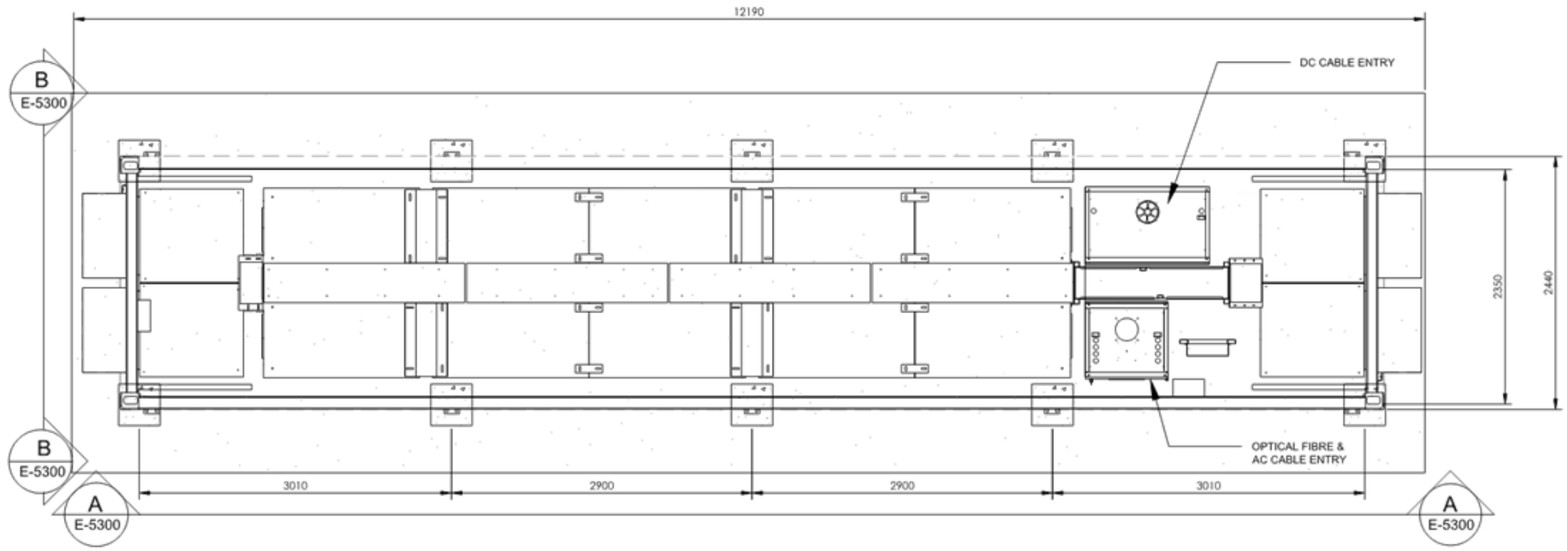
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ORANGE NSW 2800

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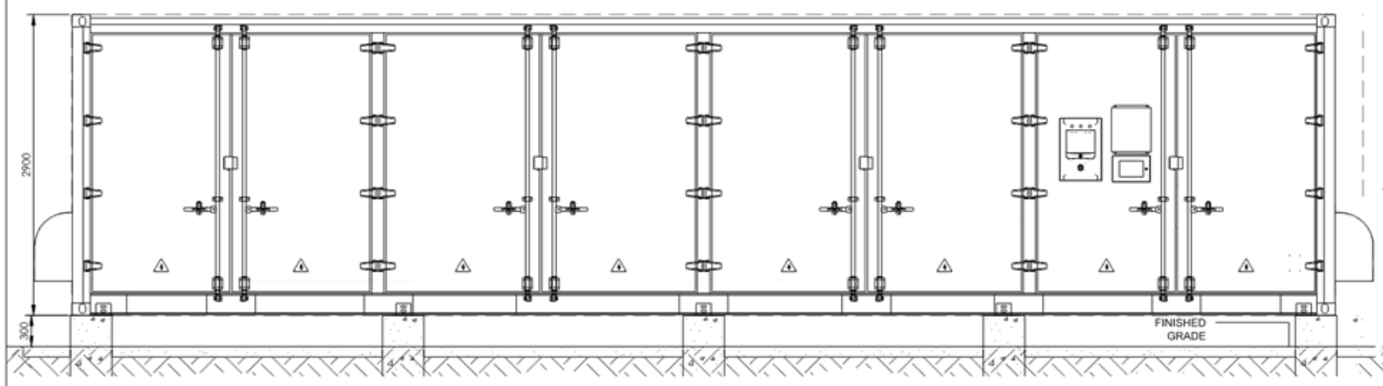
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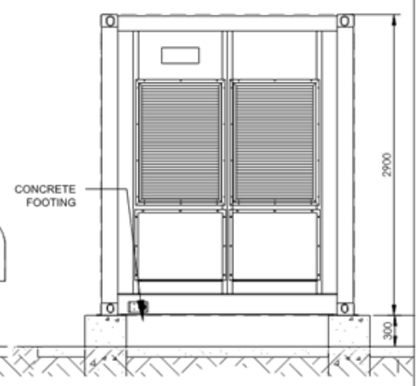
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ORIG DATE:	23/10/2024	SCALE	1:52
REV DATE:			
SHEET SIZE	A3	PAGE NO.	11 OF 13
DRG NO.	E-4300	REV NO.	00



1 E-5300 BESS PLAN
SCALE: 1:50



A E-5300 SIDE ELEVATION
SCALE: 1:50



B E-5300 END ELEVATION
SCALE: 1:50

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DRG TITLE
BESS STATION DETAILS

STATUS
DEVELOPMENT APPLICATION

REVISION REGISTER

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00	23/10/2024	DA DRAWING PACK	LC

PROJECT
ORANGE SOUTH 7A

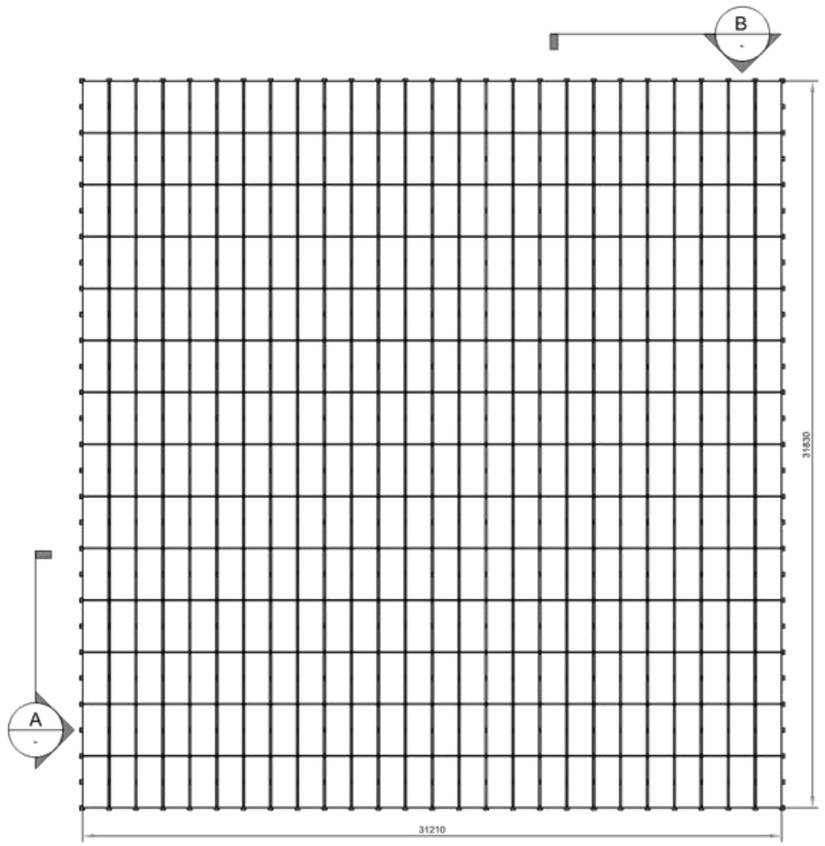
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ORANGE NSW 2800

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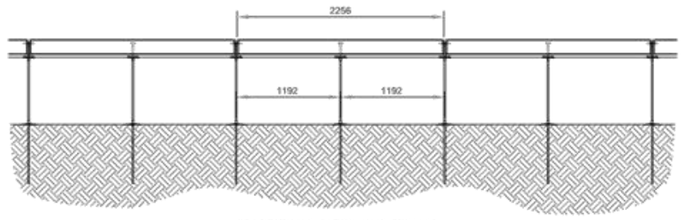
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CHKD:	AN	APPR:	JJ
ORIG DATE:	23/10/2024	SCALE	1:50
REV DATE:			
SHEET SIZE	A3	PAGE NO.	12 OF 13
DRG NO.	E-5300	REV NO.	00

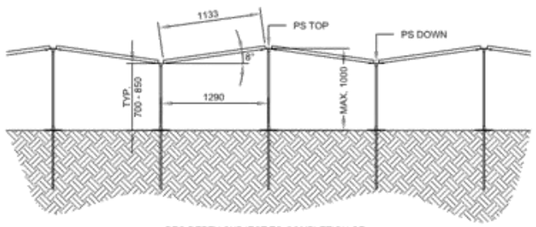


1 E-5310 ARRAY PLAN - 26 X 14 MODULES LANDSCAPE MOUNTED
SCALE: 1:230



PEG DEPTH SUBJECT TO COMPLETION OF DESIGN BY STRUCTURAL ENGINEER FOLLOWING GEOTECHNICAL INVESTIGATION

A E-5310 TYPICAL ARRAY ELEVATION
SCALE: NTS



PEG DEPTH SUBJECT TO COMPLETION OF DESIGN BY STRUCTURAL ENGINEER FOLLOWING GEOTECHNICAL INVESTIGATION

B E-5310 TYPICAL ARRAY ELEVATION
SCALE: 1:NTS

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DRG TITLE
PEG ARRAY DETAILS

STATUS
DEVELOPMENT APPLICATION

REVISION REGISTER

NO.	DATE	DESCRIPTION	BY
00	23/10/2024	UPDATED DA DRAWING PACK	LC
01	05/05/2025	UPDATED PEG ARRAY	LC
02	09/05/2025	UPDATED PEG ARRAY	LC

PROJECT
ORANGE SOUTH 7A

SITE ADDRESS
25 LONE PINE AVENUE
ORANGE NSW 2800

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DSN: LB	DWN: LC
CHKD: AN	APPR: JJ
ORIG DATE: 23/10/2024	SCALE: 1:230
REV DATE:	
SHEET SIZE: A3	PAGE NO.: 13 OF 13
DRG NO.: E-5310	REV NO.: 02

Submission 1

From:
Sent: Wednesday, 29 January 2025 1:17 PM
To: Orange City Council
Cc:
Subject: Objection to proposed solar farm in Orange

Dear Sir/Madam

We are ratepayers in Orange and have lived in this great city for more than 40 years.
We would like to object to the solar farm that is proposed at 25 Lone Pine Avenue.
DA761/2024(1)

This area is within the city boundaries near residential areas and possibly an area that will grow in the not too distant future. A solar farm in this space would not only aesthetically look bad but will have a negative impact on the land and house value of this area. Please note that we do not live near this area but are concerned for the people who own land and houses near this site.

If this development is allowed to go ahead it will also set a precedent for other solar farms to be developed in or near the city boundary.
We have a great city that attracts many tourists for its a beauty. Such a development would cast a shadow over this beauty.

We urge council to consider NOT allowing this development to go ahead or any such development near or in our city boundaries.

Submission 2

From:
Sent: Wednesday, 29 January 2025 2:27 PM
To: Orange City Council
Subject: DA 761/2024(1) 25 Lone Pine Avenue Orange Electricity Generating Works (Solar Farm) and Battery Energy Storage System (BESS)

OBJECTION TO PROPOSAL

To whom it may concern

The proposal to build a solar farm and battery energy storage system in the nominated location is disturbing for many reasons. The site is very close to town, in an area with other homes and properties. This build will have a glare and glint impact on neighbouring homes. It will also impact the sale value of these homes. The noise of the inverters will also have a negative impact on local residents. If this type of precedent is set, other solar farms and battery storage facilities may very well be build in an around the outskirts of Orange. These facilities should be located in more rural areas, away from the cities and on poor agricultural land. Local Orange City Council residents should NOT have to worry about these type of facilities being built near their residential homes and impacting their quality of life and the value of their most important asset.

The proposed facility could very will pose a high fire risk very close to the town of Orange and the reservoir. A fire would be very hard to contain in that area and could place homes and orchards at risk.

The proposed facility is very close to the local reservoir and biodiversity site besides recognised wetlands and the local water catchment area. The noise and disruption and change in topography and waterflow will have to have a negative impact on the environment. This is not a suitable location and our water and wetlands need to be a priority. We already have a lack of water in this town and cannot afford to comprise the water supplies that we have.

The proposed site is very close to a low socio economic area, an area that already has a high level of vandalism and theft. Building this proposed facility will only encourage vandalism and theft and have a negative impact on the area.

I do not believe that the proposed site for the facility is appropriate for the residents of Orange.

Regards

Submission 3

From:
Sent: Wednesday, 29 January 2025 5:32 PM
To: Orange City Council
Subject: DA761/2024(1) 25 Lone Pine Avenue, Orange, NSW, 2800 Solar Farm Proposal

Dear Sir/Madam

I would like to object to the above proposal on the basis of visual impact on a rural area so close to town.

The area is close to town and at present, is a pleasant area to walk around with scenic views over the Spring Creek reservoir. I am worried that a solar farm would have a negative visual impact on the area.

It is also of concern some use of herbicide may be required in order to keep the vegetation under control between the rows of pannels. The use of such chemicals so close to the reservoir is of concern due to possible water contamination, as the water is still used for the town supply.

I hope that due consideration will be given to my objections.

Regards

Submission 4

From:
Sent: Thursday, 30 January 2025 2:12 PM
To: Orange City Council
Subject: Fw: Orange City Councillors and Planning Dept

From:
Sent: Thursday, 30 January 2025 2:08 PM
To: council@orangensw.gov.au
Subject: Orange City Councillors and Planning Dept

Objection to DA Proposal 761/2024 (1) 25 Lone Pine Ave, Orange.

Dear Councillors and Planning Dept,

I write in objection regarding the proposed Solar Energy Farm on Lone Pine Ave, particularly about the impact to the natural habitat of Spring Creek Dam and in support of a good friend.

Orange is continuing to grow at a fast pace and here we are confronted with a solar facility virtually right on top of residential area and a rampant growing industrial area with little concern for the few residents who quite rightly enjoy the quiet lifestyle of this space.

The report reads " the overall impact on landscape character is assessed to be high impact for both private property and the public domain, saying the proposed 'vegetation screening" will serve to mitigate adverse impacts by substantially reducing visibility of the facility from all aspects". I don't think so, after looking out from the residence of , given the height of the home the visual impact will be greatly disrupted as they look straight down onto the solar screens all the way to Mt Canobolas, it's unavoidable, it will be plain ugly. My friend has crafted a beautiful home for the local environment in which she lives, takes great effort and pride to maintain her land and Orange itself is quite low on opportunities for townspeople to take advantage of the beautiful local landscapes.

On a personal note, I have for some time enjoyed walking and cycling around the Spring Creek Dam waterway, and two instances standout, spotting a family of native quails running off the southern end of the proposed development into the said paddocks and watching quietly as a Kingfisher pecked away at insects among the trees there. Endangered species of ducks has been well documented in the past.
Lets not destroy their quiet habitat with the noise from the construction of this facility and the ongoing noise from the battery energy storage system. And certainly not place the BESS anywhere that is visible to any surrounding neighbours.

One of the great fears and concern about these small companies is their commitment to the proper deconstruction and removal of the solar farm.

As yet, it is untested waters, for councils and communities, that a company can just fold up prior to the lifespan of a facility, walking away and leaving a
waste ground of solar panels for ratepayers to cleanup.

I urge the Orange City Council and planners to refuse this development application for the future interest Orange and it's community.

Yours Faithfully

Submission 5

From:
Sent: Sunday, 2 February 2025 6:31 PM
To: Orange City Council
Subject: Objection to DA Proposal 761/2024(1)

Objection to DA Proposal 761/2024 (1) 25 Lone Pine Ave, Orange.

Dear Councillors and Planning Department,

I hope this email finds you well. I am writing to express my opposition to the proposed Solar Energy Farm on Lone Pine Avenue, Orange. While I understand the importance of solar power in our transition to sustainable energy, I have significant concerns regarding the location of this project.

I am concerned about the potential environmental impact of the project. The area in question, adjacent to Spring Creek Dam, is home to native flora and fauna, and I fear that the construction and ongoing operation of a solar farm will disrupt the local ecosystem. The site is not suitable given the need to preserve the natural habitat and biodiversity in the region.

Furthermore, the visual impact of the proposed solar farm will definitely have a detrimental effect on the aesthetic beauty of the area. Spring Creek Dam and the surrounding landscape is valued for its peacefulness and natural beauty, and the introduction of large-scale solar infrastructure will significantly alter the area's visual appeal, which is important to both residents and the community.

Objection also exists based on the proposed site's proximity to current and future residential areas. The development would be situated too close to the town, (which is expanding) impacting the quality of life for local residents. It is essential that renewable energy projects are placed in locations that do not negatively affect communities.

While I support the growth of solar energy in NSW, I urge the Council to consider alternative sites that are less disruptive to both the environment and the local community. I respectfully ask that further investigation and consultation with residents be conducted, and that potential alternatives be explored to ensure that solar farms are not developed in locations, where it directly negatively impacts on the environment and the well being of residents and the community.

Thank you for your time and consideration of my concerns.
Kind Regards,

Submission 6

From:
Sent: Sunday, 2 February 2025 4:47 PM
To: Orange City Council
Subject: Objection to Solar Farm development at 25 Lone Pine Avenue Orange. -DA 761/2024(1) REF NBR PPSWES-274
Attachments: Objection to Solar Farm development at 25 Lone Pine Avenue Orange.docx

Dear Councillors,

Please see above attachment,in regards to the above DA application.

Sincere regards ,

Submission 6

Objection to Solar Farm development at 25 Lone Pine Avenue Orange

DA 761/2024(11) PPSWES_274

1. This area is a well known wild life sanctuary especially for birds,
2. The proposed development is far to close to the greater Orange living area.

3. Has there been any investigation into the effect the development might have on aircrafts and rescue helicopters approaching Orange Airport?
4. Has the Council /Councillors inspected the proposed site to see what impact it would have on close neighbours ?

5. Has the Regional Planning Panel looked into the fine details of this proposed development?
6. Threat of water contamination to Spring Creek Reservoir and and therefore threat to water birds.

7. As a member of the public who enjoys walking in this pristine rural area I am afraid of what the impact it will have on the peacefulness and serenity of the whole area.

Submission 7

From:
Sent: Monday, 3 February 2025 2:27 PM
To: Orange City Council
Subject: Submission of objection to DA 761/2024(1) - Solar Farm, 25 Lone Pine Avenue, Orange.
Attachments: Submission. DA 761-2024(1) – 25 Lone Pine Avenue, Orange.docx

Dear Council,
Please find attached our submission objecting to the proposed Solar Farm at 25 Lone Pine Ave.

Regards,

Submission 7

RE Objection to: DA 761/2024(1) – PAN-497365, 25 Lone Pine Ave, Orange.

To Whom it may concern,

We are writing to put forward our reasons as to why the Solar Farm development at 25 Lone Pine Ave, should not be approved.

1. Negative Visual Impact.
   Firstly, we believe the vegetation screening will not be effective from our viewing position at
   The block is described as having a "gentle to moderate slope to the south", but it also slopes down from the east to the west. This means that the block is tilted in our direction. Also, the northeast corner of the block is higher than so we would see a hillside of solar panels. The proposed 3- to 5-metre-high vegetation screen will not obscure our view of the hillside.
   While on the dimensions of the screen, section 3.5 of the Statement of Environmental Effects, states that the vegetation strip will be 5 metres wide. But then it goes on later to say that the vegetation will be set back 3 metres from the lot boundary to allow for access to maintain the landscaping. In the site plans it shows only a 5-metre vegetation strip between the lot boundary and the security fence. So is the width of the vegetation now only 2 metres or has the whole vegetation strip now grown to 8 metres wide. This is a design flaw in the site layout and plan.

3.5 Landscaping

In line with the recommendations of the *Visual Impact Assessment* and *Heritage Impact Assessment*, it is proposed to screen the facility on all sides. Screening is to consist of a 5 metre wide vegetation strip planted on the outer side of a security fence using a variety of shrubs endemic to the Orange locality that grow to a maximum height of 2.5 - 3 metres or 5 to 6 metres where there is nil interference with solar access. The vegetation is to be setback 3 metres from the lot boundary to enable maintenance of the landscaping.

Figure 1. Extract from Statement of Environmental Effects.

General

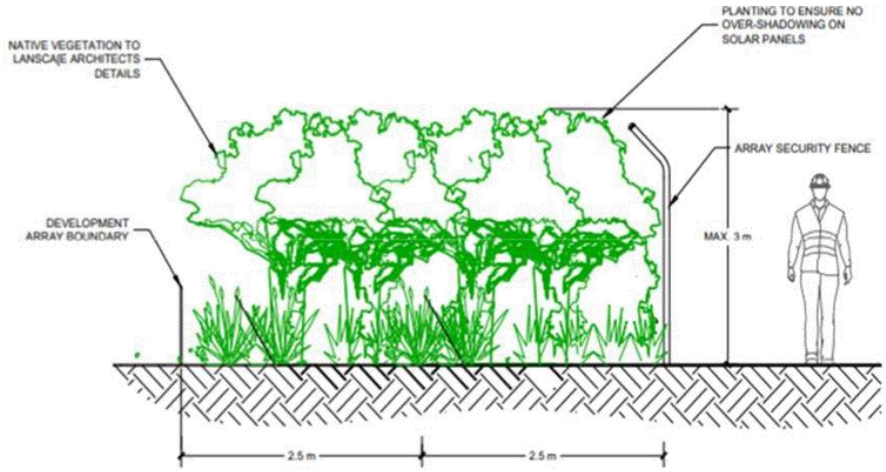


Figure 2. Extract from site plan.

We erected a 3-metre white post on our boundary adjoining the proposed solar farm, to give some visual reference as to the height of the vegetation screen.



Figure 3. 3-metre-high white post, circled.

General

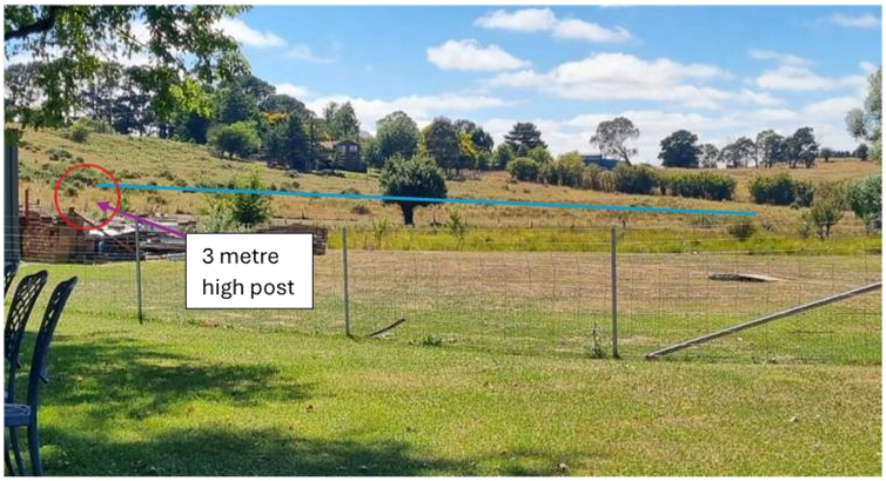


Figure 4. View from southern BBQ area. Above the blueline is the approximate part of the solar array seen.



Figure 5. View form eastern deck.

General



Figure 6. View from northern end of Bloomfield house.

This vegetation screen will require a lot of maintenance, for watering and for weed and vermin control, especially to get it established, also there will be no water on site. There are already quite a few failed industrial landscaping attempts in the Leewood Industrial estate where we drive through. Even if the vegetation is well cared for, it will be up to 5 years of nothing but solar panels and a chain wire security fence.

The following photos demonstrate the high negative impact that will affect our quality of life on a daily basis.
It has been shown in studies that Solar farms devalue properties, this is a major concern for us and it is not something that we have considered in our financial plan for our retirement and quality of life in our later years.



Figure 7. View form eastern deck looking east, where we entertain and spend many hours.

General



Figure 8. View from lounge room looking east, this is also another area of our home that we spend a large amount of time with our family.



Figure 9.View from bedroom to the east.

General



Figure 10.View of eastern side of house from adjoining boundary.

2. Important Heritage Considerations.
and as heritage items are greatly affected by the addition of another industrial complex on it's boundary. If this development goes ahead will have industrial sites on its boundaries to the west, north and the east. That will greatly affect the historical setting of the house and orchard. 25 Lone Pine Ave was once a part of Joseph Moulders vast holding on the eastern side of Orange. The bluestone foundations of the first circa1838, is only 30 metres from the western boundary of 25 Lone Pine Ave.
Could the council's heritage adviser, Mr David Scobie, come and assess the situation as he knows the area well and we would appreciate his knowledge on the proposed DA.

In the recent past has served the community in the form of Open Garden days for garden groups from Orange and as far away as Wellington. One open garden day recently was used to raise money for the Orange Public school, with great success. has also hosted Weddings and other celebrations, there has never been a cost to any persons wishing to enjoy the house and garden its is very important to us that the space be shared for the Community, family and friends for free.

General



Figure 11. Advertisement for Orange Public School open garden day.

Within the community the house and garden are of some note in its unique setting as witnessed by the awards presented to it from the Orange City Council.



Figure 12. Cultural Heritage Awards.

3. Questionable Glint and Glare Report.
The Glint and Glare assessment for the development using a computer model for the task, found that will receive 26hrs of yellow glare per year. Which is strong enough to cause afterimage. But in the summary, it failed to say that could also receive 52hrs per year of green glare, that is a total of 78hrs of glare per year.
As stated earlier, the solar farm block of land slopes in two directions, but the glare model assumptions do not take this into account. The inputs given to the model would make the solar array flat, when it in fact follows the contour of the land. So, the angles of the panels vary a lot and will be sending glare in all directions and may even be concentrating more glare to certain areas then was previously calculated by the Glint and Glare assessment.

General

The area the glare assessment stated to be receiving the most amount of yellow glare was the southern part of Lone Pine Ave, but in the report this area was also identified as having a 'low volume of traffic' therefore it should not cause any problems. Spring Creek reservoir has now been opened to fishing and recreational use, it is accessed via that exact section of Lone Pine Avenue. Another increase of traffic could come when the Lone Pine Avenue crossing over Gosling Creek is re-opened soon, making Lone Pine Avenue a through road again.
Even if the glare assessment recommended mitigation, in what form would it take? They already have said that the screening would not be raised if it interfered with solar collection and that the panels are already treated with an anti-glare coating and are very non reflective. Our inference is that, maybe there is no more mitigation that can be added to the site? So there for the assessment had to say that no glare mitigation is Required, we find the Glint and Glare study give us no confidence in their findings.

4. Proximity to residential area.
Only 800 metres separates the proposed solar farm and the closest residential area.
How close is too close?
This is barely a 10-minute walk down the road to a long-standing residual estate.
Even if there are no plans for residential expansion is this area in the coming 25 years, the farm will be in operation for 30 to 40 years.

Invitation to view.
In closing, all the planning, assessments and statements made by the company on how the development would affect us were made without anyone physically coming to and looking at the proposed site from our side of the fence.
Eg; Zenith Town Planning,
EDPR Australia Pty. Ltd
Muller Acoustics Consulting Pty Ltd
ITP Renewables
Red-Gum Environmental Consulting Pty Ltd
We feel out of respect and common curtesy we should have been introduced to these people as we are so heavily impacted by this DA application and feel isolated which is affecting our mental health.

We would like to extend an open invitation to anyone on the Orange City council and the Western Regional Planning Panel to come to and assess the situation for themselves.

Regards,

General

Submission 8

5th February 2025

Re:- DA 761/2024(1) - PAN-497365

Dear Panel Members and Councillors,

We wish to object most strongly to the proposed Solar Farm at 25 Lone Pine Avenue.

Whilst we are aware that we must develop less dependence on coal for our power needs, we feel that to allow a project such as this to go ahead would create a dangerous precedent for both the local area and nationally.

It appears that the concept of a solar farm on Lone Pine Av has been put forward without consultation with adjoining landowners, nor the residents of Orange and with little to no consideration for the landscape of the area. The location of the solar farm is within a rural residential area and the proposal would significantly change the aesthetics of the landscape as well as the reasons people choose to live in that particular location.

The very comprehensive DA contains a lot of flowery language extolling the value the project would be to Orange primarily during the construction stage. Beyond the construction stage of the proposal the DA application does not appear to provide significant value to the local community.

Section 6.1.5, page 86 states "The township will benefit through the ability to use clean energy generated adjacent to the "settlement". I feel that there is not sufficient detail within the application as to how the township will actually benefit. If there is additional information that would answer this query, then it should be addended to the application.

Section 6.1.3, page 84 states "the addition of a solar farm to the area would not detract unreasonably from the local amenity or the natural environment ". We disagree whole heartedly with this statement as the view from the deck of the house OP02 shown in the plan will consist of 1600 glaring solar panels in the morning or the back of them in the afternoon. The beautiful view to the South and West will be ruined for a possible 35 years due to the expanse of solar panels. The views for which the properties in this area are well known for will be impacted significantly and so too the property values. Will property owners in the area negatively impacted by the solar farm in terms of property values be compensated for such an impact?

There does not appear to be any provision for fire suppression for either bushfire or for battery explosion in the DA. The BESS system has been identified to have a risk of

explosion and fire caused by temperature, cell defects, damage during installation, operational issues and lack of maintenance. One unique BESS hazard is fire and/or explosion caused by thermal runaway or rapid uncontrolled release of energy from a battery cell. If such an event occurred, copious quantities of water and chemicals would be required for control and the resulting runoff would flow directly into Spring Creek Dam – part of Oranges' water supply. Is this an acceptable risk for the Orange water supply and surrounding creek ecosystems? Given Orange has in the past experienced significant drought periods and extended water restrictions, would the risk of contaminating the city's' water supplies and potentially not being able to use it, pose a substantial risk to the community.

A number of questions we wish to pose to the panel members and councillors considering this proposal are:

1. Have panel members and councillors actually been to visit the site and the surrounding area?
2. Have panel members and councillors taken into account the close proximity of the houses in the area of the proposed solar farm and considered the impact that this farm will have on the views, and the valuations of land in the immediate area?
3. Has the potential explosion and fire risks been adequately considered?
4. How can a project such as this be even considered for a DA when there has been no consultation with adjoining landowners or the local community?

We believe that panel members and councillors should really consider if this proposal is actually going to provide any benefit to the local area due to the minimal output of this solar farm and the potential risk of water contamination and visual amenity impacts. The impact on adjoining property owners should not be discounted for minimal energy output.

We feel that this project will be of very little benefit to Orange. The only benefits will be to the farm owner and EDPR Australia, at the expense of the adjoining landholders and the local environment.

We wish to urge the panel members and councillors to consider our strong objection to the proposal and please reject the application.

Sincerely,

Submission 9

From:
Sent: Friday, 7 February 2025 8:12 PM
To: Orange City Council
Subject: Feedback DA 761/2024(1) 25 Lone Pine Ave

Dear Councillors,

I regularly use the Spring Creek dam area for recreational walks and was alarmed to hear about the proposal for a large solar farm applied for in DA 761/2024(1). I am very environmentally conscious, and support the use of renewables, but I am strongly opposed to the location of this solar farm. The farmlands surrounding Spring Creek dam allow a habitat for many species of birds and frogs which are not found in other areas of our city. There are regularly bird watchers who come to the Lone Pine Ave entrance to Spring Creek dam to photograph the variety of bird species we support. The landscape in this area is magnificent and something that council should be fighting to preserve.

The NSW State Government have negotiated land parcels, known as Renewable Energy Zones, to build renewable infrastructure to power our state. Lone Pine Avenue and the Spring Creek dam surrounds are not part of that zone. Any lack of power generated from the proposed site will not compromise our State's effort to bring renewables into our overall power supply. I strongly urge councillors to reject this DA on the grounds of preserving our natural habitats and stunning landscapes. Building large solar farms within our city's bounds should be discouraged, and further investment into our Renewable Energy Zones encouraged.

Regards,

Submission 10

From:
Sent: Sunday, 9 February 2025 5:22 PM
To: Orange City Council
Subject: DA761/2024/(1) PAN - 497365
Attachments: Council Letter.pdf

Please see attached Letter regarding the Development Application

Submission 10

The General Manager
Orange City Council
POBox 35
Orange NSW 2800

9th February, 2025

Dear Sir / Madam
Re: DA761/2024/(1) PAN 497365 - Proposed Solar Farm for Orange NSW

I am writing to express my support for the proposed Solar Farm at 25 Lone Pine Ave Orange and trust the Council will approve and endorse this worthwhile development.

Yours faithfully

Submission 11

From:
Sent: Sunday, 9 February 2025 5:23 PM
To: Orange City Council
Subject: Submission of support for DA 761/2024-PAN-497365

To whom it may concern,

This is a submission ref
DA 761/2024-PAN-497365 at 25 Lone Pine Avenue, Orange NSW 2800/

I am in favour of the Solar Farm at 25 Lone Pine Avenue, Orange, NSW 2800 for the following reasons:
This is green energy which is the way of the future.
The property is close to an industrial site and power line.

Yours sincerely,

NB- Because I am a I would be grateful if my phone no and email address was withheld from the public domain.

Submission 12

From:
Sent: Monday, 10 February 2025 1:31 PM
To: Orange City Council
Subject: DA 761/2024(1). Orange South 7a 5mw Solar Farm 25 Lone Pine Ave

To Whom it May Concern

Re: DA 761/2024(1). Orange south 7a 5mw Solar Farm 25 Lone Pine Ave

Please accept this as a letter ofobjection to the above proposal for a solar farm at 25 Lone Pine Avenue Orange

1- Farmland concerns and Water Catchment Area
As this solar farm is proposed for farmland and water catchment area there is a very high risk of heavy metal seepage over time which can cause contamination to the towns water supply and surrounding land.

2- Wildlife and habitat concerns
As Spring Creek Reservoir is part of Orange water supply it also supports a broad range of wildlife including endangered species. The construction and permanence of a solar farm will disrupt and endanger this unique environment.

3-Aesthetic Impact
The construction of a solar farm in this prime farmland residential and water catchment area is not only unsightly and an eyesore due to the visual impact including reflection, it takes up a large parcel of land. It is within 5km of residential Orange and will impact neighbours and visitors to this proposed solar farm.

I do hope you consider these relative objections to the proposed solar farm.

Regards

Submission 13

Dear Sir,

Re-development proposal for 25 Lone Pine Ave Orange DA 761/2024 (1) For Solar Farm.

I object strongly to this proposal.

Points 1 To close to Residential area.

2. Spring Creek Wetlands also in very close proximity I feel it will have a significic impact on Bird Life. There has been sightings of Latham's Snip a migratory bird species that spend's Summer here from Japan, This bird has been sighted (recorded) at Springcreek. The chance of injury to all birds on the wetlands area colliding in flight with the Solar Pannels, lack of management may result in the deterioration of these habitat.

3. This will also alter the topography of the area, This proposal will have a detrimental effect on my Friend [redacted] View from her beautiful home views will be severly impacted by this proposal, I also beleive the glare from the pannels will be signific.

Her investment in her property is long term, The effects are very significic, decreased valuation of land.

Who want to view Solar Pannels so close to home for the next 35 years, I object to this perposal strongly

Yours Sincerly

Submission 14

From:
Sent: Monday, 10 February 2025 10:19 AM
To: Orange City Council
Subject: Submission to object DA 761/2024 (1)-PAN-497365, 25 Lone Pine Ave, Orange
Attachments: Power submission.pdf

Please find attached our submission relating to the above mentioned DA.

Please contact me if you have any questions or concerns.

Regards

Submission 14

Re Objection to: DA 761/2024 (1)-PAN-497365, 25 Lone Pine Ave, Orange.

To whom it may concern

We are writing to express our reasons as to why the DA for a Solar Farm + BESS at 25 Lone Pine Avenue, should **NOT** be approved.

Our objection relates to Division 4 section 2.42 subsection (2) and (3) of the State Environmental Planning Policy (Transport and Infrastructure) 2021, see below.

(2) Development consent must not be granted unless the consent authority is satisfied that the development—

(a) is located to avoid significant conflict with existing or approved residential or commercial uses of land surrounding the development, and

(b) is unlikely to have a significant adverse impact on the regional city's—

(i) capacity for growth, or

(ii) scenic quality and landscape character.

(3) In determining whether to grant development consent, the consent authority must consider measures proposed to be included in the development to avoid or mitigate conflicts referred to in subsection (2)(a) or adverse impacts referred to in subsection (2)(b).

In the report produced by Zenith Town Planning to support the application submitted by EDPR Australian Development PTY LTD, we feel this development consent criteria has not adequately been addressed in relation to the existing residential uses of land surrounding the development.

The use of extremely out dated ariel images such as Figure 2: Ariel Image, makes it look like the surrounding area of the proposed development site exists only of large expanses of unused land and is relatively remote to Orange. This is then supported by photography, Plate 1, that cleverly shows the proposed site from the best angle to support the suggested remoteness of the proposed site and the claim that the area only slopes from North to South. This is fundamentally wrong and a site inspection would clearly show the full

detrimental impact on the **existing** residential development uses of the land surrounding the proposed development.

We make particular reference here to . This beautifully and painstakingly restored Home, in accordance to Heritage guidelines, and the magnificent expansive garden, joins the Western boundary of the proposed development site. The Gardens are frequently opened to the public to raise money for local schools and charities. As well as a terminus for recreation and relaxation by many families and friends and the perfect backdrop to commemorate special occasions such as weddings.

The owners of consider themselves custodians of this piece of local history and love to share the results of their years of research and attention to detail. Visitors are shocked that an area as tranquil and peaceful as this can exist in such close proximity to Orange. With the picturesque farming blocks surrounding the property and the neighboring houses not in full view, it is like walking back in time and been part of a by gone era.

The extremely close proximity of the area of the proposed Solar panel farm + BESS site is in direct view of this property and many other surrounding homes. The East to West **and** North to South slope of the proposed site means that the screening height of the vegetation, that the Zenith report suggest will **"mitigate or minimize"** the impact on the scenic quality and landscape character of the surrounding existing residential development, is preposterous. Unless they are going to completely flatten the proposed site, which does not appear to be mentioned or addressed as a possibility in the application, and all the panels are level, they will be in full view. This will have an enormous negative impact, not only on the scenic quality and landscape character of the surrounding existing residential development but also on the resale value of these developments and the mental health of their owners.

We understand that no owners of the properties surrounding the proposed site were approached or visited by either EDPR Australian Development PTY LTD or Zenith Town Planning before the report supporting the application was compiled and submitted. So how can the full and **significant conflict** to these **existing residential uses of land surrounding the development** even be calculated or understood, never lone be addressed and resolved.

We believe that a site inspection involving all surrounding affected properties needs to be carried out and is in fact required, before an informed decision can be made.

Thank you for taking the time to read our submission.

Regards

Submission 15

From:
Sent: Tuesday, 11 February 2025 1:07 PM
To: Orange City Council
Subject: DA761/2024(1) - PAN-497365 ARGUMENT FOR CONSIDERATION re proposed Solar Farm
Attachments: Orange Development Solar Farm Lone Pine Avenue.docx

I hereby submit my argument for consideration against the proposed Solar Farm proposed for 25 Lone Pine Avenue

DA761/2024(1) - PAN-497365

Regards,

Submission 15

DEVELOPMENT PROPOSAL - DA 761/2024(1) – 25 LONE PINE AVENUE, ORANGE

DA761/2024(1) – PAN-497365

Arguments against widespread solar panels and wind turbines in Australia often center around concerns about their visual impact on the landscape, potential disruption to wildlife, inconsistency in power generation due to weather dependence, the cost of installation and maintenance, and concerns about land use, particularly in areas with high agricultural value. Also of concern is the issue in regards to recycling and disposal of solar panels, when damaged and/or at the end of their lifespan.

The first of these proposals is DA 761/(2024(1) 25 Lone Pine Avenue, 15,600 panels; followed by DA771/2024(1) – 140 Cadia Road, Orange South 8B and 9B 2x5MW Solar Farms, development application for the area near Spring Creek Dam and Gosling Creek; a further 16,000 solar panels per site

I wish to voice my objection to the development applications of these 3 Solar Farms and would ask Orange Council to consider the following before coming to a decision.

1) **The future of Orange as a Tourist destination and the impact that this will have on the residents of Orange and outlining properties.**

Reading thru the Proposals I didn't come across a Community Impact Study to see the effect and outcome that these Solar Farms will have on our community; the visual and social impact that this will have on our community; the concerns of adjoining properties and subsequent land values. The question of land use. Large areas of land are required for solar farms which can be problematic in regions such as Orange with valuable agricultural land. Regional areas such as ours are bearing the brunt in the destruction of valuable agricultural land for the sake of Solar and Wind Farms, which in the case of Solar Panels have only a life span of between 30 and 35 years. The proposals before Orange Council require a large footprint DA761/2024(1) 25 Lone Pine Avenue 5MW will occupy approximately 5.7ha of the 7.1 ha site. DA771/2024(1) 140 Cadia Road 5MW each for two PEG system 8B and 9B. The 8B system is proposed to occupy 6.53 hectares, whilst The 9B system is proposed to occupy 6.48 hectares. As well and the large footprint there is to be a visual impact of a 1.8metre high security fence topped with three rows of barbed wire to give a total height of 2.3m surrounding the development. The Solar Farm Fact

1

Sheet talked about the benefits in regards to cheap electricity and jobs for the community. If only there was direct correlation between the number of solar farms and lower electricity bills. Again according to the Solar Farm Fact Sheet .. .. .. construction of a typical 5MW solar farm takes approximately **3 to 4 months** involving approximately up to 50 personnel .. .. EDPR is committed **to as much as possible using local services**. This is not a "future building" job creating programme for the City of Orange.

2) Disposal and decommissioning. What is the cost of disposal of solar panels to Orange residents as it is banned in landfills.

As of 1 August 2023, Australia only recycles 17% of solar panel components, specifically the aluminium frame and junction box. The "remaining 83% of a solar panel's material (including glass, silicon and polymer back sheeting) are not currently recyclable in Australia, and treated as waste. (comment dated 11 Sept. 2024). The life of a solar panel is between 30 – 35years but they can also be damaged due to weather (hail, debris from extreme winds), twigs, leaves and dirt or sand can be blown across the glass of solar panels. The damage to the panels in examples such as these then begins. The "micro-scratches" caused by previous elements listed above on the solar panels accelerates the degradation timeline, leading to less solar energy being absorbed and therefore must and should be replaced leading to the question of disposal.

Currently the cost of recycling solar panels in Australia is approximately $28 per panel (www.3denergy.com.au). Damaged solar panels can release heavy metals and other toxins into the environment if they are not disposed of responsibly. These toxins can harm soil and water quality. The Proposal DA771/2024(1) 8B and 9B are in close proximity to Spring Creek Dam and Gosling Creek.

Toxic materials such as lead, cadmium, selenium, silicon tetrachloride and tin can leach into the soil from damaged panels and pose a threat to groundwater supply in the communities where landfills are located. As far back as 2010, environmental groups have expressed concerns over the e-waste coming from solar modules reaching the end of their functional lifespans. According to the International Renewable Energy Agency (IRENA) .. .. .. by the year 2050, 78 million metric tonnes of solar panels would have reached the end of their lifespan, and that around 6 million metric tonnes of new solar e-waste would be produced worldwide every year. Under the Basel Convention (https://www.dcceew.gov.au/environment/protection/hazardous-waste/conventions) Australia aims to ensure that it meets "international obligations regarding waste" with ongoing discussions and consultations regarding e-waste management; a landfill ban for solar panel waste is anticipated. Victoria is currently the only state to have

officially banned solar panel systems from landfills. South Australia and the ACT have imposed restrictions on disposing e-waste in landfills.

Still on the question of disposal of damaged solar panels. In March of 2024 a series of severe hailstorms damaged the Solar Farm (Fighting Jays) in Fort Bend County, Texas. The 4,000-acre solar farm was hit by hail that struck panels. (*Fox News, Thomas Catenacci, March 27 2024)*

In Australia we will not and have not been immuned from such disasters. On 21 January 1986, a severe hailstorm caused extensive damage to homes, farms and crops in the Orange area of the Central Tablelands. Hail of up to 7cm in diameter was reported and over 100 motor vehicles were damaged. The Insurance Council of Australia estimated the 1986 damage at $25million, with the 2011 estimated normalised cost of $160million. *Australian Institute for Disaster Resiliiance*

Christmas Day storm produces largest hail stones we've seen in a decade
December 26 - 2023, Nick McGrath (Editor, Daily Liberal, Western Advocate, Central Western Daily).

Orange weathered a white Christmas of sorts on Monday with the city lashed by a storm that produced some of the largest hail stones seen across the region in a decade.

Monday 10th February 2025. https://www.abc.net.au/emergency/warning/ca3049d2-e73d-11ef-ae19-06bc53d7f5d7 BOM advises that severe thunderstorms are likely to produce heavy rainfall that may lead to flash flooding, large hailstones and damaging winds in the warning area over the next several hours. Locations which may be affected include Orange, Mudgee, Bathurst, Katoomba, Dubbo and Parkes.

Can the Solar Farms proposed in Orange suffer the same damage as the Solar project in Fort Bend County, Texas; resulting in a huge cost to ratepayers in the removal/disposal of damaged panels?

3) Spot Fires and Insurance

With drying vegetation in and around Solar Farms, there is the danger of spot fires that can occur. A genuine concern is the possibility of fires being ignited around Solar Farms and because of their location and layout in design/construction; how long would it take for Orange Firefighters to arrive onto the site and in the case of numerous spot fires will they allow the site of Solar Farm to burn and just concentrate on adjoining properties because of lack of access. What action would they take to combat a major fire at one of the Solar Farms? As the proposed Solar Farms 8B and 9B of DA771/2024 are in close proximity to Spring Creek Dam and Gosling Creek; is there a risk to Orange Water Supply in the pollution from retardants that this would cause. Will there be a restriction in aerial bombing to help contain the

fire? In regards, to the question of Home Insurance – *as in flood prone areas*, will there be an increased risk to home owners.

4) Is there to be a corridor of land for the power lines and wires to connect to the Energy Grid. If so, where are these structures to be constructed?

These three 5MW of AC power need to be connected to the grid. "EnergyConnect" is a 900km transmission line connecting the electricity grids of New South Wales, Victoria, and South Australia. Will more land be acquired to enable these 3 Solar Farms to be connected to the grid by constructing more transmission lines?

Solar energy/Solar Farm are rapidly growing industry across Australia; but to what benefit. Energy prices still remain stubbornly high and with the construction of more transmission lines our energy costs will continue to grow. Australia needs to invest in other forms of energy and not rely entirely on renewables to take our country forward. Solar panels, wind turbines are not all good news for the environment. The city of Orange does not need to go down this path, contributing to a visual destruction of our environment. Interested in the population of Orange as many have made the "tree-change" to our beautiful City. According to Google AI .. .. .. As of June 30, 2023, the population of Orange NSW is estimated to be 44,244. This according to AI is a 0.64% increase from previous years. Many would have been seduced by the many amenities that Orange has to offer as well as a beautiful region of rolling hills and abundant, lush greenery filled with nature and light.

There are so many aspects and questions of these proposals beginning with DA761/2024(1) – 25 Lone Pine Avenue that need to be asked and answered.

Trying to save the planet, we are destroying our natural environment. There are other ways to achieve Net Zero targets.

4

Submission 16

From:
Sent: Tuesday, 11 February 2025 2:14 PM
To: Orange City Council
Subject: Objection to DA 761/2024(1) PAN 497365 25 Lone Pine Avenue Orange
Attachments: Solar Farm Lone Pine Avenue Objection.pdf

Submission 16

Tuesday, 28 January 2025

For the attention of Paul Johnston, Manager Development Assessments
Orange City Council
Byng Street
Orange NSW 2800

RE: Objection to Development Application – DA761/2024(1) PAN 497365

Electricity Generating Works (solar farm) and Battery Energy Storage System (BESS) at 25 Lone Pine Avenue Spring Creek Orange

I live at Orange, and I am writing to object to the proposed development at 25 Lone Pine Avenue Orange DA761/2024(1). I reside with a direct view of the proposed development and am objecting to the development for the reasons listed below. I understand the importance of the renewable energy sector and the benefits of solar power, but I also believe that local developments should carefully consider the well-being and quality of life for existing residents, be beneficial to the local economy and be suitable in nature for their proposed location. This location is too close to town, too close to neighbours and could easily be located on top of the many acres of industrial shed roofs in Leewood Estate.

The construction of this solar farm is in close proximity to my home, and I would have a direct view of the solar farm which would significantly alter the scenic views I currently enjoy despite being listed on various reports submitted to council by the developer that my site is not directly impacted . I am concerned that this development would dramatically change the visual character of the land despite the developer making promises to screen the project. I am also concerned that this development will impact my personal enjoyment of my property by impacting the view and the glare from the panels and negatively impact the value of homes in the area.

The visual impact of such industrial solar farm would fundamentally change the tranquil character of the area. I consider solar farms should be appropriately located on already industrialised land, on roof tops or adjacent to motorways, not on productive agricultural land, or in an area which will cause significant visual impact to the residents and those further afield who visit the area. There are many industrial rooftops in Leewood Industrial Estate with close proximity to the sub-station mentioned in the proposal for this farm that may be better suited aesthetically.

Large solar farms such as that being proposed for Lone Pine Avenue, have the potential to have a transformative effect on the land which could have consequences for local wildlife. For example, studies have suggested that birds can mistake the mirror like glare from solar panels for water and collide into the panels when trying to land with deadly consequences.

I am concerned low humming sounds from the inverters and the panels themselves, especially on windy days, will negatively impact my quality of life and those of the surrounding homes and wildlife. I am also concerned with the increase in the warming of the urban environment surrounding the solar farm from the heat generated by the panels and the heat from the storage of energy in batteries.

I worry about the importance of the ownership of our energy supply remaining in Australian Hands. The owner of the proposed solar farm is a foreign entity. Foreign ownership of Australian energy sources may place Australia in a vulnerable position should relationships with other countries deteriorate. Renewables are not putting downward pressure on electricity prices, and I do question the requirement and justification of renewable energy developments in general.

Please urge this developer to seek alternative locations, including negotiating leases with the owners of industrial sheds in Leewood Estate or further out of town than the proposed location. This project only benefits one landowner however it significantly and negatively impacts many landowners surrounding the project. I fee approving this project would be the thin edge of the wedge and we will see many more solar farms on the small landholdings surrounding our beautiful town which would be a shame.

Regards

Submission 17

From:
Sent: Tuesday, 11 February 2025 2:12 PM
To: Orange City Council
Subject: DA 761/2024 25 Lone Pine Ave Orange

To Whom it May Concern,
My name is
I am a cousin of and I wish to formally object to the proposed solar farm and battery storage facility at 25 Lone Pine Ave.Orange.
I totally acknowledge that we need MORE renewable energy,however,my grounds for objecting are the following;

1. The proposal will directly have a negative visual effect on the surrounding neighbours.
2. The proposal will also effect local residents audibally with the noise from the inverters.
3. The close proximaty to Oranges water catchment and adjacent wetlands,for environmental reasons.
4. When I visit my cousin, at her home,the feeling of serenity,over looking the lake from her garden,would be totally shattered should this proposal be given approval.

Thank you for giving me the opportunity to make this submission .
Kind regards,

Submission 18

From:
Sent: Tuesday, 11 February 2025 3:43 PM
To: Orange City Council
Subject: DA 761/2024(1)-PAN-497365

RE: DA 761/2024(1)-PAN -497365

Orange south 7A 5MW solar farm + BESS

25 Lone Pine Ave, Orange, NSW

LETTER OF OBJECTION

To Whom it may concern,

I am writing in relation to the proposed solar farm at 25 Lone Pine Avenue, Orange, and wish to express my objection to this proposal.

I am familiar with this area and its stunning views seen from several private homes, one which belongs to a lifetime friend whose property neighbours this site. It is in my opinion one of the most spectacular views in the region, and the reason built at great expense to capture that view.

My concerns are many and include the visual impact on those whose properties it will affect. These affects they will need to live with daily impacting them visually, psychologically and financially, no one would want that type of devastation imposed on them. They will also need to live with the glare and heat which the panels will reflect and produce along with the potential noise from operating the system.

There is also the impact that it will have on the environment and its close proximity to the Spring Creek Reservoir and potential contamination to consider. Its close proximity to the township of Orange is also a concern including the hospital which could cause glare for incoming or outgoing emergency flights, both are in close proximity to the proposed site.

Surely other options could be considered, such as roof top panels on industrial buildings within the area or houses or other Net-Zero options causing less environmental damage and

impact on individuals and communities.

Yours Sincerely

Submission 19

From:
Sent: Monday, 10 February 2025 4:54 PM
To: Orange City Council
Subject: Objection to DA 761/2024(1) 25 Lone Pine Avenue Orange
Attachments: Objection to DA 761.docx

Good Afternoon

Attached my submission to object to DA proposal 761/2024 (1) 25 Lone Pine Ave Orange

Regards

Submission 19

Objection to DA 761/2024(1) Solar Farm 25 Lone Pine Ave Orange

To Whom it May Concern

I have read the DA proposal for a Solar Farm at 25 Lone Pine Avenue Orange. The site for this proposed Solar Farm adjoins Bloomfield House 15 Catto Place Orange.

I have on numerous occasions visited this heritage property, which is maintained in strict adherence to heritage standards, it is listed in this DA proposal as Heritage Listed LEP 68.

Clause 5.10 Heritage Conservation of Orange LEP 2011 notes that settings and views for heritage properties should be a consideration in proposed DAs in the vicinity. This proposed Solar Farm development would greatly affect the historical and aesthetic aspect of this property, also resulting in possible and probably de valuation of the said property.

Bloomfield House has given to the Community by way of Open Garden Days to raise money for community projects, such as the local public school. There has been very favourable feedback on these events, the well-kept gardens, and the surrounding views of a well-known piece of history that can be enjoyed by the community.

Visual Impact would have a high negative impact. The prosed site is undulating and the proposed solar panels, 15,600 1.2 metres in height, two inverter stations 3 metres high and a 2.9 metre converter kiosk would most definitely be visible from the living and recreational aspects of the property, which utilise the remaining rural views for this property and maintains the integrity of country living.

Glint and Glare also is a significant consideration. In the proposed DA the said property, Bloomfield House has the highest number of green and yellow glare potential hours.

The DA states for the Bloomfield House property it is expected there could be 52 hours per year green glare, (low potential to cause temporary after image), and 26 hours per year yellow glare (potential to cause temporary afterimage)

This in the scheme of things may seem to be low and as stated in the submission where glare is experienced the durations are short, this really is not acceptable for a residence, someone's home. There will be an impact and a significant impact that will have lasting consequences.

The impact of this proposed solar farm is this vicinity has potential to change irrevocably the history of the area and the oasis that currently exists on the property where Bloomfield House stands.

For the reasons stated above I would like to lodge my objection to the proposed Solar Farm Development at 25 Lone Pine Avenue Orange

Regards

Submission 20

From:
Sent: Tuesday, 11 February 2025 9:11 AM
To: Orange City Council
Subject: ECCO Submission
Attachments: ECCO Submission - 25 Lone Pine Avenue.pdf

Please find attached an ECCO submission concerning DA 761/2024(1), 25 Lone Pine Avenue, Orange.
Regards

Submission 20

ECCO orange
environmentally concerned citizens of orange
PO Box 1582 Orange NSW 2800
ecco.orange@gmail.com
www.eccoorange.org.au

Mr David Waddell
Chief Executive Officer
Orange City Council
Email: council@orange.nsw.gov.au

DA 761/2024 (1) 25 Lone Pine Avenue Orange

Dear David

I am writing this submission on behalf of ECCO in support of the solar farm and battery storage system proposed for 25 Lone Pine Avenue. ECCO continues to support renewable energy initiatives, as it has done previously in the case of the Molong Road solar farm. It is only through embracing the opportunities provided for renewable energy that we will be able to mitigate the effects of catastrophic climate change and honour our commitment to meeting carbon emission reduction targets.

However, our support is contingent on developments such as the one in question undergoing rigorous environmental assessment, as is the case for any other significant development. While the need for a rapid transition away from fossil fuelled energy is of the utmost importance, renewable energy developments should be implemented in such as a way as to minimise loss of biodiversity and other environmental damage.

Effect on biodiversity: The report of the environmental assessment undertaken regarding the proposed solar farm states that the land in question has been subject to grazing activity and the invasion of exotic vegetation, and that there is no evidence of threatened native flora or fauna. The report also states that the proposal meets the criteria of the required environmental planning and assessment instruments.

Screening and visual amenity: To mitigate the visual effects of the solar array, ECCO supports the recommendation of the report that there be appropriate screening of the facility on all sides, using local endemic native species. Such native species screening would create opportunities for biodiversity which do not exist in the current state of the site.

Use of the site: The report states that the site can continue to be used for its original purpose, stock grazing, and can be returned to the original use after being decommissioned following its 35-year lifespan. The location of the solar panels is such that it allows for sheep to graze beneath them. This ensures that the use of valuable agricultural land is not lost.

ECCO orange

Reduction of Ornge's carbon emissions: It is proposed that the electricity generated by the solar farm will be available for use of households and businesses within the Orange community. This is strongly supported by ECCO. The installation of renewable energy infrastructure should benefit local communities.

Water management on the site: The proximity of the proposed site to Spring Creek Reservoir has raised concern about sedimentation and contaminated water flowing into the reservoir in heavy rain events. There have also been concerns expressed that the impermeable surfaces of the solar panels could cause increased runoff resulting in erosion and downstream sedimentation. However, this is where development conditions and responsible management come into play, including diligent application of the usual methods of prevention of sediment runoff on construction sites.

Conclusion: ECCO supports the establishment of this renewable energy facility. We do so on the basis that:

- according to environmental assessment the proposal meets the relevant environmental legislative criteria,
- the site does not contain any biodiversity habitat or threatened flora and fauna,
- agricultural land will still be able to be used for this purpose,
- there are recommendations for the management of visual amenity issues,
- there is acknowledgement that any water sediment or erosion issues must be managed appropriately,
- the Orange community will benefit from the electricity generated by the solar farm.

ECCO trusts that Council will ensure that appropriate monitoring and oversight of the proposal is maintained through the life of the project if and when it becomes a reality.

Thank you for providing the opportunity for ECCO to comment.

Yours sincerely

ECCO orange

Submission 21

From:
Sent: Tuesday, 11 February 2025 7:32 AM
To: Orange City Council
Subject: DA 761/2024 (1) 25 Lone Pine Avenue LETTER OF OBJECTION

Letter of Objection
RE: DA 761/2024(1)
Orange South 7A SMW solar farm + BESS
25 Lone Pine Avenue, Orange, NSW
LETTER OF OBJECTION DA 761/2024 (1) 25 Lone Pine Avenue
To Whom it May Concern
I am writing to express my objection to the proposed solar farm at 25 Lone Pine Avenue.
I was only made aware of this proposed project in recent weeks by a property owner in that vicinity who would be hugely impacted by such a project.
I have personally made the choice to go off-grid on my own 42 hectare property, 20 kms north of Orange (with the installation of solar panel plus inverter) 5 months ago. No neighbours are impacted as no other homes are in the vicinity of our sheds or home. Neighbours to a solar farm placement at 25 Lone Pine Avenue would not be given this choice since the properties are much closer together. On this basis alone I strongly opposed the inappropriate placement of the proposed solar farm on a rural residential area on the edge of Orange. I loathe the thought of our attractive city being fringed with paddocks of unsightly solar panels on indiscriminately selected small holding developments, rather than mixed farming enterprises and native wildlife. This development would impose significant and distressing impacts on adjacent property owners and has the potential to adverse effect the surrounding environment including Spring Creek Reservoir and its birdlife.
There would be visual impact for numerous neighbouring landowners with the eyesore of a band of solar panels across 5+ hectares of the proposed site. This is most problematic when their homes have been specifically designed & built to take full advantage of the extensive outlook (including water views, water/land interface, rural landscape with Mt Canobolas & ranges as a backdrop). How saddening and unnecessary for those who appreciate the aesthetic value of their property's outlook to have that defaced, along with the properties commercial value. While boundary screening has been suggested this will not stop the visual impact of the solar farm for residences in a more elevated position, overlooking the solar farm site.
support the owners of neighbouring properties, in objecting and questioning the reasonableness of such a development so close to the edge of town their boundaries. I see a place for renewable energy, but this site is not a suitable one in close proximity to town and nearby rural holding residents and waterways such as Spring Creek Reservoir.
eighbouring property owners objecting to this proposal are:

- quite rightly against having glare from the solar panels imposed on them.
- justified in airing concerns about heat reflection/generation from the black panels and likely inverter humming noise
- aware that the biodiversity of the area has been largely overlooked with Spring Creek Reservoir being only 40 metres south of the proposed development. They appreciate that this nearby area is home to an abundance of birdlife and a refuge for migratory birds. They appreciate that the Reservoir is also home to a significant wetland.
- Concerned that vehicle movement & construction activities could pose a threat in displacing waterbirds from refuges, shelter and nests on the margins of waterways.

Having chosen to go off grid myself I have become very aware that the path to effective use of solar energy in Australia is complicated and challenging. We are now dependent on the weather patterns to get a reliable supply of energy to meet our demands. On every consecutive cloudy day, we must turn off more appliances just to keep the lights on.

I am losing faith in the push for the use of more and more solar energy as a reliable and affordable source of energy to meet our country's power demands. Solar farm proposals such as that being put forward for development at 25 Lone Pine Avenue are unsatisfactory in their disregard of the surrounding community , environment and biodiversity.

Submission 22

From:
Sent: Tuesday, 11 February 2025 12:03 PM
To: Orange City Council
Subject: FW: Lone Pine Avenue Solar Farm

Good morning,

I wish to register my objection to the solar farm on Lone Pine Avenue in Orange Ref No. PPSWES-274. When I drove around the site I noticed that it's located on the side of a hill facing south toward Spring Creek dam. Thinking of existing homes and the future developments south of the city, it would be an eyesore for them let alone the reflection created by the panels themselves. There is also quite a lot of growth of blackberries on the site. Going by the current owners not controlling them without any obstacles in the way, they will have a more difficult job to keep them under control when the solar farm is built. The solar farm would be better built out of town as they have done at Molong.

Regards.

Submission 23

From:
Sent: Tuesday, 11 February 2025 4:54 PM
To: Orange City Council
Cc:
Subject: DA761/2024 (1) Electricity Generating Works (solar farm) and Battery Energy Storage System (BESS)
Attachments: DA761 25 Lone Pine Avenue Orange.pdf

Dear Council

Please find a submission regarding the proposed solar farm at 25 Lone Pine Avenue, Orange 2800

Yours sincerely

Submission 23

11th February 2025

Dear Council

Re: DA 761/2024 (1) ; 25 Lone Pine Avenue, Orange 2800

I wish to express my concern and objection to the proposed *Electricity Generating Works (solar farm) and Battery Energy Storage System (BESS)* at 25 Lone Pine Avenue.

I am a proponent of renewable energy sources, both solar panels and wind farms however it is important that these sources are placed in appropriate locations for the well-being of the community. Permission for placement of solar arrays should consider the existing enjoyment of the uninterrupted view of residents.

It appears that there are five properties which have been assessed as having a high visual impact. Mitigation using plantings may assist some properties but will not assist five of these properties. In addition, the glare studies don't seem to include the closest residence OP2 or OP5. Have there been glare studies done on these properties?

Reference in the assessment of this project includes layout design, e.g. suitable setback distances from property boundaries. It appears that no consideration whatsoever has been given to a setback distance for property OP2.

Comprehensive and thoughtful consideration should be undertaken before this project is approved. There are five residential properties (two of which have heritage implications) which will, on the admission of your own assessment process, be highly impacted visually.

I request that this project be rejected based on the affect it will have on these dwellings. These proposed solar farms should be located in areas where there will be no impact on nearby residences.

Yours sincerely

Submission 24

LETTER OF OBJECTION

RE: DA 761/2024(1) - PAN - 497365
Orange south 7A 5MW solar farm + BESS
25 Lone Pine Ave, Orange, NSW

To Whom It May Concern,

I am writing to express my objections to the proposed solar farm at 25 Lone Pine Avenue.
My property neighbors the proposed site, on the eastern side of Lone Pine Ave. My home is less than 100 metres away, on an existing elevation of approx 30m above the proposed site. Therefore I look OVER the lower 4 hectares of the solar farm.



Photo taken from my deck, red indicates the area of solar panels.

"Key Factors" for concern are
-the "high" visual impact
-the glare component
-operational noise
-heat reflection
-impact on the environment (water catchment) and bio diversity.
-inappropriate Land Use

I find the DA proposal and its accompanying assessments and studies contradictory and biased.
It is not a "benign development", it will cause alienation and fragmentation and will adversely affect valuable environmental assets and bio diversity and the ecological integrity of water resources. And certainly does not enhancing my emotional or economic well being.

The **visual impact** will be devastating. No matter what methodology is implemented to evaluate impact, sensitivity and magnitude. I offer the Western Region Planning Panel an invitation to visit my home to evaluate the impact.

The Tenacity Consulting v Warringah (2004)NSWLEC1404 step assessment principles on view sharing in my opinion are as follows-
1 -the value system: my view consists of water views, water land interface, rural landscape and Gaanha Bula (Mount Canobolas), and ranges
2- Consider the extent of view: the top photo taken from my deck, I have the same views from my kitchen, dining and living, both sitting and standing , bedroom and bathroom
3- the extent of impact: I built my home in 2022, it was specifically orientated to the south west for the views, the impacts will be overwhelming
4- finally the reasonableness of the proposal: renewable energy has its place but this is not it, the site is totally unsuitable. It does not comply with the objectives of OCC Local Environmental Plan 2011, the fall of the land is unsuitable impacting too many observation points and screening is largely ineffective, the land is water catchment. Too close to residential dwellings.



Photo from my kitchen

The mitigating measures proposed is vegetative screening but due to the elevation of my home I will simply look over the screening, which is quoted at 2.5 - 3m high along the eastern boundary so as not to shade panels.





The photos above demonstrate the proposed height of screening - 3m high. The photo also shows the existing roadside vegetation which was sprayed by OCC weed spraying personnel in 2023 and is 2/3rds dead so cannot be relied on as screening.

As a horticulturist, my concern as to vegetative screening being the only mitigating measure against visual impact 9and glare) is unreliable and fanciful, especially for a development of this unsightliness. The negative variables include poor propagation, specimen health and size at time of purchasing/planting, plant species chosen, growth speed, plant longevity, insects, diseases, rabbits, kangaroos, watering, soil, temperatures, wind, frost and maintenance.

Zenith Town Planning from Moruya prepared the visual assessment. They admit in their conclusion
-*overall impact is high*, personally I think there should be an extreme rating.
-*screening will block visibility from most observation points to the east excluding OP2,* my home
-23 surrounding properties will have visual impact of varying degrees, how many is too many?
-*Proposed screening is expected to obscure visibility from public areas.*

The **Glint and Glare** study compiled by ITP Renewables in 2024 provides daily glare potential for several observation points. The Forge Solar glare gauge used miraculously assumes clear sunny skies from two points somewhere amid the proposed 15600 solar paneled undulating site. Again assuming a healthy 3m vegetative screen is providing an obstruction. The analysis identified over 1 year period can be seen in Table 4 of the study, p.16 -20, in summary-
-*4052 minutes of yellow glare for 18 observation points and 3 routes* (yellow causes flash blindness)
-*36715 minutes of green glare for 23 observation points and routes* (less potential to cause flash blindness)
-*no observation points or routes received more than 15 minutes of glare a day*
-observation point RT07 Lone Pine ave received the most glare up to 14 minutes a day

Again my question, how many properties impacted is too many?

Forty three observation points and routes were not observed including my property, less than 100metres away.?????

Although solar panels are designed to absorb light, Forge Solar states on their PV Planning and Glare Analysis website
*more and more regulatory authorities are halting PV projects due to glare
*PV glare can be hazardous for pilots motorists and other observers

*anti reflective coating and treatments do not negate hazardous glare

The ITP study also *expects* low traffic volume on Lone Pine Ave RT07, the road has been closed since 2022 due to flooding, Orange City Council are proposing it will reopen in the coming months. Therefore the 14minutes per day of yellow glare that it receives will have a much greater hazardous impact.

Regarding the **Operational noise,** my concern is 35 years of the dull droning wherr of the proposed inverter, transformers and HVAC system which consists of an air-conditioner, heat exchanger and ventilation fans wafting along the prevailing wind direction transporting noise towards/into my house.
Muller Acoustic Consulting from Kotara NSW prepared the noise assessment and *"anticipate" emissions to be acoustically insignificant.*
Page 44 of the Statement of Environmental Effects recommends that a *one off noise validation monitoring assessment be completed to quantify emissions from the site and to confirm criteria are satisfied. The monitoring assessment would consist of operator attended noise measurements during normal operation to determine the noise contribution from the project.*
What measures will be introduced to minimize noise at that point if noise is an issue???

I am also concerned about the **Heat reflection**/generation from the black panels. Black objects absorb light and convert it to heat, coupled with the previously mentioned predominant airflow of south west to north east, I am worried about elevated temperatures blowing through my home, during summer where my only cooling is open door ventilation.

The **Bio Diversity** of the area has been largely overlooked, which may explain why the assessment compiled by Red Gum Environmental Consulting from Yackandandah, Victoria is only a "PRELIMINARY", "DESK-TOP" Assessment.
The impact extends beyond the boundary of the proposed solar farm. Spring Creek Reservoir, the secondary water supply to Orange, is 30metres south of the development. The area is home to a plethora of bird life and is an important refuge for migratory birds. The EBIRD AUSTRALIA website (ebird.org) is testament to the vast number of species found in and around the water. Data posted on 10.1.25 note 43 species were observed, including birds listed as threatened.

The theory of "lake effect", whereby birds mistake the reflection on solar panels as a body of water and fly into them causing death is a concern especially for migratory birds.

The Reservoir is also home to a significant wetland, considered an important drought refuge within the Murray Darling Basement.

The SKM Threatened Species Assessment Report 2001 on Spring Creek Reservoir identified 6 potential threatened fauna. It states "Key threats result from displacement of visitation patterns. Vehicle movement and construction activity may regularly displace waterbirds from refuges, shelter and nests on the margins of waterways causing abandonment of breeding, shelter or feeding grounds."
Uncertainty of the impacts as indicated by words used in the EDPR assessments such as anticipated, unlikely, may, typically or potential is not a good enough reason to locate this project amid this environmentally sensitive area.

, Ecological & Environmental Advisor & Expert states "Any activity which causes waterbirds to abandon otherwise suitable habitat contributes to the further loss of wetland habitat for waterbird populations."

The topography of the site lends itself to being likened to a funnel, where all surrounding water feeds down through the proposed site and ultimately filters into Spring Creek reservoir, taking with it excessive sediment, chemicals from maintenance activities and heavy metals.
The following was taken from the DA Statement of Environmental Effects
Page37 states*"no mitigation measures are recommended in relation to flooding or land contamination".*
Page 3 says *"the development is not located in close proximity to a watercourse"*

Page38 *"there is potential for adverse water related impacts and the development has the the potential to alter existing water quality conditions within the site"*
Page 39*"there is the potential that the proposed solar site runoff will contain sediments and increase turbidity or other water quality parameters in downstream waterways"*
Spring Creek Reservoir, bird refuge and secondary water supply to Orange, is across an unformed dirt road from the solar site.

The **proximity to town** is also an objection of mine. The site is 3.7km to the town centre of Orange, 800m to residential housing. I find it unnecessary to crowd the town surrounds with such an eyesore, which will be there for 35 years. It's a huge consideration. Due to the size of the fire assessment, 116 pages, it speaks volumes as to the legitimate risks of fire, so close to town.
NSW Planning has proposed amendments to renewable development dated Sept 2021, seeking to protect regional centers from encroaching solar and wind development. These changes apply to projects within 10km of the commercial centre and 5km of residential land. Unfortunately this amendment has not been passed, to my knowledge.

Which leads me to.... is this the best **Land Use.** The site itself has been classified as
"land capabilities - class 3 -high capability land"
"State Significant Agricultural Land under State environmental Planning Policy (primary production)2021
The project site is also *"mapped as Biophysical Strategic Agricultural Land"* this is land with high quality soil and water resources capable of sustaining high levels of productivity. All the above classifications taken from the DA statement Environmental Effects.
The surrounding area, its components and attributes should be included in the argument of best land use. It is categorized "natural land" owned by OCC which is classified as Community Land. There are better ways to protect our environment and service the community. Due to restrictions on the areas development of zone 3c greater consideration needs occur.

Finally **property valuations** in the immediate area are going to plummet. The so called Economic welfare will not extend to me. I doubt I would be able to sell my property if the solar farm proceeds, definitely not for what I had budgeted for my future.

In conclusion, I am truly saddened by this proposal. It's a different world we live in, where one human being would even consider inflicting this on another, for the rest of their life.
Imagine turning from stove to sink and catching that yellow glare that burns an afterimage in your eye like looking into the sun.
The process of this development has been appalling. There has been no transparency or consultation , apparently it has been in the pipeline for 2 years, the first I knew of it was in the newspaper dated 18.1.25, 10 days before the DA came out for public viewing. Of which we, the public are given 14 days to respond, tackling a 400 page DA is no mean feat for the lay person.
There is no mitigating measures for any of impacts I will incur. The magnitude of this project will be life changing, emotionally and financially.
Would EDPR consider using all the roof tops in Leewood Estate for their electricity generation, this is not the place for it.

Yours Sincerely,

Submission 25

Re: Objection to:

DA 751/2024 (1) PAN 497365 Orange South 7A Solar Farm & Bess

25 Lone Pine Ave Orange 2800



Current view



Affected view

Submission 25 (cont)

To whom it may concern.

I am writing to express my objections to this proposed development

* Visual Impact

The impact to is enormous. The property is elevated above the development. The view from the balcony, living room and kitchen overlooks approximately 3.5 Ha of solar panels, 4 X 3.5m (w) X 14m (l) X 3 (h) Inverters and a smaller Kiosk (no details)

The proposed screening will be ineffectual because of elevation of the house.

This alone should be reason enough to reject this proposal, as people aren't that thoughtless to other people.

* Glint & Glare

A 20 page glint & study was provided with the DA. Page 16 shows the glare potential for 51 Properties & 13 Roads receptor OPO2 is no glare potential has been provided. We tried to get information from ITP (who conducted the study). They referred us to EDP who have suggested that 'might' be too high to get any glint or glare. Which will be a positive for the outlook. However given the houses proximity to the site, 70m to the corner of the solar site, the area viewed from the house, the recorded data showing Lone Pine Ave (along side)being the most affected by glare and that the hospital helicopter will be affected, you'll have to excuse my scepticism.

* Water Assessment

I have genuine concerns of their water assessment. I have not read anywhere in their DA that they recognised that Spring Creek Reservoir is the secondary water supply to Orange, which is 30m from there site boundary.

The site is classified as Zone C3 Environmental Management.

I am aware that solar farms have been classified "primary production", and the area as agricultural land use hence the land is suitable for solar farm construction. However I am not convinced that the intentions of this classification was considering constructing a solar farm 30m from such an important piece of infrastructure.

All the site plans utilizing aerial maps give the impression the site is flat, it is not. The Northern end of the site is steep. Described in there DA as moderate

Contour map indicates there is 30m fall from Nth to Sth (9% fall over site =lot of water energy) The site is a natural amphitheatre concentrating the runoff of 30-50Ha . (A lot of water into the reservoir)

With degradation of panels or batteries over 35 years there must be a real possibility of heavy metals being released and washed into Spring Creek Reservoir.

Along with the alarmingly high amount of pesticides and herbicides, 1 - 3 tonnes, being stored on site in the construction stage, as quoted in Fire and Hazard Assessment,Table 2, page 12, and fuel at 3 - 5 tonnes. Albeit this is not the final "detailed design" it is a frightening estimation.

I feel that area covered with solar panels which will have to be closer together to fit into 5.97 Ha (instead of the typical 12 - 15 Ha) and the associated earthworks will dramatically increase the run off from the site.



Map depicting flow direction in area (box, bottom centre is proposed solar farm.)

Highlighting the funnel effect of the site topography.

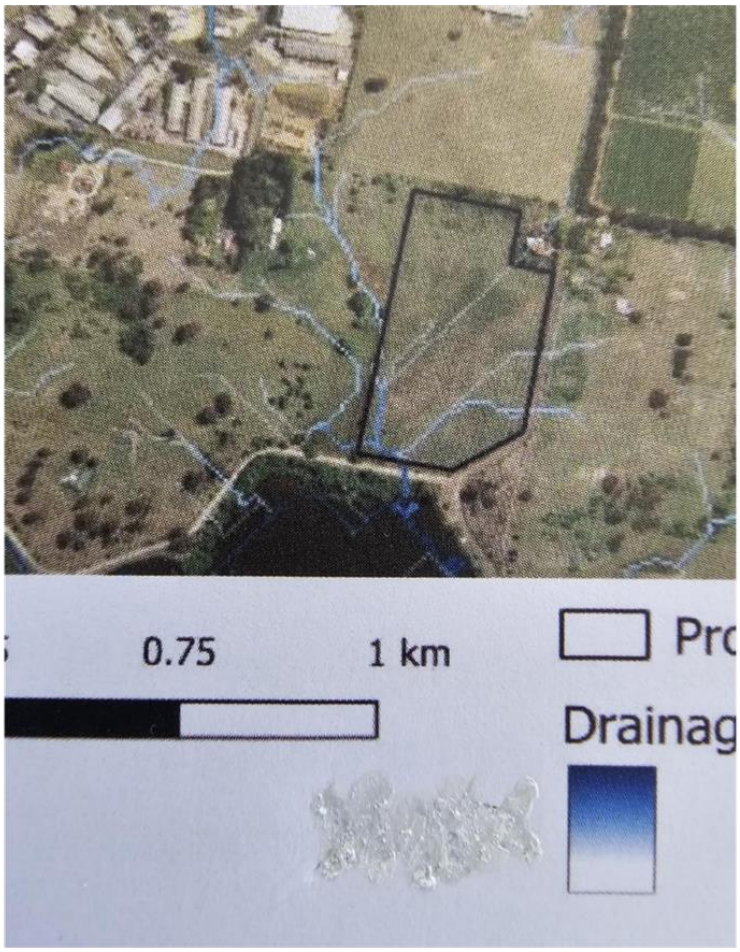


Photo showing drainage patterns of site.

Page 25 of their water assessment states "The project has the potential to alter existing water quality within the site"

Further on in their assessment "There is the potential that the proposed solar site run off will contain sediments and increase turbidity or other water quality parameter in down stream waterways."

This is by their own admission, yet not recognizing that it is going to drain into Spring Creek Reservoir.The assessment seems to be completely inadequate.

In the Statement of Environmental Effects they have stated "The proposed development is not located in close proximity to a water and does not necessitate a controlled activity approval.Perhaps we're looking at different sites.

*Bush Fires

If there was to be a bush fire on the site, I imagine it would have to be treated as an electrical fire with chemical retardants.A further risk of water contamination. Worse case scenario if the BESS casing is breached and the hazardous material washes into Spring Creek Reservoir.

Should an electrical fault cause a fire does EDPR have insurance/public liability over the lifespan of the project to protect surrounding homes, properties, livestock.

With 120 pages of bush fire assessment no consideration seems to have been given to neighbouring properties the closest house being 70m away.

For bush fire mitigation site maintenance is proposed. Will the current owners pursue any animal husbandry on their block. If not all weed and vegetation control would be done mechanically or chemically. I am concerned about residual chemical run off with any chemical use. Again the reservoir.

*The Proximity to Orange

Are there any implications with the development being 800m from residential Orange and 4.5km from the business centre, 3.5 km to Orange Base Hospital, directly under the emergency helicopter flight path and 1km to the proposed Redmond Place housing development.

* Biodiversity

Spring Creek Reservoir is a refuge of threatened bird species and a migratory path for other bird species I can't help but feel this development will effect them.

*Decommissioning

Have the relative waste facilities been contacted and in agreeance in relation to waste disposal in 30 years.

Why is the decommissioning taking 2 years when construction is 3 months.

I can't see how a typical 5MW requires 12 - 15 Ha yet this proposal only needs 5.97Ha (half the size) The difference is significant. Why don't they develop 10MW FARMS on 12 Ha. What are the sacrifices being made to halve the area? Reduced spacing between rows making maintenance or fire control more difficult?

Lastly, the fact that property values are said to drop by 25% when solar farms are your view is a huge slug for surrounding neighbors to wear.

In conclusion I struggle to fathom how such a large scale development can be considered along side our water supply. Much less the lack of consideration to local residents .

Regards

2.4 Development Application DA 417/2025 - 54 Brooking Lane, Spring Creek

RECORD NUMBER: 2025/2506
AUTHOR: Tushar Tushar, Building Surveyor

EXECUTIVE SUMMARY

Application lodged	3 November 2025
Applicant/s	Mr JJ Whitton
Owner/s	Mr JJ and Mrs DR Whitton
Land description	Lot 15 DP 630827 - 54 Brooking Lane, Orange
Proposed land use	Shed
Value of proposed development	$31,256.00

Council's consent is sought an outbuilding (shed) at 54 Brooking Lane, Orange.

The proposal involves the construction of a 73.5m² corrugated metal shed located to the rear of the existing dwelling. The structure measures 7.0m x 10.5m with a maximum height of 3.638m, and includes two roller doors, a PA door and a window. The shed will be finished in standard Colorbond-style materials, which are considered appropriate for the rural-residential context. The shed will be used for domestic storage purposes associated with the existing dwelling.

The development has been assessed against the relevant provisions of Orange LEP 2011, Orange DCP 2004 and applicable SEPPs. The shed is permissible in the C3 Environmental Management zone and will not result in adverse environmental or amenity impacts.

A discrepancy was identified between the submitted site plan and Council's boundary records. A boundary identification survey will be required to confirm the correct siting of the structure prior to construction.

Essential Energy reviewed the initial proposal, where the shed was located on the southern boundary, and advised that a minimum 13m setback from electrical infrastructure is required. In response, the applicant has amended the proposal and relocated the shed to the northern boundary, clear of the relevant infrastructure.

The application has been lodged by or on behalf of a current Councillor and, therefore, is required to be determined by Council or the Planning Development Committee, pursuant to the delegations contained within Orange City Council's *Declaration of Planning and Development Assessment Procedures and Protocols* (Version 5, 2019).

Approval is recommended.

2.4 Development Application DA 417/2025 - 54 Brooking Lane, Spring Creek



Figure 1 - locality plan

LINK TO DELIVERY/OPERATIONAL PLAN

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

DECISION FRAMEWORK

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

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

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

DIRECTOR'S COMMENTS

The proposal involves the construction of a 73.5m² corrugated metal shed located to the rear of the existing dwelling. The shed will be finished in standard Colorbond-style materials, which are considered appropriate for the rural-residential context. The shed will be used for domestic storage purposes associated with the existing dwelling.

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The proposal is consistent with all relevant planning controls.

The proposal is recommended for approval, and as the application has been lodged by or on behalf of a current Councillor determined is required by Council or the Planning Development Committee.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council consents to development application DA 417/2025(1) for *Shed* at Lot 15 DP 630827 - 54 Brooking Lane, Orange pursuant to the conditions of consent in the attached Notice of Determination.

FURTHER CONSIDERATIONS

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

Service/Project Delivery	Approval or refusal may affect infrastructure demands, service planning or community expectations.
Financial	Decisions may lead to financial implications through infrastructure contributions, legal appeals or compensation claims
Reputation/Political	The outcome may attract public or political scrutiny, especially if perceived as inconsistent or contentious.
Environment	The application may have environmental impacts - positive or negative - depending on the nature of the development.
Compliance	The decision must align with planning legislation, regulation and controls and Council policies to avoid legal risk.
People & WHS	Development activities may introduce safety risks for workers, residents or the broader community.
Information Technology/ Cyber Security	Systems used to assess and manage the application must ensure data integrity and secure handling of sensitive information.

SUPPORTING INFORMATION

THE PROPOSAL

The proposal involves a corrugated metal shed measuring 7.0m wide by 10.5m long, with a total area of 73.5m², located at the south-eastern rear of the lot. The shed will have a maximum height of 3.638m to the ridge, measured from the natural ground level. It will feature two roller doors (2250mm high x 2751mm wide), a PA door (2040mm x 820mm) on the southern elevation, and a window (700mm high x 1496mm wide) on the northern elevation. Minimal cut and fill on the southern side of the shed is required to create a level building site.

The shed (class 10a) will be positioned 35.25m from the existing dwelling.

2.4 Development Application DA 417/2025 - 54 Brooking Lane, Spring Creek



Figure 2 - site plan

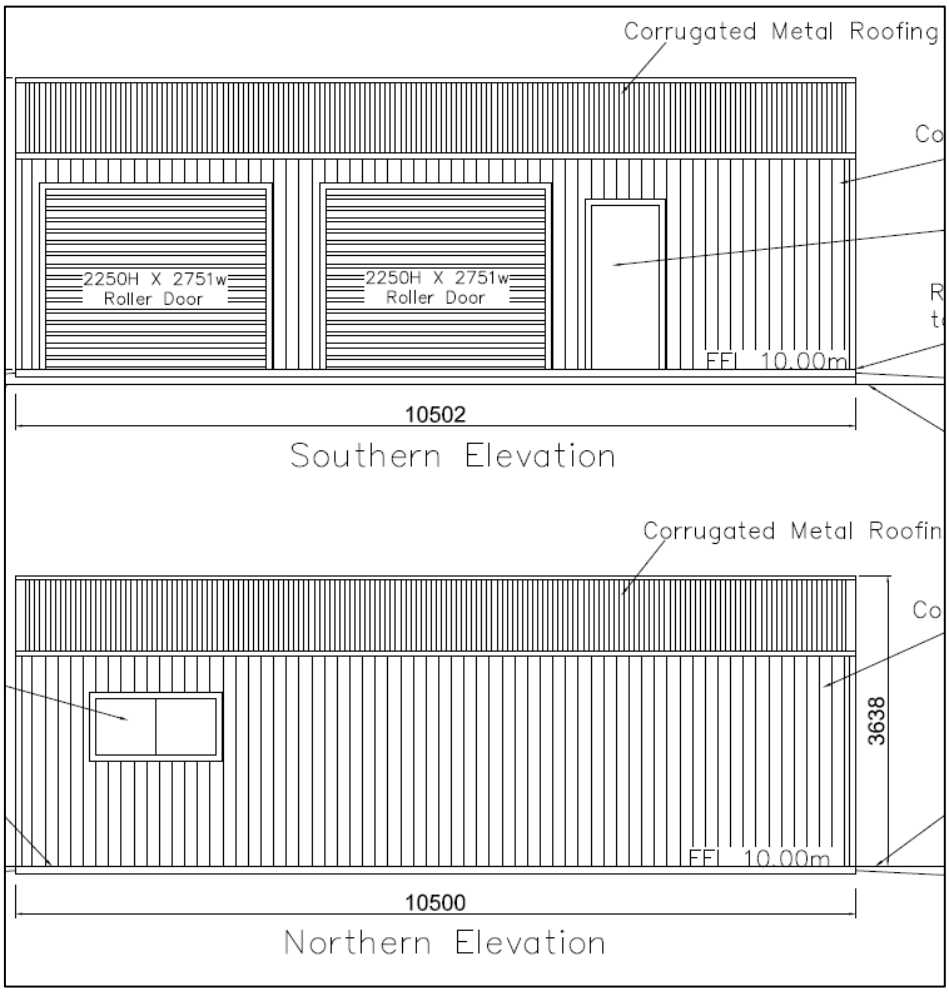


Figure 3 - proposed building design

2.4 Development Application DA 417/2025 - 54 Brooking Lane, Spring Creek

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);
- Trigger 2: development involves clearing/disturbance of native vegetation above a certain area threshold (clauses 7.1 and 7.2 of BC Regulation 2017); or
- Trigger 3: development is otherwise likely to significantly affect threatened species (clauses 7.2 and 7.3 of BC Act 2016).

The fourth trigger (development proposed to occur in an Area of Outstanding Biodiversity Value (clause 7.2 of BC Act 2016) is generally not applicable to the Orange LGA; as no such areas are known to occur in the LGA. No further comments will be made against the fourth trigger.

The development will not activate any of the above triggers. The proposed development is located in a highly degraded urban environment; no vegetation is proposed to be removed and there is very little likelihood that any endangered ecological community, threaded species or their habitat would be impacted by the proposed shed.

Section 4.15 of the *Environmental Planning and Assessment Act 1979*

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)

Orange Local Environmental Plan 2011

Part 1 - Preliminary

Clause 1.2 - Aims of Plan

The broad aims of the LEP are set out under Subclause 2. Those relevant to the application are as follows:

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

(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,

(c) to conserve and enhance the water resources on which Orange depends, particularly water supply catchments,

2.4 Development Application DA 417/2025 - 54 Brooking Lane, Spring Creek

(d) to manage rural land as an environmental resource that provides economic and social benefits for Orange,

(e) to provide a range of housing choices in planned urban and rural locations to meet population growth,

(f) to recognise and manage valued environmental heritage, landscape and scenic features of Orange.

The application is considered to be consistent with (a), (c), (d), (e) and (f).

Clause 1.6 - Consent Authority

This clause establishes that, subject to the Act, Council is the consent authority for applications made under the LEP.

Clause 1.7 - Mapping

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

Land Zoning Map:	**C3 - Environment Management**
Lot Size Map:	**Minimum Lot Size 100ha**
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:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Flood Planning Map:	Not within a flood planning area

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

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions:

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any relevant instrument under Section 13.4 of the Crown Land Management Act 2016, or

(c) to any conservation agreement under the National Parks and Wildlife Act 1974, or

(d) to any Trust agreement under the Nature Conservation Trust Act 2001, or

(e) to any property vegetation plan under the Native Vegetation Act 2003, or

(f) to any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995, or

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(g) to any planning agreement under Subdivision 2 of Division 7.1 of the Environmental Planning and Assessment Act 1979.

Council staff are not aware of the title of the subject property being affected by any of the above.

Part 2 - Permitted or Prohibited Development

Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table

The subject site is located within the C3 Environmental Management zone. The proposed development is defined as an ancillary structure to dwelling house under OLEP 2011 and is permitted with consent for this zone. This application is seeking consent.

Clause 2.3 of LEP 2011 references the Land Use Table and Objectives for each zone in LEP 2011. These objectives for land zoned C3 Environmental Management are as follows:

Objectives of zone C3 Environmental Management

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To manage development within water supply catchment lands to conserve and enhance the city and district's water resources.*
- *To maintain the rural function and primary production values of the area.*
- *To ensure development along the Southern Link Road has alternative access.*

The proposed shed is a permissible ancillary use and is not contrary to the objectives of the C3 Environmental Management zone as it does not impact ecological values, water catchment management or the rural function of the land.

Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards

No provisions within Part 4 are applicable to this development.

Part 5 - Miscellaneous Provisions

No provisions within Part 5 are applicable to this development.

Part 6 - Urban Release Area

Not relevant to the application. The subject site is not located in an Urban Release Area.

Part 7 - Additional Local Provisions

7.1 - Earthworks

This clause establishes a range of matters that must be considered prior to granting development consent for any application involving earthworks, such as:

2.4 Development Application DA 417/2025 - 54 Brooking Lane, Spring Creek

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

(b) the effect of the development on the likely future use or redevelopment of the land

(c) the quality of the fill or the soil to be excavated, or both

(d) the effect of the development on the existing and likely amenity of adjoining properties

(e) the source of any fill material and the destination of any excavated material

(f) the likelihood of disturbing relics

(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area

(h) any measures proposed to minimise or mitigate the impacts referred to in Paragraph (g).

The earthworks will be appropriately supported onsite and the change in ground level is not substantial. Therefore, the effect on the amenity of adjoining properties is considered to be minor.

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

The site is not known to contain any Aboriginal, European or Archaeological relics. Previous known uses of the site do not suggest that any relics are likely to be uncovered. However, conditions may be imposed to ensure that should site works uncover a potential relic or artefact, works will be halted to enable proper investigation by relevant authorities and the proponent required to seek relevant permits to either destroy or relocate the findings.

7.3 - Stormwater Management

This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied that the proposal:

(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water

(b) includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water; and

(c) avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

The proposal has been designed to direct excess roof water from the proposed shed to the existing rainwater tank (at the north-eastern rear of the lot) and includes onsite stormwater retention. It is therefore considered that post-development runoff levels will not exceed pre-development levels.

7.6 - Groundwater Vulnerability

This clause seeks to protect hydrological functions of groundwater systems and protect resources from both depletion and contamination. Orange has a high water table and large areas of the LGA, including the subject site, are identified with “Groundwater Vulnerability” on the Groundwater Vulnerability Map. This requires that Council consider:

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(a) whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and

(b) the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.

Furthermore, consent may not be granted unless Council is satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact,

(c) if that impact cannot be minimised - the development will be managed to mitigate that impact.

The proposal is not anticipated to involve the discharge of toxic or noxious substances and is therefore unlikely to contaminate the groundwater or related ecosystems. The proposal does not involve extraction of groundwater and will therefore not contribute to groundwater depletion. The design and siting of the proposal avoid impacts on groundwater and is therefore considered acceptable.

7.7 - Drinking Water Catchments

(1) 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.

(2) This clause applies to land identified as "Drinking water" on the Drinking Water Catchment Map.

(3) 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:

(a) the distance between the development and any waterway that feeds into the drinking water storage, and

(b) the onsite use, storage and disposal of any chemicals on the land, and

(c) the treatment, storage and disposal of waste water and solid waste generated or used by the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or

(b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or

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(c) if that impact cannot be minimised - the development will be managed to mitigate that impact.

The site is within the drinking water catchment. The proposal is a small domestic shed that does not generate wastewater and is well separated from waterways. No information suggests that the development would involve the onsite use, storage or disposal of any chemicals beyond what is typical of residential properties. Stormwater will continue to be managed onsite. The development is not expected to adversely affect water quality or quantity and is acceptable under Clause 7.7.

Clause 7.11 - Essential Services

Clause 7.11 applies and states:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) storm water drainage or on-site conservation,

(e) suitable road access.

In consideration of this clause, all utility services are available to the land and adequate for the proposal.

STATE ENVIRONMENTAL PLANNING POLICIES

The following SEPPs applicable to the proposed development:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 - Remediation of Land

4.6 - Contamination and Remediation to be Considered in Determining Development Application

(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.

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(2) 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.

(3) 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.

(4) The land concerned is:

(a) land that is within an investigation area,

(b) 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,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care 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).

The land is currently used for residential purposes, and the proposal involves a domestic outbuilding associated with that existing use. There is no record or indication that the site has been used for activities listed in Table 1 of the contaminated land planning guidelines, nor is the land identified within an investigation area. The proposal does not involve a change of use that would trigger the requirements for a preliminary site investigation under Clause 4.6(2).

Based on the information available, there is no evidence to suggest that the land is contaminated, and it is considered suitable for the proposed development without the need for remediation. The requirements of Clause 4.6 are therefore satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE)

2.45 Notification of certain electricity substation development that may be carried out without consent

(1) This section applies to development (other than exempt development) that -

(a) is carried out by or on behalf of an electricity supply authority or public authority, and

(b) is for the purpose of a new or existing electricity substation of any voltage (including any associated yard, control building or building for housing plant), and

(c) is not a project to which Part 3A of the Act applies or State significant infrastructure.

(2) Before development to which this section applies is carried out, the electricity supply authority or public authority must -

2.4 Development Application DA 417/2025 - 54 Brooking Lane, Spring Creek

(a) give written notice of the intention to carry out the development to the council for the area in which the land is located (unless the authority is that council) and to the occupiers of adjoining land, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

The requirement for additional assessment was triggered due to the proximity of the shed to existing electrical infrastructure, as the initial design located the structure less than 10m from a power pole with overhead power lines. The proposal was referred to Essential Energy for concurrent approval. Essential Energy advised that a minimum 13m setback from their infrastructure is required. The applicant has since amended the design and relocated the shed to the northern boundary to achieve compliance with Essential Energy's requirements.

DESIGNATED DEVELOPMENT

The proposed development is not designated development.

INTEGRATED DEVELOPMENT

The proposed development is not integrated development.

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

Orange Development Control Plan 2004

Orange Development Control Plan 2004 ("the DCP") applies to the subject land (*Part 6*). An assessment of the proposed development against the relevant Planning Outcomes will be undertaken below:

1. *The dwelling house complies with Council's Energy Smart Homes Code*

   The proposed Class 10a structure is non-habitable and intended solely for storage purposes; therefore, it is not required to comply with energy efficiency provisions.

2. *The dwelling house is sited on land identified as being suitable for construction and free from contamination, flooding and bushfire risk*

   The land is not identified to be in contaminated lands or flooding.

   The site is however identified as bushfire prone land. In consideration of the bushfire planning guidelines, the proposed shed will be positioned approximately 35.25m from the existing dwelling. When considering the adjacent hay shed located near the proposed structure, both sheds maintain a separation of more than 6m from the existing dwelling. Accordingly, a bushfire assessment is not required under current guidelines.

3. *Privacy and views of neighbouring houses are retained*

   The proposed shed is of a modest scale, with a maximum height of 3.638m measured from the natural ground level. The plans indicate setbacks of 29.22m from the southern side boundary, 2.7m from the northern side boundary, 2.7m from the eastern rear boundary, and 79.28m from the western front boundary. Furthermore, the nearest neighbouring dwellings are located at least 200m from the proposed shed. Given the substantial setbacks, the

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modest scale of the development, and its separation from neighbouring properties, the proposal is considered to comply with the objectives of the current planning controls.

4. *A suitable area is available for perpetual on-site disposal of wastes*

   No waste-generating activities are proposed.

5. *Substantial remnant vegetation is protected from disturbance*

   The proposed shed is located within an already cleared area of the site and does not require the removal or disturbance of any remnant vegetation. The existing vegetation on the allotment will be retained.

6. *An adequate water supply is provided*

   Adequate water supply is available onsite, however, a water supply is not required for the proposed storage shed as no water-usage activities are proposed.

7. *All-weather access to a public road is provided*

   The proposed structure is non-habitable and will be used solely for storage purposes. The shed has a setback of 79.28m from the front boundary and can be easily accessed from Booking Lane.

8. *Entry gateways are set back sufficiently from the front boundary to allow vehicles to pull up off the public road carriageway*

   The existing entry way is set back and allows enough space for vehicles to safely pull off Brooking Lane when accessing the site.

9. *A buffer area is established in the vicinity of agricultural operations - A buffer area is established in the vicinity of agricultural operations*

   All proposed works will be to the lot, which is separated by fencing from surrounding lands that have the capacity for use for agricultural operations.

10. *Outbuildings are located in proximity of and to the rear of the main dwelling house when viewed from the nearest road*

    All proposed ancillary structures are to be located behind the existing dwelling.

PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

Demolition of a Building (clause 61)

The proposal does not involve the demolition of a building.

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.

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Council Related Development (clause 66A)

Not applicable.

BASIX Commitments (clause 75)

BASIX is not applicable to the proposed development given the type of structure proposed.

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

The foregoing assessment has considered the likely impacts of the development under the LEP, relevant SEPPs and Council's DCP. The proposal is deemed satisfactory, and no elements of the development are expected to result in unacceptable impacts within the locality. In addition to the matters already addressed, consideration has been given to the following:

Property Boundary Alignment

The submitted site plan indicates a 2.70m setback to the northern side boundary. However, a discrepancy has been identified between the proposed plans and Council's records regarding the location of this boundary. In light of this, a boundary identification survey/survey of the proposed siting of the structure in relation to the property boundary will be required prior to construction commencing.

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

The site is capable of accommodating the proposed shed. The allotment has adequate area, suitable topography, and no known physical or environmental constraints that would limit development of this scale. Although the land is mapped as bush fire prone, the proposed shed and the existing hay shed both maintain more than 6m separation from the dwelling, and no bush fire assessment is required under current guidelines.

Essential services and vehicle access are established, and the proposal does not introduce any land-use conflict or hazard.

Accordingly, the site is considered suitable for the proposed development.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15(1)(d)

The proposed development is not defined as advertised development under the provisions of the Community Participation Plan, and as such no formal exhibition of the application was required. No submissions have been received in relation to this application.

PUBLIC INTEREST s4.15(1)(e)

The proposal will not be inconsistent with any policy statement, planning study or guideline that has not been considered in this assessment. There are no aspects of the proposal that will be contrary to the welfare or well-being of the general public.

SUMMARY

The proposed development is permissible with the consent of Council. The proposed development 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

2.4 Development Application DA 417/2025 - 54 Brooking Lane, Spring Creek

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.

ATTACHMENTS

1 Draft Notice of Determination, D25/140714⇩
2 Plans, D25/140723⇩

ORANGE CITY COUNCIL

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA 417/2025(1) PAN-583431
Applicant	Jeffery and Dale Whitton 54 BROOKING LANE SPRING CREEK 2800
Description of development	Shed
Property	54 BROOKING LANE SPRING CREEK 2800 15/-/DP630827
Determination	Approved Consent Authority - Council
Date of determination	17/11/25
Date from which the consent operates	20/11/25
Date on which the consent lapses	20/11/30
Building Code of Australia building classification	To be determined by the certifier

Under section 4.18(1) of the EP&A Act, notice is given that the above development

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application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

1. The proposed development will reasonably satisfy Local and State planning controls.
2. The proposed development will comply with the requirements of State approval authorities.
3. Impacts of the proposed development on the natural and built environment will be within acceptable limit, subject to mitigation conditions.
4. The proposed development will complement the existing or desired future character of the area.
5. The proposed development will be consistent with the Zone objectives and principal development standards.
6. The proposed development is permitted in the Zone.
7. Utility services are available and adequate.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Paul Johnston
Manager - Development Assessments
Person on behalf of the consent authority

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For further information, please contact Tushar / Building Surveyor

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Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	**Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989**
	1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia. 4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
	Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
2	**Erection of signs**
	1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

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	a. showing the name, address and telephone number of the principal certifier for the work, and b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. 3. The sign must be— a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. 4. This section does not apply in relation to— a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
	Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.
3	**Notification of Home Building Act 1989 requirements**
	1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following— a. for work that requires a principal contractor to be appointed— i. the name and licence number of the principal contractor, and ii. the name of the insurer of the work under the Home Building Act 1989, Part 6, b. for work to be carried out by an owner-builder— i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit. 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information. 4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
	Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.
4	**Approved plans and supporting documentation**
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise. Approved Plans

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	Plan number	Revision number	Plan title	Drawn by	Date of plan
	1,3	3	Site Plan	Shed World	20.11.2025
	1,2,3,4 & 5	1	Architectural Plans	Shed World	15.10.2025
	In the event of any inconsistency between the approved plans and documents, the approved **Plans** prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				
5	**National Construction Code**				
	All building work must be carried out in accordance with the provisions of the National Construction Code.				
	Condition reason: To ensure compliance with relevant statutory requirements.				

Building Work

Before issue of a construction certificate

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

Before building work commences

6	**Appoint PC**
	Appoint Principal Certifier. The person having the benefit of the development consent and a construction certificate shall: (a) Appoint a Principal Certifier and notify Council of the appointment (if Council is not appointed) and, (b) Notify Council of their intension to commence the erection of the building (at least two (2) day's notice is required) The Principal Certifier shall determine when inspections and compliance certificates are

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	required.
	Condition reason: To ensure compliance with relevant statutory requirements.
7	**Construction certificate required**
	A construction certificate must be obtained from Council or an accredited certifier at least two (2) days prior to any building or ancillary work commencing. Where the construction certificate is obtained from an accredited certifier, the determination and all appropriate documents must be notified to Council within seven (7) days of the date of determination.
	Condition reason: To ensure compliance with Section 6.7 of the Environmental Planning and Assessment Act 1979, and Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
8	**Erosion and sediment control - implementation**
	Erosion and sediment controls shall be implemented onsite in accordance with Managing Urban Stormwater: Soils and Construction - Volume 1 (4th edition).
	Condition reason: To prevent site erosion and sediment loss, and protect waterways from sediment pollution.
9	**No commencement until details received**
	The construction works the subject of this development consent MUST NOT be commenced until: (a) Detailed plans/specifications of the building have been endorsed with a construction certificate by: (i) the Council, or (ii) a registered certifier, and (b) The person having the benefit of the development consent: (i) has appointed a Principal Certifier, and (ii) has notified the Council of the appointment, and (c) The person having the benefit of the development consent has given at least two (2) day's notice to the Council of the person's intention to commence the erection of the building; and (d) Builder's name and licence number has been supplied to Council or the Principal

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	Certifier; or (e) Owner Builder's permit issued by Department of Fair Trading to be supplied to Council or the Principal Certifier; and (f) Home Building Compensation Fund (HBCF) has been paid and a copy of the Certificate supplied to Council or the Principal Certifier; and (g) A sign has been erected onsite in a prominent position containing the information prescribed by Clause 98A(2) and (3) of the EP&A Regulations, being the name, address and telephone number of the Principal Certifier for the work, name of the principal contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained onsite while work is being carried out and removed when the work has been completed.
	Condition reason: To ensure compliance with relevant statutory requirements.
10	**Structural details for construction certificate**
	Prior to the issue of a construction certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A5.2(1)(e) of the National Construction Code (previously known as Building Code of Australia) must be submitted to the satisfaction of Council (where Council is the Accredited Certifier).
	Condition reason: To ensure structural certification is undertaken.

During building work

11	**Procedure for critical stage inspections**
	While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
	Condition reason: To require approval to proceed with building work following each critical stage inspection.
12	**Surveys by a registered surveyor**
	While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier: a. All footings / foundations in relation to the site boundaries and any registered and proposed easements b. At other stages of construction – any marks that are required by the principal certifier.

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	Condition reason: To ensure buildings are sited and positioned in the approved location.
13	**Erosion and sediment control - review, maintain and modify**
	Erosion and sediment controls shall be regularly reviewed, maintained, and modified as required in accordance with Managing Urban Stormwater: Soils and Construction - Volume 1 (4th edition), to ensure they remain effective.
	Condition reason: To prevent site erosion and sediment loss, and protect waterways from sediment pollution.
14	**Hours of work - construction**
	All construction work on the site is to be carried out between the hours of 7am and 6pm Monday to Friday inclusive, 7am to 5pm Saturdays, and 8am to 5pm Sundays and Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
	Condition reason: To ensure compliance with relevant statutory requirements.
15	**Protection of the Environment Operations Act - material delivery**
	All materials onsite or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material, or when disposing of waste products, or during any other activities likely to pollute drains or watercourses.
	Condition reason: To protect waterways from pollution by stockpiled or placed construction materials.
16	**Reduced levels**
	All constructions works are to be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.
	Condition reason: To comply with the Environmental Planning & Assessment act, 1979.
17	**Stormwater drainage requirements**
	All stormwater from the site is to be collected and managed in a manner suitable to the site.
	Condition reason: To comply with Council's Development and Subdivision Code.

Before issue of an occupation certificate

18	**Certification of fixings**
	Prior to the issue of an occupation certificate, completed building work consisting of fixings that

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	are not exposed during inspection will require certification from the builder to state they have been built in accordance with the approved plans and relevant Australian Standards.
	Condition reason: To ensure compliance with relevant statutory requirements.
19	**Cut and fill**
	The cut and fill is to be retained and/or adequately battered and stabilised (within the allotment) prior to the issue of an occupation certificate.
	Condition reason: To comply with the Environmental Planning & Assessment Act, 1979.
20	**Erosion and sediment control - soil to be stabilised**
	Prior to the issuing of an occupation certificate, soil on the site shall be stabilised to prevent erosion and the pollution of waters by uncontrolled sediment.
	Condition reason: To prevent site erosion and sediment loss, and protect waterways from sediment pollution.
21	**Finished ground levels**
	Finished ground levels are to be graded away from the buildings and adjoining properties and must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to the stormwater drainage system.
	Condition reason: To comply with the Environmental Planning & Assessment Act, 1979.
22	**No use or occupation without occupation certificate**
	No person is to use or occupy the building or alteration that is the subject of this approval with the prior issuing of an occupation certificate.
	Condition reason: To ensure compliance with the Building Code of Australia.

Occupation and ongoing use

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

General advisory notes

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

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read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

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

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Dictionary

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

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

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.
Building work means any physical activity involved in the erection of a building.

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

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

Council means ORANGE CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

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

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

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

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Stormwater drainage system means all works and facilities relating to:

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

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

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

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greg.white@shedworld.net.au

Property Details
54 Brooking Lane, Spring Creek, NSW 2800, Australia
Lot/DP: 15/-/DP630827

Sheet Name	Sheet no.	Lic no.	Job no.
Site Plan	1	227697C	

Design
Jeff Whitton - 54 Brooking Lane Spring Creek 2800

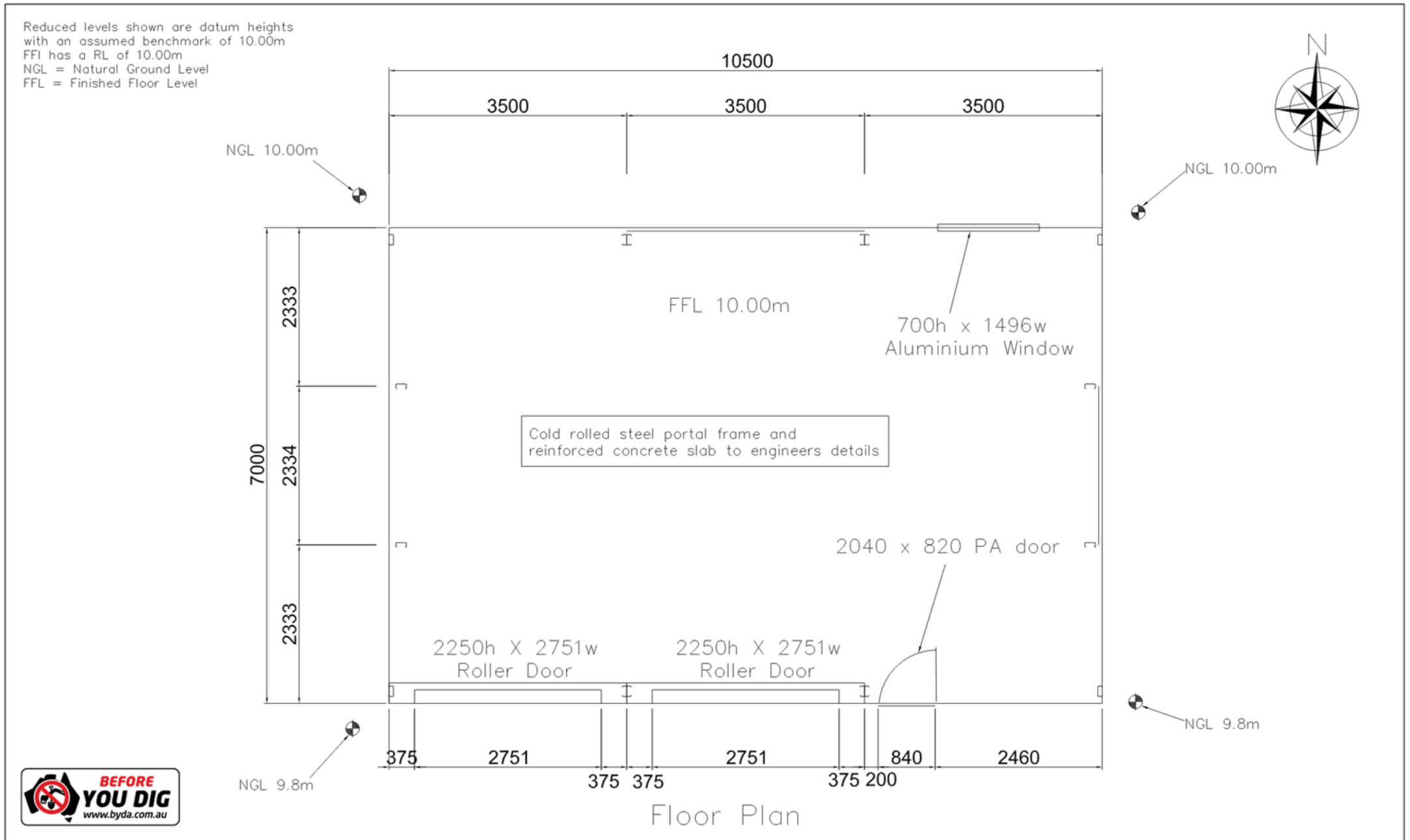
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1st version date:	Current version date:	Version #
15/10/2025	20/11/2025	3

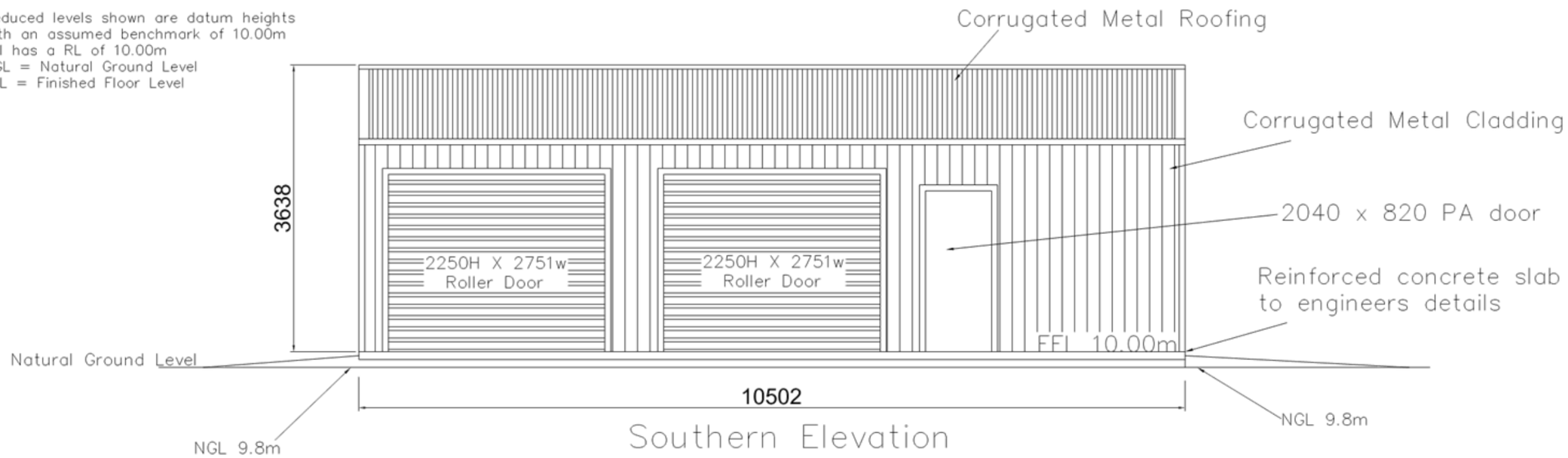


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			Design Jeff Whitton - 54 Brooking Lane Spring Creek 2800			**Scale** 1:100@A3
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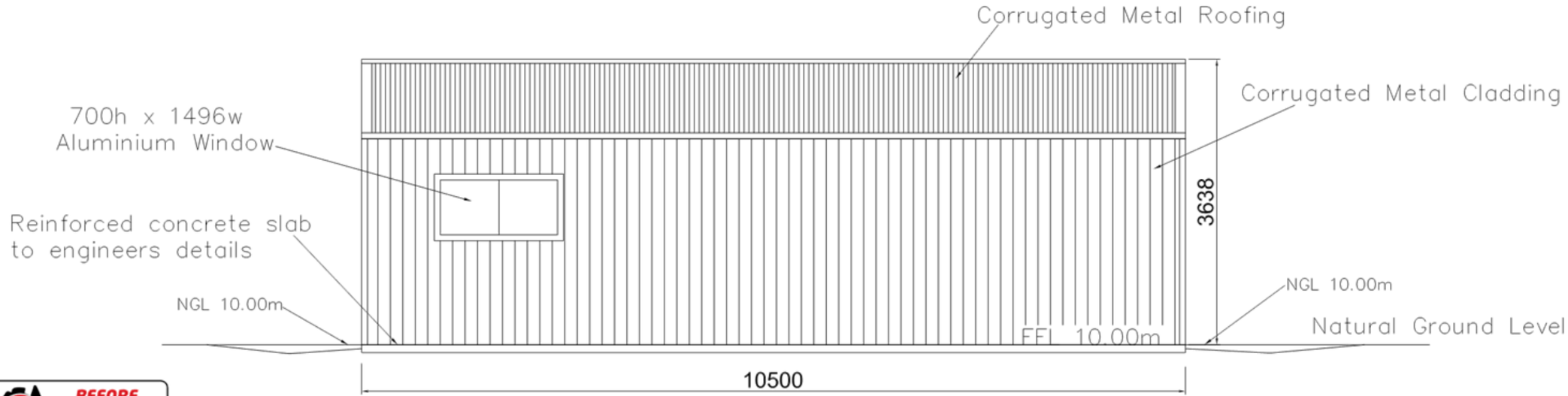
SHED WORLD


Reduced levels shown are datum heights
with an assumed benchmark of 10.00m
FFl has a RL of 10.00m
NGL = Natural Ground Level
FFL = Finished Floor Level
10500
3500
3500
3500
N
NGL 10.00m
NGL 10.00m
2333
7000
2334
2333
FFL 10.00m
700h x 1496w
Aluminium Window
Cold rolled steel portal frame and
reinforced concrete slab to engineers details
2040 x 820 PA door
2250h X 2751w
Roller Door
2250h X 2751w
Roller Door
NGL 9.8m
NGL 9.8m
375
2751
375
375
2751
375
200
840
2460
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Floor Plan
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Clients Name:
Jeff Whitton
Site Address:
54 Brooking Lane
Spring Creek NSW 2800
Sheet Name:
Floor Plan
Job no:
250387
Scale @ A3:
1:50
Sheet:
1
REV no:
1
Date:
15/10/2025

Reduced levels shown are datum heights
with an assumed benchmark of 10.00m
FFl has a RL of 10.00m
NGL = Natural Ground Level
FFL = Finished Floor Level



Southern Elevation



Northern Elevation

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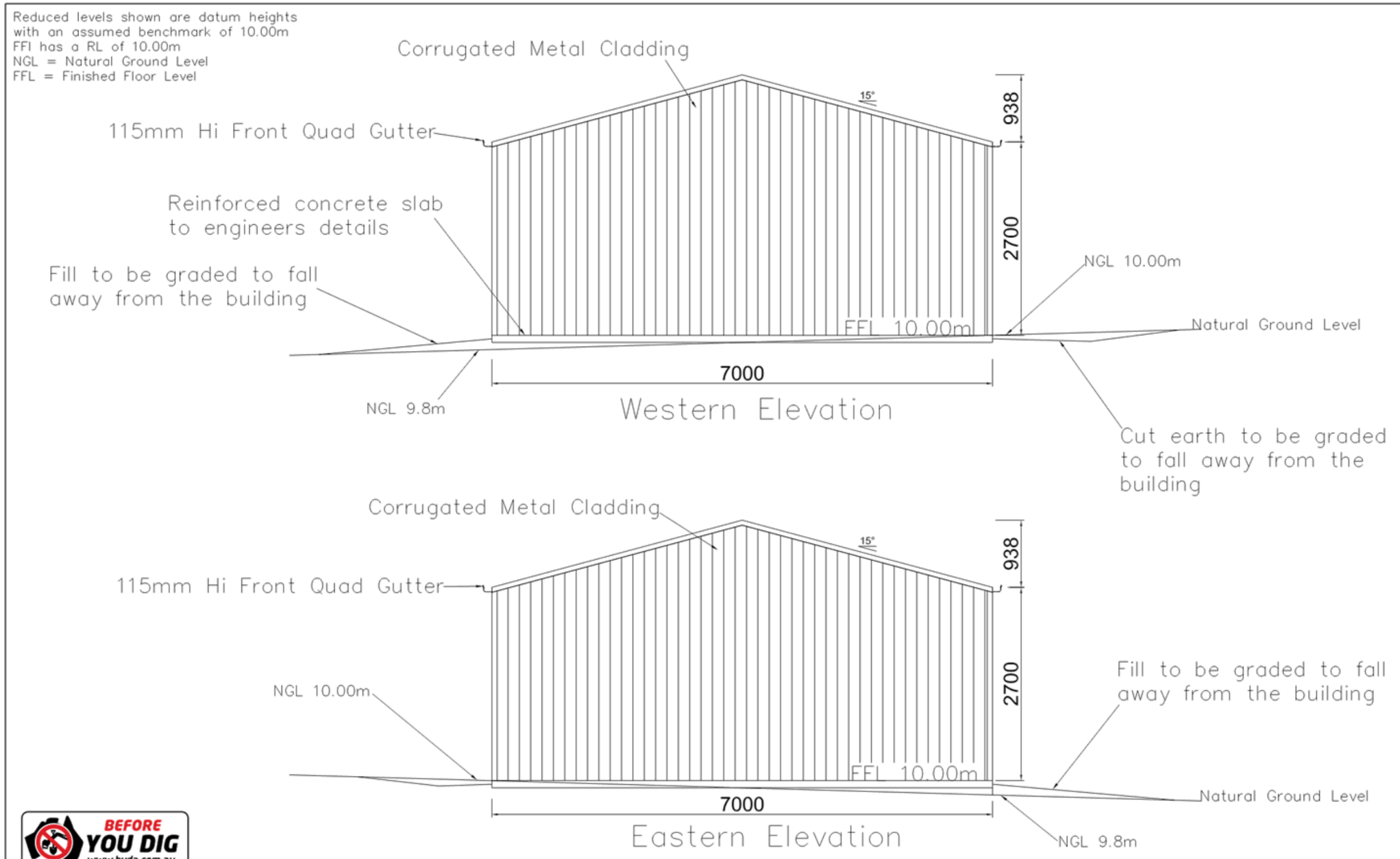
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Clients Name: Jeff Whitton
Site Address: 54 Brooking Lane Spring Creek NSW 2800

Sheet Name: Elevations 1
Job no: 250387
Scale @ A3: 1:50
Sheet: 2
REV no: 1
Date: 15/10/2025

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Clients Name: Jeff Whitton

Site Address: 54 Brooking Lane Spring Creek NSW 2800

Sheet Name: Elevations 2

Job no: 250387

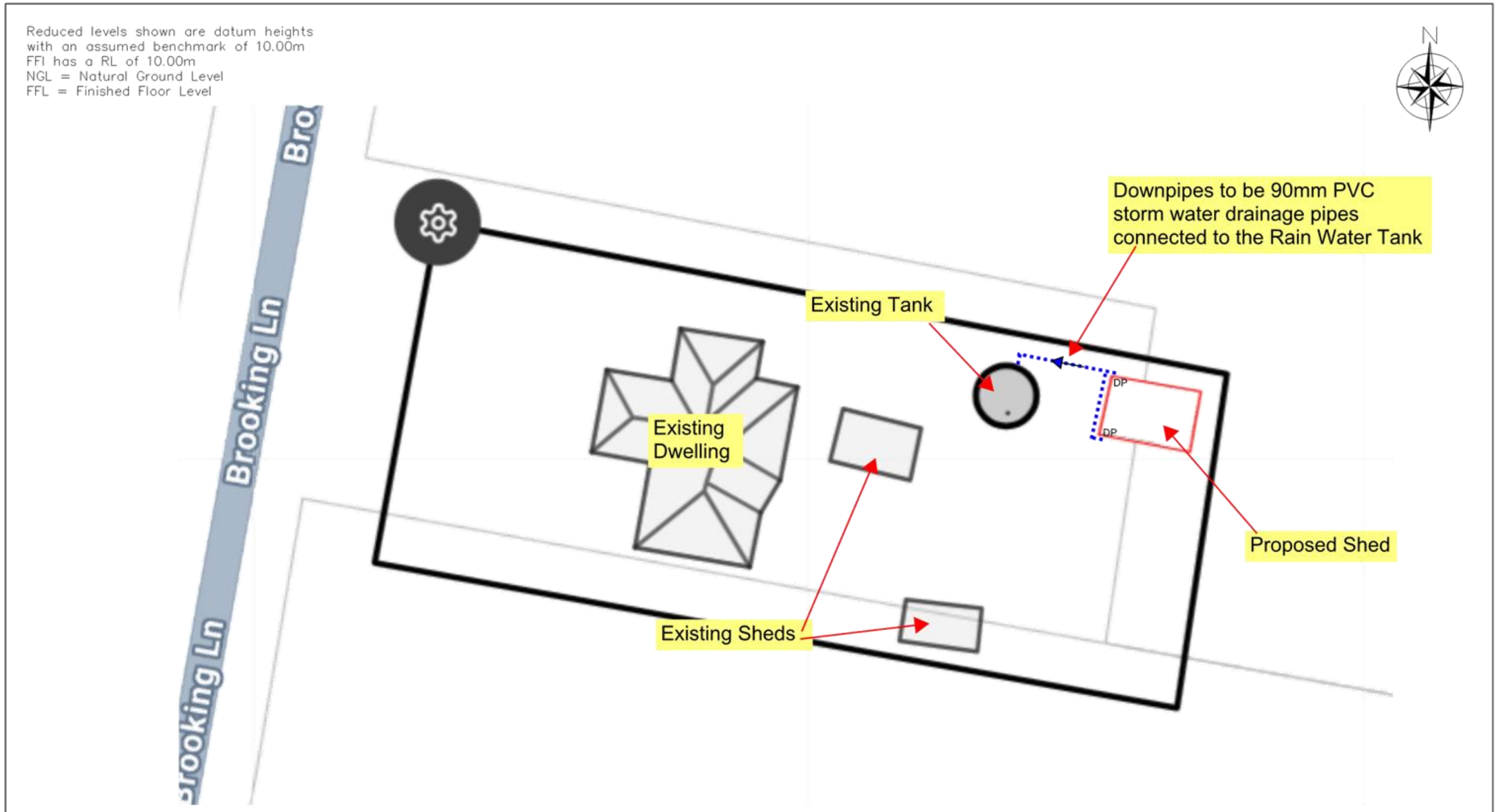
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Sheet: 3

REV no: 1

Date: 15/10/2025

Reduced levels shown are datum heights
with an assumed benchmark of 10.00m
FFl has a RL of 10.00m
NGL = Natural Ground Level
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Clients Name: Jeff Whitton

Site Address: 54 Brooking Lane Spring Creek NSW 2800

Sheet Name: Stormwater layout

Job no: 250387

Scale @ A3: 1:50

Sheet: 4

REV no: 1

Date: 15/10/2025

All Works to be completed in accordance with the performance requirements of the National Construction Code (NCC) 2022 Volume 2

Detached Portal Steel Frame Sheds

Part H1 Structure (dealt with in Engineering)
H1P1 Structural reliability and resistance
H1P2 Buildings in flood areas
H1D2 Structural provisions
H1D3 Site preparation
H1D4 Footings and slabs
H1D6 Framing
H1D7 Roof and wall cladding
H1D8 Glazing
H1D9 Earthquake areas
H1D10 Flood hazard areas
H1D11 Attachment of framed decks and balconies to external walls of buildings using a waling plate
H1D12 Piled footings

Part H2 Damp and weatherproofing (dealt with in Engineering)
H2P1 Rainwater management
H2P2 Weatherproofing
H2P4 Drainage from swimming pools
H2D2 Drainage

Part H3 Fire Safety (dealt with in Engineering)
H3D1 Deemed-to-Satisfy Provisions
H3D2 Fire hazard properties and non-combustible building elements
H3D3 Fire separation of external walls

Part H4 Health and amenity
H4P1 Wet areas
H4P2 Room heights

Part H5 Safe Movement and acess
5P1 Movement to and within a building

Part H7 Ancillary provisions and additional construction requirements (dealt with in Engineering)
H7P1 Swimming pool access
H7P2 Swimming pool reticulation systems
H7P5 Buildings in bushfire prone areas

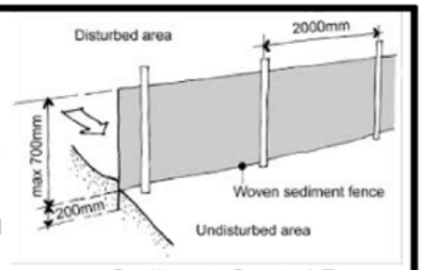
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Sediment Control Notes

1) All erosion and sediment control measures, including revegetation and storage of soil and topsoil, shall be implemented to the standards of the Soil Conservation of N.S.W. and inspected daily by the site manager.

2) All drainage works shall be constructed and stabilized as early as possible during development.

3) Sediment traps shall be constructed around all inlet pits, consisting of a 300mm wide x 300mm deep trench.



Sediment Control Fence
Not to Scale

4) All sediment basins and traps shall be cleaned when the structures are a maximum of 60% full of soil materials, including the maintenance period.

5) All disturbed areas shall be revegetated as soon as the relevant works are completed.

6) Soil and top soil stockpiles shall be located away from drainage lines and area where water may concentrate. All roads and footpaths are to be swept daily.

7) Filter shall be constructed by stretching a filter fabric ('Propex' or approved equivalent), between posts at 2.0m centres. Fabric shall be buried 200mm along it's lower edge.

8) Dust prevention measures are to be maintained at all times.

Provide sediment control fencing on all down hill slopes - unless noted otherwise.

Colour and Material Selections

Roof Colour:	Iron Grey
Roof Profile:	Corrugated
Wall Colour:	Mountain Blue
Wall Profile:	Hi-Wall
Barge Colour:	Ironstone
Gutter Colour	Ironstone
Gutter Profile	Hi-Front Quad
Downpipe:	PVC
Downpipe Colour:	PVC
Wall Flashing Colour:	Deep Ocean
Roller Door Colour:	Windspray
Roller Door Flashing Colour	
PA Door Colour:	Windspray
Window Frame Colour	Woodland Grey

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Clients Name: Jeff Whitton

Site Address: 54 Brooking Lane Spring Creek NSW 2800

Sheet Name: Codes, Colours and Sediment Control Notes

Job no: 250387

Scale @ A3:

Sheet:

REV no: 0

Date: 15/10/2025

2.5 Development Application DA 237/2025(1) - 411 Brabham Way

RECORD NUMBER: 2025/1856
AUTHOR: Lucy Aveyard, Town Planner

EXECUTIVE SUMMARY

Application lodged	25 June 2025
Applicant/s	Mr M MacMahon and Ms J Farrell
Owner/s	Mr M J MacMahon
Land description	Lot 87 DP 750401 - 411 Brabham Way, Orange
Proposed land use	Subdivision (Stage 1 - two lot Torrens title), Subdivision (Stage 2 - 17 lot Torrens title and new roads) and Demolition (horse shelter and tree removal)

This application relates to residential land within the Shiralee Estate. Approval is sought for a two-stage subdivision creating 17 residential lots and new public roads, along with associated civil works and demolition of minor structures. Proposed Lot 17 retains the existing dwelling; proposed Lot 1 is a residual lot containing the RE1-zoned land.

The subdivision is permissible within the R1, R2 and RE1 zones under Orange LEP 2011. All lots comply with the applicable minimum lot size except Lot 16, for which the applicant has submitted a Clause 4.6 request seeking a 13.1% variation to the 2,400m² minimum lot size standard. As the variation exceeds 10%, the application is required to be determined by Council/the Planning and Development Committee. The Clause 4.6 request has been assessed as well-founded and capable of support.

The subdivision is generally consistent with the Shiralee DCP Masterplan, with several minor and justified variations relating to lot depth, lot proportions and the alignment of Montrose Street. The overall structure, lot pattern and density remain consistent with the intent for Area F.

Native vegetation clearing is proposed/required to facilitate the development in accordance with the DCP Masterplan. A Preliminary Flora and Fauna Assessment confirms the proposal does not trigger the Biodiversity Offset Scheme. Notwithstanding this, retention of three high value trees was sort, and the subdivision layout was amended accordingly. Retention of these trees will be secured via 88B restrictions and associated building envelopes.

The land is bushfire prone (grassland Category 3) and is integrated development. A Bushfire Safety Authority was issued by NSW RFS (15 August 2025). Similarly, Essential Energy has been consulted, and their requirements have also been issued.

The proposal was advertised in accordance with the Community Participation Plan. No submissions were received.

The proposal, including the variations sought, has been assessed as capable of achieving satisfactory planning outcomes for the site. The development is appropriate for this location and will contribute to the ongoing residential growth of the Shiralee urban release area, supporting planned housing supply targets. Approval is recommended.

2.5 Development Application DA 237/2025(1) - 411 Brabham Way



Figure 1 - locality plan

DECISION FRAMEWORK

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

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

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

DIRECTOR'S COMMENTS

The proposal is for a two-stage subdivision creating 17 residential lots and new public roads, along with associated civil works and demolition of minor structures. Proposed Lot 17 retains the existing dwelling; proposed Lot 1 is a residual lot containing the RE1-zoned land.

2.5 Development Application DA 237/2025(1) - 411 Brabham Way

The subdivision is generally consistent with the Shiralee DCP Masterplan, with several minor and justified variations relating to lot depth, lot proportions and the alignment of Montrose Street.

The submitted variations are because of variations to previous subdivision applications, thereby this proposal is repetition of a similar pattern to that approved and developed. The overall structure, lot pattern and density remain consistent with the intent of the Masterplan.

The proposal was advertised in accordance with the Community Participation Plan, and no submissions were received.

The proposal has satisfactorily considered, and addressed, all other planning matters, and therefore is recommended for approval.

LINK TO DELIVERY/OPERATIONAL PLAN

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

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council consents to development application DA 237/2025(1) for *Subdivision (Stage 1 - two lot Torrens title), Subdivision (Stage 2 - 17 lot Torrens title and new roads) and Demolition (horse shelter and tree removal)* at Lot 87 DP 750401 - 411 Brabham Way, Orange pursuant to the conditions of consent in the attached Notice of Determination.

FURTHER CONSIDERATIONS

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

Service/ Project Delivery	Approval or refusal may affect infrastructure demands, service planning or community expectations.
Financial	Decisions may lead to financial implications through infrastructure contributions, legal appeals or compensation claims.
Reputation/Political	The outcome may attract public or political scrutiny, especially if perceived as inconsistent or contentious.
Environment	The application may have environmental impacts - positive or negative - depending on the nature of the development.
Compliance	The decision must align with planning legislation, regulation and controls and Council policies to avoid legal risk.
People & WHS	Development activities may introduce safety risks for workers, residents or the broader community.
Information Technology/ Cyber Security	Systems used to assess and manage the application must ensure data integrity and secure handling of sensitive information.

2.5 Development Application DA 237/2025(1) - 411 Brabham Way

SUPPORTING INFORMATION / THE PROPOSAL

The proposal involves a 17-lot subdivision for residential purposes and demolition of the horse shelter at 411 Brabham Way, Orange - Lot 87 DP 750401. Approval is sought for an urban residential subdivision to create 16 additional lots and new public roads, and minor demolition works.

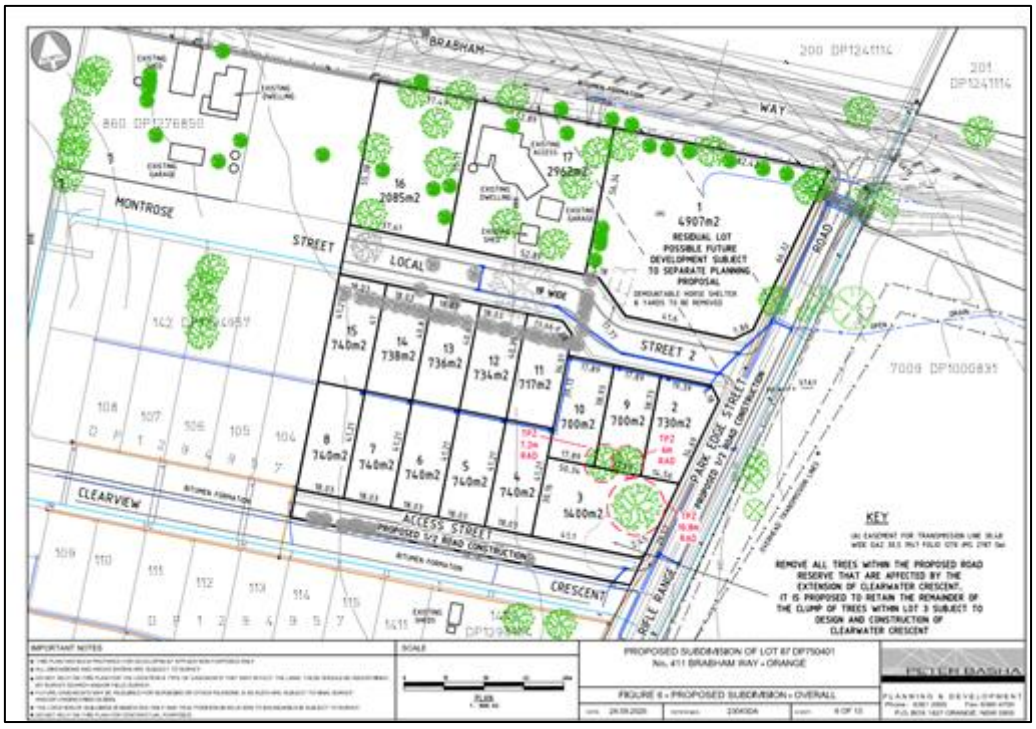


Figure 2 - site plan

The proposed Lots 2-16 will be created as vacant lots, intended for future residential development. The subdivision has been proposed to be completed in two stages.

The demolition includes the removal of tree vegetation and an old horse stable.

The subdivision works involves the following:

- Construction of new sealed roads with concrete kerb and gutter to serve the proposed lots.
- Extension of reticulated sewer to each of the proposed lots.
- Extension of the town water supply to each of the proposed lots.
- Inter-allotment stormwater drainage.
- Provision of telecommunication and electricity services to each of the proposed lots.
- General earthworks, civil works and land shaping associated with the subdivision.
- Removal of trees and vegetation.

<u>Stage 1</u>

Stage 1 of the development includes the subdivision of the subject land to create two lots. Proposed Lot 17 is to retain the existing dwelling on a separate lot and proposed Lot 1 has been identified as a residual lot. The applicants have identified in their application that proposed Lot 1 may be subject to future development, subject to a separate planning proposal.

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Figure 3 - Subdivision Stage 1

Stage 2

Stage 2 of the proposal plans to subdivide proposed Lot 17 to create Lots 2 to 16 as vacant residential parcels (refer to Figure 4).



Figure 4 - Stage 2 Subdivision Plan

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ENVIRONMENTAL PLANNING ASSESSMENT

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);
- Trigger 2: development involves clearing/disturbance of native vegetation above a certain area threshold (clauses 7.1 and 7.2 of BC Regulation 2017); or
- Trigger 3: development is otherwise likely to significantly affect threatened species (clauses 7.2 and 7.3 of BC Act 2016).

The fourth trigger (development proposed to occur in an Area of Outstanding Biodiversity Value (clause 7.2 of BC Act 2016) is generally not applicable to the Orange LGA; as no such areas are known to occur in the LGA. No further comments will be made against the fourth trigger.

A Preliminary Flora and Fauna Assessment (Barnson Pty Ltd, Ref: 49862-ER01_A, dated 14 November 2025) was submitted in support of the application. The assessment included site inspection, habitat assessment, groundcover surveys and a review of threatened species records within 5km of the site.

Trigger 1

The proposed development does not require assessment against Trigger 1 as the subject land is not mapped on the Biodiversity Values Map. The site is not mapped on either the Orange LEP 2011's Terrestrial Biodiversity Map or Watercourse Map. The NSW State Vegetation Type Map (SVTM) identifies portions of the land as PCT 3366 - Central Tableland Clay Apple Box Grassy Forest, forming part of a broader vegetation corridor extending east and south across the Rifle Range, adjoining public land, and the Bloomfield precinct. This mapping does not, of itself, activate Trigger 1.

Trigger 2

Trigger 2 applies where native vegetation clearing exceeds the threshold based on the Minimum Lot Size (MLS).

- The MLS applicable to the land is 700m², giving a clearing threshold of 0.25ha.
- A patch of approximately 68 native eucalypt trees, predominantly Eucalyptus viminalis, occupies an area of roughly 1,200 m² (Refer to Plate 1 and 2).
- The proposed will involve the removal of immature Eucalyptus viminalis within the Clearview Crescent road reserve and underground service alignments.
- Mature E. bridgesiana (Apple Box) and E. viminalis on proposed Lots 3 and 9 are to be retained.

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- The total native vegetation proposed to be cleared is 0.06ha, limited to the southern portion of the E. viminalis patch within the Clearview Crescent road reserve.
- The balance of the vegetation on the site is highly modified, dominated by exotic pasture grasses with only 1.4% native groundcover recorded.

Although below the BOS threshold, Council requested retention of three specific trees. The subdivision layout was amended to accommodate this. Long-term protection of these trees will be secured by 88B restriction.



Plate 1: Looking south east over patch of native trees



Plate 2: Looking south over patch of native tree with potential hollow bearing tree in foreground

Trigger 3

In consideration of the third trigger, the following conclusions are drawn from the Barnson assessment:

- No threatened flora or threatened ecological communities occur on the subject site. Vegetation has been historically modified by orcharding, grazing and slashing, with the groundcover dominated by exotic pasture species. Native groundcover comprises approximately 1.4% and is considered 100% exotic under OEH vegetation guidance.

- A patch of immature Eucalyptus viminalis and one E. bridgesiana (Apple Box) is present in the south-eastern corner. The patch represents a degraded and highly modified fragment consistent with PCT 3366, but does not constitute a viable occurrence of the listed EEC due to extensive past disturbance.

- Approximately 0.06ha of native vegetation will be removed to construct Clearview Crescent and underground services. Mature hollow-bearing trees on proposed Lots 3 and 9 will be retained, and the remainder of the patch retained as far as practicable.

- Sixteen threatened fauna species have been recorded within 5km, however, habitat on the site is marginal, heavily modified, and limited to minor foraging value for mobile species such as Superb Parrot, Grey-headed Flying-fox, and other woodland birds. No threatened species were observed during field surveys.

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In accordance with Section 7.3 of the Biodiversity Conservation Act 2016, the Preliminary Assessment concludes:

- The proposal will not adversely affect the life cycle of any threatened species such that a viable local population would be placed at risk of extinction.
- The development will not significantly reduce the extent, modify, fragment, or isolate habitat of any threatened species or EEC.
- The small area of vegetation removal does not represent important or limiting habitat, and affected species are highly mobile and able to utilise extensive surrounding woodland and open-forest habitat.
- The development is not associated with any key threatening process beyond standard construction impacts, which will be mitigated through erosion/sediment controls and tree-protection measures.

Section 4.15 of the Environmental Planning and Assessment Act 1979

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)

Orange Local Environmental Plan 2011

Part 1 - Preliminary

Clause 1.2 - Aims of Plan

The broad aims of the LEP are set out under Subclause 2. Those relevant to the application are as follows:

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

(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,

(c) to conserve and enhance the water resources on which Orange depends, particularly water supply catchments,

(d) to manage rural land as an environmental resource that provides economic and social benefits for Orange,

(e) to provide a range of housing choices in planned urban and rural locations to meet population growth,

(f) to recognise and manage valued environmental heritage, landscape and scenic features of Orange.

The application is considered consistent with relevant planning provisions and does not detract from the character of Orange as a major regional centre. The proposal is expected to have a neutral impact on the City's social, economic, and environmental resources and does not compromise the principles of ecologically sustainable development.

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There are no elements of the proposal that pose a threat to the City's water resources, and the management of rural land as an environmental resource is not applicable in this context. The development will contribute positively to the City's housing diversity and supply.

Furthermore, the proposal will not adversely affect the value of Orange's heritage, landscape, or scenic features. For these reasons, the application is considered appropriate and supportable.

Clause 1.6 - Consent Authority

This clause establishes that, subject to the Act, Council is the consent authority for applications made under the LEP.

Clause 1.7 - Mapping

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

Land Zoning Map:	**R1 General Residential, R2 - Low Density Residential and RE1 - Public Recreation**
Lot Size Map:	Minimum Lot Size **2400m^2 and 700m^2**
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:	Not 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:	**PMF flooding**

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

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions:

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any relevant instrument under Section 13.4 of the Crown Land Management Act 2016, or

(c) to any conservation agreement under the National Parks and Wildlife Act 1974, or

(d) to any Trust agreement under the Nature Conservation Trust Act 2001, or

(e) to any property vegetation plan under the Native Vegetation Act 2003, or

(f) to any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995, or

(g) to any planning agreement under Subdivision 2 of Division 7.1 of the Environmental Planning and Assessment Act 1979.

Council staff are not aware of the title of the subject property being affected by any of the above.

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Part 2 - Permitted or Prohibited Development

The subject land is zoned R1 General Residential, R2 Low Density Residential, and RE1 Public Recreation. The proposed development is defined as Demolition (minor) and subdivision, under OLEP 2011 and is permitted with consent for this zone. This application is seeking consent.

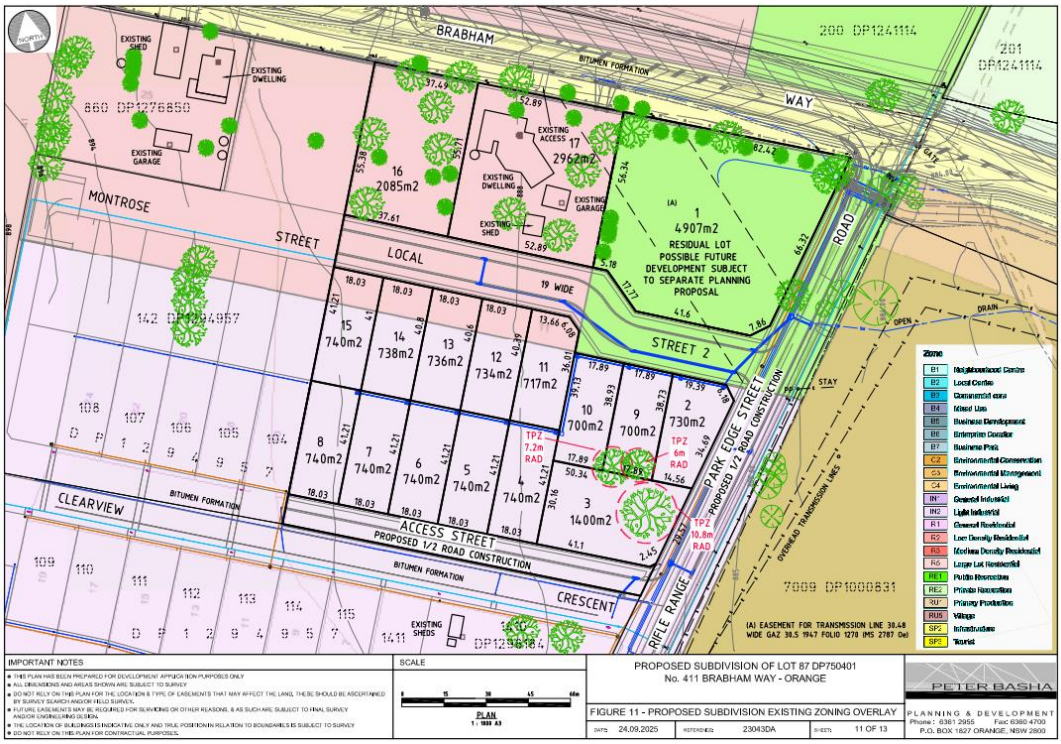


Figure 5 - LEP Zone layers

Clause 2.3 of LEP 2011 references the Land Use Table and Objectives for each zone in LEP 2011. These objectives for land zoned R1, R2 and RE1 are as follows:

Objectives of zone R1 General Residential

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.*
- *To ensure that development along the Southern Link Road has an alternative access.*

Comment:

The proposal would have a positive effect on the housing needs of the community by increasing the range and opportunity for a variety of residential accommodation. The proposed subdivision will not reduce the potential to provide facilities and services that meet the everyday needs of residents.

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The subject land is within an area that is serviced by public bus routes that are only expected to increase as the Shiralee release area continues to develop. The existing dwelling (proposed Lot 17) will retain its existing access via the Southern Link Road (Brabham Way). All other lots will obtain access via their frontage to other roads.

Objectives of zone R2 Low Density Residential

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.*
- *To ensure that development along the Southern Link Road has an alternative access.*

Comment:

The proposed subdivision provides residential allotments that are specific use to encourage low density residential allotments. There are no aspects of the proposed subdivision that would reduce the potential to provide facilities and services that meet the day to day needs of residents. The subject land is within an area that is expected to be serviced by public bus routes as the Shiralee area develops. In consideration of the fourth objective, the existing dwelling (proposed Lot 17) will retain its existing access via the Southern Link Road (Brabham Way). All other lots will obtain access via their frontage to other roads.

Objectives of zone RE1 Public Recreation

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.*
- *To ensure development along the Southern Link Road has alternative access.*

This application seeks for the area (proposed Lot 1) zoned as RE1 to be created as a residual lot and for it to continue to be held as private property.

The applicant has indicated that proposed Lot 1 may be suitable for future residential development subject to a separate Planning Proposal to rezone it to an appropriate residential zone. Additionally, the applicant has specified that it will be necessary to release the existing transmission line easement that affects that parcel so as to facilitate future development options.

Clause 2.6 - Subdivision - Consent Requirements

This clause 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.

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The subject site contains a single existing dwelling and does not include a secondary dwelling. As such, the proposed subdivision does not object to the provisions of Clause 2.6 and is considered compliant.

Clause 2.7 - Demolition Requires Development Consent

This clause triggers the need for development consent in relation to a building or work. This requirement does not apply to any demolition that is defined as exempt development.

The proposal involves minor demolition works, 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.

Clause 2.8 - Temporary Use of Land

The application does not involve a temporary use of land.

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

This clause requires the subdivision of land to be equal to or greater than the size nominated for the land under the Minimum Lot Size Map.

For the subject site, the map identifies different minimum lot sizes based on zoning. Land within the R1 General Residential zone is subject to a minimum lot size of 700m². The smallest lot proposed within this zone is exactly 700m², which complies with the requirements of Clause 4.1.

Land within the R2 Low Density Residential zone is subject to a larger minimum lot size of 2,400m². However, the smallest lot proposed in this zone is Lot 16, where it has an area of 2,085m², which does not meet the minimum requirement.

As a result, a variation to the minimum lot size is required under Clause 4.6 of the LEP to permit the creation of Lot 16.

The portion of the site zoned RE1 Public Recreation is not subject to any minimum lot size under Clause 4.1.

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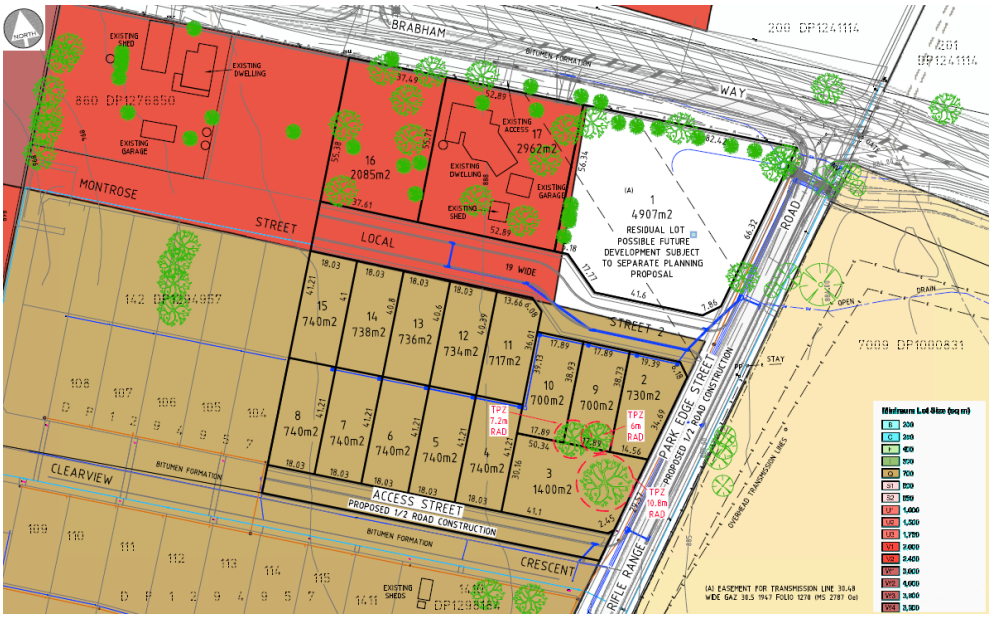


Figure 6 - Minimum Lot Size Map and Subdivision Layout

Clause 4.6 - Exceptions to Development Standards

Clause 4.6 exceptions to development standards of the Orange Local Environmental Plan 2011 provides flexibility in the application of certain development standards in particular circumstances, where compliance with a development standard is unreasonable and unnecessary. This provision applies to the current application due to proposed exceedances in the prescribed minimum lot size standard.

In determining whether development consent may be granted, the Consent Authority must consider a written objection by the applicant to the development standard. The written objection must demonstrate:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

<u>Concurrence Requirement for Development Standards Variations</u>

Previously, Council could grant consent to contraventions of development standards only with the concurrence of the Planning Secretary. Under Section 55 of the Environmental Planning and Assessment Regulation 2021, Planning Circular PS 20-002 permitted the Secretary's concurrence to be assumed for exceptions to development standards under Clause 4.6 of the Standard Instrument Local Environmental Plan (SILEP) or similar provisions, in most cases.

Planning Circular PS 20-002 has since been repealed. The *Guide to Varying Development Standards* (November 2023) eliminates the formal concurrence requirement and replaces it with a monitoring and reporting framework managed through the NSW Planning Portal. This change formalises the previous practice, where the Secretary's concurrence was largely assumed.

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The updated guidelines allow councils to grant consent under delegated authority for developments contravening a standard if the variation is 10% or less. Variations exceeding 10% must be determined by the relevant local planning panel in metropolitan areas, while in regional areas, the responsibility rests with the elected council. As the proposed variations exceed 10%, the matter will be determined by Council/PDC.

Proposed Variation

The proposed subdivision seeks a variation to the minimum lot size (MLS) applying to land zoned R2 Low Density Residential. Under the Minimum Lot Size Map, the MLS for R2 land is 2,400m². Proposed Lot 17 complies at 2,962m², whereas proposed Lot 16 has an area of 2,085m², representing a 13.1% variation.

Assessment of Clause 4.6 Request

Compliance with Clause 4.6(3)(a): Whether compliance is unreasonable or unnecessary

The Land and Environment Court has recognised a number of ways in which an applicant may demonstrate that strict compliance with a development standard is unreasonable or unnecessary. These methods, commonly referred to as the "Wehbe tests" or five-part test (from Wehbe v Pittwater Council [2007] NSWLEC 827), are as follows. Importantly, only one of these needs to be satisfied:

1. by showing that the **objectives of the development standard are achieved** notwithstanding noncompliance with the development standard
2. by establishing that the **underlying objective or purpose is not relevant** to the development, such that compliance is unnecessary
3. by establishing that the **underlying purpose is defeated or thwarted** if compliance is required, such that compliance becomes unreasonable
4. by illustrating that the Council itself has granted development consent that departs from the standard, and arguing from this that the development standard has been '**virtually abandoned or destroyed**,' rendering it unnecessary and unreasonable
5. by establishing that the zoning area of the proposed development was 'unreasonable or inappropriate' such that the **development standard which is appropriate to that zoning is no longer reasonable or necessary** for the particular area.

In this instance, the applicant relies primarily on the first of the *Wehbe* methods namely, that the objectives of the relevant planning controls are achieved notwithstanding the numerical non-compliance.

In consideration of the applicant's submission, Council staff are satisfied that compliance with the 2,400m² MLS is unreasonable and unnecessary in the circumstances of this case for the following reasons:

- The objectives of Clause 4.1 remain satisfied despite the numerical non-compliance. Proposed Lot 16 has a practical and efficient layout, reflects the low-density residential pattern emerging in the Shiralee precinct, and can accommodate a dwelling with appropriate setbacks, private open space, access, and amenity.

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- The reduced area of Lot 16 is the direct result of fixed and unavoidable site constraints, namely:
    - the approved and fixed alignment of Montrose Street to the south
    - the western property boundary
    - the layout of Lot 17, which retains the existing dwelling and cannot transfer land due to the dwelling's siting and associated use areas.
- Lot 17 exceeds the MLS by more than 500m², but its configuration does not permit redistribution of land to Lot 16 without compromising the existing dwelling or creating an irregular lot pattern.
- The subdivision continues to achieve the intent of the Shiralee DCP, which anticipates variations to lot size and configuration in "exceptional circumstances" where justified by site constraints.

The applicant's written request adequately demonstrates that the objectives of the MLS standard are met notwithstanding the variation. Council staff accept that strict numeric compliance is unnecessary to achieve orderly, efficient, low-density residential development in this location.

Compliance with Clause 4.6(3)(b): Sufficient Environmental planning grounds

The term 'environmental planning grounds', while not explicitly defined in the Environmental Planning and Assessment Act 1979 (EP&A Act) or the Standard Instrument - Principal Local Environmental Plan, refers to considerations that align with the subject matter, scope, and purpose of the EP&A Act, including the objects outlined in Section 1.3 of the Act. This interpretation is consistent with the Guide to Varying Development Standards (November 2023).
Council is satisfied that there are sufficient site-specific environmental planning grounds to justify the variation. In particular:

- The proposed lot layout responds directly to fixed physical constraints including the approved alignment of Montrose Street, the western boundary, and the established curtilage requirements of the existing dwelling on proposed Lot 17. These constraints prevent a compliant redistribution of land without creating irregular or functionally compromised lots.
- The variation enables a logical, orderly and efficient subdivision pattern that integrates with the surrounding approved urban structure for the Shiralee precinct and maintains consistency with the intended development form for Area F.
- Proposed Lot 16 retains full capacity to support low-density residential development without adverse impacts on amenity, access, servicing, solar design, privacy or neighbourhood character. No planning outcome is compromised by the reduced lot area.
- Strict compliance would require an artificial or inefficient lot configuration or would necessitate alterations to Lot 17 that would diminish the functionality of the existing dwelling and its associated use areas. This would not deliver a superior outcome compared with the proposed, well-resolved layout.
- The variation facilitates efficient land utilisation while maintaining the subdivision pattern, connectivity, and legibility planned for this release area under the Shiralee DCP.

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Part 5 - Miscellaneous Provisions

5.22 - Special flood considerations

(2) This clause applies to -

(a) for sensitive and hazardous development - land between the flood planning area and the probable maximum flood, and

(b) for development that is not sensitive and hazardous development - land the consent authority considers to be land that, in the event of a flood, may -

(i) cause a particular risk to life, and

(ii) require the evacuation of people or other safety considerations.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development -

(a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and

(b) incorporates appropriate measures to manage risk to life in the event of a flood, and

(c) will adversely affect the environment in the event of a flood.

Part of the subject land is mapped as being subject to flooding (Blackmans Swamp Creek PMF). This flooding is mapped in the residual lot, where no changes to the area are proposed for this development application.

In this regard the proposed development is unlikely to change flooding behaviour on or off the site and is unlikely to adversely affect the safe occupation and efficient evacuation of people from the site. Further, the development is unlikely to cause or contribute to erosion, siltation or reduce riparian vegetation.

Part 6 - Urban Release Area

Not relevant to the application. The subject site is not located in an Urban Release Area.

Part 7 - Additional Local Provisions

7.1 - Earthworks

This clause establishes a range of matters that must be considered prior to granting development consent for any application involving earthworks, such as:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

(b) the effect of the development on the likely future use or redevelopment of the land

(c) the quality of the fill or the soil to be excavated, or both

(d) the effect of the development on the existing and likely amenity of adjoining properties

(e) the source of any fill material and the destination of any excavated material

(f) the likelihood of disturbing relics

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(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area

(h) any measures proposed to minimise or mitigate the impacts referred to in Paragraph (g).

Earthworks are required to facilitate the use of the land for residential development. The earthworks will involve cutting and filling across the entire site to achieve appropriate site surface levels for future residential allotments including filling of the existing dam. Earthworks will also extend to the installation of sewer, water and utility services.

The extent of disruption to the drainage of the site is considered to be reasonable. Overland/natural stormwater flows will be redirected to underground stormwater infrastructure and managed through Council's stormwater network. Therefore, the disruption to natural overland flow paths are not expected detrimentally affect adjoining properties or receiving waterways

The site is not known to contain any Aboriginal, European or Archaeological relics. Previous known uses of the site do not suggest that any relics are likely to be uncovered. Notwithstanding, a condition will be imposed to ensure appropriate procedures are followed in the event that unexpected heritage items are uncovered during subdivision works.

Overall, the extent of the earthworks are not expected to materially affect the potential future use or redevelopment of the site that may occur at the end of the proposed development's lifespan and appropriate sediment controls, including silt traps and other protective measures will be required to protect adjoining lands during subdivision works as a condition of development consent.

7.3 - Stormwater Management

This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied that the proposal:

(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water

(b) includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water; and

(c) avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

Stormwater from the development will be managed in accordance with the requirements of Council's Development and Subdivision Code. The subdivision works include inter-allotment stormwater drainage. It is therefore considered that the post development runoff levels will not exceed the predevelopment levels subject to Council conditions. Stormwater from the site is to be connected to Council's urban stormwater drainage system in accordance with Council's normal requirements.

Council's Assistant Development Engineer (ADE) noted that - *the applicant will be required to contribute to the provision of an off-site stormwater detention system for the development (through s711 contributions).*

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7.6 - Groundwater Vulnerability

This clause seeks to protect hydrological functions of groundwater systems and protect resources from both depletion and contamination. Orange has a high water table and large areas of the LGA, including the subject site, are identified with "Groundwater Vulnerability" on the Groundwater Vulnerability Map. This requires that Council consider:

(a) whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and

(b) the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.

Furthermore, consent may not be granted unless Council is satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact,

(c) if that impact cannot be minimised - the development will be managed to mitigate that impact.

In consideration of Clause 7.6, the proposed development is unlikely to cause groundwater contamination or effect groundwater dependent ecosystems. Urban residential subdivision does not involve processes or activities that would impact on groundwater resources. The subject lands will be serviced by reticulated sewer, as required by conditions of consent.

Clause 7.11 - Essential Services

Clause 7.11 applies and states:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) storm water drainage or onsite conservation,

(e) suitable road access.

In consideration of this clause, all utility services are or will be available to the land and adequate for the proposal. Council engineers have nominated appropriate conditions of consent to ensure the extension of services - including water, sewer and stormwater - occurs in an orderly manner.

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STATE ENVIRONMENTAL PLANNING POLICIES

The following SEPPs applicable to the proposed development:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 - Remediation of Land

4.6 - Contamination and Remediation to be Considered in Determining Development Application

(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.

(2) 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.

(3) 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.

(4) The land concerned is:

(a) land that is within an investigation area,

(b) 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,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care 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).

A preliminary contamination assessment was undertaken by Envirowest Consulting (Ref: R15770c) for the proposed 21-lot residential subdivision at 11 Park Road, Orange. The site has a history of agricultural use, including presumed orcharding, which may have involved the use of pesticides.

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The investigation aimed to determine the site's suitability for residential development in accordance with Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

The site inspection, conducted on 27 June 2023, identified a rural-residential dwelling, garage, sheds, and associated infrastructure within a fenced yard area. The remainder of the site consisted of vacant pasture. No evidence of industrial contamination, such as staining, odours, sheep dips, or mixing sheds, was observed. However, a potentially concerning overgrown stockpile area was noted in the south-west corner of the yard.

Soil samples were collected across the site using a grid and judgemental sampling approach. Samples were analysed for heavy metals, organochlorine pesticides (OCPs), total recoverable hydrocarbons (TRH), BTEXN compounds, and polycyclic aromatic hydrocarbons (PAHs). Sediment from an onsite dam was also tested. No elevated levels of heavy metals or OCPs were found in the yard area. One paddock sample showed elevated zinc, but vegetation appeared healthy and unaffected. Hydrocarbon levels exceeded ecological screening thresholds at the suspected stockpile, though vegetation in that area did not show signs of stress.

The report concludes that the site is suitable for residential land use. It recommends that the onsite effluent system be decommissioned in accordance with NSW Health Advisory Note 3. No significant limitations or constraints were identified that would prevent the proposed development.

Council's Environmental Health and Building staff have reviewed the report and raise no objection to the proposal, subject to the implementation of the recommended measures and the standard unexpected finds condition. Council is satisfied that the land is suitable for the intended use, or can be made suitable through conditions of consent.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

2.45 Notification of certain electricity substation development that may be carried out without consent

(1) This section applies to development (other than exempt development) that -

(a) is carried out by or on behalf of an electricity supply authority or public authority, and

(b) is for the purpose of a new or existing electricity substation of any voltage (including any associated yard, control building or building for housing plant), and

(c) is not a project to which Part 3A of the Act applies or State significant infrastructure.

(2) Before development to which this section applies is carried out, the electricity supply authority or public authority must -

(a) give written notice of the intention to carry out the development to the council for the area in which the land is located (unless the authority is that council) and to the occupiers of adjoining land, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

The requirement for additional assessment has been triggered due to the proximity of the proposed subdivision works to existing electrical infrastructure. The works will be within the prescribed distances of electrical infrastructure.

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The proposed development was referred to Essential energy for concurrent approval. Essential energy raised no concerns and provided their standard conditions/requirements to be included the draft notice of determination.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION 4.15(1)(a)(ii)

There are no draft Environmental Planning Instruments currently on exhibition that relate to the subject land or proposed development.

DESIGNATED DEVELOPMENT

The proposed development is not designated development.

INTEGRATED DEVELOPMENT

The subject land is identified as bushfire prone due to Category 3 “grasslands”. This requires approval from the NSW Rural Fire Service (RFS) under Section 100B of the Rural Fires Act 1997. The application was referred to the RFS for assessment and a Section 100B Bushfire Safety Authority (BFSA) was granted on 15 August 2025. The requirements of NSW RFS are included in the draft notice of determination.

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

Orange Development Control Plan 2004

Orange DCP 2004 - 00 Transitional Provisions - Tree Preservation

The proposed development involves the removal of tree vegetation to enable road construction and servicing works. The Barnson Preliminary Flora and Fauna Assessment identifies a patch of native eucalypt trees of approximately 1,200m² across the site, with the area of native vegetation to be removed limited to the southern portion of this patch (approximately 0.06ha). The balance of the site comprises modified pasture dominated by exotic species.

Council’s Manager City Presentation reviewed the proposal and identified three eucalypt trees of higher retention value suitable for long-term preservation. The remaining juvenile eucalypts were identified as regrowth resulting from past disturbance and their removal is not opposed.

In response, the subdivision layout was amended to enable retention of the three identified trees within proposed Lots 3 and 9. Their ongoing protection is to be secured through building envelopes and tree protection zones under a Restriction-as-to-User (Section 88B of the Conveyancing Act 1919).

Conditions of consent will require the retention and protection of these trees throughout subdivision works and future residential development.

Orange DCP 2004 - 00 Transitional Provisions - Transport Routes

The proposed development complies with relevant planning controls as it does not involve any works that would result in visual impacts along the Brabham Way Road corridor. There are no changes proposed to the setback or presentation of the existing dwelling that fronts Brabham Way. Additionally, the development does not include any elements such as signage or built form, that would distract motorists using this road.

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The existing dwelling located within proposed Lot 17 will retain its current access to Brabham Way. All other proposed lots will gain access via the new internal road network. The development is considered appropriate in the context of this chapter, as it aligns with the existing and intended residential land use pattern along Brabham Way.

Proposed Lot 16 is of sufficient size and configuration to accommodate the required 15m building setback from Brabham Way, as stipulated in the Shiralee DCP 2015. The existing dwelling within proposed Lot 18 also retains its current compliant setback, and the remaining proposed lots are well set back from Brabham Way.

Orange Development Control Plan 2004 10 Special Uses and Road Zones

The presentation of the existing dwelling to Brabham Way is unchanged. Proposed Lot 16 which is vacant offers reasonable opportunity for landscaping to be established within the DCP-required 15m setback from Brabham Way. Proposed Lot 16 offers reasonable opportunity for landscaping to be established within the DCP-required 15m setback from Brabham Way.

Shiralee Development Control Plan 2015

Shiralee DCP is applicable to the proposal. The objectives of the DCP are:

- *to guide the urban expansion of Shiralee, south of the existing Orange urban area*
- *to promote a high-quality urban environment with a diversity of housing and recreational opportunities*
- *to encourage alternative modes of transport and healthy lifestyles*
- *to reduce traffic congestion by providing for the day to day needs of residents within the precinct.*

As outlined in the following assessment of relevant controls, the proposed subdivision will reasonably satisfy the objectives of the Shiralee DCP. Part 1.8 *Exceptional Circumstances* allows some variation to the plan, provided that the proposal meets or exceeds the listed aims and principles. It is accepted that minor variations to the Masterplan will result as development proceeds in the urban village.

Section 2.2 Design Principles

- Although the subdivision includes a 4.6 variation, the subdivision will remain largely consistent with the key elements of the DCP Masterplan. The proposed variation is reduced to one lot, and it would not reduce the potential to achieve the desired future character for the broader Shiralee area.
- The proposal does include the removal of vegetation, where conditions will be attached to the Notice of Determination to ensure that three trees are retained throughout the construction/development/subdivision works/occupation and ongoing.
- The development utilises Rifle Range Road, extends Clearview Crescent, extends Montrose Street and avoids the increase access onto Brabham Way.
- The proposal provides a range of lot sizes, where the DCP Masterplan calls for 2,400m^2 lots along the northern edge of the site (fronting Brabham Way); and 700m^2 lots on the remainder of the site.

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The proposal generally meets the criteria of this where the lots range from 2962m^2 and 2085m^2 along Brabham Way and Lots 2 to 15 range from 700m^2 to 1400m^2. Although the minor variation sought for proposed Lot 16, the proposed lot sizes generally accord with the DCP Masterplan.

- The proposal follows the density contemplated by the DCP Masterplan.
- Proposed Lot 1 has been classified as a residue lot in the application, and its current land use zone is RE1.

Section 2.4 Subdivision

Controls:

- *All subdivision applications are to be accompanied by a preliminary investigation to identify any past or present uses that have potential to contaminate the land and a preliminary assessment of any known contamination. If the results are positive, or if Council so directs, the application is to undertake a more detailed investigation*

A contamination assessment was undertaken by Envirowest Consulting (R15770c). The assessment found no contamination that would preclude residential development. The EHO raised no objections, subject to conditions requiring decommissioning of septic system and standard unexpected finds condition.

- *Subdivision is to be consistent generally in accordance with the Masterplan design and intent per the DCP. Legislative requirements and DCP written controls take precedence over the Masterplan.*

There are some minor departures from the Shiralee DCP Masterplan, however, these variations are considered acceptable and do not undermine the overall intent of the plan. The deviation of the Montrose Street extension and associated lot reconfiguration is a direct response to fixed physical constraints, including the extent of the RE1-zoned land, the western boundary, and the need to retain the existing dwelling on proposed Lot 17. These constraints necessitate an adjusted road alignment and revised lot layout in the south-western portion of the site to achieve an orderly and functional subdivision pattern. The resulting lot configuration remains broadly consistent with the Masterplan's structure and street hierarchy.

In addition, proposed Lot 16 falls marginally below the 2,400m² minimum lot size applicable to land in the R2 zone. This departure arises from the interplay between the approved Montrose Street alignment, the western boundary, and the curtilage requirements of the existing dwelling. A Clause 4.6 request has been submitted and is addressed in detail elsewhere in this report. Importantly, the balance of the subdivision conforms to the intended lot size distribution envisaged by the Masterplan, and the minor shortfall for Lot 16 does not compromise the achievement of the DCP's broader design principles or desired future character for this precinct.

Furthermore, maintaining a consistent yield supports the delivery of the infrastructure program for Shiralee through increased development contributions and accords with the broader principles of efficient land use and infrastructure coordination reflected in State strategic planning directions.

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Overall, the variations sought are minor, appropriately justified, and do not compromise the intended urban structure, design principles, or strategic outcomes of the Shiralee DCP.

The Masterplan and the proposed variations are depicted diagrammatically below.



Figure 7 - Shiralee Masterplan Area F

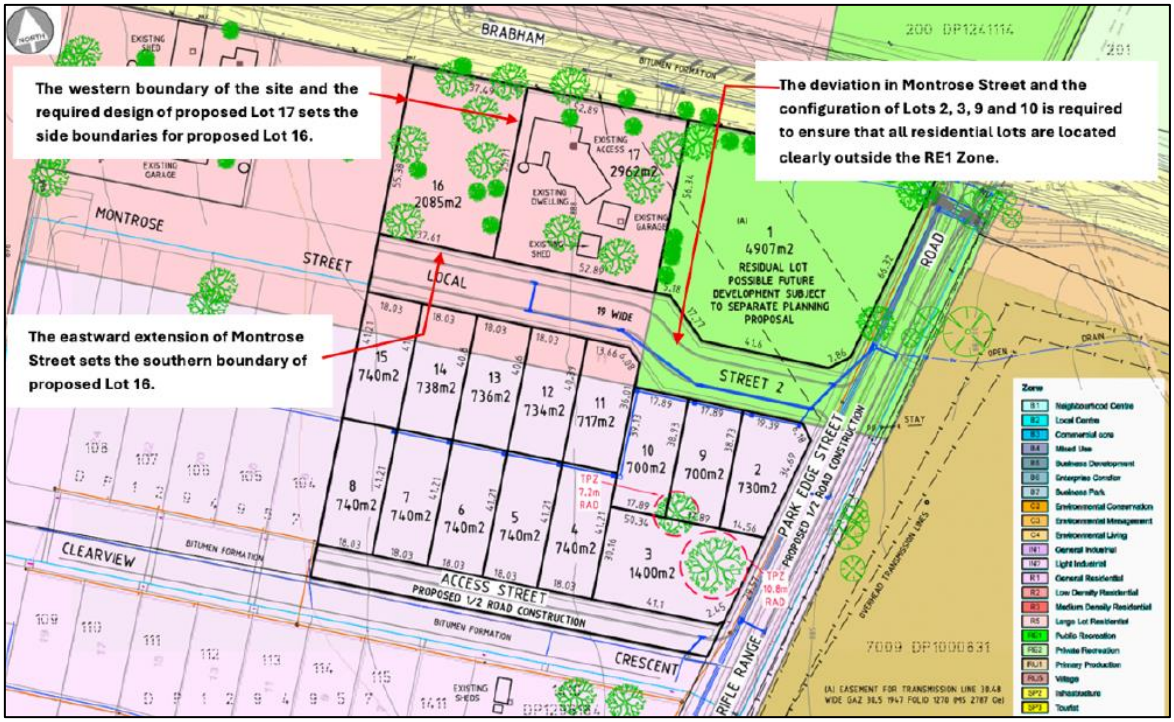


Figure 8 - DCP variations

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- *Lot sizes are to be consistent with or greater than the adopted minimum lot size for the land under the LEP zoning map.*

All lots comply except for Lot 16, which is the subject of the Clause 4.6 variation. The reduced lot size does not undermine the intended density or pattern of development and remains compatible with the future built form anticipated for this part of Shiralee.

- *Where an oversized lot is proposed (substantially greater than the adopted minimum lot size), plans are to nominate a building envelope.*

Although oversized lots are not proposed, building envelopes will nevertheless be required for proposed Lots 3 and 9 to secure the retention of the significant trees identified by Council's Manager City Presentation, with the envelopes and associated tree protection zones to be formalised via a Section 88B Restriction-as-to-User.

- *Except for corner lots, and where indicated otherwise on the Large Lot Classification Table, all residential lots are to have a width to depth ratio of between 1:4 and 1:2.75 with the shorter boundary being the street frontage.*

The width-to-depth ratios for proposed Lots 4-15 do not strictly comply with the numerical control in the Shiralee DCP (refer to table below). A variation is considered acceptable in this case. The lot proportions are a direct response to the fixed geometry of the site, particularly the established alignments of Clearview Crescent and Montrose Street, which limit the achievable lot depth in this part of the subdivision.

A strict application of the ratio control would force substantially narrower frontages, reduce overall lot areas below the 700m² minimum, and result in lots that are less functional in terms of solar access, building design and private open space provision. The proposed layout instead provides regular, workable lots that comfortably exceed the minimum lot size and are capable of accommodating compliant dwellings.

Council has previously accepted similar variations in the subdivision immediately to the west, and the proposed configuration continues this established pattern. The departure does not undermine the intended urban structure or the design principles of the Shiralee DCP and will integrate cohesively with the surrounding residential development.

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On this basis, the variation is supported.

Lot	Ratio	Compliance
1	Zoned RE1	Not applicable
2	Corner Lot	Not applicable
3	Corner Lot	Not applicable
4	1:2.28	Not applicable
5	1:2.28	No
6	1:2.28	No
7	1:2.28	No
8	1:2.28	No
9	1:2.17	No
10	1:2.18	No
11	1:2.24	No
12	1:2:25	No
13	1:2:25	No
14	1:2:27	No
15	1:2:28	No
16	Large Lot	Not applicable
17	Large Lot	Not applicable

Table 1 - width to depth compliance table

- *Residential corner lots are to have greater width with a ratio of between 1:3.25 and 1:2.5 to allow more opportunity for the subsequent dwelling to address both frontages.*

Proposed Lot 3 satisfies the DCP control for corner lots. Proposed Lot 2 does not achieve the prescribed width-to-depth ratio; however, the variation can be supported. The lot has substantial frontage to both Montrose Street and Rifle Range Road, providing adequate opportunity for a future dwelling to address both streets and to achieve appropriate solar orientation at the detailed design stage. The lot is of sufficient size and configuration to accommodate a compliant dwelling envelope without compromising streetscape, amenity, or the broader subdivision layout. In this context, strict adherence to the numerical ratio is not considered necessary to achieve the intent of the control, and the variation is acceptable.

- *Roads identified for Bus Routes:*
  - *Intersections where the bus route turns are to be designed to accommodate full size coaches.*
  - *At nominated bus stop locations the road reserve is to be increased by an addition of 0.5m to allow for passenger congregation and future street furniture. The front building setbacks of affected lots may be reduced by 0.25m to help preserve the pattern and rhythm of development.*

This control is not relevant as the proposed subdivision does not create any new public roads that intersect with an identified bus route.

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Section 2.5 Lot Typologies

Controls:

- *Lot typologies and minimum sizes are to be consistent with the Masterplan, DCP and LEP zoning maps.*

The proposed subdivision is generally consistent with the Masterplan and the LEP Minimum Lot Size and Zoning Map notwithstanding the minor variations referred to earlier in this report.

- *Any subdivision which creates more than three lots must not have any oversized lots. Oversized lots are lots that do not fit within the designated categories.*

Oversized lots are not proposed under this application.

- *Specific requirements for large lots within the Precinct are to be consistent with the Large Lot Classification Diagram and Large Lot Classification Table.*

Proposed Lots 16 and 17 fall within the "large lot" category identified in the DCP. Both lots achieve the minimum frontage requirements: Lot 17 exceeds the required 40m frontage to Brabham Way, and Lot 16 meets the 30m minimum frontage applicable where access is gained from a side street.

Both lots have a depth of approximately 55-56m, which is slightly below the 60m depth specified in the Large Lot Classification Table. This reduced depth is a direct consequence of the approved alignment of Montrose Street, which fixes the southern boundary and limits the achievable lot depth in this location.

Despite the numeric variation, both lots retain sufficient area and configuration to accommodate compliant building setbacks, landscaping, and residential amenity outcomes. Lot 16 also provides adequate depth to achieve the required 15m setback to Brabham Way. The proposed lot depths are broadly consistent with the subdivision pattern recently approved to the west, and the variation does not compromise the intended large-lot character for this frontage.

For these reasons, the reduced lot depth can be supported.

- *Where subdivision involves the creation of a lot greater than the maximum for the lot typology, a building envelope is to be established on the title of the new lot [consistent with prescribed dimensions].*

No lots exceed the typology thresholds in a manner that would trigger this control. However, building envelopes will be required on proposed Lots 3 and 9 to facilitate the retention and protection of significant trees identified for preservation.

- *All lots must have a direct street frontage to ensure good access and property amenity.*

All proposed lots will have direct street frontage and access to an existing or proposed public road.

- *Corner lots are to achieve high quality street frontages on the primary and secondary street.*

The proposed subdivision layout will enable the future development to achieve high quality street frontage to primary and secondary boundaries.

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- *All compact, medium and standard lots need to achieve a solar orientation where the long axis of the lot is:*
  - *for north-south oriented lots between 20^o west of north of 30^o east or north, or*
  - *for east-west oriented lots between 20^o north of east or 30^o south of east.*

The proposed lots will comply with the requirements for solar orientation.

3.0 Local Infrastructure

Controls:

- *Clause 7.11 of Orange LEP 2011 establishes that development is required to be provided with essential services…*
- *Provision of essential local infrastructure is at the developers cost and in line with the Shiralee Development Contributions Plan.*
- *The design and placement of local infrastructure is to be in accordance with the relevant authorities requirements.*
- *All power lines are to be located underground.*

As outlined in the foregoing assessment, utility services can be made available to the land and adequate for the proposed subdivision, subject to extension, augmentation, upgrading and payment of relevant developer contributions. Conditions are included on the attached notice of determination to satisfy the requirements of Part 3.1.

3.3 Public Domain

Controls:

- *Land identified for the RE1 Public Recreation Zone is to be dedicated to Council as public open space upon subdivision of the parent lot.*
- *Compensation for the dedicated land is to be in accordance with the relevant Section 94 Development Contribution Plan.*

The subdivision proposes to create a residual Lot 1 that contains the portion of the site zoned RE1 Public Recreation. The application does not seek to dedicate this land to Council at this stage, and no public open space embellishment or handover is proposed as part of the development.

The applicant has indicated that the RE1 land is intended to remain in private ownership pending a future planning proposal to rezone the land for residential purposes, together with the potential removal of the existing electricity easement. While this falls outside the scope of the current application, it does mean that the subdivision does not currently achieve the DCP requirement for dedication of RE1 land.

Given that the current proposal does not alter, develop, or utilise the RE1 land and merely isolates it as a residue lot, the departure from the dedication control can be accepted.

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- *Footpath dining in the Village Centre is encouraged, although access on the footpath must be maintained and consideration must be given to access for the vision impaired and those in wheelchairs.*
- *Outdoor dining furniture and signage must be approved by Orange City Council and provide a positive visual aesthetic to the streetscape.*

The proposed subdivision does not relate to built-form within a Village Centre, and the above controls are not applicable.

- *Ensure reasonable pedestrian/wheelchair/pram crossing ability is designed into the road and median to ensure access into the heart of the village.*

The proposed subdivision does not relate to built-form within a Village Centre. Bike paths and footpaths will be provided across the subdivision. Council's Development Engineer is satisfied with the proposed road layout.

3.5 Lighting

Controls:

- *All lights are to use energy efficient LED luminaries or equivalent…*
- *Street lighting is to be designed to meet the current Australian Standards AS/NZS 1158 series.*
- *Enhanced levels of lighting are to be installed at major recreation pedestrian/cycle link crossings and at pedestrian crossings.*
- *Street trees and street lights are to be staggered so that footpaths maintain sufficient light levels.*

Conditions are included on the attached Notice of Approval to satisfy the above controls relating to lighting across the subdivision.

64.11 Residential Buildings

Part 5 contains provisions for dwellings, including:

- *Building form and layout;*
- *Building typology, design and dwelling mix;*
- *Solar access;*
- *Reflectivity;*
- *Privacy; and*
- *Universal design.*

Matters in Part 5 of the DCP relate to building controls for future development and are not relevant in the determination of this subdivision application. Such provisions will apply to any development application that is lodged for residential development in the future.

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6.0 Private Domain Landscape

Controls:

- *Existing trees are to be incorporated within lots. Dwelling configurations and ground levels should ensure existing tree health and longevity.*
- *Fences that are not visually permeable, such as Colorbond, are not permitted on boundaries along open spaces or larger lots, or where visible from streets.*

The proposal involves the removal of a portion of existing vegetation to accommodate the subdivision layout, road construction and service installation. While some tree loss is unavoidable due to the location of Clearview Crescent and underground infrastructure, Council's Manager City Presentation identified three trees of higher value that should be retained. The subdivision design has been amended to enable their protection, and these trees will be secured via a Restriction-as-to-User (Section 88B) with corresponding building envelopes and tree protection zones on proposed Lots 3 and 9.

This approach ensures the DCP objective of incorporating significant existing trees into the subdivision is met as far as practicable, noting the broader tree stand is regrowth of lower ecological value.

With respect to fencing, no fencing is proposed as part of this subdivision application. Future fencing will be subject to the DCP controls at the dwelling stage, including requirements for visual permeability along public domain interfaces and larger lots.

Overall, the proposal is capable of achieving compliance with the private domain landscape outcomes, subject to the imposed conditions securing tree retention and managing future fencing.

7.0 Public Domain

7.1 Passive and Active Recreation Network

Controls:

- *Open spaces and streets facing open spaces must be provided according to the Masterplan*
- *Where a property adjoins a park or other public space that is not a street or road, any residential development of that property:*
  - *must provide at least two windows from habitable rooms to face the public space. The windows are to be a minimum 2.5m² in size.*
  - *may not place the side or rear walls of sheds and outbuildings any closer than 2.5m from the boundary with the public space.*
- *Properties adjoining a public park or other public space are encouraged to include a pedestrian gate along the boundary.*

Proposed Lots 2, 9, 10, 11 and 17 will adjoin or interface with areas identified as public open space under the RE1 zoning. As dwelling design is not part of this application, the controls relating to window orientation, outbuilding setbacks and pedestrian gate opportunities will be assessed at the development application stage for the respective dwellings.

The subdivision layout provides an appropriate road interface to the RE1 land consistent with the intent of the Shiralee Masterplan.

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7.2 Landscape

Controls:

- *Eco link streets are to have an understory planting layer of native species including shrubs, groundcovers and grasses of maximum mature height of 1.5m with planting plans to be submitted for approval by Council.*
- *Streets with medians are to have an understory planting layer of species responding to the tree planting within the median, including shrubs, groundcovers and grasses of generally maximum mature height of 1.5m and of 1m within 5m of an intersection.*
- *Footpath verges within residential areas are to be planted with cool climate turf species, as approved by Council.*
- *Footpath verges and tree planting zones within the village centre, may be planted with robust groundcover and grass species in keeping with a high quality street environment and as approved by Council.*
- *A developer shall construct all footpaths, turf all verges and provide all road infrastructure planting prior to sale of building blocks.*
- *Orange City Council will plant all street trees.*
- *Maximum verge cross-fall from property boundary to kerb is to be 2%.*
- *Longitudinal gradient of verge is to match the gradient of the adjacent kerb. Retaining walls are to be provided along property boundaries accordingly.*

The requirements of Section 7.2 will be addressed through conditions of consent to ensure compliance at the detailed design stage.

7.4 Street Tree Strategy

Controls:

- *A minimum of one tree per lot for compact lots, two trees for standard lots and three trees for larger lots, at even spacings along the street.*
- *Street tree plantings are to be consistent with the Street Tree Strategy Diagram, Species List and Planting Detail and as approved by Council.*
- *Residential street verges are to be turfed with Council approved species except where Council requires groundcover planting.*

No street tree plan has been provided at this stage. The subdivision layout is capable of accommodating the required tree spacings and verge treatments in accordance with the Street Tree Strategy. Compliance with the tree planting requirements, species selection and verge treatments will be addressed through conditions of consent.

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8.0 Environmental Management

8.3 Stormwater and Water Sensitive Urban Design (WSUD)

Controls:

- *A comprehensive site-wide WSUD strategy is implemented for Shiralee.*
- *Streets and public spaces incorporate best practice WSUD elements including swales, rain gardens and detention/retention basins.*
- *WSUD elements are to incorporate native planting.*

Conditions are included on the attached notice of determination to satisfy the requirements of Part 8.3.

9.0 Movement Networks

9.2 Pedestrian and Bicycle Network and Associated Facilities

Controls:

- *A comprehensive site-wide WSUD strategy is implemented for Shiralee.*
- *A cycle network is to be implemented in accordance with Figure 64. Cycle Network and be designed in accordance with Austroads Standards and RMS Guidelines.*
- *Footpaths to be provided on both sides of the street consistent with the street sections in Appendix C.*
- *Safe road crossings (e.g. marked crossings) are to be provided according to 9.4 Street Network Access Controls. Also refer indicative intersection treatments, Figures 75 and 76.*
- *Universal access to be provided throughout the precinct in accordance to AS.1428.1.*
- *On-road cycle routes are to be clearly line marked and sign posted.*
- *Any development that is assessed as requiring an onsite parking area or at least five (5) spaces shall also be required to provide bicycle parking.*
- *Bicycle parking is to be provided at the ratio of one (1) bicycle space per 15 car parking spaces (or part thereof).*
- *All bicycle spaces are to be provided with a fixed rack or other feature to facilitate chain locking the bicycle.*
- *Bicycle spaces are to be positioned so as to avoid conflict with car and service vehicle circulation.*
- *Bicycle spaces are to be clearly delineated from other parking areas by means of lane marking and/or signage.*

Conditions are included on the attached to satisfy the requirements of Part 9.2.

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9.3 Public Transport Network

Controls:

- *Bus routes and stops are to be positioned in accordance with Figure 67 - Bus Network.*
- *All bus stops must have a shelter that includes: seating with arm rests and lighting.*
- *Bus shelters are to be positioned on either side of the street at all stops indicated on Figure 67 - Bus Network.*
- *Pedestrian crossings must be provided within 30m of all stops.*
- *Continuous accessible paving must be provided from the shelter to Pedestrian Crossing.21.*

No bus stops have been identified within the subject land on the Masterplan; however, all proposed lots will be within 400m radius of a bus stop.

9.4 Street Network and Access

Controls:

- *Other than where specified in the Masterplan there are to be no cul-de-sacs or no-thru roads.*
- *Where new roads are aligned along existing property boundaries the first property to develop is to include stage one of the shared road including any central median reserve.*
- *All streets indicated on the Masterplan are to be designed and constructed in accordance with the relevant street typology diagram.*
- *Intersections are to be designed to maximise ease of movement for pedestrians and cyclists and to slow vehicular traffic. Indicative intersection treatments for four way and 'T' intersections are shown in Figure 75 and 76. Indicative Intersection Treatments.*
- *Traffic calming measures will be implemented in suitable locations to reduce vehicle speeds. Traffic calming measures include passive measures such as intersection narrowing, minimising width of road pavements, designation of slow speed streets and use of rumble strips at pedestrian crossing points and intersections.*
- *The principles of water sensitive urban design are to be incorporated in the road network for any new streets.*
- *Driveway crossovers are to be a maximum of 3m wide and are not to be constructed within 6m of an intersection. Crossover pavement is to match the adjacent footpath material.*
- *Garages and carports on corner lots are to be accessed from the longer street frontage and the crossover is to be aligned adjacent to the boundary furthest from the intersection.*
- *Marked Crossings, Refuge Islands and/or traffic signals are to be provided at street intersections on:*
  - *collector streets*
  - *the Southern Feeder Road, and*
  - *intersections of the 'off road shared cycle and pedestrian path'.*

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- *Two stage roads:*
  - *On development of the first stage of a two stage road, the design shall include a buffer strip alongside the neighbours existing boundary. This strip is to be created as a Torrens lot and vested with Council to ensure Council can maintain control over access arrangements.*
  - *On development of the second stage of a two stage road, Council will convert the buffer strip from a lot to a road reserve to enable the construction of turning bays as part of the development.*

The following comments are provided in consideration of the proposed street network across the subdivision:

- The proposed internal road layout (Montrose Street and Clearview Crescent) is satisfactory and is generally in accordance with the Shiralee DCP. The layout does not prevent the orderly development of adjoining land, and all proposed roads are to be constructed full width.
- The applicant will be required to construct the Brabham Way frontage with kerb and gutter, a concrete footpath, and a bitumen-sealed parking lane for the full length of the development frontage, transitioning to the existing pavement beyond the site.
- The applicant will be required to reconstruct Rifle Range Road for the full width and length of the development frontage.
- The subdivision does not include any cul-de-sacs or no-through roads, consistent with the requirements of the DCP.
- The applicant will be required to construct bike paths and footpaths in accordance with the Shiralee DCP and Council's engineering requirements.
- Driveway crossovers and the placement of garages/carports on corner lots will be assessed at the development application stage for future dwellings.
- Conditions included on the attached Notice of Determination will address the detailed requirements of Part 9.4, including street typologies, intersection treatments, water-sensitive urban design, traffic calming measures, and any required marked crossings or refuge islands.

<u>9.5 Traffic Management</u>

Controls:

- *Key intersections shown on the management plan are to be designed to Council's requirements.*
- *Intersections along nominated bus routes are to be designed to accommodate the turning arc of coach buses.*
- *Marked crossings, refuge islands and/or traffic signals are to be provided at street intersections on: Collector streets, the Southern Feeder Road and intersections of the off road shared cycle and pedestrian path. This will improve pedestrian and bicycle safety.*

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- *All streets except for Collectors and the Southern Feeder Road are to have a maximum 40km per hour speed limit.*
- *All street kerbs are to be upright not roll kerbs. Broken upright kerbs should be used where required for WSUD function.*

Conditions are included on the attached Notice of Determination to satisfy the design requirements of Part 9.5.

DEVELOPMENT CONTRIBUTIONS

The development has been assessed pursuant to Orange Development Contributions Plan 2024. The following table itemises the contributions payable for the development. A condition is attached to reflect the following requirements.

Section 7.11 Contributions

The payment of **$320,000.00** must be made to Council in accordance with Section 7.11 of the Act and Orange Development Contributions Plan 2024 Development in Sherilee urban release area toward the provision of the following public facilities:

Open Space and Recreation		
Community and Cultural		
Roads and Traffic Management Facilities		
Local Area Facilities	16 additional lots @ $20,000.00	320,000.00
Plan Preparation and Administration		
TOTAL:		**$320,000.00**

The contribution will be indexed quarterly in accordance with Orange Development Contributions Plan 2024 Development in Shirlee - Urban release area , which may be inspected at the Orange Civic Centre, Byng Street, Orange.

Section 64 Water and Sewer Headwork Charges

Section 64 water and sewer headworks charges are also applicable to the proposal. Such charges are calculated at the time of release of a Subdivision Certificate for the development. Conditions are included on the attached Notice of Determination to this effect.

PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

Demolition of a Building (clause 61)

The proposal involves the demolition of the horse shelter. 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.

2.5 Development Application DA 237/2025(1) - 411 Brabham Way

Council Related Development (clause 66A)

The development is not council related development.

BASIX Commitments (clause 75)

BASIX is not applicable to the proposed development.

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

The likely impacts of the proposed subdivision have been considered in relation to the site, its context, and the applicable planning controls. The following matters are relevant:

Visual and Physical Impacts

The subdivision will change the existing rural-residential character through the introduction of new roads, earthworks, and future residential development. These outcomes are anticipated within the Shiralee release area and are consistent with the planned transition of the precinct to an urban residential environment. Earthworks and vegetation removal are necessary to achieve compliant road grades, infrastructure corridors and lot configurations.

Traffic and Access

The development will generate additional traffic associated with 16 new dwellings. Based on standard generation rates, this equates to approximately 121 daily vehicle movements and 13–14 peak hour trips. The surrounding road network can accommodate this increase. Access arrangements comply with the intended hierarchy of the Shiralee DCP, with the existing dwelling retaining access from Brabham Way and all new lots gaining access via the proposed internal road network. Council's Development Engineer raises no concerns, subject to conditions.

Environmental Impacts

The ecological impacts of the subdivision have been addressed earlier in this report under Section 1.7, including consideration of the Biodiversity Offset Scheme triggers and the findings of the submitted ecological assessment. That assessment confirms the proposal does not trigger the BOS and that vegetation removal and habitat impacts are acceptable.

Council-requested tree retention has been incorporated into the subdivision layout, and appropriate protection and environmental management measures will be imposed by condition. On this basis, the biodiversity impacts are considered acceptable.

Bushfire Risk

The site is identified as bushfire prone. A Bushfire Safety Authority has been issued by the NSW Rural Fire Service, and its conditions will be incorporated into the consent. Compliance with these measures will ensure the development can achieve acceptable bushfire protection outcomes.

Infrastructure and Servicing

All essential services (water, sewer, stormwater, electricity and telecommunications) can be provided to the land with standard extension and augmentation. The proposal will contribute to local infrastructure through Section 7.11 contributions and Section 64 headworks charges. No servicing constraints prevent the development from proceeding.

2.5 Development Application DA 237/2025(1) - 411 Brabham Way

Construction Impacts

Short-term construction impacts such as noise, dust, erosion, sedimentation and traffic disruption can be managed through standard conditions of consent and will not result in unacceptable off-site impacts.

Economic Impacts

The proposed subdivision will facilitate additional residential development within a planned urban release area, contributing positively to housing supply and supporting the orderly growth of the Shiralee precinct. The creation of serviced lots will generate construction activity and ongoing local expenditure, resulting in broader economic benefits for the community.

Cumulative Impacts

The subdivision forms part of the staged urbanisation of the Shiralee release area, where ongoing incremental development is anticipated and planned. When considered in this broader context, the proposal represents a logical continuation of the established subdivision pattern to the south and west and does not introduce any additional or unanticipated pressures on the locality. The scale and form of development remain within the expectations of the Masterplan and applicable planning controls. As such, no unacceptable cumulative impacts are expected.

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

There are no aspects of the site that would suggest that it is not suitable for the proposed development.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15(1)(d)

The proposed development is defined as "advertised development" under the provisions of the Community Participation Plan. The application was advertised for the prescribed period of 14 days and at the end of that period no submissions were received.

PUBLIC INTEREST s4.15(1)(e)

The proposal will not be inconsistent with any policy statement, planning study or guideline that has not been considered in this assessment. There are no aspects of the proposal that will be contrary to the welfare or well-being of the general public.

SUMMARY

The proposed development is permissible with the consent of Council. The proposed development 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 Determination outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

ATTACHMENTS

1 Draft Notice of Determination, D25/140788⇩
2 Plans, D25/140790⇩
3 RFS letter (redacted), D25/140774⇩

ORANGE CITY COUNCIL

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA 237/2025(1) PAN-545713
Applicant	MICHAEL AND JUSTINE MACMAHON AND FARRELL C/- PETER BASHA PLANNING & DEVELOPMENT PO BOX 1827 ORANGE 2800
Description of development	Subdivision (stage 1 - two lot Torrens title), Subdivision (stage 2 - 16 lot Torrens title and new roads) and Demolition (horse shelter and tree removal)
Property	411 BRABHAM WAY ORANGE 2800 87/-/DP750401
Determination	Approved Consent Authority - Council
Date of determination	20/11/25
Date from which the consent operates	20/11/25
Date on which the consent lapses	20/11/30
Approval bodies that have given general terms of approval	NSW Rural Fire Service and Essential Energy

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Building Code of Australia building classification

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

a. The proposed development will reasonbly satisfy Local and State Planning controls.

b. The proposed development will comply witht the requirements of State approval authorities.

c. Impacts of the proposed development on the natural and built environment will be within acceptable limit, subject to mitigation conditions.

d. The proposed development will complement the existing or desired future of the character of the area.

e. The proposed development will be consistent with the Zone objectives and principal development standards.

f. The proposed development is permitted in the Zone.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of

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this determination.

Paul Johnston
Manager Development Assessment
Person on behalf of the consent authority

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Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	**Approved plans and supporting documentation**
	Development must be carried out in accordance with the following approved plans. **Plans prepared by Peter Basha Planning and Development, Reference: 23043DA Dated 24.09.2025, Sheets 7 - 10 (out of 13 sheets).** In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.
	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.
2	**National Construction Code**
	All building work must be carried out in accordance with the provisions of the National Construction Code.
	Condition reason: To ensure compliance with relevant statutory requirements.
3	**Essential Energy - General Requirements**
	· An easement is created for any existing electrical infrastructure. The easement is to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision; · Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property must be complied with; · All Torrens lots must have access and frontage to a public road as per Service and Installation rules. This is to allow for the provision of power/services to the new development, a right of carriageway can not to be used for the provision of power/services to any part of the new development. · Any activities must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;

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	Condition reason: To comply with Essential Energy's general requirements.
4	**Development and subdivision works requirements**
	All of the following conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All engineering work required by the following conditions is to be completed prior to the issue of an Occupation or Subdivision Certificate, unless stated otherwise.
	Condition reason: To comply with Council's Development and Subdivision Code.

Building Work

Before issue of a construction certificate

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

Before building work commences

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

During building work

5	**Asbestos material removal and disposal**
	Any asbestos material must be removed and disposed of in accordance with the provisions of the *Work Health & Safety Act 2011* and any guidelines or Codes of Practice published by SafeWork NSW.
	Condition reason: To ensure asbestos materials are handled and disposed of in a safe manner.
6	**Hours of work - construction**
	All construction work on the site is to be carried out between the hours of 7am and 6pm Monday to Friday inclusive, 7am to 5pm Saturdays, and 8am to 5pm Sundays and Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
	Condition reason: To ensure compliance with relevant statutory requirements.
7	**Protection of the Environment Operations Act - material delivery**

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	All materials onsite or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material, or when disposing of waste products, or during any other activities likely to pollute drains or watercourses.
	Condition reason: To protect waterways from pollution by stockpiled or placed construction materials.
8	**Unexpected finds - contamination**
	In the event of an unexpected find during works such as (but not limited to) the presence of undocumented waste, odorous or stained soil, asbestos, structures such as underground storage tanks, slabs, or any contaminated or suspect material, all work onsite must cease immediately. The beneficiary of the consent must discuss with Council the appropriate process that should be followed therein. Works onsite must not resume unless the express permission of Council's Director Development Services is obtained in writing.
	Condition reason: To ensure any unexpected finds of contamination are notified to Council and managed appropriately.

Before issue of an occupation certificate

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

Occupation and ongoing use

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

Subdivision Work

Before issue of a subdivision works certificate

9	**Access over adjoining land**
	If services and access are to be provided over adjoining properties, stormwater discharged onto adjoining land, or works are required to be undertaken on adjoining properties then, prior to the issue of a Subdivision Works Certificate, evidence of the registration of any required easements and rights-of-way over adjoining properties for the provision of services and access, and legal agreements for the undertaking of work shall be provided to the Principal Certifier.
	Condition reason: To ensure compliance with relevant statutory requirements.
10	**Dust management plan**

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	A dust management plan is to be submitted to Orange City Council or an Accredited Certifier (certifier – subdivision) upon application for a Subdivision Works Certificate.
	Condition reason: To comply with Council's Development and Subdivision Code.
11	**Engineering plan design and construction requirements**
	Engineering plans, showing details of all proposed work and adhering to any engineering conditions of development consent and the Orange City Council Development and Subdivision Code, are to be submitted to, and approved by, Orange City Council or an Accredited Certifier (certifier - subdivision) prior to the issue of a Subdivision Works Certificate.
	Condition reason: To comply with Council's Development and Subdivision Code.
12	**Road naming application**
	Prior to the issue of a Subdivision Works Certificate, a Road Naming Application form is to be completed and submitted to the Geographical Names Board with a plan of the whole development defining the stage being released - including future road extensions.
	Condition reason: To comply with Council's Development and Subdivision Code.
13	**Sewer main construction**
	A sewer main is to be constructed from Council's existing sewer network to serve the proposed lot(s). Prior to a Subdivision Works Certificate being issued engineering plans for this sewerage system are to be submitted to and approved by Orange City Council.
	Condition reason: To comply with Council's Development and Subdivision Code.
14	**Soil and Water Management Plan**
	A Soil and Water Management Plan (SWMP) is to be submitted to Orange City Council or an Accredited Certifier (certifier – subdivision) for approval prior to the issue of a Subdivision Works Certificate. The management plan is to be in accordance with the Orange City Council Development and Subdivision Code and the Landcom, Managing Urban Stormwater; Soils and Construction Handbook.
	Condition reason: To comply with Council's Development and Subdivision Code.
15	**Stormwater - interlot stormwater system**
	Proposed lots are to be provided with interlot stormwater drainage, including those lots abutting public land, where the surface of the entire lot cannot be drained to the kerb and gutter at the lot frontage. A grated stormwater pit is to be constructed within each lot provided with interlot stormwater drainage. Engineering plans for this drainage system are to be approved by Orange City Council or an Accredited Certifier (certifier – subdivision) prior to the issue of a Subdivision

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	Works Certificate.
	Condition reason: To comply with Council's Development and Subdivision Code.
16	**Water reticulation analysis**
	A water reticulation analysis is to be carried out by Orange City Council on any proposed water reticulation system for the development. Engineering plans are to be submitted to and approved by Orange City Council prior to the issue of a construction certificate.
	Condition reason: To comply with Council's Development and Subdivision Code.
17	**Tree protection fencing**
	Prior to the issue of a subdivision works certificate, trees identified for retention in Lots 3 and 9, as shown on the approved plans, shall be protected in accordance with AS4970:2025 Protection of Trees on Development Sites. Tree protection zone (TPZ) fencing must be erected at the Notional Root Zone (NRZ) before site establishment and remain in place throughout the construction period. The fencing shall consist of temporary construction fencing or an equivalent barrier. In accordance with Clause 3.2 of AS4970:2025, the NRZ radius is calculated as: Radius = DSH × 12, where DSH is the trunk diameter measured at 1.4 m above ground level. The radius is measured from the centre of the stem.
	Condition reason: To ensure the protection and retention of existing protected vegetation during subdivision works.
18	**Road Opening Permit required**
	A Road Opening Permit in Accordance with Section 138 of the Roads Act 1993 must be approved by Council prior to any intrusive works being carried out within the public road or footpath reserve.
	Condition reason: To ensure compliance with relevant statutory requirements.
19	**Street Tree and Public Domain Plan**
	Prior to the issue of a Subdivision Works Certificate, a street tree and public domain plan shall be prepared in accordance with Shiralee DCP 2015, and must be submitted to and approved by Council's Manager Development Assessment.
	Condition reason: To maintain compliance with Shiralee DCP 2015 and Council's development assessment requirements.
20	**Water and Utility Services**
	Details of compliance, with the following bushfire requirements: • The provision of water, electricity and gas must comply with Table 5.3c of Planning for Bush Fire Protection 2019 and Section 9 of Planning for Bush Fire Protection –

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	Addendum 2022. • Fire hydrant, spacing, design, sizing, flow and pressure must comply with the relevant clauses of Australian Standard AS 2419.1:2021. • Hydrants must not be located within any road carriageway. Shall be submitted to and be approved by the Principal Certifier with an approval for Subdivision Works Certificate.
	Condition reason: To provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.
21	**Road construction requirements**
	Brabham Way shall be constructed to an urban standard for the full frontage of proposed Lots 1, 16 and 17. Ths work is to include road pavement and pavement surfacing to key into the existing road pavement, kerb and gutter, piped stormwater drainage and an earth formed verge on the development side of the road. Rifle Range Road shall be constructed full width to an urban standard for the full frontage of the development. This work is to include road pavement and pavement, surfacing to key into the existing, road pavement, kerb and gutterm piped stormwater drainage and an earth formed verge on the development side of the road. Montrose Street and Clearview Crescent shall be constructed to an urban standard for the full frontage of the development. All roads shall be constructed and designed in accordance with Councils Development and Subdivision Code, Shiralee DCP and Councils Shiralee road-type mast plan. Road construction shall include paved thresholds and intersection blisters in accordance wth Orange City Councils Shiralee DCP, standard drawings and SHiralee Typical Intersection details (dwg. No TP00040-E as amended). Engineering plans, showing details of all proposed works and adhering to any engineering conditions of development consent, are to be submitted to and approved by, Orange City Council prior to the issuing of a Construction Certificate.
	Condition reason: To comply with Councils Development and Subdivision Code.
22	**Connection of Existing dwelling to sewer and disposal of Septic tank**
	The existing residence is to be connected to the proposed reticulated sewer. The existing tak is to be accurately located and indicated on the submitted engineering plans. The septic tank is to be excavated and disposed of at a licensed landfill and the absorption trench is to be drained and the voids limed and backfilled with clean compacted material.
	Condition reason: To comply with Councils Development and Subdivision Code.

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Before subdivision work commences

23	**Apply for Subdivision Works Certificate**
	An application for a Subdivision Works Certificate is required to be submitted to, and a Certificate issued by Orange City Council/Accredited Certifier prior to any excavation or works being carried out on-site.
	Condition reason: To ensure compliance with relevant statutory requirements.
24	**Soil and Water Management Plan**
	The approved Soil and Water Management Plan (SWMP) shall be implemented prior to construction works commencing.
	Condition reason: To ensure compliance with relevant statutory requirements.
25	**Essential Energy - General Requirement "Dial Before You Dig"**
	Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); **Note**: It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.
	Condition reason: To comply with Essential Energy's General Requirements.
26	**Road Opening Permit required**
	A Road Opening Permit in Accordance with Section 138 of the Roads Act 1993 must be approved by Council prior to any intrusive works being carried out within the public road or footpath reserve.
	Condition reason: To ensure compliance with relevant statutory requirements.

During subdivision work

27	**Adjustments to utility services**
	Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
	Condition reason: To comply with Council's Development and Subdivision Code.

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28	**Concrete footpaths and cycleways**
	Footpaths and cycleways are to be constructed in accordance with the Shiralee DCP. Construction work is to be to the requirements and standards of the Orange City Council Development and Subdivision Code.
	Condition reason: To comply with Council's Development and Subdivision Code.
29	**Provision of water service and sewer junction**
	A water service and sewer junction is to be provided to every lot in the proposed residential subdivision in accordance with the Orange City Council Development and Subdivision Code.
	Condition reason: To comply with Council's Development and Subdivision Code.
30	**Kerb and gutter layback and footpath crossing**
	A concrete kerb and gutter layback and footpath crossing is to be constructed for proposed Lot 17 on the Brabham Way frontage. Any redundant gravel footpath crossings shall be removed. The works are to be carried out to the requirements of the Orange City Council Development and Subdivision Code and Road Opening Permit.
	Condition reason: To comply with Council's Development and Subdivision Code.
31	**Provisions of services and works on public land**
	The provisions and requirements of the Orange City Council Development and Subdivision Code are to be applied to this application and all work constructed within the development is to be in accordance with that Code. The developer is to be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing all the lots from Council's existing infrastructure. The developer is to be responsible for gaining access over adjoining land for services where necessary and easements are to be created about all water, sewer and drainage mains within and outside the lots they serve.
	Condition reason: To comply with Councils Development and Subdivision Code.
32	**Services within lot**
	All services are to be contained within the allotment that they serve.
	Condition reason: To comply with Councils Development and Subdivision code.

Before issue of a subdivision certificate

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33	**All services contained within lots, Statement of Compliance and WAE plans**
	All services are to be contained within the allotment that they serve. A Statement of Compliance and digital works as executed plans (in both .pdf and .dwg formats) for all services, from a Registered Surveyor, is to be submitted to Orange City Council prior to the issue of a Subdivision Certificate. WAE plans shall include MGA co-ordinates and AHD levels with each of the services on a separate layer eg separate out water, sewer, storm water, gas, power, telecommunications to their own layers / drawing sheet.
	Condition reason: To comply with Council's Development and Subdivision Code.
34	**Apply for Subdivision Certificate**
	Application shall be made for a Subdivision Certificate under Section 6.3(1)(d) of the Act.
	Condition reason: To ensure compliance with relevant statutory requirements.
35	**Connection of existing dwelling to sewer and disposal of septic tank**
	The existing residence is to be connected to the proposed reticulated sewer. The existing tank is to be accurately located and indicated on the submitted engineering plans. The septic tank is to be excavated and disposed of at a licensed landfill and the absorption trench is to be drained and the voids limed and backfilled with clean compacted material. Evidence of such work is to be provided to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.
	Condition reason: To comply with Council's Development and Subdivision Code.
36	**Easement for sewer mains**
	An easement to drain sewage and to provide Council access for maintenance of sewerage works, a minimum of 2.0 metres wide, is to be created over all sewer mains. The Principal Certifying Authority is to certify that the easement is in accordance with the Orange City Council Development and Subdivision Code prior to the issue of a Subdivision Certificate.
	Condition reason: To comply with Council's Development and Subdivision Code.
37	**Essential Energy certification**
	A Notice of Arrangement from Essential Energy stating arrangements have been made for the provision of electricity supply to the development, is to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.
	Condition reason: To comply with Council's Development and Subdivision Code.

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38	**Filling of lots**
	Evidence from a registered NATA laboratory is to be submitted prior to the issue of a Subdivision Certificate stating that the filling of all low-lying areas and/or dams has been carried out in accordance with Australian Standard 3798-2007.
	Condition reason: To comply with Council's Development and Subdivision Code.
39	**Maintenance security deposit**
	A Maintenance Security Deposit, in accordance with the provisions and requirements of the Orange City Council Development and Subdivision Code, is to be provided to Orange City Council prior to the issue of a Subdivision Certificate. A Certificate of Compliance, from Orange City Council, certifying that the maintenance security deposit has been paid, is to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.
	Condition reason: To comply with Council's Development and Subdivision Code.
40	**NBN certification**
	Application is to be made to NBN for infrastructure to be made available to each individual lot within the development. Either a Telecommunications Infrastructure Provisioning Confirmation or Certificate of Practical Completion is to be submitted to the Principal Certifying Authority confirming that the specified lots have been declared ready for service prior to the issue of a Subdivision Certificate.
	Condition reason: To comply with Council's Development and Subdivision Code.
41	**Provision of services and works on public land**
	Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate stating that all works relating to connection of the development to Council assets, works on public land, works on public roads, stormwater, sewer and water reticulation mains and footpaths have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions, and that Council will take ownership of the infrastructure assets.
	Condition reason: To comply with Council's Development and Subdivision Code.
42	**Provision of services for staged subdivision release**
	Where staged release of the subdivision is proposed, all conditions of consent and contributions relative to the proposed staging of the development, and all engineering conditions of development consent as it relates to the servicing of the proposed lots/dwellings are to be completed prior to the issue of a Subdivision Certificate.

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	Condition reason: To ensure compliance with relevant statutory requirements.
43	**Stormwater easements**
	Where stormwater crosses land outside the lot it favours, an easement to drain water is to be created over the works. A Restriction-as-to-User under section 88B of the NSW Conveyancing Act 1919 is to be created on the title of the burdened lot(s) requiring that no structures are to be placed on the site, or landscaping or site works carried out on the site, in a manner that affects the continued operation of the interlot drainage system. The minimum width of the easement is to be as required in the Orange City Council Development and Subdivision Code.
	Condition reason: To comply with Councils Development and Subdivision Code.
44	**Distances of walls from boundaries and common wall**
	Prior to the issue of a subdivision certificate, certification is to be provided from a suitably qualified person stating that the buildings within the boundaries of proposed Lot 17 comply in respect to the distances of walls from boundaries, and any common wall/fire wall meets the requirements of the National Construction Code.
	Condition reason: To ensure compliance with relevant statutory requirements.
45	**Contributions - payment of development contributions**
	The payment of $320,000 must be made to Council in accordance with Section 7.11 of the Act and Orange Development Contributions Plan 2024 Development in Shiraleee urban release area toward the provision of the following public facilities:

Open Space and Recreation	-	
Community and Cultural	-	
Roads and Traffic Management Facilities	-	
Local Area Facilities	16 additional lots @ $20,000	$320,000
Plan Preparation and Administration	-	
TOTAL:		**$320,000**

	The contribution will be indexed quarterly in accordance with Orange Development Contributions Plan 2024 Developement in Shiralee - Urban release area , which may be inspected at the Orange Civic Centre, Byng Street, Orange.
	Condition reason: Because the development will require the provision of, or increase the demand for public amenities and services.

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46	**Obtain a section 307 Certificate of Compliance.**
	Submit an application to COuncil under section 305 of the *Water Management Act 2000* to obtain a section 307 Certificate of COmpliance. The *Appication for 307 Certificate under section 305 Water Mangement Act 2000* form can be found on Councils Website. A section 307 Certificate must be obtained prior to the issue of a Subdivision Certificate.
	Condition reason: To ensure compliance with relevant statutory requirements.
47	**Street Tree Planting and Public Domain Plan**
	Prior to the issue of a Subdivision Certificate, street tree planting must be carried out in accordance with the approved street tree and public domain plan.
	Condition reason: To ensure compliance with Shiralee DCP 2015 and achieve appropriate landscaping and public domain outcomes.
48	**Restriction-as-to-User - general**
	A Restriction-as-to-User under section 88B of the NSW Conveyancing Act 1919 must be created on the title/s of proposed lots 3 and 9. The Restriction must create a retention and protection of the three (3) trees as shown on the proposed subdivision plan. The trees are to be protected by the imposition of building envelopes and tree protection zones on these sites. The restriction shall provide for the protection of the designated trees.
	Condition reason: To maintain neighbourhood amenity and character and prevent the development having a detrimental effect on native vegetation.
49	**Section 88B restriction on title - proposed Lot 18**
	A Restriction-as-to-User under section 88B of the *NSW Conveyancing Act* is to be created on the ttle of proposed Lot 18 in favour of the Orange City Council which states: Proposed Lot 18 may not be subdivided or futher developed and may not be used for residential purposes unless the following works are carried out to the satisfaction of Orange City Coouncil: • All Infrastructure services (water, sewer, stormwater drainage, stormwater detention, gas, electricity, phone lines) as required by the Orange City Council Development and Subdivision Code are provided to Lot 17; and • The developer of proposed Lot 17 is responsible for gaining access over adjoining land for services as necessary. Easements are to be created about all service mains within and outside the lots they servce; and • Contributiond are paid as required by the development contributions plan applicable at the time of developement and Water and Sewer charges as required by Orange City COuncil in accordance with Division 5 of Part 2 of Chapter 6 of the Water Management act 2000; and • Brabham Way and Rifle Range frontages are constructed in accordance with the Orange City Council Development and Subdivision Code as full road width including

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	kerb and gutter on the development side of the road.
	Condition reason: To comply with Councils Development and Subdivision Code.
50	**Proposed lot 18 to be provided with a splay boundary**
	Proposed Lot 18 shall be provided with a minimum 6m splay boundary at the intersection of Brabham Way and Rifle Range Road.
	Condition reason: To comply with Councils Development and Subdivision Code.
51	**Section 88B restriction on title - proposed Lot 17**
	A Restriction -as-to-User section 88B of the *NSW Conveyancing Act* is to be created on the title of proposed Lot 16 in favour of Orange City COuncil which states that: Proposed Lot 17 may not be subdivided or futher developed unless the following works are carried out tot the satisfaction of Orange City Council: • All infrastructure services (water, sewer, stormwater drainage, stormwater detention, gas, electricity, phone lines) as required by the Orange City Council Development and Subdivision Code are provided to proposed Lot 17; and • The developer of proposed Lot 17 is responsible for gaining access over adjoining land for services as necessary. Easements are to be created about all service mains withing and outside the lots they serve; and • Contributions are paid as required by the development contributions plan applicable at the time of development and Water and Sewer charges as required by Orange City Council in accordance with Division 5 of Part 2 of Chapter 6 of the Water Management act 2000; and • Brabham Way and Rifle Range oad frontages are constructed in accordance with the Orange CIty Council Development andd Subdivision Code as full road width including kerb an gutter on the development side of the road.
	Condition reason: To comply with Councils Development and Subdivision Code

Ongoing use for subdivision work

52	**Asset Protection Zones**
	All residential lots must be entirely managed in perpetuity to the standards of an inner protection area in accordance with Appendix 4 of Planning for Bush Fire Protection 2019.
	Condition reason: To provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

Demolition Work

Before demolition work commences

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

During demolition work

53	**Demolition - in accordance with AS 2601:2001**
	Building demolition is to be carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the requirements of SafeWork NSW.
	Condition reason: To ensure compliance with relevant statutory requirements.
54	**Hours of work - demolition**
	All demolition work on the site is to be carried out between the hours of 7am and 6pm Monday to Friday inclusive, 7am to 5pm Saturdays, and 8am to 5pm Sundays and Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
	Condition reason: To ensure compliance with relevant statutory requirements.
55	**On-site effluent system - Decommissioned**
	The on-site effluent system must be decommissioned in accordance with NSW Health Advisory Note 3, Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF).
	Condition reason: To ensure the surrounding environment is not compromised by old effluent management systems.

On completion of demolition work

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

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the *Conditions of development consent: advisory notes*. The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

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

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Dictionary

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

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

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.
Building work means any physical activity involved in the erection of a building.

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

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

Council means ORANGE CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

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

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

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

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Stormwater drainage system means all works and facilities relating to:

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

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

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

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

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

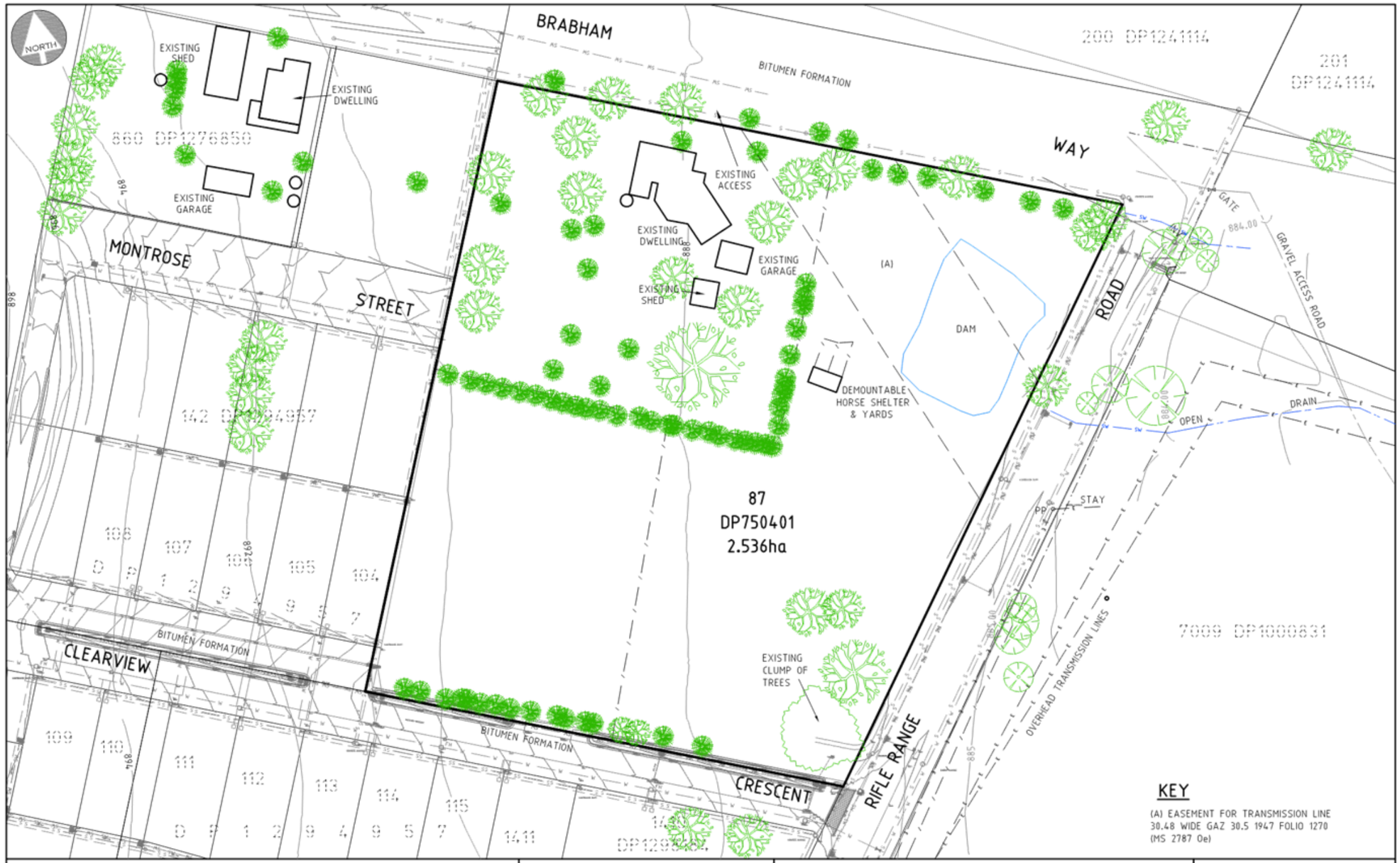
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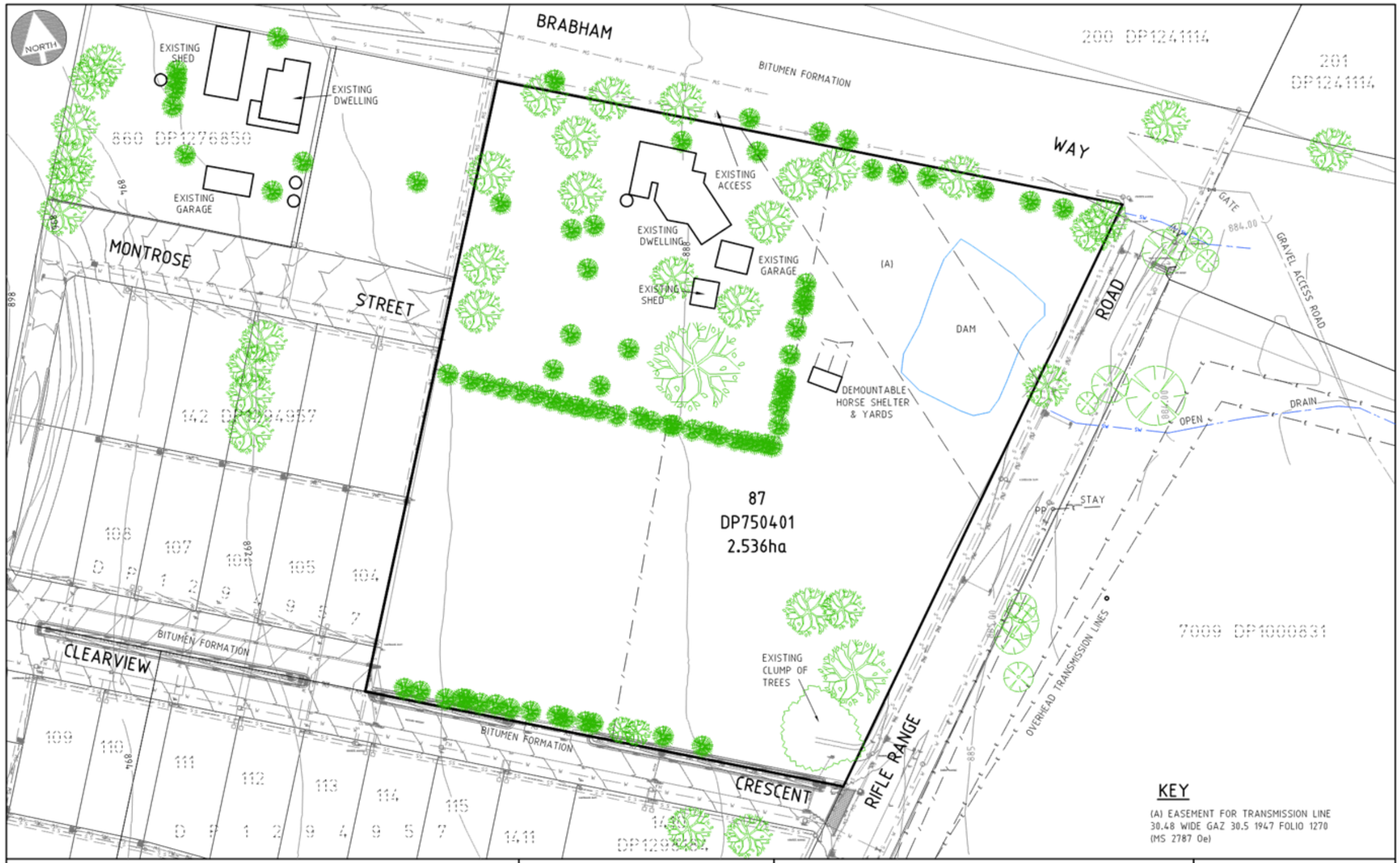


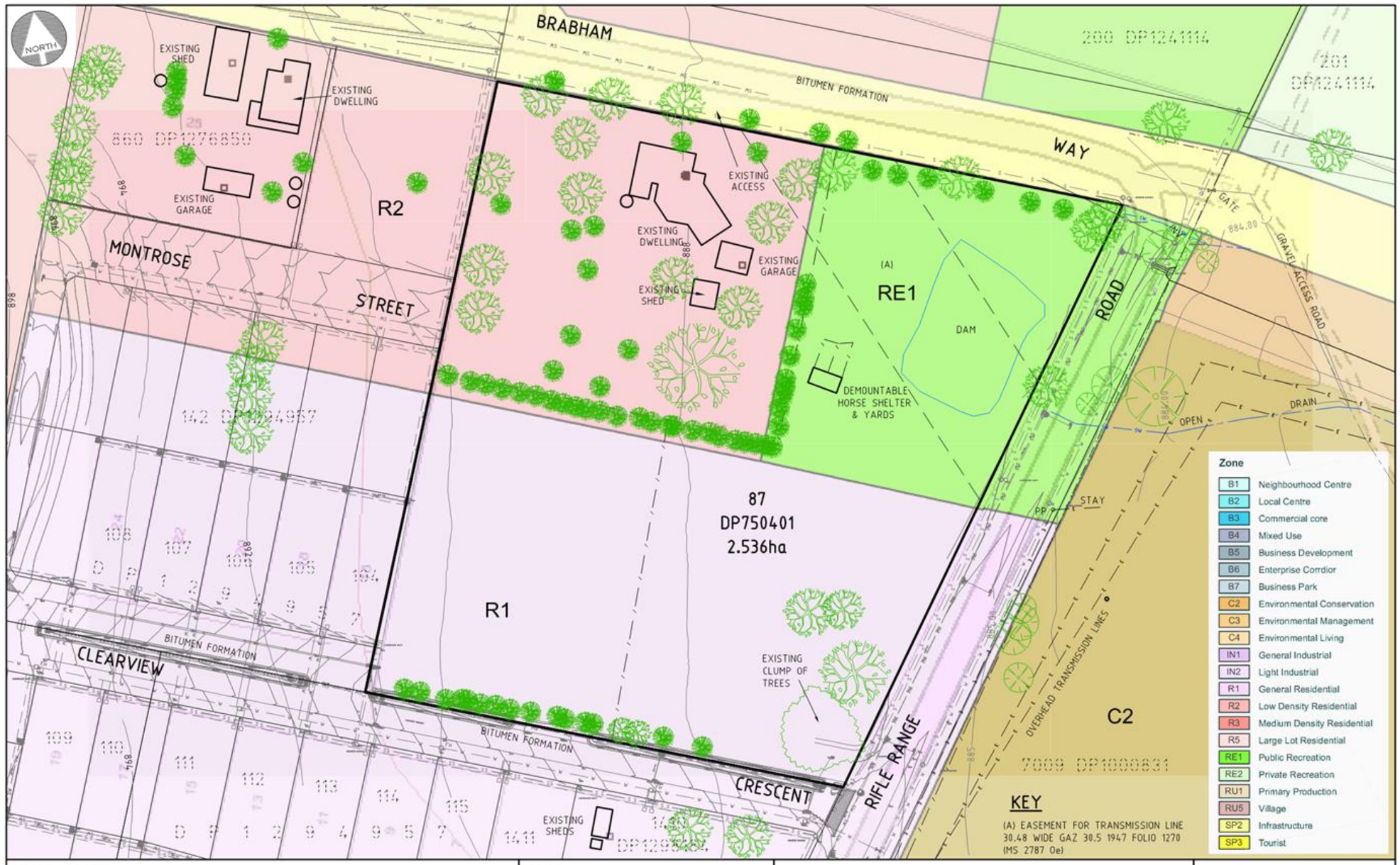
IMPORTANT NOTES	SCALE	PROPOSED SUBDIVISION OF LOT 87 DP750401 No. 411 BRABHAM WAY - ORANGE	PETER BASHA
• THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY • ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY • DO NOT RELY ON THIS PLAN FOR THE LOCATION & TYPE OF EASEMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY. • FUTURE EASEMENTS MAY BE REQUIRED FOR SERVICING OR OTHER REASONS, & AS SUCH ARE SUBJECT TO FINAL SURVEY AND/OR ENGINEERING DESIGN. • THE LOCATION OF BUILDINGS IS INDICATIVE ONLY AND TRUE POSITION IN RELATION TO BOUNDARIES IS SUBJECT TO SURVEY • DO NOT RELY ON THIS PLAN FOR CONTRACTUAL PURPOSES.	0 75 150 225 300m PLAN 1 : 5000 A3	FIGURE 1 - LOCATION DATE: 24.09.2025 REFERENCE: 23043DA SHEET: 1 OF 13	PLANNING & DEVELOPMENT Phone : 6361 2955 Fax: 6360 4700 P.O. BOX 1827 ORANGE, NSW 2800

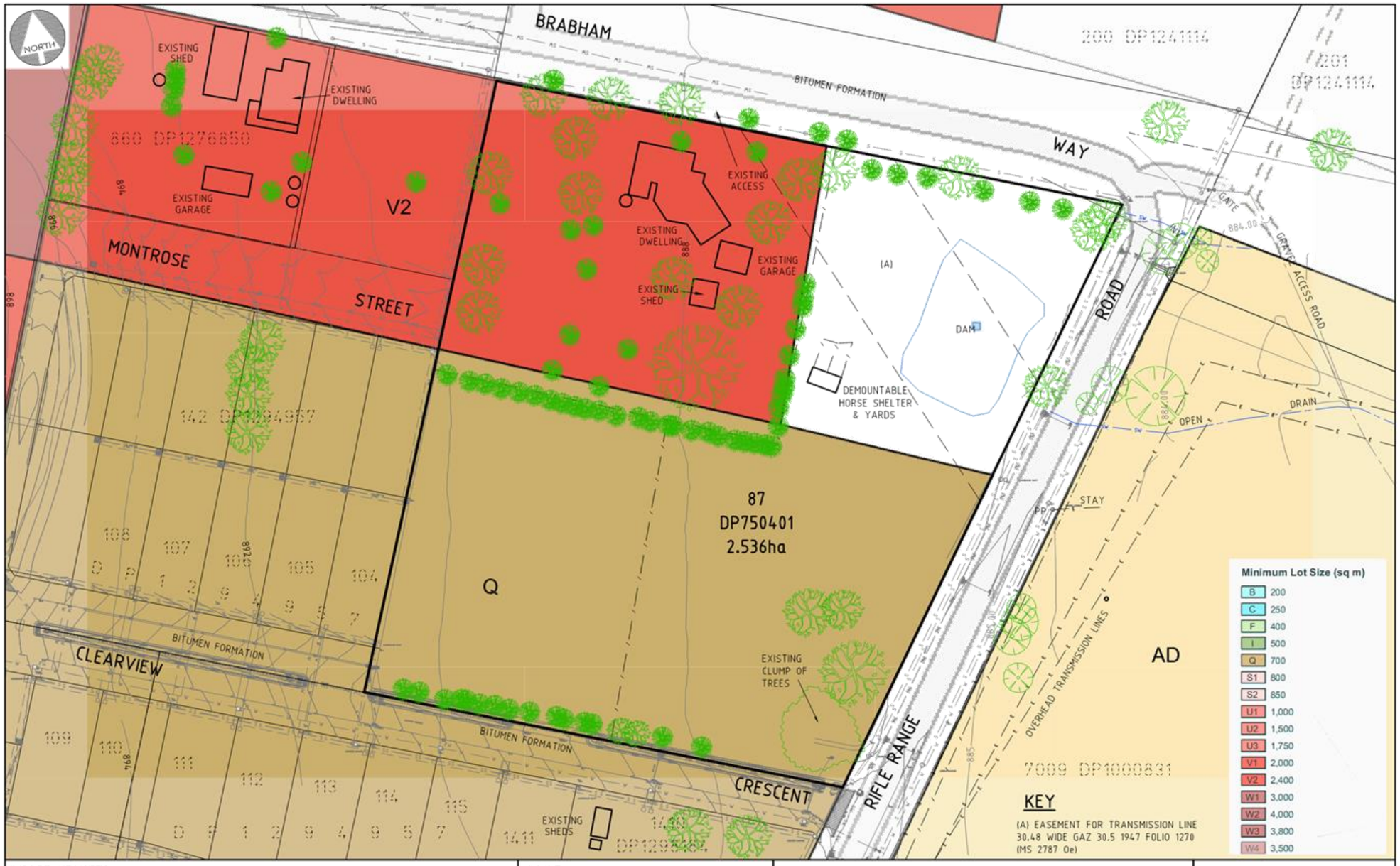


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NORTH
BRABHAM
WAY
BITUMEN FORMATION
200 DP1241114
201 DP1241114
EXISTING SHED
EXISTING DWELLING
660 DP1276850
EXISTING GARAGE
MONTROSE
STREET
EXISTING ACCESS
EXISTING DWELLING
EXISTING GARAGE
EXISTING SHED
(A)
DAM
ROAD
GATE
884.00
GRAVEL ACCESS ROAD
DEMOUNTABLE HORSE SHELTER & YARDS
DRAIN
OPEN
PP
STAY
87
DP750401
2.536ha
142 DP1244957
106
107
108
105
104
CLEARVIEW
BITUMEN FORMATION
EXISTING CLUMP OF TREES
BITUMEN FORMATION
CRESCENT
RIFLE RANGE
OVERHEAD TRANSMISSION LINES
7009 DP1000831
109
110
111
112
113
114
115
1411
DP1293437
KEY
(A) EASEMENT FOR TRANSMISSION LINE 30.48 WIDE GAZ 30.5 1947 FOLIO 1270 (MS 2787 Oe)
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0 15 30 45 60m
PLAN
1 : 1000 A3
PROPOSED SUBDIVISION OF LOT 87 DP750401
No. 411 BRABHAM WAY - ORANGE
FIGURE 2 - EXISTING BOUNDARIES & SITE DETAIL
DATE: 24.09.2025
REFERENCE: 23043DA
SHEET: 2 OF 13
PETER BASHA
PLANNING & DEVELOPMENT
Phone : 6361 2955 Fax: 6360 4700
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NORTH
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WAY
BITUMEN FORMATION
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201 DP1241114
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EXISTING DWELLING
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MONTROSE
STREET
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GRAVEL ACCESS ROAD
DEMOUNTABLE HORSE SHELTER & YARDS
DRAIN
OPEN
PP
STAY
87
DP750401
2.536ha
CLEARVIEW
BITUMEN FORMATION
BITUMEN FORMATION
EXISTING CLUMP OF TREES
RIFLE RANGE
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PROPOSED SUBDIVISION OF LOT 87 DP750401
No. 411 BRABHAM WAY - ORANGE
FIGURE 2 - EXISTING BOUNDARIES & SITE DETAIL
DATE: 24.09.2025
REFERENCE: 23043DA
SHEET: 2 OF 13
PETER BASHA
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NORTH
BRABHAM
WAY
BITUMEN FORMATION
EXISTING SHED
EXISTING DWELLING
660 DP1276850
EXISTING GARAGE
R2
MONTROSE
STREET
EXISTING ACCESS
EXISTING DWELLING
EXISTING GARAGE
EXISTING SHED
(A)
RE1
DAM
DEMOUNTABLE HORSE SHELTER & YARDS
200 DP1241114
201 DP1241114
GATE
GRAVEL ACCESS ROAD
ROAD
DRAIN
OPEN
PP
STAY
87
DP750401
2.536ha
R1
C2
CLEARVIEW
BITUMEN FORMATION
CRESCENT
RIFLE RANGE
EXISTING CLUMP OF TREES
OVERHEAD TRANSMISSION LINES
7009 DP1000831
EXISTING SHEDS
Zone
B1 Neighbourhood Centre
B2 Local Centre
B3 Commercial core
B4 Mixed Use
B5 Business Development
B6 Enterprise Corridor
B7 Business Park
C2 Environmental Conservation
C3 Environmental Management
C4 Environmental Living
IN1 General Industrial
IN2 Light Industrial
R1 General Residential
R2 Low Density Residential
R3 Medium Density Residential
R5 Large Lot Residential
RE1 Public Recreation
RE2 Private Recreation
RU1 Primary Production
RU5 Village
SP2 Infrastructure
SP3 Tourist
KEY
(A) EASEMENT FOR TRANSMISSION LINE 30.48 WIDE GAZ 30.5 1947 FOLIO 1270 (MS 2787 Oe)
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0 15 30 45 60m
PLAN
1 : 1000 A3
PROPOSED SUBDIVISION OF LOT 87 DP750401
No. 411 BRABHAM WAY - ORANGE
FIGURE 3 - EXISTING LEP ZONING OVERLAY
DATE: 24.09.2025
REFERENCE: 23043DA
SHEET: 3 OF 13
PETER BASHA
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SCALE

0 15 30 45 60m

PLAN
1 : 1000 A3

PROPOSED SUBDIVISION OF LOT 87 DP750401
No. 411 BRABHAM WAY - ORANGE

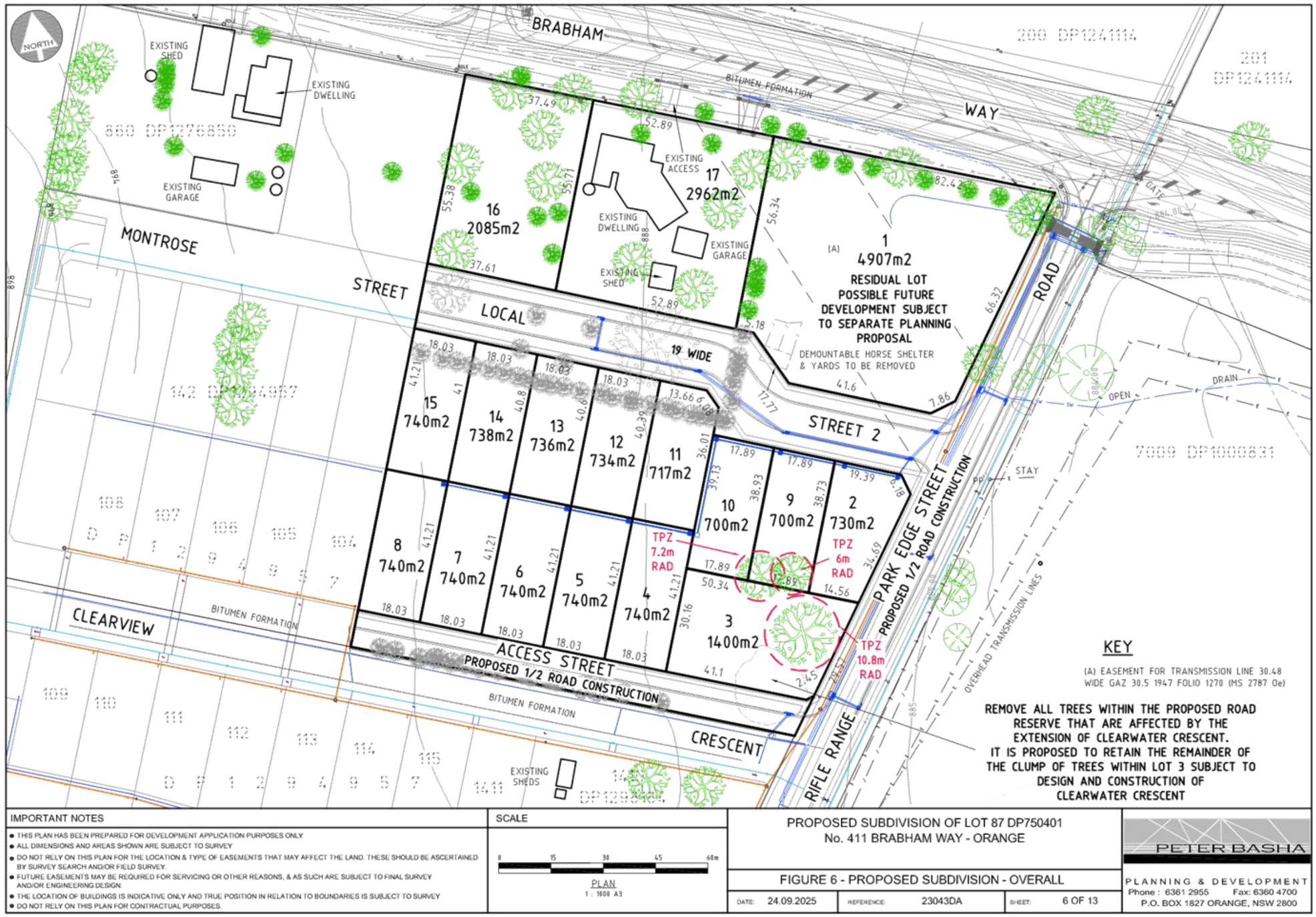
FIGURE 4 - EXISTING LEP MINIMUM LOT SIZE OVERLAY

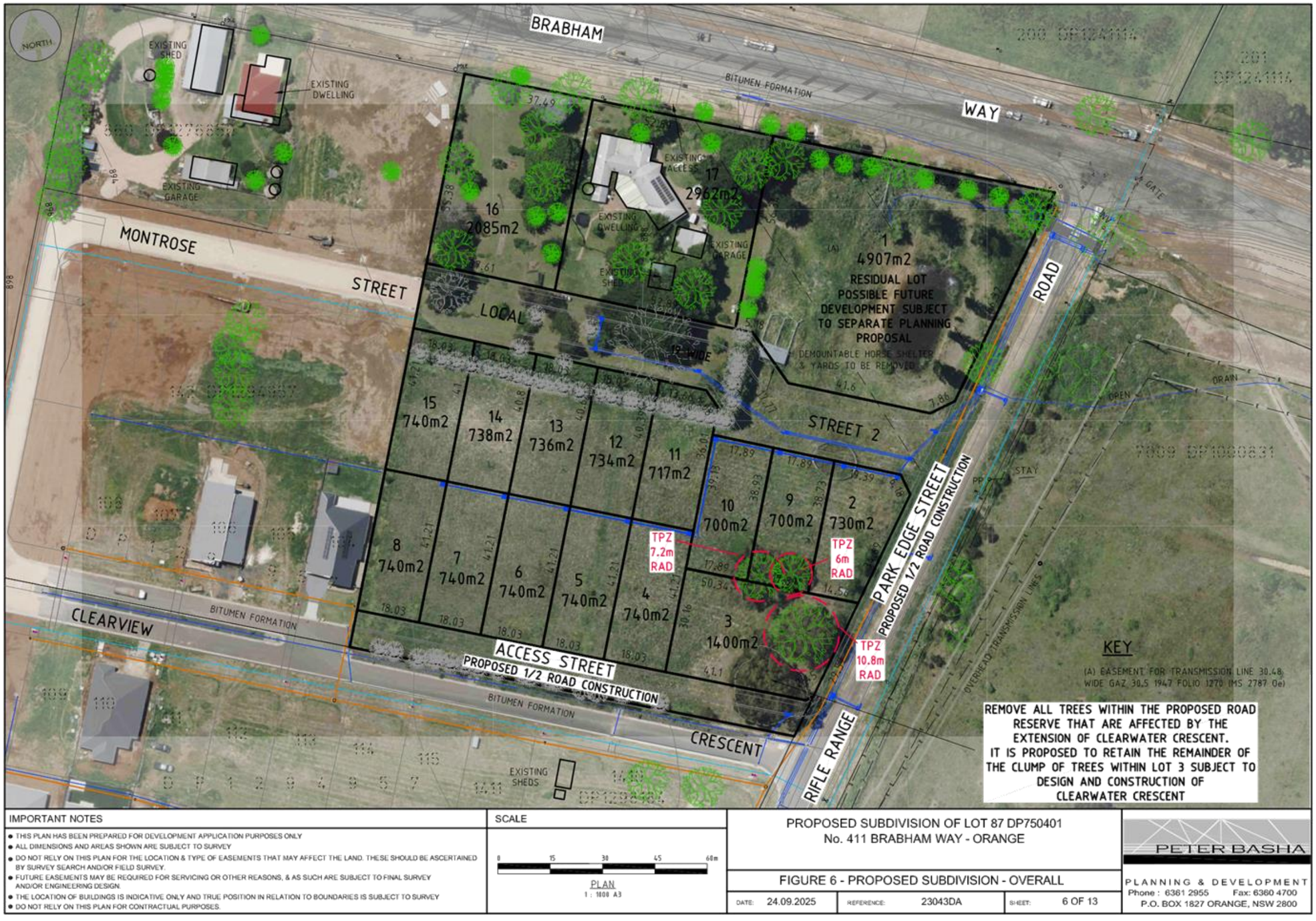
DATE: 24.09.2025 REFERENCE: 23043DA SHEET: 4 OF 13

PETER BASHA
PLANNING & DEVELOPMENT
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IMPORTANT NOTES	SCALE	PROPOSED SUBDIVISION OF LOT 87 DP750401 No. 411 BRABHAM WAY - ORANGE	PETER BASHA
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NORTH
BRABHAM
WAY
BITUMEN FORMATION
200 DP1241114
201 DP1241114
660 DP1276850
EXISTING SHED
EXISTING DWELLING
EXISTING GARAGE
EXISTING ACCESS
EXISTING SHED
16 2085m2
17 2962m2
1 4907m2
(A)
RESIDUAL LOT
POSSIBLE FUTURE DEVELOPMENT SUBJECT TO SEPARATE PLANNING PROPOSAL
DEMOUNTABLE HORSE SHELTER & YARDS TO BE REMOVED
MONTROSE
STREET
LOCAL
19 WIDE
ROAD
GATE
DRAIN
OPEN
STREET 2
142 DP1244957
7089 DP1000831
15 740m2
14 738m2
13 736m2
12 734m2
11 717m2
10 700m2
9 700m2
2 730m2
8 740m2
7 740m2
6 740m2
5 740m2
4 740m2
3 1400m2
TPZ 7.2m RAD
TPZ 6m RAD
TPZ 10.8m RAD
PARK EDGE STREET
PROPOSED 1/2 ROAD CONSTRUCTION
STAY
CLEARVIEW
ACCESS STREET
CRESCENT
OVERHEAD TRANSMISSION LINES
RIFLE RANGE
EXISTING SHEDS
KEY
(A) EASEMENT FOR TRANSMISSION LINE 30.48 WIDE GAZ 30.5 1947 FOLIO 1270 (MS 2787 Oe)
REMOVE ALL TREES WITHIN THE PROPOSED ROAD RESERVE THAT ARE AFFECTED BY THE EXTENSION OF CLEARWATER CRESCENT.
IT IS PROPOSED TO RETAIN THE REMAINDER OF THE CLUMP OF TREES WITHIN LOT 3 SUBJECT TO DESIGN AND CONSTRUCTION OF CLEARWATER CRESCENT
IMPORTANT NOTES
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0 15 30 45 60m
PLAN
1 : 1000 A3
PROPOSED SUBDIVISION OF LOT 87 DP750401
No. 411 BRABHAM WAY - ORANGE
FIGURE 6 - PROPOSED SUBDIVISION - OVERALL
DATE: 24.09.2025
REFERENCE: 23043DA
SHEET: 6 OF 13
PETER BASHA
PLANNING & DEVELOPMENT
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SCALE

0 15 30 45 60m

PLAN
1 : 1000 A3

PROPOSED SUBDIVISION OF LOT 87 DP750401
No. 411 BRABHAM WAY - ORANGE

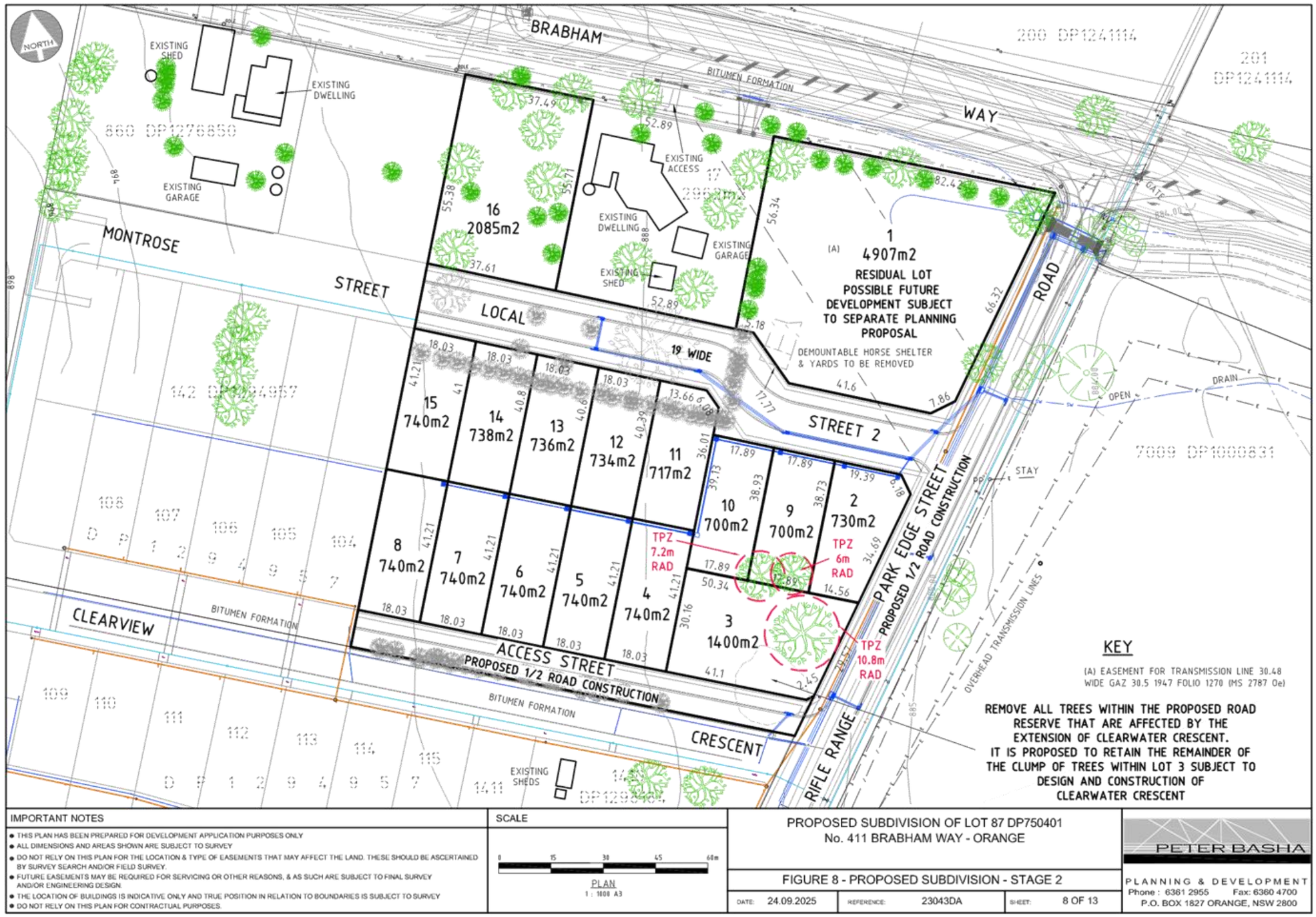
FIGURE 6 - PROPOSED SUBDIVISION - OVERALL

DATE: 24.09.2025 REFERENCE: 23043DA SHEET: 6 OF 13

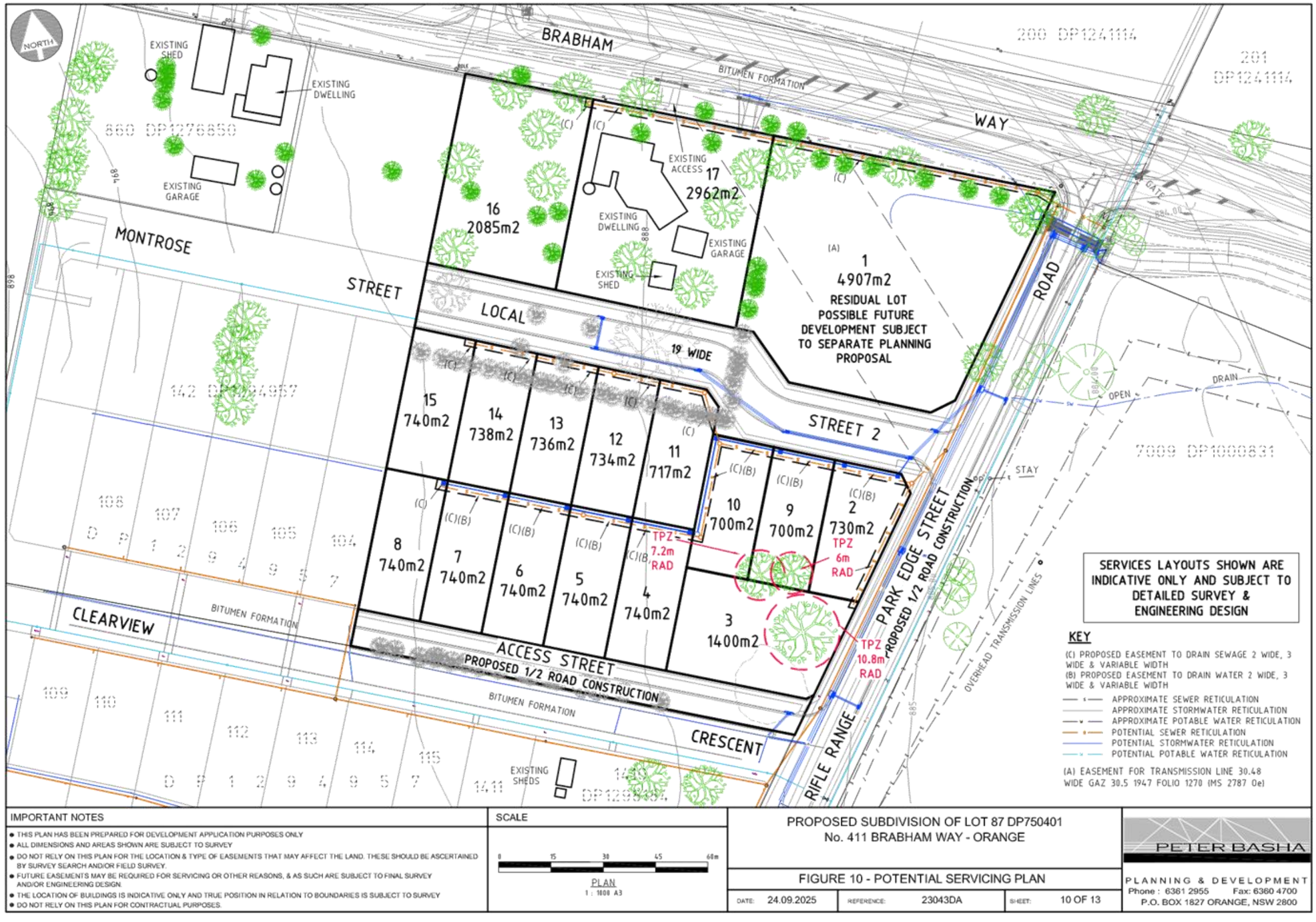
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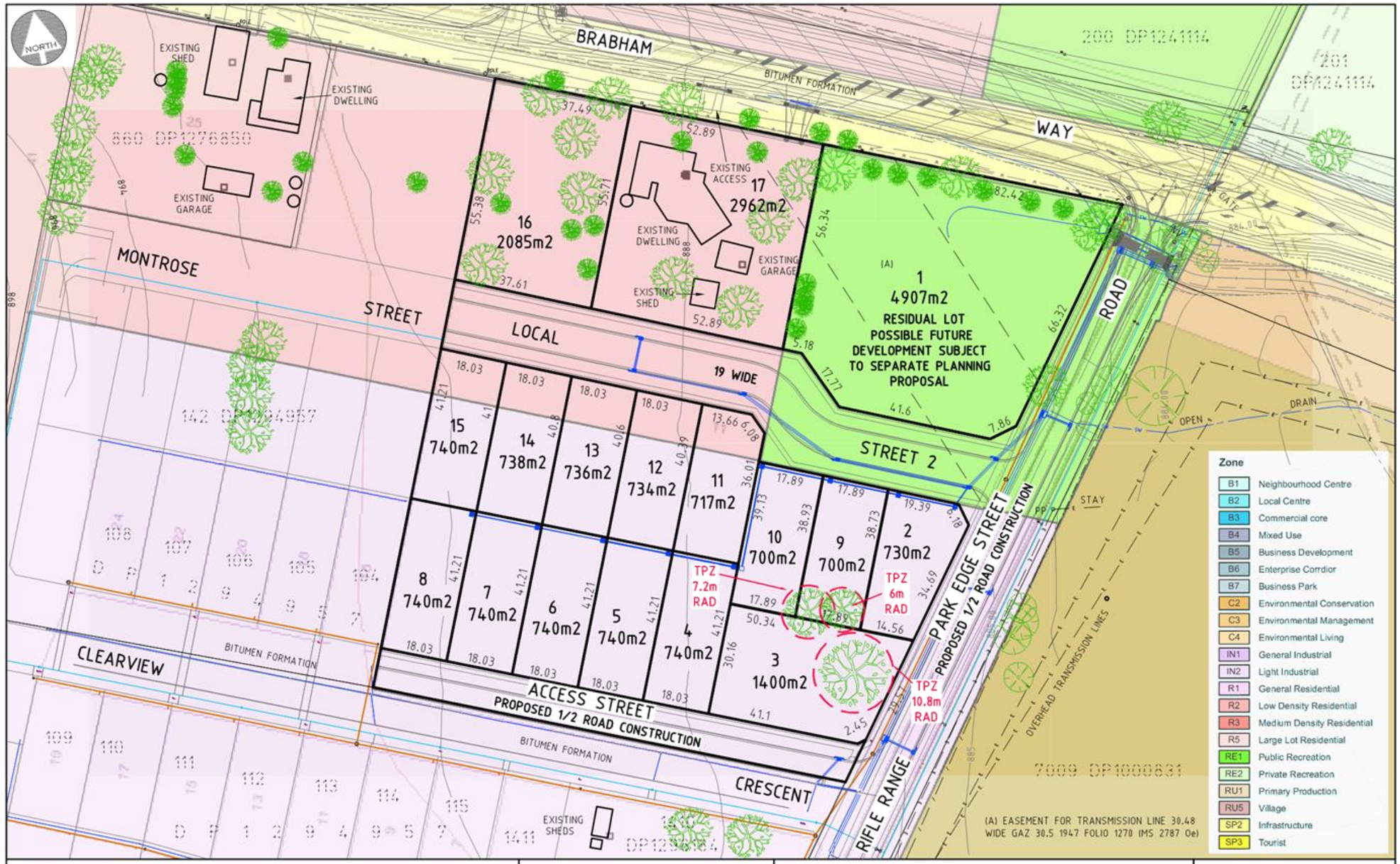


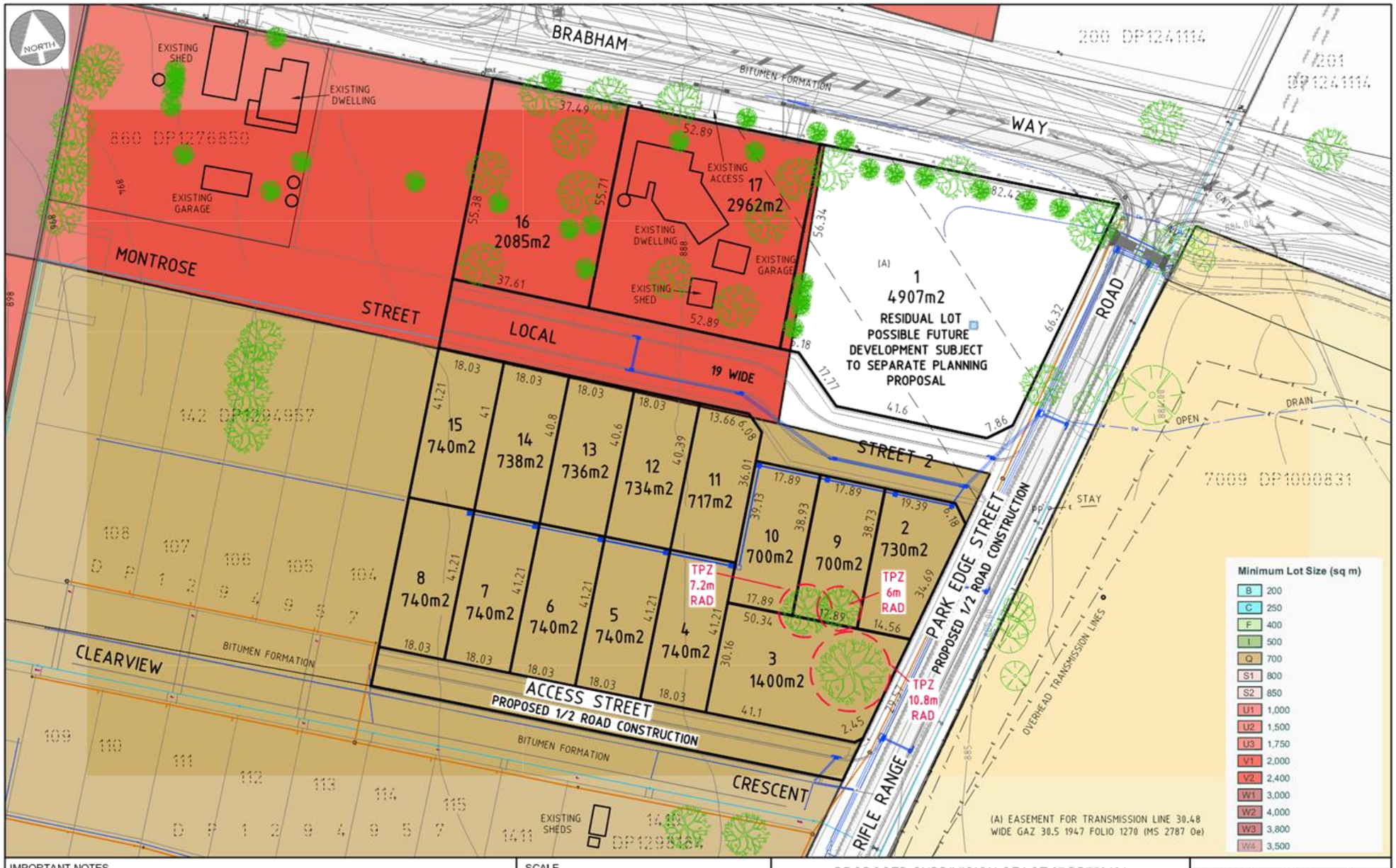
IMPORTANT NOTES	SCALE	PROPOSED SUBDIVISION OF LOT 87 DP750401 No. 411 BRABHAM WAY - ORANGE	PETER BASHA
• THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY • ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY • DO NOT RELY ON THIS PLAN FOR THE LOCATION & TYPE OF EASEMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY. • FUTURE EASEMENTS MAY BE REQUIRED FOR SERVICING OR OTHER REASONS, & AS SUCH ARE SUBJECT TO FINAL SURVEY AND/OR ENGINEERING DESIGN. • THE LOCATION OF BUILDINGS IS INDICATIVE ONLY AND TRUE POSITION IN RELATION TO BOUNDARIES IS SUBJECT TO SURVEY • DO NOT RELY ON THIS PLAN FOR CONTRACTUAL PURPOSES.	0 15 30 45 60m PLAN 1 : 1000 A3	FIGURE 7 - PROPOSED SUBDIVISION - STAGE 1 DATE: 24.09.2025 REFERENCE: 23043DA SHEET: 7 OF 13	PLANNING & DEVELOPMENT Phone : 6361 2955 Fax: 6360 4700 P.O. BOX 1827 ORANGE, NSW 2800

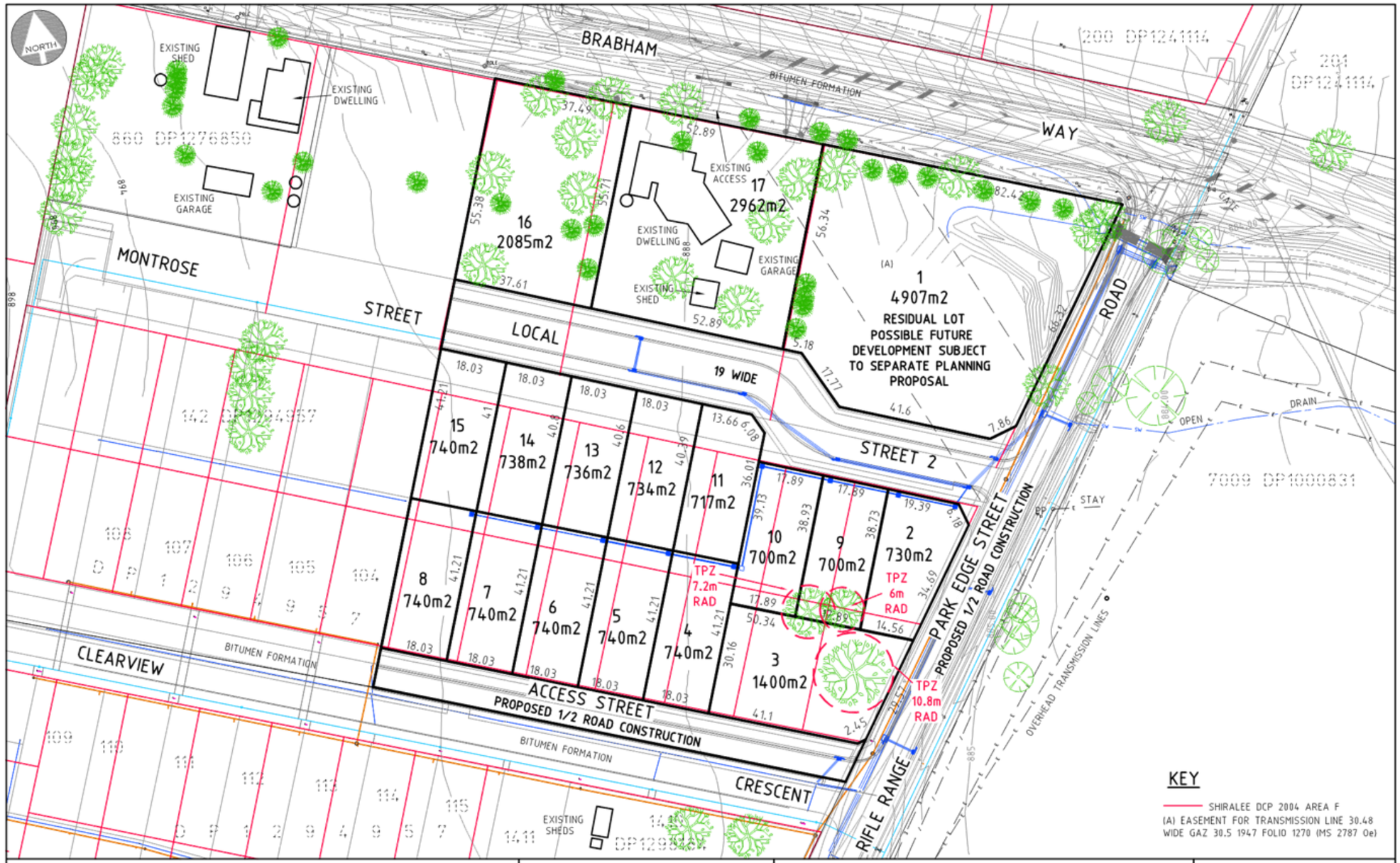

NORTH
BRABHAM
WAY
BITUMEN FORMATION
200 DP1241114
201 DP1241114
EXISTING SHED
EXISTING DWELLING
660 DP1276850
EXISTING GARAGE
EXISTING ACCESS
EXISTING DWELLING
EXISTING GARAGE
EXISTING SHED
MONTROSE
STREET
LOCAL
19 WIDE
16 2085m2
1 4907m2
(A)
RESIDUAL LOT
POSSIBLE FUTURE
DEVELOPMENT SUBJECT
TO SEPARATE PLANNING
PROPOSAL
DEMOUNTABLE HORSE SHELTER
& YARDS TO BE REMOVED
ROAD
STREET 2
15 740m2
14 738m2
13 736m2
12 734m2
11 717m2
10 700m2
9 700m2
2 730m2
8 740m2
7 740m2
6 740m2
5 740m2
4 740m2
3 1400m2
TPZ 7.2m RAD
TPZ 6m RAD
TPZ 10.8m RAD
GATE
DRAIN
OPEN
7089 DP1000831
PARK EDGE STREET
PROPOSED 1/2 ROAD CONSTRUCTION
STAY
OVERHEAD TRANSMISSION LINES
142 DP1244957
CLEARVIEW
BITUMEN FORMATION
ACCESS STREET
PROPOSED 1/2 ROAD CONSTRUCTION
BITUMEN FORMATION
CRESCENT
RIFLE RANGE
EXISTING SHEDS
DP1293...
KEY
(A) EASEMENT FOR TRANSMISSION LINE 30.48 WIDE GAZ 30.5 1947 FOLIO 1270 (MS 2787 Oe)
REMOVE ALL TREES WITHIN THE PROPOSED ROAD RESERVE THAT ARE AFFECTED BY THE EXTENSION OF CLEARWATER CRESCENT.
IT IS PROPOSED TO RETAIN THE REMAINDER OF THE CLUMP OF TREES WITHIN LOT 3 SUBJECT TO DESIGN AND CONSTRUCTION OF CLEARWATER CRESCENT
IMPORTANT NOTES
THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY
ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY
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DO NOT RELY ON THIS PLAN FOR CONTRACTUAL PURPOSES.
SCALE
0 15 30 45 60m
PLAN
1 : 1000 A3
PROPOSED SUBDIVISION OF LOT 87 DP750401
No. 411 BRABHAM WAY - ORANGE
FIGURE 8 - PROPOSED SUBDIVISION - STAGE 2
DATE: 24.09.2025
REFERENCE: 23043DA
SHEET: 8 OF 13
PETER BASHA
PLANNING & DEVELOPMENT
Phone : 6361 2955 Fax: 6360 4700
P.O. BOX 1827 ORANGE, NSW 2800


PARK EDGE STREET TYPICAL SECTION N.T.S
PARK EDGE STREET TYPICAL DETAIL N.T.S.
ACCESS STREET TYPICAL SECTION N.T.S
ACCESS STREET TYPICAL DETAIL N.T.S.
LOCAL STREET 2
BRABHAM WAY
BITUMEN FORMATION
MONTROSE STREET
LOCAL 19 WIDE ROAD
STREET 2
PARK EDGE STREET
PROPOSED 1/2 ROAD CONSTRUCTION
ACCESS STREET
PROPOSED 1/2 ROAD CONSTRUCTION
CLEARVIEW CRESCENT
RIFLE RANGE
OVERHEAD TRANSMISSION LINES
EXISTING DWELLING
EXISTING ACCESS
EXISTING GARAGE
EXISTING SHED
EXISTING SHEDS
16 2085m2
17 2962m2
1 4907m2
RESIDUAL LOT
POSSIBLE FUTURE DEVELOPMENT SUBJECT TO SEPARATE PLANNING PROPOSAL
15 740m2
14 738m2
13 736m2
12 734m2
11 717m2
10 700m2
9 700m2
2 730m2
8 740m2
7 740m2
6 740m2
5 740m2
4 740m2
3 1400m2
TPZ 7.2m RAD
TPZ 6m RAD
TPZ 10.8m RAD
NORTH
GATE
OPEN DRAIN
STAY
KEY DP1294957
(A) EASEMENT FOR TRANSMISSION LINE 30.48 WIDE GAZ 30.5 1947 FOLIO 1270 (MS 2787 0e)
IMPORTANT NOTES
THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY
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SCALE
0 15 30 45 60m
PLAN 1 : 1000 A3
PROPOSED SUBDIVISION OF LOT 87 DP750401
No. 411 BRABHAM WAY - ORANGE
FIGURE 9 - PROPOSED ROAD TYPOLOGIES
DATE: 24.09.2025
REFERENCE: 23043DA
SHEET: 9 OF 13
PETER BASHA
PLANNING & DEVELOPMENT
Phone : 6361 2955 Fax: 6360 4700
P.O. BOX 1827 ORANGE, NSW 2800


NORTH
BRABHAM
WAY
BITUMEN FORMATION
200 DP1241114
201 DP1241114
EXISTING SHED
EXISTING DWELLING
860 DP1276850
EXISTING GARAGE
MONTROSE
STREET
LOCAL
19 WIDE
EXISTING ACCESS
17 2962m2
EXISTING DWELLING
EXISTING GARAGE
EXISTING SHED
16 2085m2
(A)
1 4907m2
RESIDUAL LOT
POSSIBLE FUTURE DEVELOPMENT SUBJECT TO SEPARATE PLANNING PROPOSAL
ROAD
GATE
DRAIN
OPEN
7069 DP1000831
STREET 2
STAY
15 740m2
14 738m2
13 736m2
12 734m2
11 717m2
10 700m2
9 700m2
2 730m2
8 740m2
7 740m2
6 740m2
5 740m2
4 740m2
3 1400m2
TPZ 7.2m RAD
TPZ 6m RAD
TPZ 10.8m RAD
PARK EDGE STREET
PROPOSED 1/2 ROAD CONSTRUCTION
OVERHEAD TRANSMISSION LINES
RIFLE RANGE
CLEARVIEW
BITUMEN FORMATION
ACCESS STREET
PROPOSED 1/2 ROAD CONSTRUCTION
BITUMEN FORMATION
CRESCENT
EXISTING SHEDS
1411
DP1293494
SERVICES LAYOUTS SHOWN ARE INDICATIVE ONLY AND SUBJECT TO DETAILED SURVEY & ENGINEERING DESIGN
KEY
(C) PROPOSED EASEMENT TO DRAIN SEWAGE 2 WIDE, 3 WIDE & VARIABLE WIDTH
(B) PROPOSED EASEMENT TO DRAIN WATER 2 WIDE, 3 WIDE & VARIABLE WIDTH
APPROXIMATE SEWER RETICULATION
APPROXIMATE STORMWATER RETICULATION
APPROXIMATE POTABLE WATER RETICULATION
POTENTIAL SEWER RETICULATION
POTENTIAL STORMWATER RETICULATION
POTENTIAL POTABLE WATER RETICULATION
(A) EASEMENT FOR TRANSMISSION LINE 30.48 WIDE GAZ 30.5 1947 FOLIO 1270 (MS 2787 0e)
IMPORTANT NOTES
THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY
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DO NOT RELY ON THIS PLAN FOR CONTRACTUAL PURPOSES.
SCALE
0 15 30 45 60m
PLAN 1 : 1000 A3
PROPOSED SUBDIVISION OF LOT 87 DP750401
No. 411 BRABHAM WAY - ORANGE
FIGURE 10 - POTENTIAL SERVICING PLAN
DATE: 24.09.2025
REFERENCE: 23043DA
SHEET: 10 OF 13
PETER BASHA
PLANNING & DEVELOPMENT
Phone : 6361 2955 Fax: 6360 4700
P.O. BOX 1827 ORANGE, NSW 2800


NORTH
BRABHAM
WAY
BITUMEN FORMATION
260 DP1241114
261 DP1241114
EXISTING SHED
EXISTING DWELLING
660 DP1276850
EXISTING GARAGE
MONTROSE
STREET
16 2085m2
17 2962m2
EXISTING ACCESS
EXISTING DWELLING
EXISTING GARAGE
EXISTING SHED
(A)
1 4907m2
RESIDUAL LOT
POSSIBLE FUTURE DEVELOPMENT SUBJECT TO SEPARATE PLANNING PROPOSAL
ROAD
LOCAL
19 WIDE
STREET 2
15 740m2
14 738m2
13 736m2
12 734m2
11 717m2
10 700m2
9 700m2
2 730m2
8 740m2
7 740m2
6 740m2
5 740m2
4 740m2
3 1400m2
TPZ 7.2m RAD
TPZ 6m RAD
TPZ 10.8m RAD
PARK EDGE STREET
PROPOSED 1/2 ROAD CONSTRUCTION
STAY
DRAIN
OPEN
GATE
OVERHEAD TRANSMISSION LINES
CLEARVIEW
ACCESS STREET
CRESCENT
RIFLE RANGE
EXISTING SHEDS
7009 DP1000831
(A) EASEMENT FOR TRANSMISSION LINE 30.48 WIDE GAZ 30.5 1947 FOLIO 1270 (MS 2787 Oe)
Zone
B1 Neighbourhood Centre
B2 Local Centre
B3 Commercial core
B4 Mixed Use
B5 Business Development
B6 Enterprise Corridor
B7 Business Park
C2 Environmental Conservation
C3 Environmental Management
C4 Environmental Living
IN1 General Industrial
IN2 Light Industrial
R1 General Residential
R2 Low Density Residential
R3 Medium Density Residential
R5 Large Lot Residential
RE1 Public Recreation
RE2 Private Recreation
RU1 Primary Production
RU5 Village
SP2 Infrastructure
SP3 Tourist
IMPORTANT NOTES
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DO NOT RELY ON THIS PLAN FOR CONTRACTUAL PURPOSES.
SCALE
0 15 30 45 60m
PLAN
1 : 1000 A3
PROPOSED SUBDIVISION OF LOT 87 DP750401
No. 411 BRABHAM WAY - ORANGE
FIGURE 11 - PROPOSED SUBDIVISION EXISTING ZONING OVERLAY
DATE: 24.09.2025
REFERENCE: 23043DA
SHEET: 11 OF 13
PETER BASHA
PLANNING & DEVELOPMENT
Phone : 6361 2955 Fax: 6360 4700
P.O. BOX 1827 ORANGE, NSW 2800


NORTH
BRABHAM
BITUMEN FORMATION
WAY
EXISTING SHED
EXISTING DWELLING
EXISTING GARAGE
860 DP1276850
16
2085m2
EXISTING ACCESS
17
2962m2
EXISTING DWELLING
EXISTING GARAGE
EXISTING SHED
MONTROSE
STREET
LOCAL
19 WIDE
(A)
1
4907m2
RESIDUAL LOT
POSSIBLE FUTURE DEVELOPMENT SUBJECT TO SEPARATE PLANNING PROPOSAL
ROAD
200 DP1241114
201 DP1241114
7009 DP1000831
DRAIN
OPEN
STREET 2
STAY
15 740m2
14 738m2
13 736m2
12 734m2
11 717m2
10 700m2
9 700m2
2 730m2
8 740m2
7 740m2
6 740m2
5 740m2
4 740m2
3 1400m2
TPZ 7.2m RAD
TPZ 6m RAD
TPZ 10.8m RAD
PARK EDGE STREET
PROPOSED 1/2 ROAD CONSTRUCTION
OVERHEAD TRANSMISSION LINES
CLEARVIEW
BITUMEN FORMATION
ACCESS STREET
PROPOSED 1/2 ROAD CONSTRUCTION
BITUMEN FORMATION
CRESCENT
RIFLE RANGE
EXISTING SHEDS
(A) EASEMENT FOR TRANSMISSION LINE 30.48 WIDE GAZ 30.5 1947 FOLIO 1270 (MS 2787 Oe)
Minimum Lot Size (sq m)
B 200
C 250
F 400
I 500
Q 700
S1 800
S2 850
U1 1,000
U2 1,500
U3 1,750
V1 2,000
V2 2,400
W1 3,000
W2 4,000
W3 3,800
W4 3,500
IMPORTANT NOTES
THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY
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THE LOCATION OF BUILDINGS IS INDICATIVE ONLY AND TRUE POSITION IN RELATION TO BOUNDARIES IS SUBJECT TO SURVEY
DO NOT RELY ON THIS PLAN FOR CONTRACTUAL PURPOSES.
SCALE
0 15 30 45 60m
PLAN
1 : 1000 A3
PROPOSED SUBDIVISION OF LOT 87 DP750401
No. 411 BRABHAM WAY - ORANGE
FIGURE 12 - PROPOSED SUBDIVISION EXISTING MLS OVERLAY
DATE: 24.09.2025
REFERENCE: 23043DA
SHEET: 12 OF 13
PETER BASHA
PLANNING & DEVELOPMENT
Phone : 6361 2955 Fax: 6360 4700
P.O. BOX 1827 ORANGE, NSW 2800


NORTH
BRABHAM WAY
BITUMEN FORMATION
EXISTING SHED
EXISTING DWELLING
EXISTING GARAGE
860 DP1276850
MONTROSE STREET
16 2085m2
17 2962m2
EXISTING ACCESS
EXISTING DWELLING
EXISTING GARAGE
EXISTING SHED
1 4907m2
RESIDUAL LOT
POSSIBLE FUTURE DEVELOPMENT SUBJECT TO SEPARATE PLANNING PROPOSAL
LOCAL STREET 2
19 WIDE
15 740m2
14 738m2
13 736m2
12 734m2
11 717m2
10 700m2
9 700m2
2 730m2
8 740m2
7 740m2
6 740m2
5 740m2
4 740m2
3 1400m2
TPZ 7.2m RAD
TPZ 6m RAD
TPZ 10.8m RAD
ROAD
PARK EDGE STREET
PROPOSED 1/2 ROAD CONSTRUCTION
DRAIN
OPEN
STAY
7089 DP1000831
291 DP1241114
200 DP1241114
CLEARVIEW
BITUMEN FORMATION
ACCESS STREET
PROPOSED 1/2 ROAD CONSTRUCTION
CRESCENT
RIFLE RANGE
OVERHEAD TRANSMISSION LINES
EXISTING SHEDS
KEY
SHIRALEE DCP 2004 AREA F
(A) EASEMENT FOR TRANSMISSION LINE 30.48 WIDE GAZ 30.5 1947 FOLIO 1270 (MS 2787 0e)
IMPORTANT NOTES
THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY
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DO NOT RELY ON THIS PLAN FOR CONTRACTUAL PURPOSES.
SCALE
0 15 30 45 60m
PLAN 1 : 1000 A3
PROPOSED SUBDIVISION OF LOT 87 DP750401
No. 411 BRABHAM WAY - ORANGE
FIGURE 13 - PROPOSED SUBDIVISION SHIRALEE DCP OVERLAY
DATE: 24.09.2025
REFERENCE: 23043DA
SHEET: 13 OF 13
PETER BASHA
PLANNING & DEVELOPMENT
Phone : 6361 2955 Fax: 6360 4700
P.O. BOX 1827 ORANGE, NSW 2800

RFS

NSW GOVERNMENT

Orange City Council
PO Box 35
ORANGE NSW 2800

Your reference: DA 237/2025(1) (CNR-83784)
Our reference: DA20250702002611-Original-1

ATTENTION: Lucy Aveyard

Date: Friday 15 August 2025

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Subdivision
411 Brabham Way Orange 2800, 87//DP750401

I refer to your correspondence dated 04/07/2025 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones
Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1. All residential lots must be entirely managed in perpetuity to the standards of an inner protection area in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019*.

Water and Utility Services
Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building

2. The provision of water, electricity and gas must comply with Table 5.3c of *Planning for Bush Fire Protection 2019* and Section 9 of *Planning for Bush Fire Protection – Addendum 2022*.

3. Fire hydrant, spacing, design, sizing, flow and pressure must comply with the relevant clauses of Australian Standard AS 2419.1:2021.

4. Hydrants must not be located within any road carriageway.

General Advice – Consent Authority to Note

Postal address
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address
NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

RFS

NSW GOVERNMENT

Future development applications lodged on lots created within this subdivision may be subject to further assessment under the *Environmental Planning & Assessment Act 1979* and need to comply with the requirements of *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact on

Yours sincerely,

Manager Planning & Environment Srv (Est)
Built & Natural Environment

RFS

NSW GOVERNMENT

BUSH FIRE SAFETY AUTHORITY

Subdivision – Subdivision
411 Brabham Way Orange 2800, 87//DP750401
RFS Reference: DA20250702002611-Original-1
Your Reference: DA 237/2025(1) (CNR-83784)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997.*

Nika Fomin
Manager Planning & Environment Srv (Est)
Built & Natural Environment

Friday 15 August 2025

2.6 Development Application DA 233/2015(3) - 9 Hilldale Crescent

RECORD NUMBER: 2025/2159
AUTHOR: Dhawala Ananda, Town Planner

EXECUTIVE SUMMARY

Application lodged	11 September 2025
Applicant/s	Mr N Samwel
Owner/s	Mr N Samwel and Ms FM Chingovo
Land description	Lot 339 DP 1272081 - 9 Hilldale Crescent, Orange
Proposed land use	Amendment to building envelope and tree removal on 9 Hilldale Crescent
Value of proposed development	Not applicable

Application has been made to modify development consent DA 233/2015(2) to amend the approved building envelope and remove a large *Eucalyptus goniocalyx* located on Lot 339 DP 1272081 - 9 Hilldale Crescent, Orange.

The tree proposed for removal was intentionally retained under the original subdivision approval and is protected through both the conditions of consent and the Section 88B Restriction-as-to-User. The tree contributes significantly to the environmental, visual and landscape character outcomes that informed the original subdivision design.

The Arboricultural Impact Assessment submitted in support of the modification does not adequately demonstrate that the tree is structurally unsound, hazardous, or otherwise unsuitable for retention. The Manager City Presentation has reviewed the proposal and does not support the removal, noting the tree is in healthy condition with no observable decline.

The proposed modification also seeks to amend the approved building envelope, which was specifically established to ensure the long-term retention and protection of the tree. Altering the envelope to facilitate tree removal would materially change the development outcomes envisaged in the original approval and undermine the strategic landscape intent for the estate.

Having regard to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, Council is not satisfied that the modification results in development that is “substantially the same” as that originally approved. Further, the proposal does not meet the relevant considerations under Section 4.15, including inconsistency with the objectives of the R5 Large Lot Residential zone and the tree preservation provisions of the Orange DCP 2004.

For these reasons, the modification is not supported. A draft Notice of Refusal is attached.

2.6 Development Application DA 233/2015(3) - 9 Hilldale Crescent



Figure 1 - locality plan

DECISION FRAMEWORK

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

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

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

DIRECTOR'S COMMENTS

The application proposes to amend the approved building envelope and remove a large Eucalyptus goniocalyx located on Lot 339 DP 1272081 - 9 Hilldale Crescent, Orange.

2.6 Development Application DA 233/2015(3) - 9 Hilldale Crescent

It should be noted that the existing building envelope is some 800m2 which offers a significant sized building area. The building envelop is shown, and noted, on the deposited plan and the corresponding 88b instrument. At the time of purchase this would have been advised to the purchaser buy their conveyancer or solicitor, and therefore the purchase has been made knowing the site limitations.

As can be seen in Figure 2, below, there are several sites in the subdivision that have similar building envelopes applied, primarily to protect existing trees. Each of these sites has been developed in accordance with the subdivision, and building envelopes not modified.

The Manager City Presentation undertook a further site inspection on 19 November 2025, and observed very little evidence of fallen material, that the tree appears to be in a healthy condition, with new leaf growth and regular bird activity (perching and collecting twigs).

Given the above, there are no planning grounds to support amending the building envelope and removal of the tree. On this basis the modification is recommended for refusal.

LINK TO DELIVERY/OPERATIONAL PLAN

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

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council refuses development application DA 233/2015(3) for *Subdivision (37 Lot Residential, Open Space and Drainage Reserve (amendment to building envelope and tree removal on Lot 303 Hilldale Crescent))* at Lot 339 DP 1272081 - 9 Hilldale Crescent, Orange, pursuant to the following reasons for refusal:

1. **The proposed modification is not considered substantially the same development as that originally approved under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.**
2. **The proposal seeks removal of a significant *Eucalyptus goniocalyx* tree that was specifically required to be retained and protected under the original consent DA 233/2015(1). The removal of the tree would result in an adverse environmental, visual and local character impact on the site.**
3. **The modification is contrary to the planning outcomes of the Orange Development Control Plan 2004, which requires the retention of significant vegetation. The Arborist Report submitted is insufficient and does not provide adequate evidence to justify the removal of the tree specifically in addressing the health and structural integrity of the tree. The proposal is not supported by the Manager City Presentation.**

2.6 Development Application DA 233/2015(3) - 9 Hilldale Crescent

FURTHER CONSIDERATIONS

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

Service/Project Delivery	Approval or refusal may affect infrastructure demands, service planning or community expectations.
Financial	Decisions may lead to financial implications through infrastructure contributions, legal appeals or compensation claims.
Reputation/Political	The outcome may attract public or political scrutiny, especially if perceived as inconsistent or contentious.
Environment	The application may have environmental impacts - positive or negative - depending on the nature of the development.
Compliance	The decision must align with planning legislation, regulation and controls and Council policies to avoid legal risk.
People & WHS	Development activities may introduce safety risks for workers, residents or the broader community.
Information Technology/Cyber Security	Systems used to assess and manage the application must ensure data integrity and secure handling of sensitive information.

SUPPORTING INFORMATION

THE MODIFIED PROPOSAL

Application has been made to modify development consent DA 233/2015(2) under Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

The modified development seeks to remove a Eucalyptus gonio calyx tree and amend the building envelope established for the lot during the original subdivision (refer to Figure 2). The site was identified as Lot 303 in the originally approved stamped plans.

The modified building envelope proposed as part of this application is shown in Figure 3. An Arborist Report has been submitted in support of the application, however, the report is considered insufficient in addressing the health and structural integrity of the tree. It primarily focuses on supporting the construction of a future dwelling rather than providing an objective assessment of the tree's condition.

Additionally, the applicant has provided supporting documentation regarding the history of urban expansion in Orange involving tree removals. Council acknowledges the documentation however, it is noted that the examples cited relate to different site circumstances, and each of those applications was assessed on its own merits with specific biodiversity impact considerations.

The application was referred to Council's Manager City Presentation, who advised that the proposal is not supported on the grounds of supporting the construction of a future dwelling as the tree has been identified to be in a healthy condition and growing new leaves. No sign of deterioration is observed.

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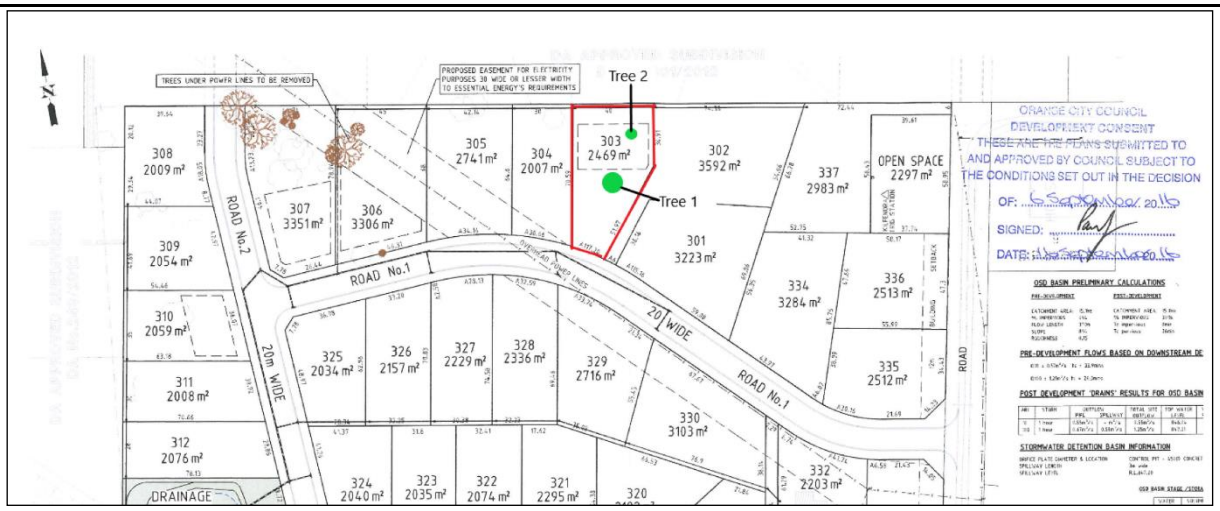


Figure 2 - approved subdivision plan under DA 233/2015(1)

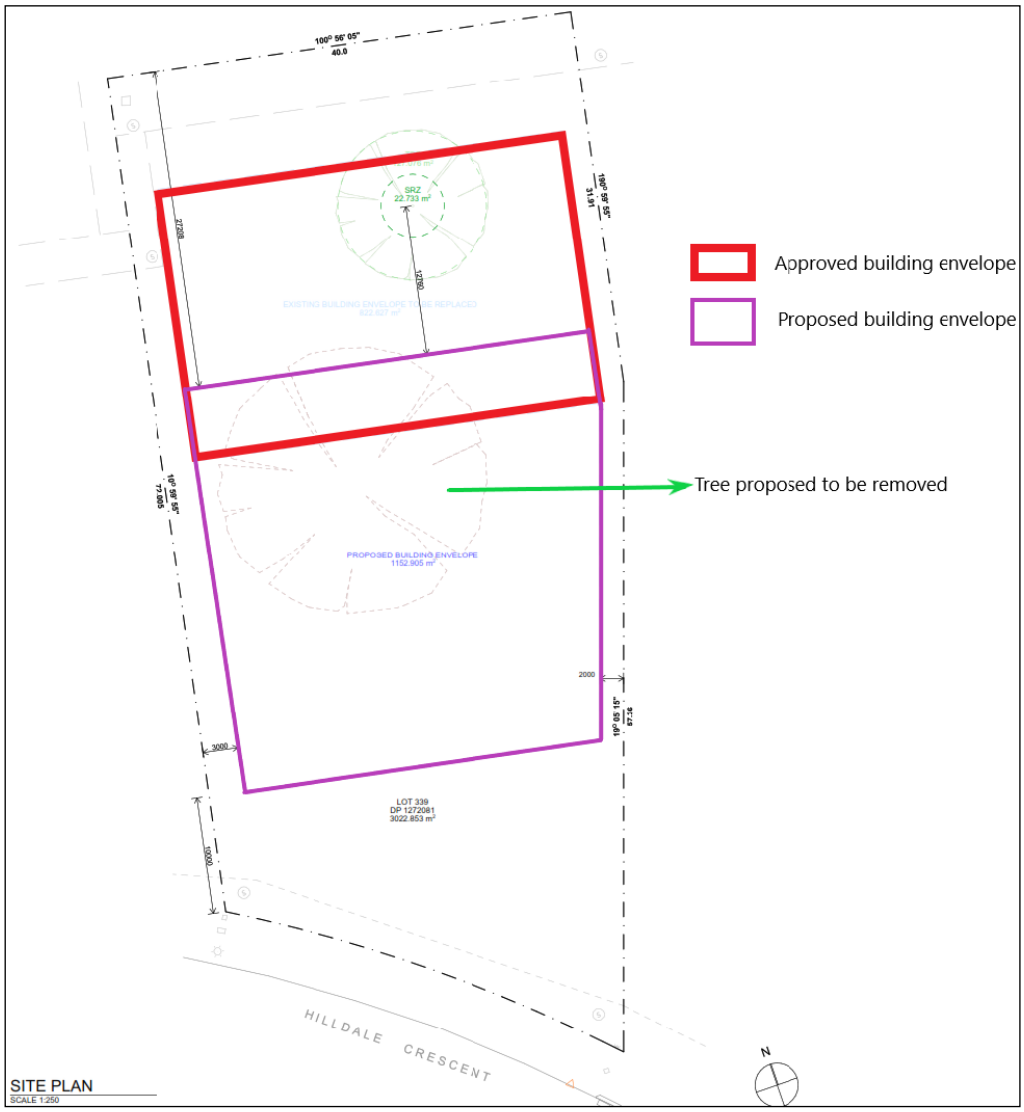


Figure 3 - proposed site plan with amended building envelope

SITE HISTORY

2.6 Development Application DA 233/2015(3) - 9 Hilldale Crescent

DA 233/2015(1)

The original Development Application proposed the subdivision of Lot 1 DP 581736 - 98 Gorman Road, Orange into 37 residential lots, along with public open space and drainage reserves and consent was granted on 6 September 2016.

As part of the assessment of the original application, several lots within the subdivision were made subject to a Section 88B Restriction-as-to-User, requiring the retention and protection of existing trees.

Under this restriction, Lot 303 (now identified as Lot 339 DP 1272081) was designated to retain the large central Eucalyptus tree (Eucalyptus gonio calyx - Tree 1), while allowing removal of the smaller Eucalyptus tree (Tree 2).

Accordingly, under the original consent, the approved building envelope for Lot 303 permitted the removal of Tree 2 while ensuring the preservation of Tree 1, which was recognised as a significant feature within the site and subdivision layout that contributes to the local character of the area, whilst providing significant ecological benefits.

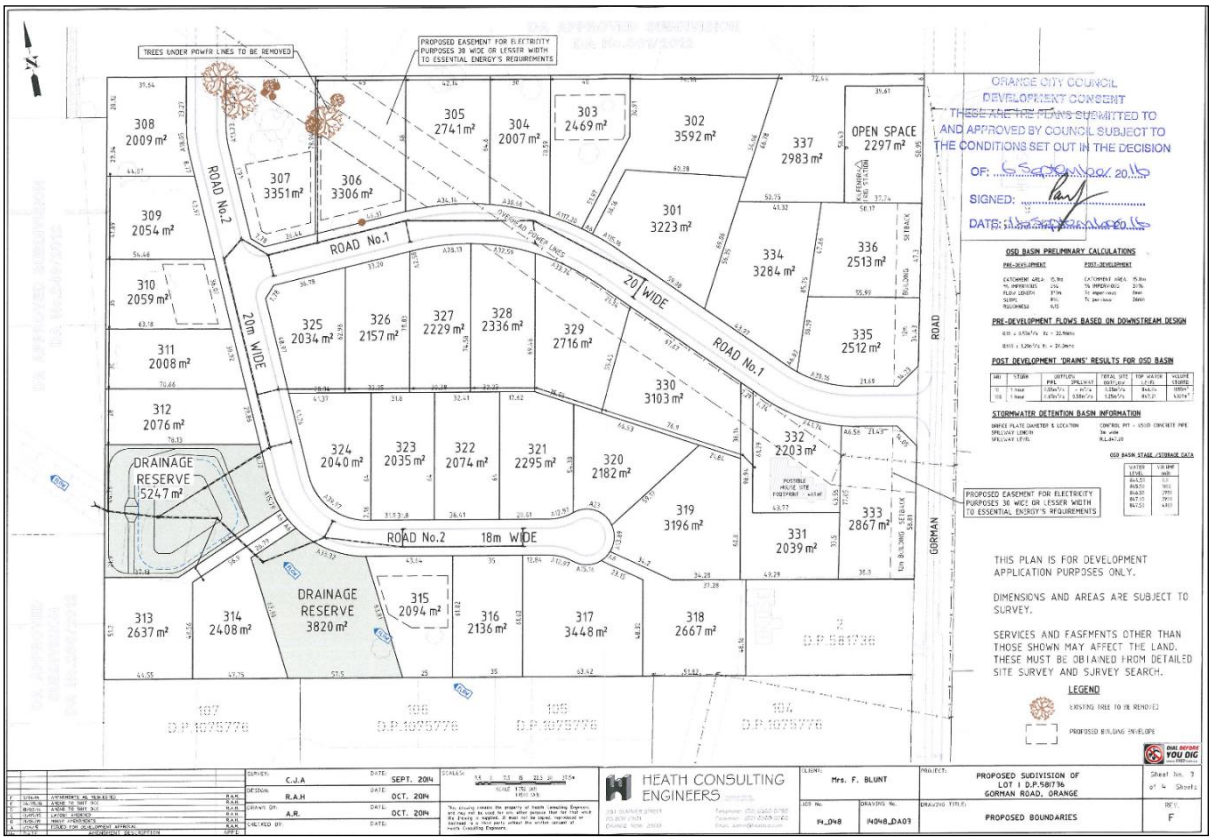


Figure 4 - approved subdivision plan

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Figure 5 - trees located on the site

DA 233/2015(2)

An application was lodged to modify the development consent originally issued under DA 233/2015(1) to address anomalies identified within the stamped approved plans. The modified DA was approved on 6 October 2019.

The modification sought to replace the building envelope requirements for certain lots with maximum site coverage controls. The development, as modified, was considered to remain substantially the same as that for which consent was originally granted.

As a result of the modification, the following conditions of consent were amended:

- Condition 1, Condition 26, Condition 27, Condition 28, Condition 29, and Condition 30.

A detailed assessment of this modification application is available under record number *2019/2281* in Council's Content Manager.

MATTERS FOR CONSIDERATION

Environmental Planning and Assessment Act 1979

Section 4.55 Modification of Consents- Generally

Section 4.55(2) of the EP&A Act 1979 states that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment: Council is not satisfied that the development to which the consent as modified relates is substantially the same development as that for which consent was originally granted.

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The proposed removal of the large Eucalyptus tree and amendment to the approved building envelope materially alter the environmental and visual outcomes that were integral to the original approval. The approved subdivision design and associated restrictions sought to retain and protect the large tree as a significant landscape feature and to guide the siting of future development on the lot.

Accordingly, the proposed modification would compromise the intent of the original consent and result in a development that is not substantially the same as that previously approved.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent,

Comment: Not relevant to this application.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent.

Comment: The modified development comprises notified development pursuant to Clause 117 of the Environmental Planning and Assessment Regulation 2021 or Orange Community Participation Plan 2023.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: The proposed modification was required to be notified and no submissions to the proposed modification were received.

In addition, Section 4.55(3) of the EP&A Act 1979 provides that:

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application.

Comment: The relevant matters under Section 4.15(1) have been addressed here under.

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

Section 1.7 of the EP&A Act identifies that Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 have effect in connection with terrestrial and aquatic environments.

There are four triggers known to insert a development into the Biodiversity Offset Scheme (i.e. the need for a BDAR to be submitted with a DA):

2.6 Development Application DA 233/2015(3) - 9 Hilldale Crescent

- Trigger 1: development occurs in land mapped on the Biodiversity Values Map (OEH) (clause 7.1 of BC Regulation 2017);
- Trigger 2: development involves clearing/disturbance of native vegetation above a certain area threshold (clauses 7.1 and 7.2 of BC Regulation 2017); or
- Trigger 3: development is otherwise likely to significantly affect threatened species (clauses 7.2 and 7.3 of BC Act 2016).

The fourth trigger (development proposed to occur in an Area of Outstanding Biodiversity Value (clause 7.2 of BC Act 2016) is generally not applicable to the Orange LGA; as no such areas are known to occur in the LGA. No further comments will be made against the fourth trigger.

Trigger 1

The site does not occur within land mapped on the Biodiversity Values Map (*https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap*).

Trigger 2

The proposed modification involves the removal of a single, large Eucalyptus tree and an amendment to the approved building envelope. The clearing and disturbance footprint associated with this modification is minimal, limited to the tree removal itself, and does not include any additional works such as driveways, rainwater tanks, fencing, or other infrastructure.

Based on the LEP minimum lot size and the actual size of Lot 339 DP 1272081, the clearing/disturbance threshold for the site is not exceeded, and the proposal does not trigger further assessment requirements under Part 7 of the Biodiversity Conservation Act 2016 or Part 7A of the Fisheries Management Act 1994.

Trigger 3

With regard to the third trigger, 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) 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,

(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

(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

(ii) 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,

(c) in relation to the habitat of a threatened species or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and

(ii) 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

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(iii) 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,

(d) 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),

(e) 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.

Whilst an Arborist Report has been provided, it does not constitute an ecological assessment. Matters concerning protected vegetation communities and/or threatened species have not been addressed in the Arboricultural Impact Assessment submitted. However, in relation to the fauna and wildlife features, the tree *Eucalyptus goniocalyx* proposed to be removed has been identified as containing potential habitat features such as hollows, stick nests, nesting boxes, carved hollows, and lifting loose bark that could be utilised by native fauna. These features provide potential habitat for hollow-dependent species.

The following assessment addresses the factors under Section 7.3 of the *Biodiversity Conservation Act 2016*:

(a) Adverse effect on the life cycle of a threatened species

The site at 9 Hilldale Crescent, Orange is zoned R5 Large Lot Residential under the Orange Local Environmental Plan 2011 and functions as a transition between urban and rural land uses. The surrounding landscape is semi-modified but retains scattered mature trees that contribute to local habitat values and ecological connectivity.

Tree 1 (Eucalyptus goniocalyx) contains visible hollows and structural features that provide potential habitat for hollow-dependent fauna. The site is located within 1km radius of the mapped distribution of several Plant Community Types (PCTs), including PCT 3370 - Central Tableland Red Stringybark Grassy Forest, PCT 3734 - Central Tableland Dry Slopes Stringybark-Box Forest, and PCT 3387 - Central West Creekflat Grassy Woodland. These PCTs are known to support a diversity of woodland bird species, microbats, and arboreal mammals that rely on mature trees for nesting, resting, and movement through the landscape.

Although the site itself is not a remnant patch of these communities, isolated paddock trees and scattered canopy trees form part of the broader ecological network associated with these PCTs. The removal of a mature habitat tree within this context diminishes the availability of key resources and may interrupt movement pathways for fauna utilising the surrounding woodland matrix.

Its removal would result in the loss of a potentially significant habitat feature that may currently or potentially sustain the life cycle of threatened species. The cumulative loss of such habitat trees in the locality increases ecological pressure on woodland-dependent fauna. Accordingly, the proposed removal may have an adverse effect on the life cycle of threatened species within the area.

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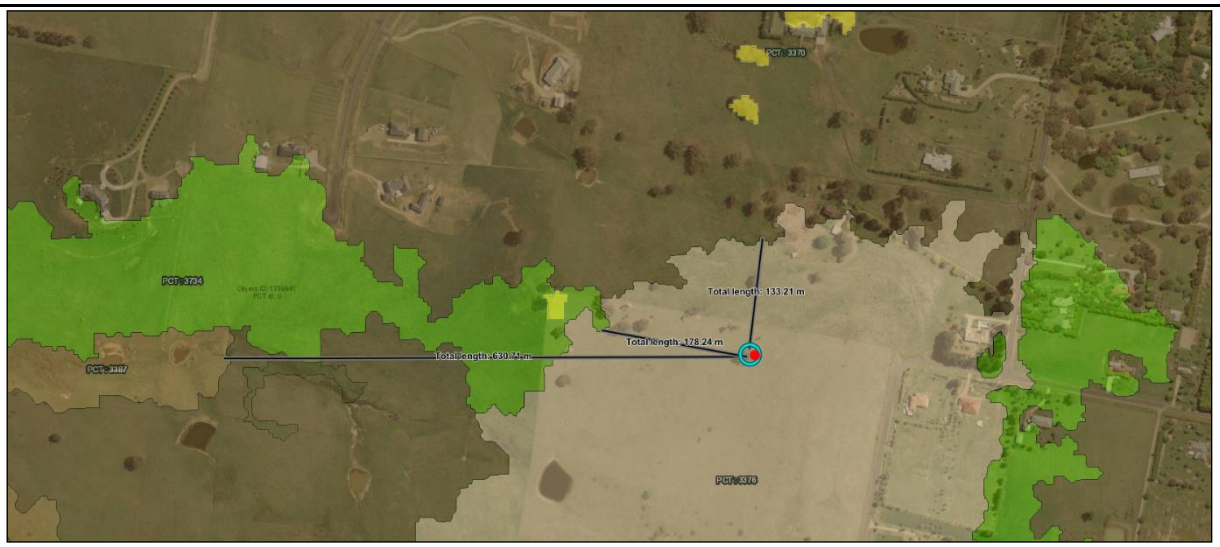


Figure 6 - plant community titles in the surrounding area (Source: SEED Map)

(b) Adverse effect on an endangered or critically endangered ecological community

The site does not support a mapped endangered ecological community under the Biodiversity *Conservation Act 2016*. However, the scattered trees across the R5 zone, including Tree 1 (*Eucalyptus goniocalyx)*, contribute to the ecological function of the transitional landscape between rural and urban areas. The removal of such trees further diminishes vegetation cover and undermines the ecological integrity of the area. While the impact on an ecological community is not direct, the removal would weaken the vegetative buffer that supports local biodiversity.

(c) Habitat removal, modification or fragmentation

The removal of Tree 1 (*Eucalyptus goniocalyx)* would result in the loss of a known habitat tree and further fragmentation of vegetation within the immediate and broader landscape. This tree contributes to connectivity between existing vegetated areas and may act as a stepping-stone habitat for mobile fauna species. Its removal would therefore increase fragmentation and isolation of habitat resources.

(d) Adverse effect on any declared area of outstanding biodiversity value

There are no declared Areas of Outstanding Biodiversity Value mapped within or adjacent to the site under the *Biodiversity Conservation Act 2016*. The proposal would not directly impact such an area.

(e) Relationship to key threatening processes

The proposed removal would contribute to key threatening processes identified under Schedule 4 of the *Biodiversity Conservation Act 2016*, including “clearing of native vegetation” and “loss of hollow-bearing trees.” Given that the tree exhibits several features suitable for fauna habitation, its removal would exacerbate the local cumulative impacts associated with these threatening processes, particularly in a landscape where hollow-bearing trees are already limited.

Conclusion

Having regard to the above assessment under Section 7.3 of the *Biodiversity Conservation Act 2016*, it is considered that the proposed removal of Tree 1 (*Eucalyptus goniocalyx)* has the potential to significantly affect threatened species and local habitat values. The retention of the

2.6 Development Application DA 233/2015(3) - 9 Hilldale Crescent

tree is therefore recommended to maintain ecological function and biodiversity within the R5 Large Lot Residential zone and to be consistent with Council's biodiversity objectives and high-sensitivity mapping under the Orange Local Environmental Plan 2011.

Section 4.15 Evaluation

Provisions Of Any Environmental Planning Instrument S4.15(1)(A)(I)

Orange Local Environmental Plan 2011 (as amended)

Part 1 - Preliminary

Clause 1.2 - Aims of Plan

The broad aims of the LEP are set out under Subclause 2. Those relevant to the modified application are as follows:

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

(f) to recognise and manage valued environmental heritage, landscape and scenic features of Orange.

The assessment undertaken as part of the original subdivision application identified the land as forming a transitional zone between urban and non-urban development. Given the competing characteristics of rural-residential and residential development affecting the site, it was considered appropriate to impose conditions to ensure a suitable relationship between these differing characters.

These conditions included controls relating to fencing design, retention and protection of significant trees, establishment of no-build buffers, and minimum setback requirements. The original consent also included provisions preventing the removal of existing trees, except within designated road reserves. Future applications were expected to consider any proposed tree removal on a case-by-case basis, particularly outside the specified exclusion zones.

Having regard to these objectives, the current modification application - which proposes the removal of the *significant Eucalyptus tree* - is not supported by Council's Development Services and Manager City Presentation.

The proposed modification represents a departure from the aim of the Plan and is therefore considered inconsistent with Clause 1.2 (a) and (f) of the *Orange Local Environmental Plan 2011*, as it would diminish the established landscape character intended to be preserved through the original approval.

Clause 1.6 - Consent Authority

This clause establishes that, subject to the Act, Council is the consent authority for applications made under the LEP.

Clause 1.7 - Mapping

The original development was assessed pursuant to Orange LEP 2011. The subject land is identified on the LEP maps as follows:

2.6 Development Application DA 233/2015(3) - 9 Hilldale Crescent

Land Zoning Map:	**R5 Large Lot Residential**
Lot Size Map:	**Minimum lot size 2000m^2**
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:	Not within the drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Flood Planning Map:	Not within a flood planning area
Bushfire Prone Land:	Not within bushfire prone land

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions:

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any relevant instrument under Section 13.4 of the Crown Land Management Act 2016, or

(c) to any conservation agreement under the National Parks and Wildlife Act 1974, or

(d) to any Trust agreement under the Nature Conservation Trust Act 2001, or

(e) to any property vegetation plan under the Native Vegetation Act 2003, or

(f) to any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995, or

(g) to any planning agreement under Subdivision 2 of Division 7.1 of the Environmental Planning and Assessment Act 1979.

Council staff are not aware of the title of the subject property being affected by any of the above.

Part 2 - Permitted or Prohibited Development (as amended)

Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table

The subject site is located within the **R5 Large Lot Residential** zone. The proposed development is for amendment of the approved building envelope and removal of a large Eucalyptus tree and is seeking consent.

Clause 2.3 of LEP 2011 references the Land Use Table and Objectives for each zone in LEP 2011. These objectives for land zoned **R5 Large Lot Residential** are as follows:

The objectives of the zone relevant to the proposed modification are addressed below.

2.6 Development Application DA 233/2015(3) - 9 Hilldale Crescent

Objectives of zone R5 Large Lot Residential

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

The original subdivision approval sought to achieve a balance between providing residential opportunities and maintaining the rural and landscape character of the area. The retention of the large central Eucalyptus tree formed a key element of this outcome, contributing to the visual amenity and environmental values of the site and locality.

The proposed removal of this significant tree would erode these qualities and detract from the established landscape character intended for the subdivision. As such, the modification is inconsistent with this objective as it fails to preserve the environmental and scenic qualities of the site.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The modification does not directly affect the potential for future urban development. However, the alteration of the building envelope and associated tree removal would undermine the original design intent of the subdivision, which aimed to guide future built form within an environmentally responsive framework. In this regard, the proposal partially conflicts with the orderly development principles underpinning the original approval.

Summary

The proposed modification, by seeking to remove a significant tree and amend the approved building envelope, is inconsistent with the primary environmental and visual objectives of the R5 Large Lot Residential zone.

Clause 2.7 - Demolition Requires Development Consent (as amended)

This clause triggers the need for development consent in relation to a building or work. This requirement does not apply to any demolition that is defined as exempt development.

The proposal involves demolition (removal of a tree), 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. However, the demolition will adversely impact the landscape and scenic character of the area.

Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards

These provisions are not relevant to the subject modification application, as the proposal does not alter the approved subdivision layout, lot sizes, or introduce any built form for assessment.

Part 5 - Miscellaneous Provisions

This part is not relevant to the proposed modification.

Part 6 - Urban Release Area

Not relevant to the application. The subject site is not located in an Urban Release Area.

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Part 7 - Additional Local Provisions

This part is not relevant to the proposed modification.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 - Remediation of Land

State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 (formerly SEPP 55 - Remediation of Land) was applicable to the original development. The proposed modification does not alter or affect the previous assessment made under this SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The provisions of the Transport and Infrastructure SEPP 2021 applied to the original development due to the electricity transmission line traversing the site (formerly addressed under Division 5 - Electricity Transmission or Distribution of the Infrastructure SEPP 2007).

The proposed modification does not alter the existing infrastructure arrangements or affect the requirements of Essential Energy imposed under the original development consent.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION 4.15(1)(a)(ii)

There are no draft Environmental Planning Instruments currently on exhibition that relate to the subject land or proposed development.

DESIGNATED DEVELOPMENT

The modified proposed development is not designated development.

INTEGRATED DEVELOPMENT

The modified proposed development is not integrated development.

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

Orange Development Control Plan 2004

DCP 2004 is applicable to the subject land and modified development, relevantly:

- Part 0.4 - Former LEP Matters - Tree Preservation
- Part 3 - General Considerations

The Planning Outcomes for the proposed modified development are commented upon below.

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Part 0.4 - Former LEP Matters - Tree Preservation

PO-0.4-2 INTERIM PLANNING OUTCOMES - TREE PRESERVATION

1 Trees prescribed by this DCP must not be ringbarked, cut down, topped, lopped or wilfully destroyed without the Council's approval and landowners consent

2 This clause applies to Eucalypts of any size belonging to the White Box, Yellow Box and Blakely's Red Gum Endangered Ecological Communities, including species indicated as affected in the tree preservation table.

3 This clause also applies to any tree, native or exotic, with a trunk diameter equal to or greater than 300mm at breast height (refer AS4970-2009 for measurement guidelines).

4 Notwithstanding IPO-4(3) this clause does not apply to species indicated as exempt in the tree preservation table.

5 An application for the Council's approval must be accompanied by an appropriately qualified specialist (i.e. Arborist) report outlining the following information

- The location, size, species and condition (i.e. diseased, healthy, etc)
- A statement that details any anticipated impacts on vegetation that may have derived from endangered ecological communities and/or that may be habitat for threatened species
- The purpose of removal and whether the pruning of the tree would be a more practical and desirable alternative
- Whether a replacement tree or trees should be planted
- The location, size and species of any trees proposed to replace those intended for removal
- The owners consent to the application being lodged
- Any other relevant information regarding the tree to be removed (i.e. photographs)

Assessment

- The proposal seeks removal of one of eucalyptus trees (Eucalyptus goniocalyx) and amendment of the building envelope.
- While an Arborist Report has been submitted, it is noted in the earlier text that the Arborist Report is insufficient in addressing the health, condition and viability of the tree. Also, it does not constitute an ecological assessment, matters concerning protected vegetation communities and/or threatened species.
- The removal of a prescribed tree without adequate justification, or demonstration that retention is untenable, contradicts the DCP requirement that removal should only occur with Council approval and full supporting information.
- The proposal does not appear to provide adequate replacement planting details or demonstrate that pruning or retention of the tree is not feasible.
- The removal further changes the landscape and environmental outcome originally envisaged, which may conflict with the DCP's intention to preserve significant trees and vegetation

On balance, the removal of the tree as proposed is not consistent with the interim planning outcomes under PO-0.4-2 of the ODCP 2004. The proposal fails to satisfactorily demonstrate why the tree cannot be retained, lacks a fully adequate arborist justification, and does not provide sufficient replacement planting details as required by the DCP.

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Part 3 - General Considerations

3.1 Cumulative Impacts

PO 3.1-1 PLANNING OUTCOMES - CUMULATIVE IMPACT	
1	Applications for development demonstrate how the development relates to the character and use of land in the vicinity.
2	The introduction of new development into a locality maintains environmental impacts within existing or community-accepted levels.
3	Water conservation measures are implemented.

Assessment

The original subdivision application demonstrated that the proposed development would maintain environmental impacts at levels acceptable to the community, particularly through the retention of significant trees, establishment of building envelopes, and the incorporation of setbacks and buffers.

The current modification application proposes the removal of a large Eucalyptus tree and an amendment to the approved building envelope. The removal of this mature tree would increase visual and environmental impacts compared to the original consent by:

- reducing canopy cover and local biodiversity
- altering the character of the lot relative to surrounding properties, which were designed to retain significant vegetation
- deviating from the original environmental protection intended to manage cumulative impacts.

The proposal does not include compensatory planting to offset the loss of vegetation.

Conclusion

The proposed modification does not satisfy PO 3.1-1, as it would increase environmental impacts beyond the levels established and accepted under the original subdivision, and it is inconsistent with the intended cumulative impact management measures of the ODCP 2004.

Orange Development Contributions Plan 2024 (Greater Ploughmans Valley Area)

Development contributions were applicable to the original development pursuant to the Development Contributions Plan 2015. The modified proposal will not alter applicable contributions. Furthermore, headworks charges for sewer and water will not be altered.

PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

The provisions prescribed by the regulations under Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979 are not applicable to the subject modification application.

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

In accordance with Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the likely impacts of the proposed modification are considered as follows:

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1. Environmental and Landscape Impacts

- The proposed removal of the large Eucalyptus goniocalyx tree will result in a significant loss of canopy cover, reducing the visual amenity and landscape character of the lot and surrounding area.
- The tree contributes to the biodiversity, shade, and ecological value of the site; its removal will negatively affect these environmental functions.
- The modification alters the approved building envelope, which was designed to retain and protect the large tree, thereby increasing environmental and visual impacts relative to the original consent.

2. Social and Community Impacts

- The large tree is a prominent feature within the subdivision and contributes to the community's perception of the area's character. Its removal may result in adverse community perception and conflict with expectations set by the original subdivision design.
- The proposal does not demonstrate adequate replacement planting or mitigation measures to offset the loss of vegetation.

3. Consistency with Planning Controls

- The removal of the tree is inconsistent with Orange DCP 2004 - PO 0.4-2 (Tree Preservation), which protects any native tree with a DBH of 300 mm or more.
- The modification is also inconsistent with PO 3.1-1 Cumulative Impact, as the proposal increases environmental impacts beyond those considered acceptable under the original approval.

4. Traffic and Infrastructure Impacts

- The modification does not involve any additional built form or increase traffic generation. Therefore, there are no adverse impacts on local traffic or infrastructure.

Conclusion

The proposed modification is likely to result in significant environmental and visual impacts due to the removal of a large, protected tree and changes to the building envelope. These impacts cannot be mitigated adequately under the current proposal and are therefore considered unacceptable.

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

The site is not considered suitable for the proposed modification. It contains a large, mature Eucalyptus goniocalyx tree, which is protected under the Orange Development Control Plan 2004 (Tree Preservation Order).

The approved building envelope was established to retain and protect this tree, ensuring development could occur without compromising environmental and landscape values.

The proposed removal of the tree and amendment to the building envelope would significantly alter the character of the lot, reduce canopy cover, and conflict with the objectives of the R5 Large Lot Residential zone, which seeks to preserve scenic and environmental quality.

While the site can accommodate development in general, these environmental and landscape constraints render it unsuitable for the proposed modification.

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ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15(1)(d)

The proposed development is defined as "notified development" under the provisions of the Community Participation Plan. The application was advertised for the prescribed period of 14 days and at the end of that period, no submissions were received.

PUBLIC INTEREST s4.15(1)(e)

The proposal is not in the public interest. The tree proposed for removal was intentionally protected under the original subdivision and contributes to the environmental and landscape character expected by the community. Its removal is not supported by adequate Arboricultural or Ecological justification and would undermine the planning outcomes established for the estate. The modification is inconsistent with the objectives of the R5 zone and the tree preservation provisions of the DCP, and would set an undesirable precedent for similar requests. Approving the application would not represent orderly or environmentally responsible development.

SUMMARY

The proposed development is permissible with the consent of Council however, the application does not comply with key aims, objectives and relevant provisions of the Orange DCP 2004. A Section 4.15 assessment of the modification indicates that the development is not acceptable in this instance, primarily due to the proposed removal of a significant tree and associated environmental impacts. Attached is a draft Notice of Refusal outlining the reasons for refusal.

INTERNAL REFERRAL ADVICE

The comments provided by the Manager City Presentation have been considered in the assessment of the application and are reflected in the reasons for refusal.

ATTACHMENTS

1 Draft Notice of Refusal, D25/138752⇩
2 Plans, D25/138751⇩
3 Additional Information from Applicant - Tree Removal, D25/140752⇩
4 Additional Information from Applicant - Tree Removal at Different Locations Around Orange City, D25/140755⇩

ORANGE CITY COUNCIL	ORANGE CITY COUNCIL Development Application No **DA 233/2015(3)** NA25/449 Container PAN-570042

NOTICE OF DETERMINATION OF A MODIFICATION OF A DEVELOPMENT APPLICATION (AS MODIFIED)

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

Development Application

Applicant Name:	Mr N Samwel
Applicant Address:	
Land to Be Developed:	Lot 339 DP 1272081 - 9 Hilldale Crescent, Orange
Proposed Development:	Original DA - Subdivision (37 Lot Residential, Open Space and Drainage Reserve) Modification - Amendment to building envelope and tree removal on 9 Hilldale Crescent

Building Code of Australia Building Classification: Not applicable

Determination made under Section 4.16

Made On: 2 December 2025
Determination: **APPLICATION REFUSED**

Reason(s) for Refusal:

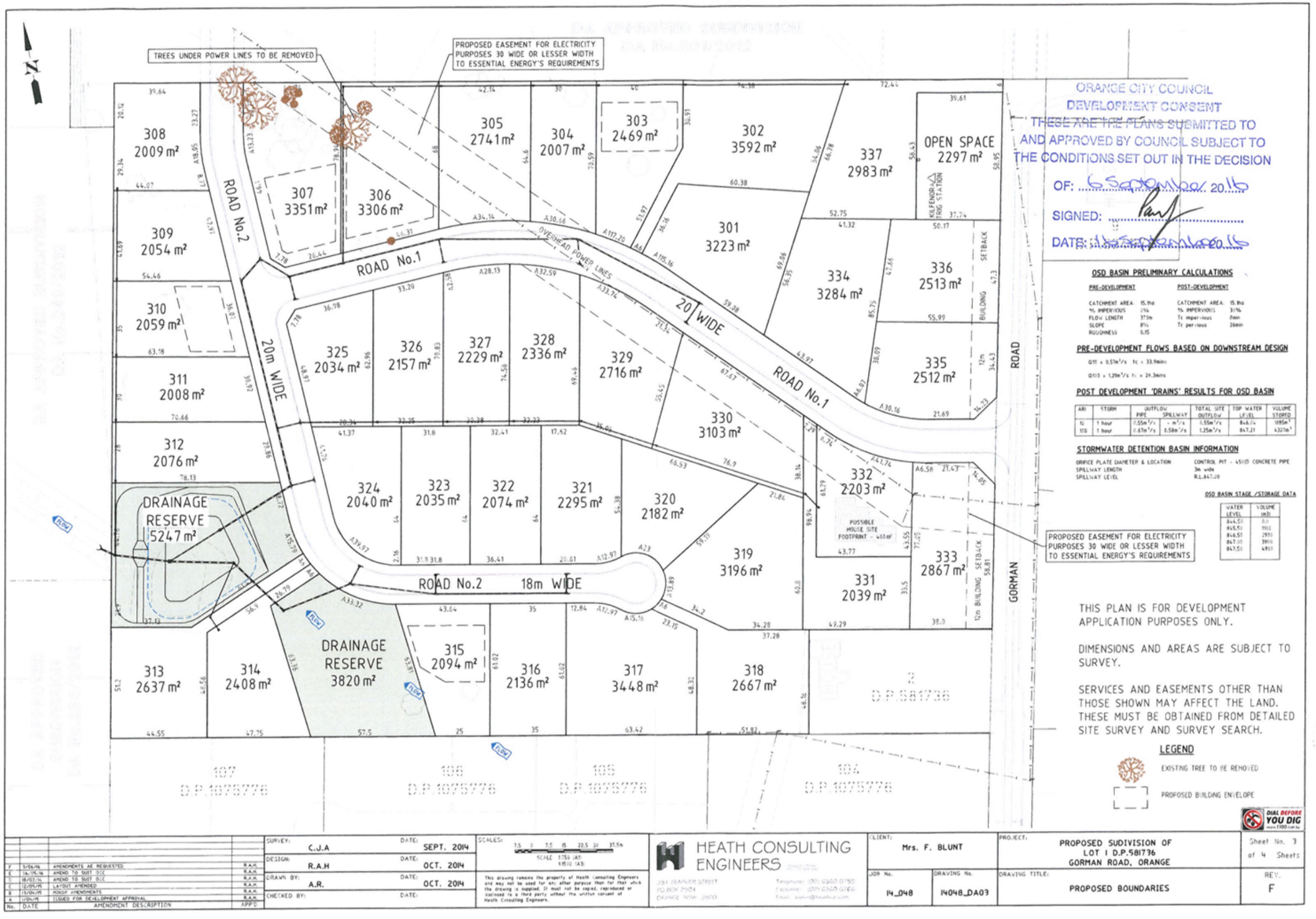
1. The proposed modification is not considered substantially the same development as that originally approved under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.
2. The proposal seeks removal of a significant Eucalyptus goniocalyx tree that was specifically required to be retained and protected under the original consent DA 233/2015(1). The removal of the tree would result in an adverse environmental, visual and local character impact on the site.
3. The modification is contrary to the planning outcomes of the Orange Development Control Plan 2004, which requires the retention of significant vegetation. The Arborist Report submitted is insufficient and does not provide adequate evidence to justify the removal of the tree specifically in addressing the health and structural integrity of the tree. The proposal is not supported by Council's Manager City Presentation.

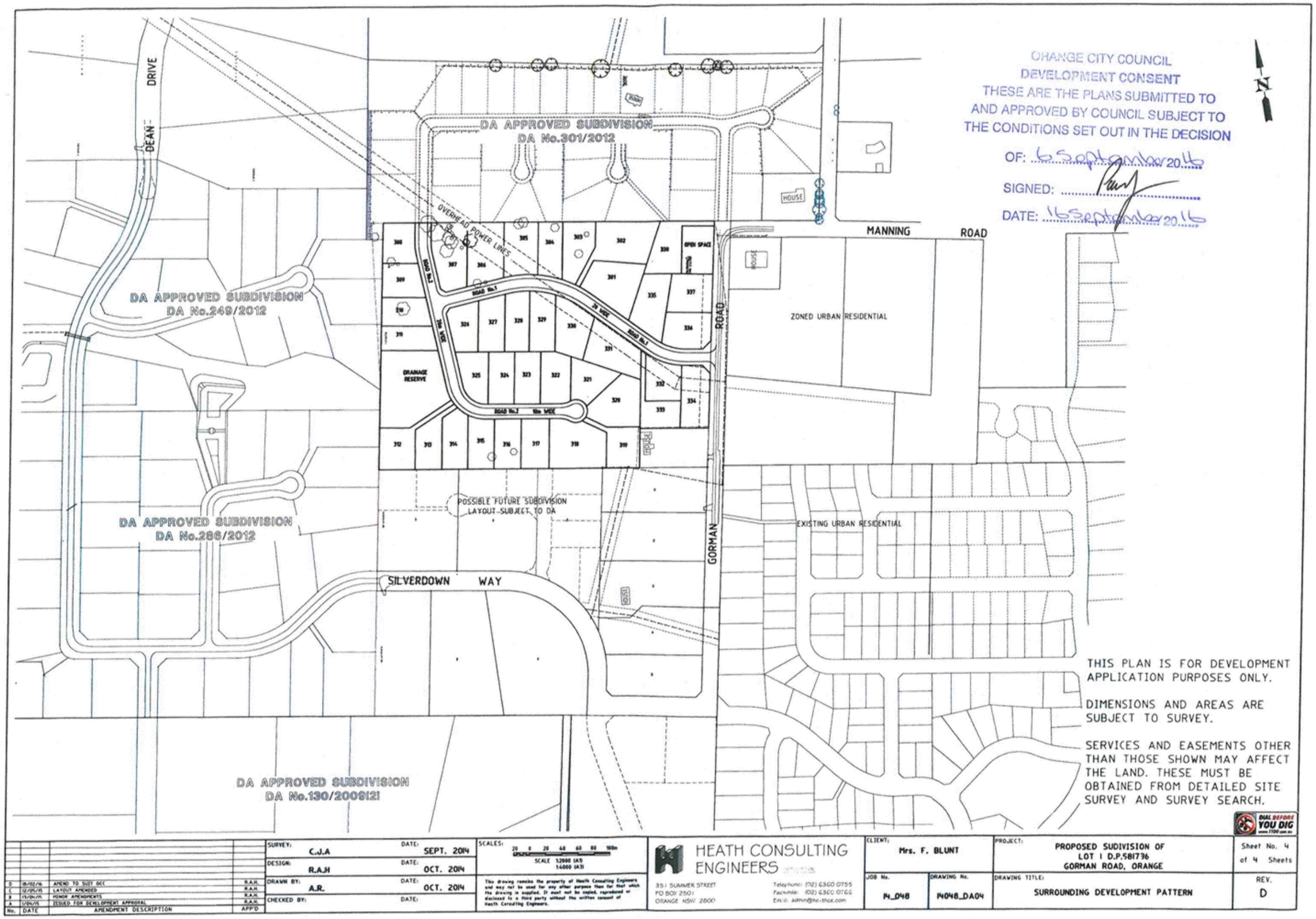
Right of Review and/or Appeal:

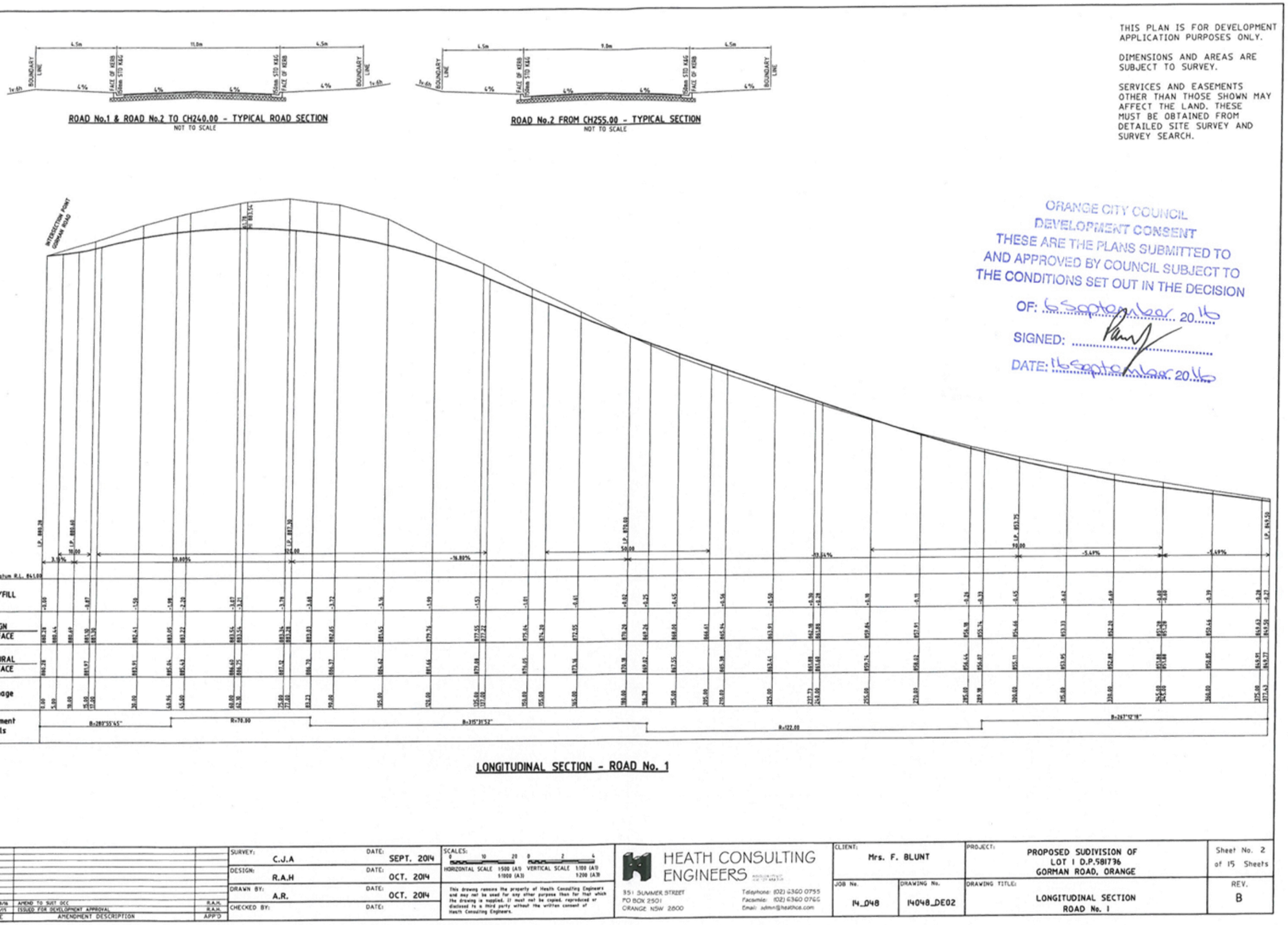
Applicant:
If you are dissatisfied with this decision:

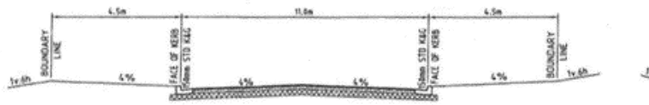
- Division 8.2 of the *Environmental Planning and Assessment Act 1979* and clause 122 of the *Environmental Planning and Assessment Regulation 2000* make provision for the right to request a review of the decision. Pursuant to clause 123I of the Regulation, a request for a review must be made within 28 days of the date of the determination outlined above.
- Section 8.9 of the Act gives you the right to appeal to the Land and Environment Court. Pursuant to Section 8.10, an applicant may only appeal within 6 months after the date the decision is notified.

	Objector:
	The Act does not give a right of appeal against this determination to an objector.
Signed:	On behalf of the consent authority:
Signature:	
Name:	Ben Hicks - Acting Manager Development Assessments
Date:	3 December 2025

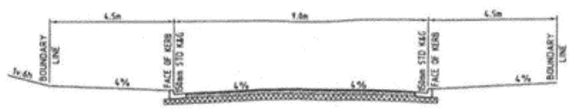

TREES UNDER POWER LINES TO BE REMOVED
PROPOSED EASEMENT FOR ELECTRICITY PURPOSES 30 WIDE OR LESSER WIDTH TO ESSENTIAL ENERGY'S REQUIREMENTS
308 2009 m²
309 2054 m²
310 2059 m²
311 2008 m²
312 2076 m²
307 3351 m²
306 3306 m²
305 2741 m²
304 2007 m²
303 2469 m²
302 3592 m²
337 2983 m²
OPEN SPACE 2297 m²
KILFENORA TRIG STATION
301 3223 m²
334 3284 m²
336 2513 m²
335 2512 m²
330 3103 m²
332 2203 m²
POSSIBLE HOUSE SITE FOOTPRINT - 400m²
333 2867 m²
331 2039 m²
319 3196 m²
320 2182 m²
321 2295 m²
322 2074 m²
323 2035 m²
324 2040 m²
325 2034 m²
326 2157 m²
327 2229 m²
328 2336 m²
329 2716 m²
DRAINAGE RESERVE 5247 m²
DRAINAGE RESERVE 3820 m²
315 2094 m²
313 2637 m²
314 2408 m²
316 2136 m²
317 3448 m²
318 2667 m²
ROAD No.1
ROAD No.2
ROAD No.2 18m WIDE
20m WIDE
20 WIDE
OVERHEAD POWER LINES
SETBACK
BUILDING
GORMAN ROAD
D.P.1075776
D.P.831736
ORANGE CITY COUNCIL
DEVELOPMENT CONSENT
THESE ARE THE PLANS SUBMITTED TO AND APPROVED BY COUNCIL SUBJECT TO THE CONDITIONS SET OUT IN THE DECISION
OF: 6 September 2016
SIGNED:
DATE: 6 September 2016
OSD BASIN PRELIMINARY CALCULATIONS
PRE-DEVELOPMENT
POST-DEVELOPMENT
CATCHMENT AREA: 15.1ha
% IMPERVIOUS: 1%
FLOW LENGTH: 370m
SLOPE: 8%
ROUGHNESS: 0.15
CATCHMENT AREA: 15.1ha
% IMPERVIOUS: 31%
Tc impervious: 8min
Tc pervious: 26min
PRE-DEVELOPMENT FLOWS BASED ON DOWNSTREAM DESIGN
Q10 = 0.57m³/s tc = 33.9mins
Q100 = 1.29m³/s tc = 24.3mins
POST DEVELOPMENT 'DRAINS' RESULTS FOR OSD BASIN
ARI | STORM | OUTFLOW PIPE | OUTFLOW SPILLWAY | TOTAL SITE OUTFLOW | TOP WATER LEVEL | VOLUME STORED
10 | 1 hour | 0.55m³/s | - m³/s | 0.55m³/s | 846.04 | 1885m³
100 | 1 hour | 0.67m³/s | 0.58m³/s | 1.25m³/s | 847.21 | 4327m³
STORMWATER DETENTION BASIN INFORMATION
ORIFICE PLATE DIAMETER & LOCATION: CONTROL PIT - 450ID CONCRETE PIPE
SPILLWAY LENGTH: 3m wide
SPILLWAY LEVEL: RL 847.00
OSD BASIN STAGE /STORAGE DATA
WATER LEVEL | VOLUME (m3)
846.50 | 1100
846.50 | 2900
847.00 | 3900
847.50 | 4900
PROPOSED EASEMENT FOR ELECTRICITY PURPOSES 30 WIDE OR LESSER WIDTH TO ESSENTIAL ENERGY'S REQUIREMENTS
THIS PLAN IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY.
DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.
SERVICES AND EASEMENTS OTHER THAN THOSE SHOWN MAY AFFECT THE LAND. THESE MUST BE OBTAINED FROM DETAILED SITE SURVEY AND SURVEY SEARCH.
LEGEND
EXISTING TREE TO BE REMOVED
PROPOSED BUILDING ENVELOPE
DIAL BEFORE YOU DIG
F 3/06/16 AMENDMENTS AS REQUESTED R.A.H.
E 16/05/16 AMEND TO SUIT DCC R.A.H.
D 18/03/16 AMEND TO SUIT DCC R.A.H.
C 12/09/15 LAYOUT AMENDED R.A.H.
B 19/08/15 MINOR AMENDMENTS R.A.H.
A 1/08/15 ISSUED FOR DEVELOPMENT APPROVAL R.A.H.
No. DATE AMENDMENT DESCRIPTION APPD
SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:
SCALES: 1:750 (A1) 1:1500 (A3)
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HEATH CONSULTING ENGINEERS
CLIENT: Mrs. F. BLUNT
PROJECT: PROPOSED SUDIVISION OF LOT 1 D.P.581736 GORMAN ROAD, ORANGE
Sheet No. 3 of 4 Sheets
JOB No. 14_048
DRAWING No. 14048_DA03
DRAWING TITLE: PROPOSED BOUNDARIES
REV. F


DEAN DRIVE
DA APPROVED SUBDIVISION
DA No.249/2012
DA APPROVED SUBDIVISION
DA No.301/2012
OVERHEAD POWER LINES
ROAD No.1
DRAINAGE RESERVE
OPEN SPACE
HOUSE
MANNING ROAD
ZONED URBAN RESIDENTIAL
GORMAN ROAD
POSSIBLE FUTURE SUBDIVISION
LAYOUT SUBJECT TO DA
EXISTING URBAN RESIDENTIAL
DA APPROVED SUBDIVISION
DA No.286/2012
SILVERDOWN WAY
DA APPROVED SUBDIVISION
DA No.130/2009121
ORANGE CITY COUNCIL
DEVELOPMENT CONSENT
THESE ARE THE PLANS SUBMITTED TO
AND APPROVED BY COUNCIL SUBJECT TO
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OF: 6 September 2016
SIGNED:
DATE: 16 September 2016
N
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DIAL BEFORE YOU DIG
D 18/02/16 AMEND TO SUIT DCC R.A.H
C 12/02/15 LAYOUT AMENDED R.A.H
B 17/09/15 MINOR AMENDMENTS R.A.H
A 1/09/15 ISSUED FOR DEVELOPMENT APPROVAL R.A.H
No. DATE AMENDMENT DESCRIPTION APP'D
SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:
SCALES: 20 0 20 40 60 80 100m
SCALE 1:2000 (A3)
1:1000 (A1)
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HEATH CONSULTING ENGINEERS
351 SUMMER STREET
PO BOX 2501
ORANGE NSW 2800
Telephone: (02) 6360 0755
Facsimile: (02) 6360 0765
Email: admin@hc-thce.com
CLIENT: Mrs. F. BLUNT
PROJECT: PROPOSED SUDIVISION OF LOT 1 D.P.581736 GORMAN ROAD, ORANGE
Sheet No. 4 of 4 Sheets
JOB No. 14_048
DRAWING No. 14048_DA04
DRAWING TITLE: SURROUNDING DEVELOPMENT PATTERN
REV. D


ROAD No.1 & ROAD No.2 TO CH240.00 - TYPICAL ROAD SECTION
NOT TO SCALE
ROAD No.2 FROM CH255.00 - TYPICAL SECTION
NOT TO SCALE
THIS PLAN IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY.
DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.
SERVICES AND EASEMENTS OTHER THAN THOSE SHOWN MAY AFFECT THE LAND. THESE MUST BE OBTAINED FROM DETAILED SITE SURVEY AND SURVEY SEARCH.
ORANGE CITY COUNCIL
DEVELOPMENT CONSENT
THESE ARE THE PLANS SUBMITTED TO AND APPROVED BY COUNCIL SUBJECT TO THE CONDITIONS SET OUT IN THE DECISION
OF: 6 September 2016
SIGNED:
DATE: 16 September 2016
CUT/FILL
DESIGN SURFACE
NATURAL SURFACE
Chainage
Alignment Details
LONGITUDINAL SECTION - ROAD No. 1
SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:
SCALES: HORIZONTAL SCALE 1:500 (A1) 1:1000 (A3) VERTICAL SCALE 1:100 (A1) 1:200 (A3)
HEATH CONSULTING ENGINEERS
351 SUMMER STREET
PO BOX 2501
ORANGE NSW 2800
Telephone: (02) 6360 0755
Facsimile: (02) 6360 0766
Email: admin@heathce.com
CLIENT: Mrs. F. BLUNT
PROJECT: PROPOSED SUDIVISION OF LOT 1 D.P.581736 GORMAN ROAD, ORANGE
Sheet No. 2 of 15 Sheets
JOB No. 14_048
DRAWING No. 14048_DE02
DRAWING TITLE: LONGITUDINAL SECTION ROAD No. 1
REV. B
B 22/09/16 AMEND TO SUIT DCC R.A.H.
A 23/05/15 ISSUED FOR DEVELOPMENT APPROVAL R.A.H.
No. DATE AMENDMENT DESCRIPTION APP'D



ROAD No.1 & ROAD No.2 TO CH240.00 - TYPICAL ROAD SECTION
NOT TO SCALE



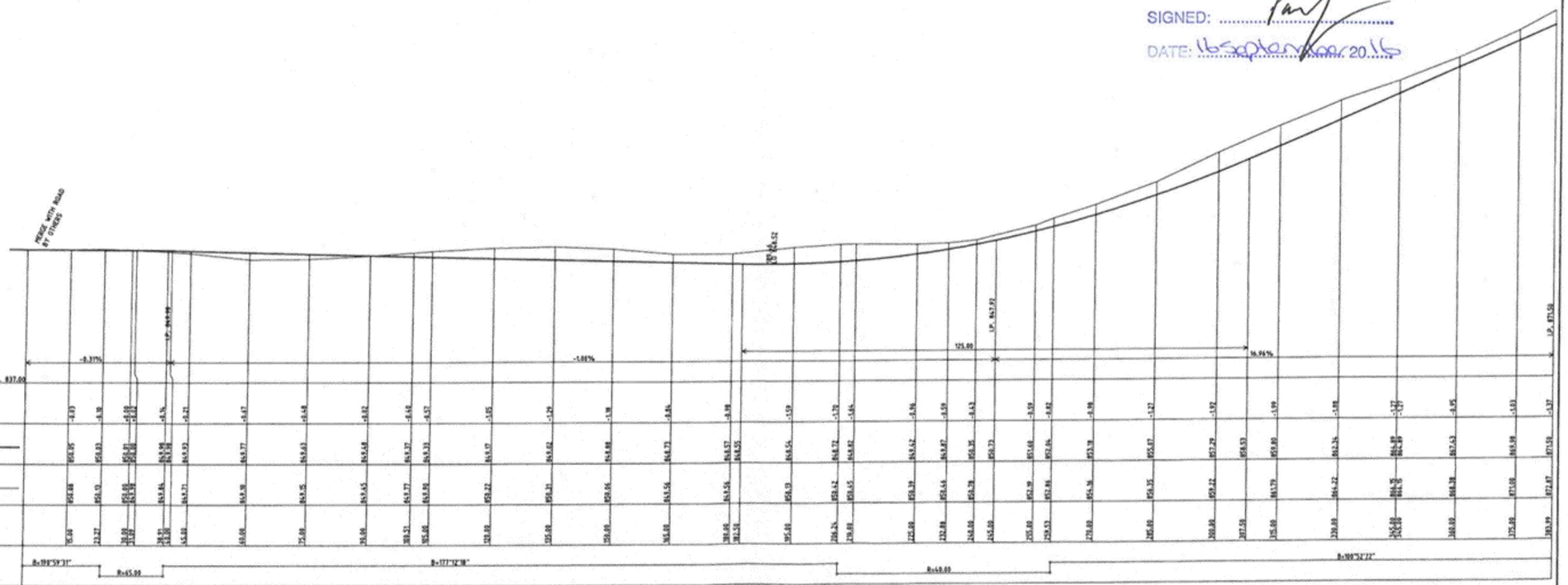
ROAD No.2 FROM CH255.00 - TYPICAL SECTION
NOT TO SCALE

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ORANGE CITY COUNCIL
DEVELOPMENT CONSENT
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OF: 6 September 2015
SIGNED: .....
DATE: 16 September 2015



LONGITUDINAL SECTION - ROAD No. 2

No.	DATE	AMENDMENT DESCRIPTION	APP'D
B	22/9/15	AMEND TO SUIT OCC	R.A.H
A	27/8/15	ISSUED FOR DEVELOPMENT APPROVAL	R.A.H

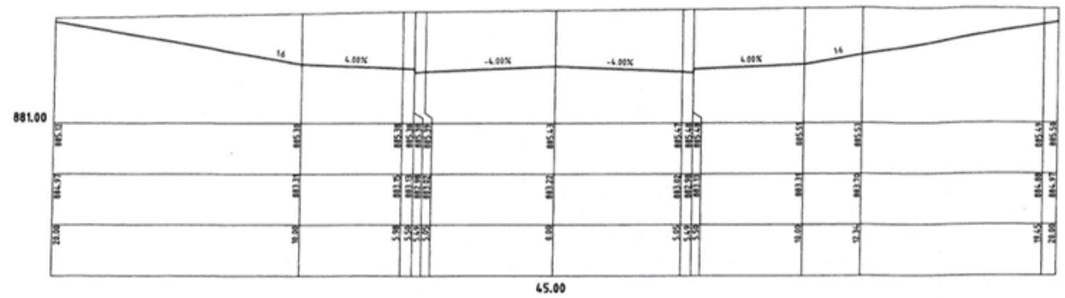
SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:

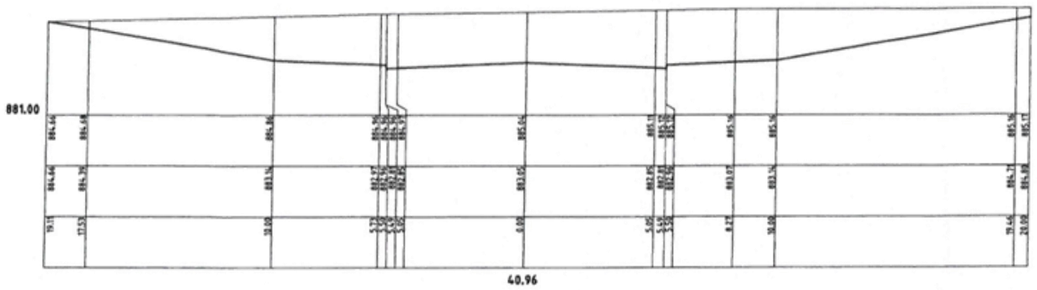
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HORIZONTAL SCALE 1:500 (A1) 1:1000 (A3) VERTICAL SCALE 1:200 (A1) 1:400 (A3)

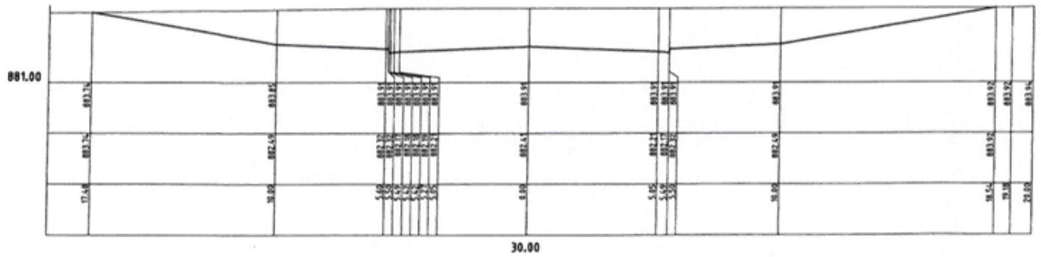
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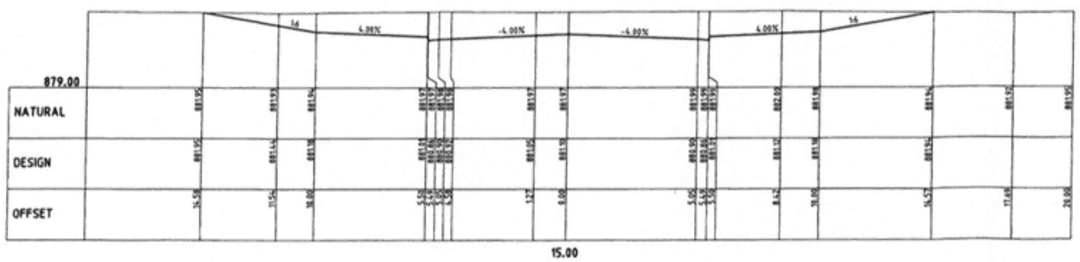
HEATH CONSULTING ENGINEERS
351 SUMMER STREET
PO BOX 2501
ORANGE NSW 2800
Telephone: (02) 6360 0755
Facsimile: (02) 6360 0766
Email: admin@heathce.com

CLIENT: Mrs. F. BLUNT
PROJECT: PROPOSED SUDIVISION OF LOT 1 D.P.581736 GORMAN ROAD, ORANGE
Sheet No. 9 of 15 Sheets
JOB No. 14_048
DRAWING No. 14048_DE03
DRAWING TITLE: LONGITUDINAL SECTION ROAD No. 2
REV. B









ORANGE CITY COUNCIL
DEVELOPMENT CONSENT
THESE ARE THE PLANS SUBMITTED TO
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OF: 6 September 2016
SIGNED:
DATE: 16 September 2016

No.	DATE	AMENDMENT DESCRIPTION	APP'D
B	22/01/16	AMEND TO SUIT OCC	R.A.H.
A	23/10/15	ISSUED FOR DEVELOPMENT APPROVAL	R.A.H.

SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:

SCALES: 1 0 1 2 3 4 5m
SCALE 1:100 (A1)
1:200 (A3)

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CLIENT: Mrs. F. BLUNT

PROJECT: PROPOSED SUDIVISION OF LOT 1 D.P.581736 GORMAN ROAD, ORANGE

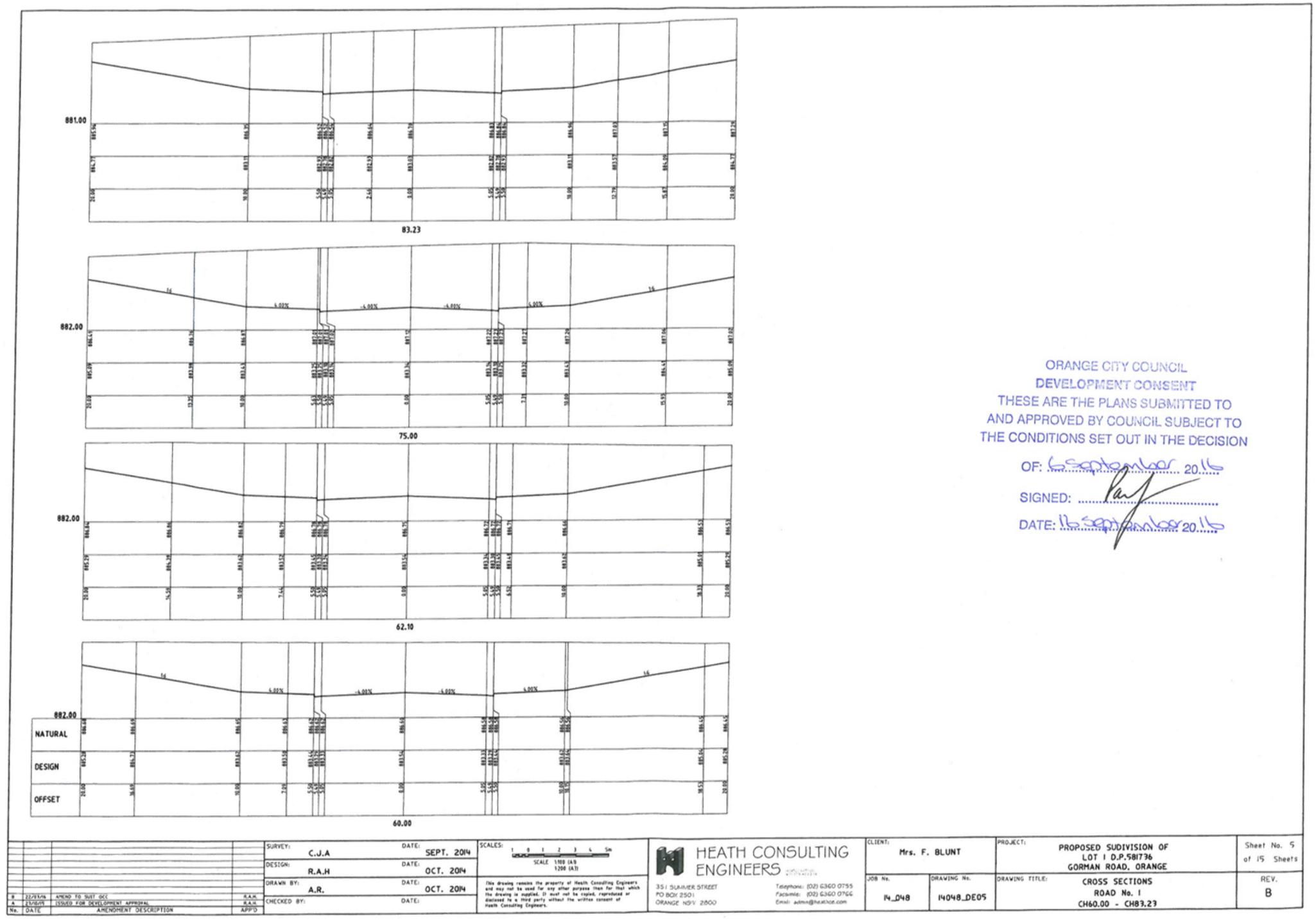
Sheet No. 4 of 15 Sheets

JOB No. 14_048

DRAWING No. 14048_DE04

DRAWING TITLE: CROSS SECTIONS ROAD No. 1 CH15.00 - CH45.00

REV. B



ORANGE CITY COUNCIL
DEVELOPMENT CONSENT
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OF: 6 September 2016
SIGNED:
DATE: 16 September 2016

No.	DATE	AMENDMENT DESCRIPTION	APP'D
B	22/09/16	AMEND TO SUIT OCC	R.A.H.
A	23/08/15	ISSUED FOR DEVELOPMENT APPROVAL	R.A.H.

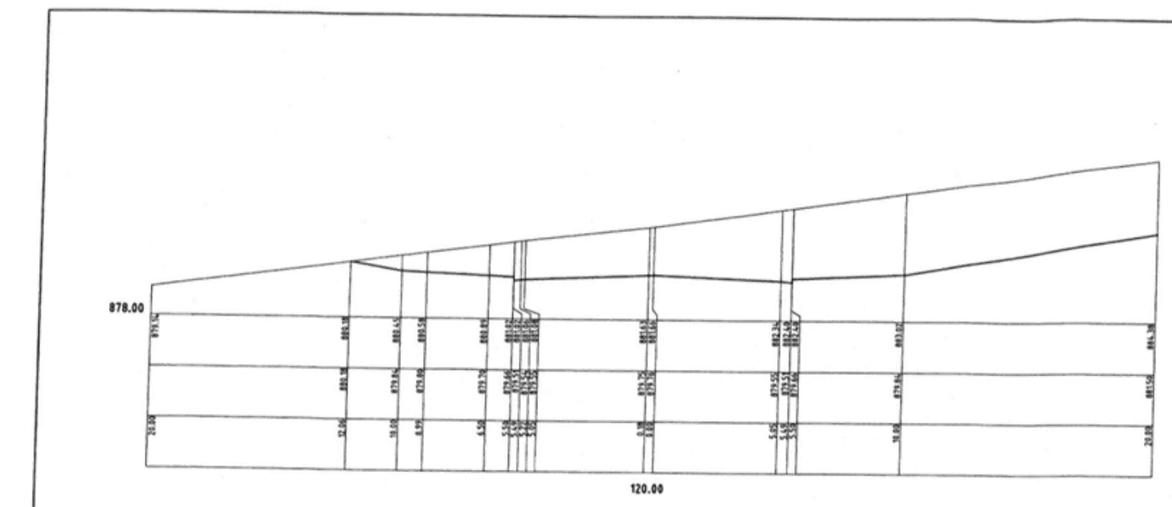
SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:

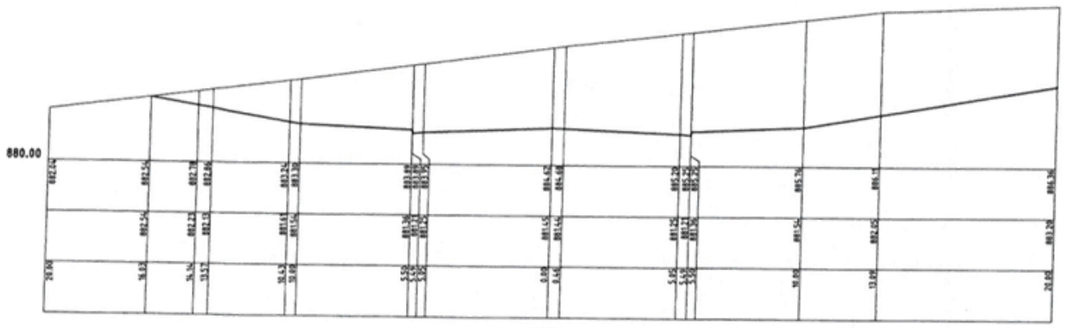
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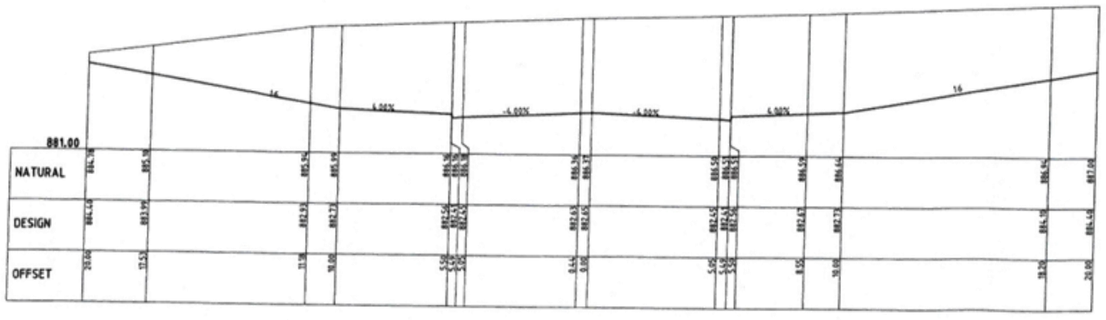
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CLIENT: Mrs. F. BLUNT
PROJECT: PROPOSED SUDIVISION OF LOT 1 D.P.581736 GORMAN ROAD, ORANGE
Sheet No. 5 of 15 Sheets
JOB No. 14_048
DRAWING No. 14048_DE05
DRAWING TITLE: CROSS SECTIONS ROAD No. 1 CH60.00 - CH83.23
REV. B







ORANGE CITY COUNCIL
DEVELOPMENT CONSENT
THESE ARE THE PLANS SUBMITTED TO
AND APPROVED BY COUNCIL SUBJECT TO
THE CONDITIONS SET OUT IN THE DECISION
OF: 6 September 20.16
SIGNED:
DATE: 14 September 20.16

No.	DATE	AMENDMENT DESCRIPTION	APPD
B	22/11/16	AMEND TO SUIT OCC	R.A.H.
A	23/8/16	ISSUED FOR DEVELOPMENT APPROVAL	R.A.H.

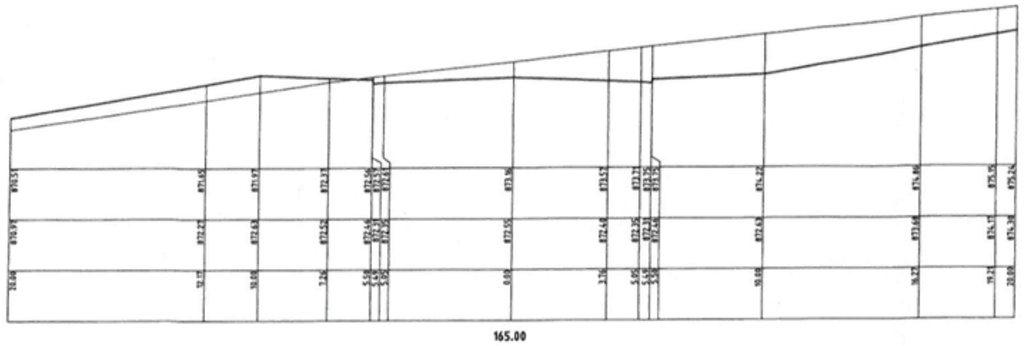
SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:

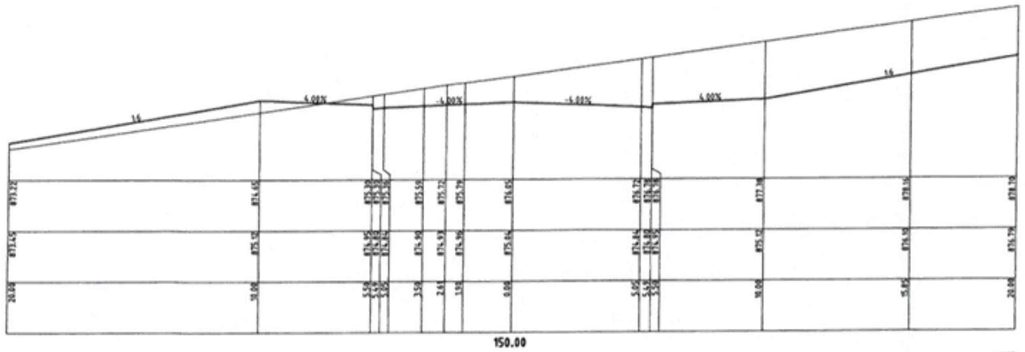
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SCALE 1:100 (A1)
1:200 (A3)

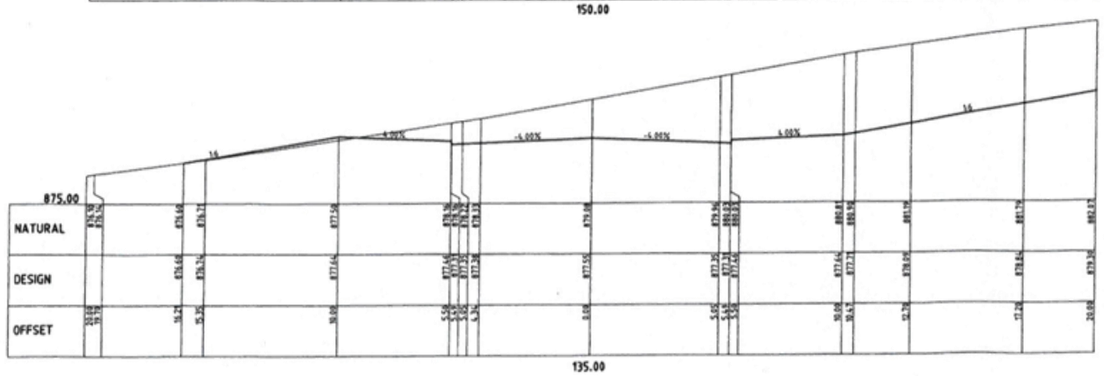
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CLIENT: Mrs. F. BLUNT
PROJECT: PROPOSED SUDIVISION OF LOT 1 D.P.581736 GORMAN ROAD, ORANGE
Sheet No. 6 of 15 Sheets
JOB No. 14_048
DRAWING No. 14048_DE06
DRAWING TITLE: CROSS SECTIONS ROAD No. 1 CH90.00 - CH120.00
REV. B







ORANGE CITY COUNCIL
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THE CONDITIONS SET OUT IN THE DECISION
OF: 6 September 2016
SIGNED:
DATE: 16 September 2016

No.	DATE	AMENDMENT DESCRIPTION	APP'D
B	22/09/16	AMEND TO SUIT OCC	R.A.H.
A	23/05/14	ISSUED FOR DEVELOPMENT APPROVAL	R.A.H.

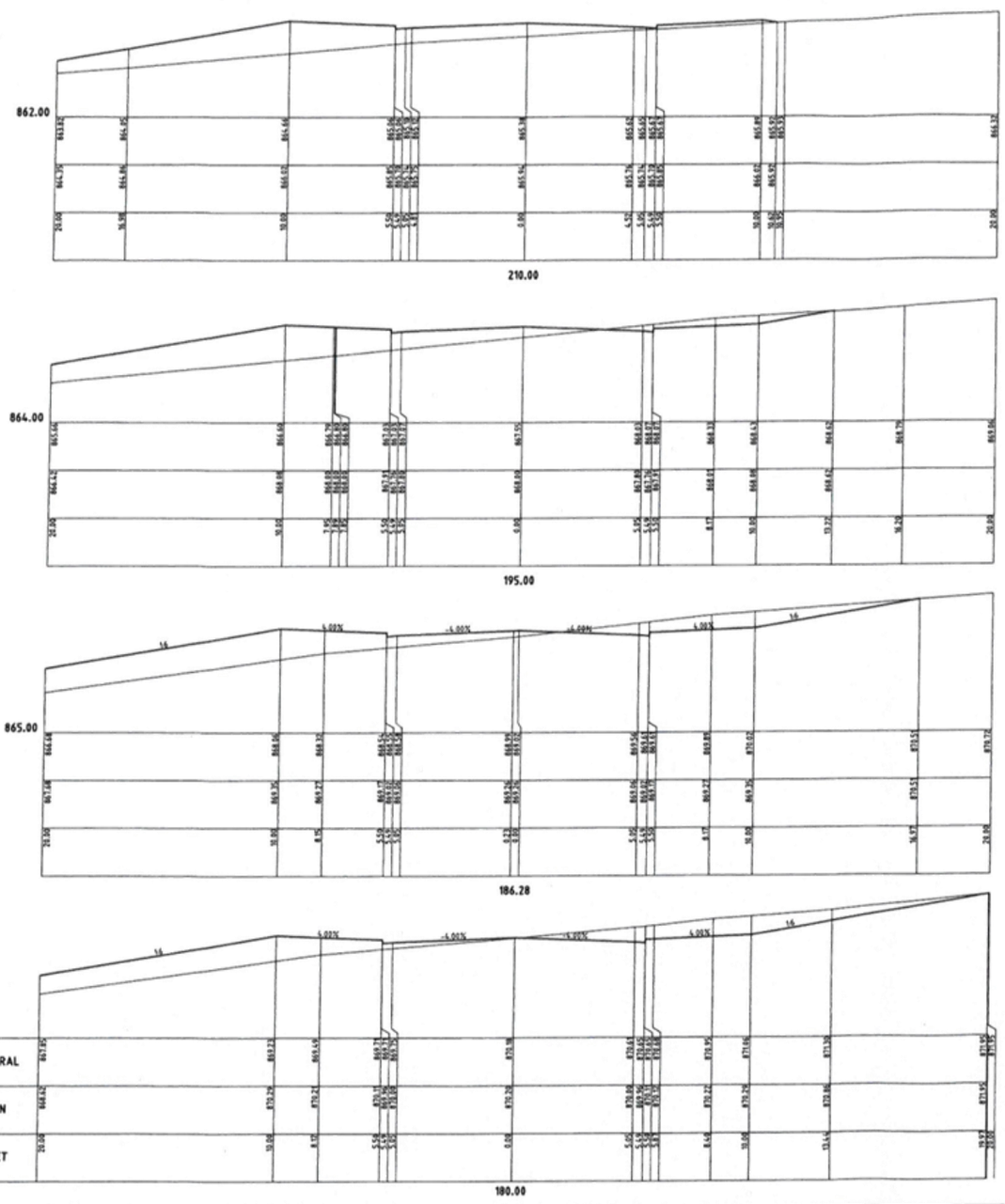
SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:

SCALES: 1 0 1 2 3 4 5m
SCALE 1:100 (A1) 1:200 (A3)

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PO BOX 2501
ORANGE NSW 2800
Telephone: (02) 6360 0755
Facsimile: (02) 6360 0766
Email: admin@heathce.com

CLIENT: Mrs. F. BLUNT
PROJECT: PROPOSED SUDIVISION OF LOT 1 D.P.581736 GORMAN ROAD, ORANGE
Sheet No. 7 of 15 Sheets
JOB No. 14_048
DRAWING No. 14048_DE07
DRAWING TITLE: CROSS SECTIONS ROAD No. 1 CH135.00 - CH165.00
REV. B



ORANGE CITY COUNCIL
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DATE: 16 September 2016

No.	DATE	AMENDMENT DESCRIPTION	APP'D
B	22/03/16	AMEND TO SUIT OCC	R.A.H.
A	23/10/15	ISSUED FOR DEVELOPMENT APPROVAL	R.A.H.

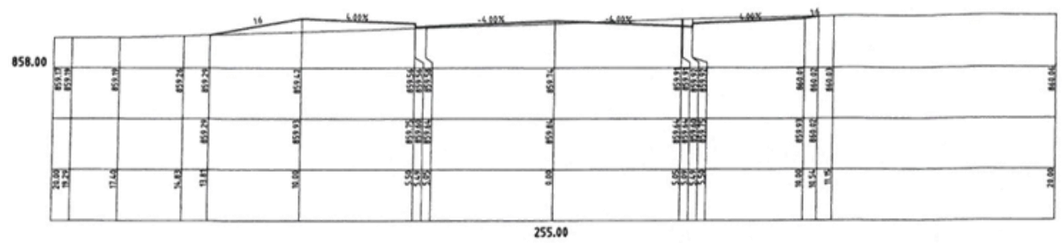
SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:

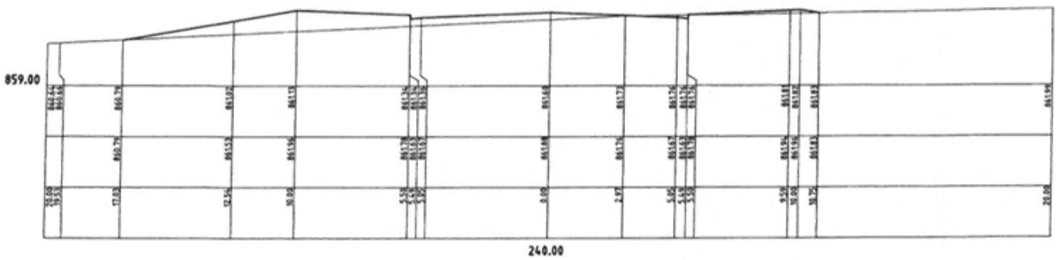
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1:200 (A3)

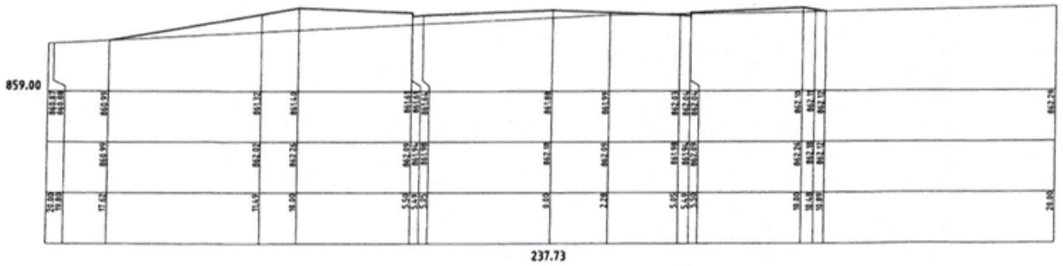
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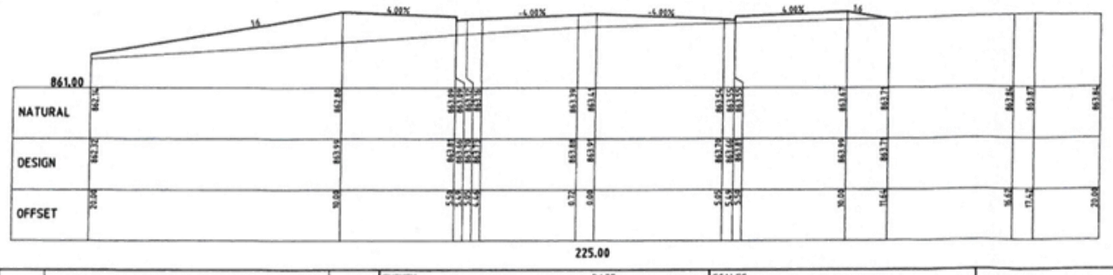
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Email: admin@heathce.com

CLIENT: Mrs. F. BLUNT
PROJECT: PROPOSED SUDIVISION OF LOT 1 D.P.581736 GORMAN ROAD, ORANGE
Sheet No. 8 of 15 Sheets
JOB No. 14_048
DRAWING No. 14048_DE08
DRAWING TITLE: CROSS SECTIONS ROAD No. 1 CH180.00 - CH210.00
REV. B









ORANGE CITY COUNCIL
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B	22/03/16	AMEND TO SUIT OCC	R.A.H.
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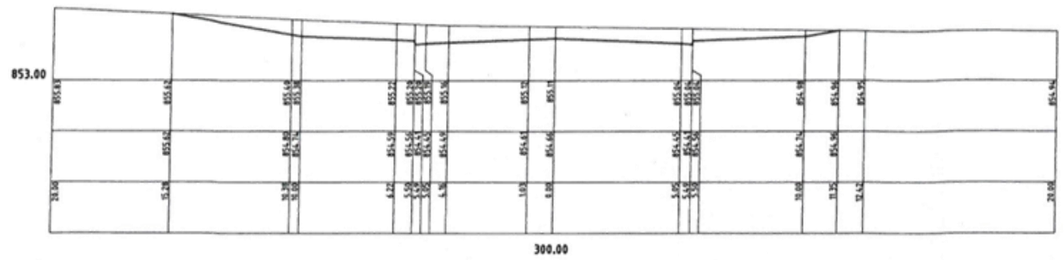
SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:

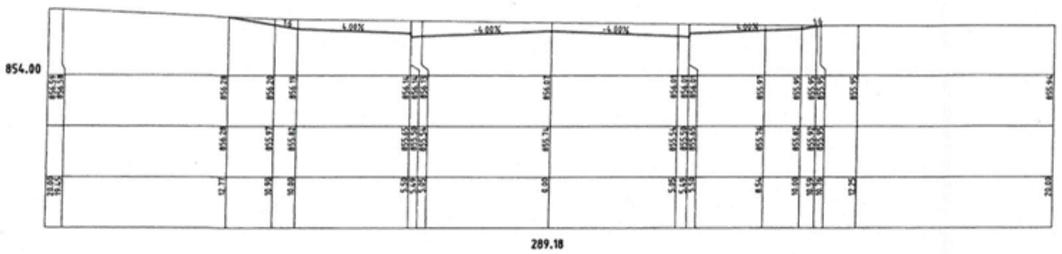
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1:200 (A1)

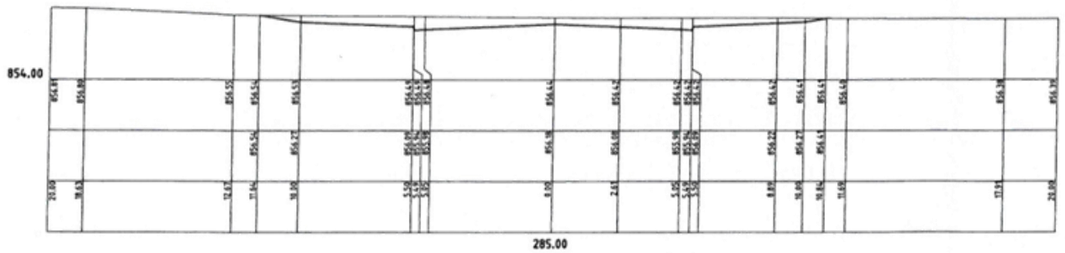
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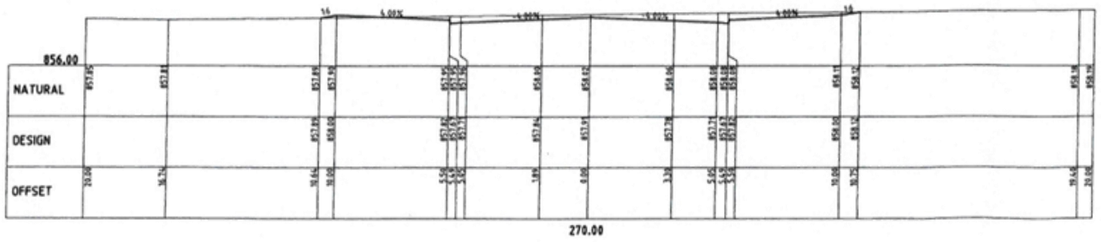
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CLIENT: Mrs. F. BLUNT
PROJECT: PROPOSED SUDIVISION OF LOT 1 D.P.581736 GORMAN ROAD, ORANGE
Sheet No. 9 of 15 Sheets
JOB No. 14_048
DRAWING No. 14048_DE09
DRAWING TITLE: CROSS SECTIONS ROAD No. 1 CH225.00 - CH255.00
REV. B









ORANGE CITY COUNCIL
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SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:

SCALES: 1 0 1 2 3 4 5m
SCALE 1:100 (A3)
1:200 (A1)

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PROJECT: PROPOSED SUDIVISION OF LOT 1 D.P.581736 GORMAN ROAD, ORANGE

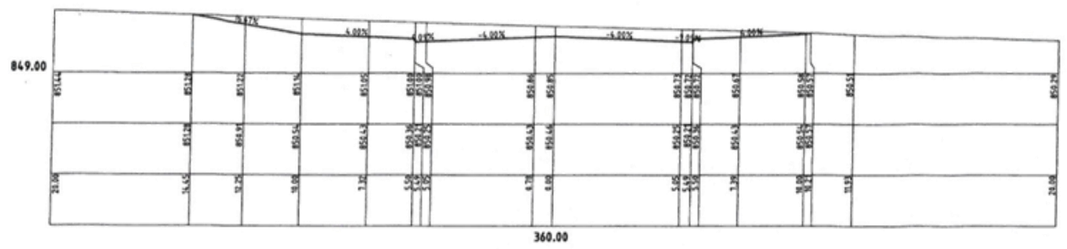
Sheet No. 10 of 15 Sheets

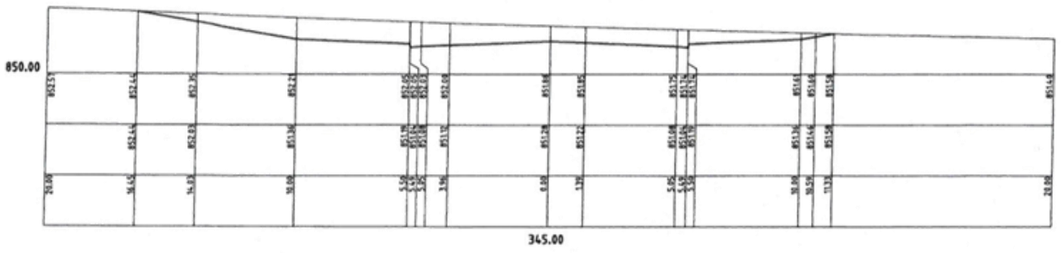
JOB No. 14_048

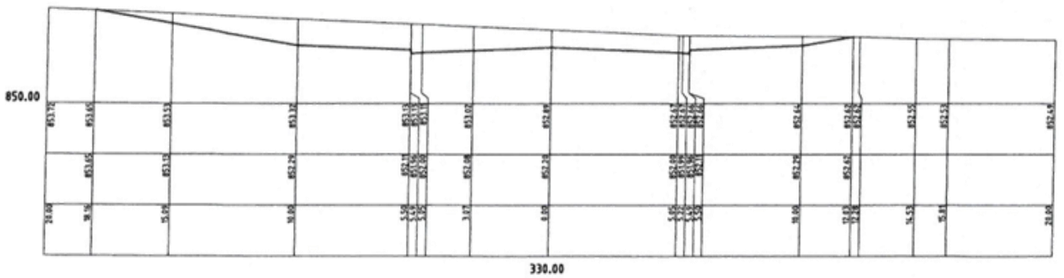
DRAWING No. 14048_DE10

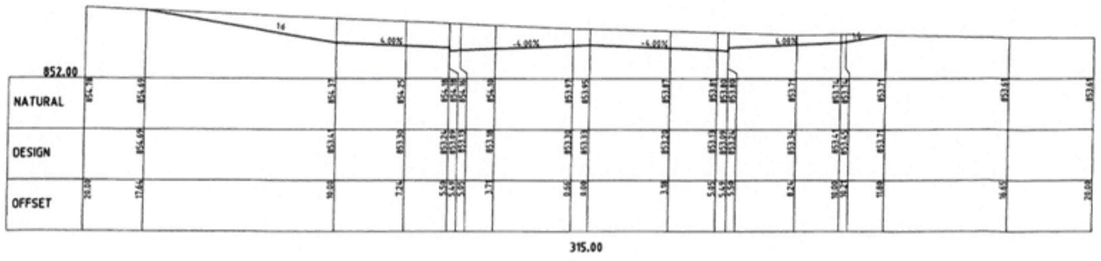
DRAWING TITLE: CROSS SECTIONS ROAD No. 1 CH270.00 - CH300.00

REV. B









ORANGE CITY COUNCIL
DEVELOPMENT CONSENT
THESE ARE THE PLANS SUBMITTED TO
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OF: 15 September 20 16
SIGNED:
DATE: 15 September 20 16

No.	DATE	AMENDMENT DESCRIPTION	APP'D
B	22/03/16	AMEND TO SUIT OCC	R.A.H.
A	23/10/15	ISSUED FOR DEVELOPMENT APPROVAL	R.A.H.

SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:

SCALES: 1 0 1 2 3 4 5m
SCALE 1:100 (A1) 1:200 (A3)

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CLIENT: Mrs. F. BLUNT

PROJECT: PROPOSED SUDIVISION OF LOT 1 D.P.581736 GORMAN ROAD, ORANGE

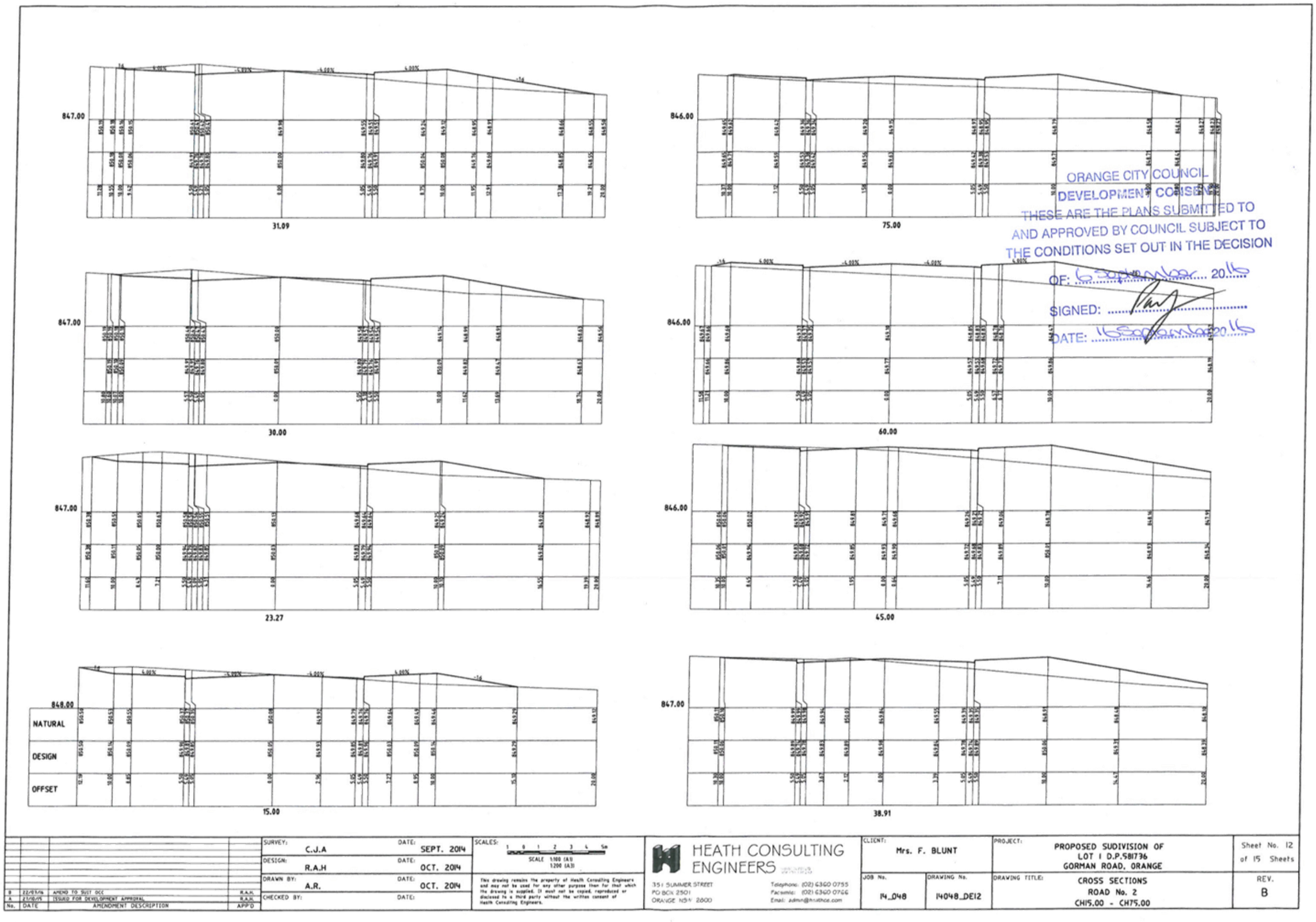
Sheet No. 11 of 15 Sheets

JOB No. 14_048

DRAWING No. 14048_DE10

DRAWING TITLE: CROSS SECTIONS ROAD No. 1 CH315.00 - CH360.00

REV. B



ORANGE CITY COUNCIL
DEVELOPMENT CONSENT
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DATE: 16 November 2015

No.	DATE	AMENDMENT DESCRIPTION	APP'D
B	22/09/15	AMEND TO SUIT OCC	R.A.H.
A	21/08/15	ISSUED FOR DEVELOPMENT APPROVAL	R.A.H.

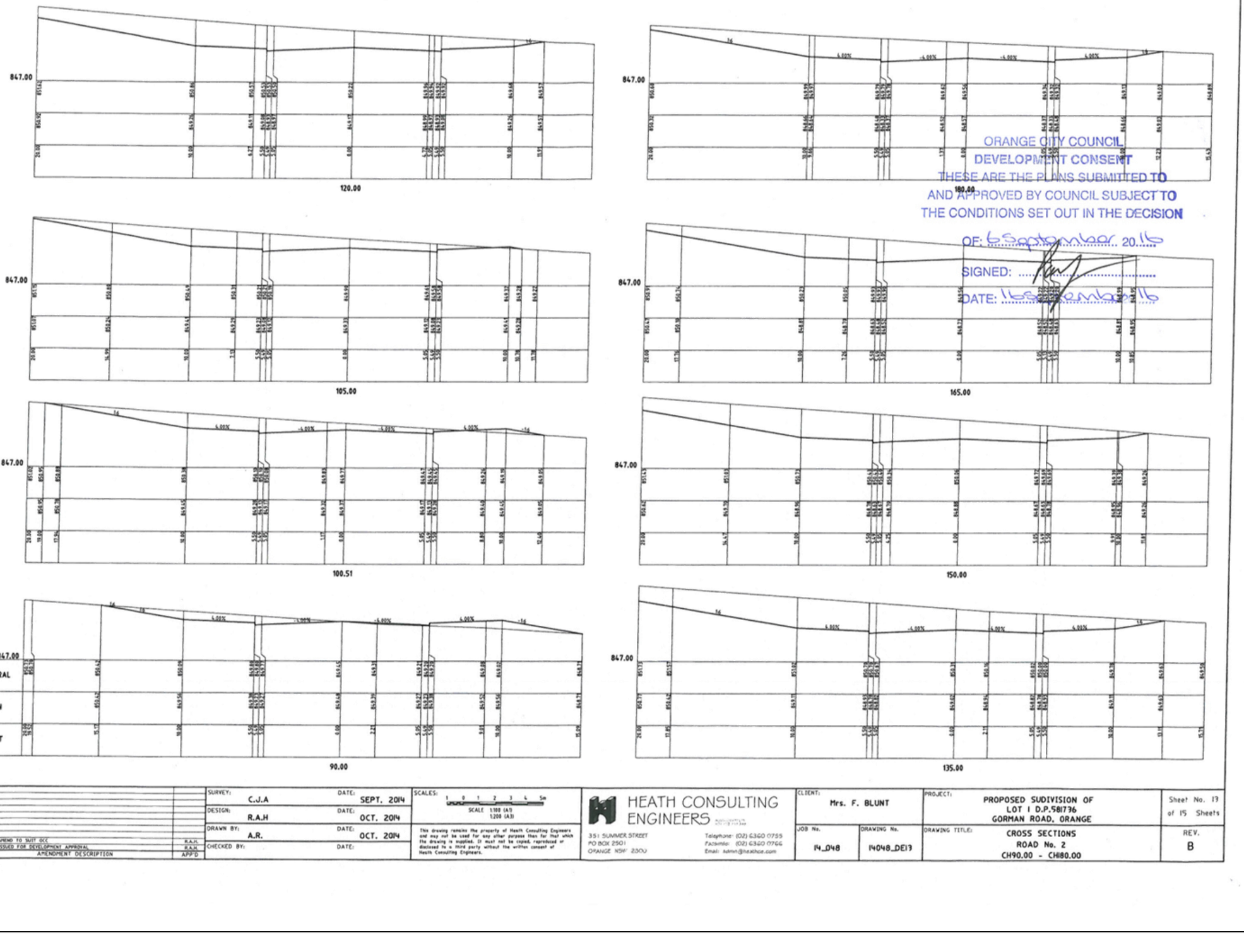
SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:

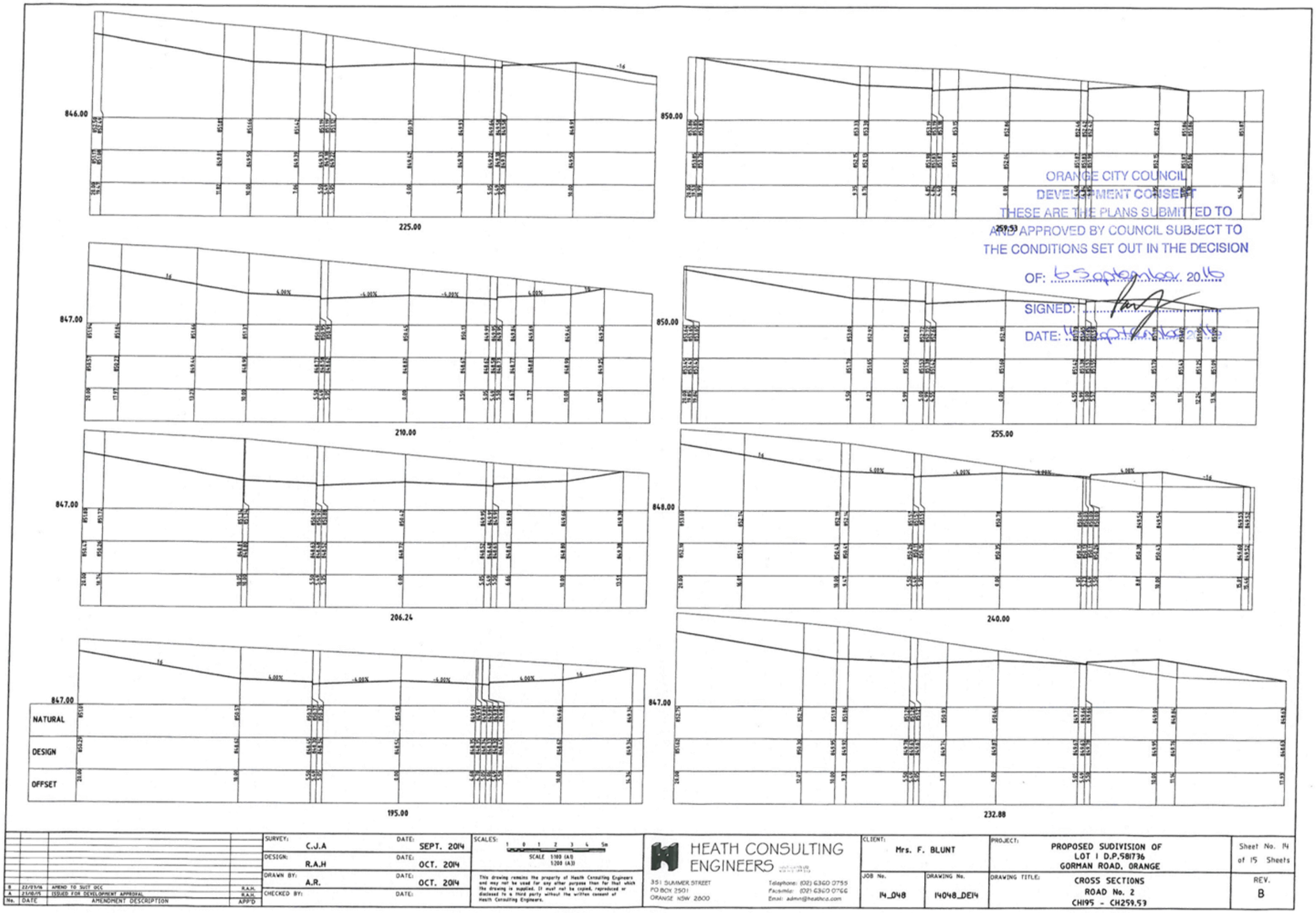
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1:200 (A1)

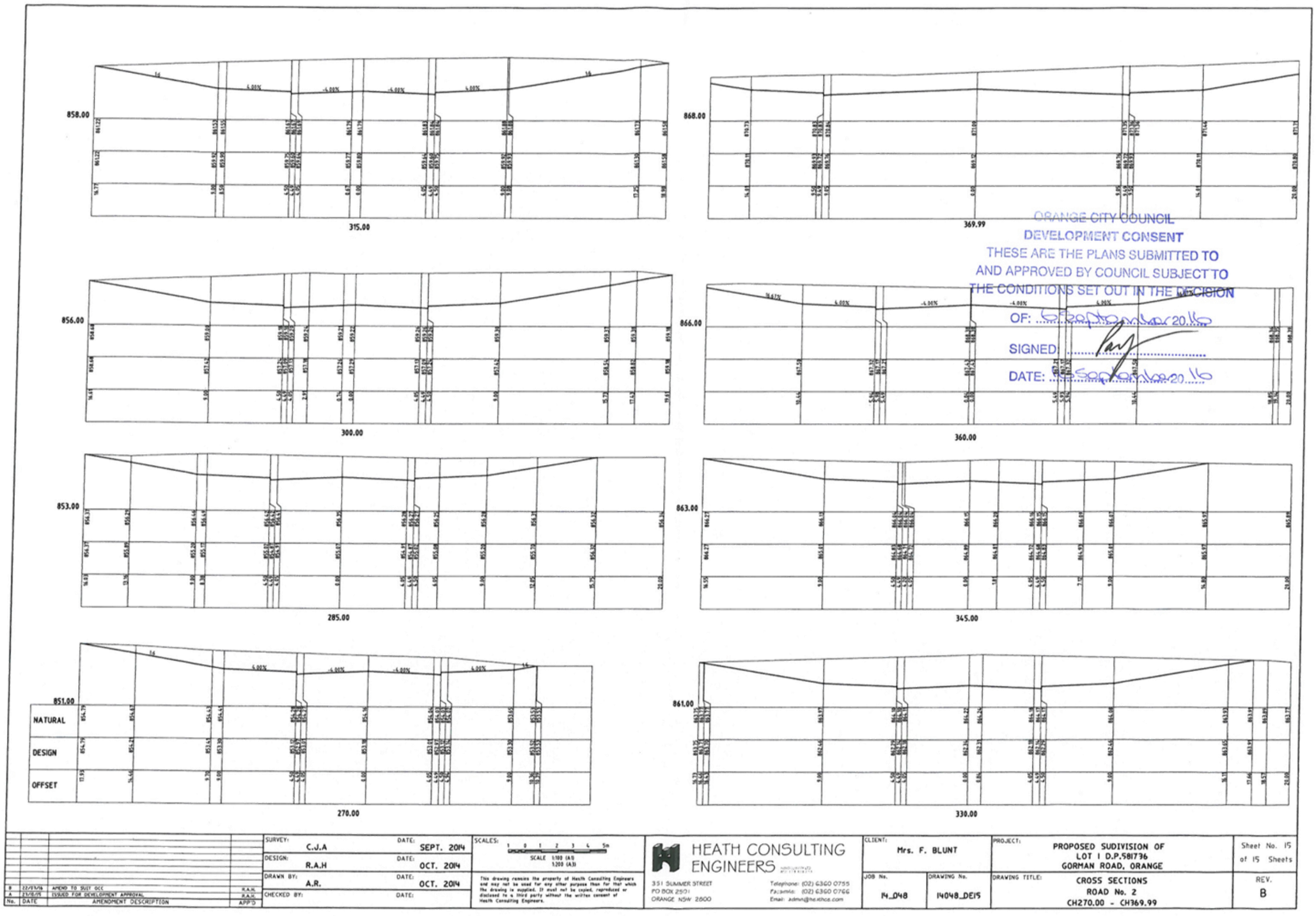
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CLIENT: Mrs. F. BLUNT
PROJECT: PROPOSED SUDIVISION OF LOT 1 D.P.581736 GORMAN ROAD, ORANGE
Sheet No. 12 of 15 Sheets
JOB No. 14_048
DRAWING No. 14048_DE12
DRAWING TITLE: CROSS SECTIONS ROAD No. 2 CH15.00 - CH75.00
REV. B


847.00
120.00
847.00
180.00
847.00
105.00
847.00
165.00
847.00
100.51
847.00
150.00
847.00
NATURAL
DESIGN
OFFSET
90.00
847.00
135.00
ORANGE CITY COUNCIL
DEVELOPMENT CONSENT
THESE ARE THE PLANS SUBMITTED TO
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SIGNED:
DATE: 16 September 2016
SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:
SCALES: SCALE 1:100 (A1) 1:200 (A3)
B 22/03/16 AMEND TO SUIT OCC R.A.H.
A 23/10/15 ISSUED FOR DEVELOPMENT APPROVAL R.A.H.
No. DATE AMENDMENT DESCRIPTION APP'D
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CLIENT: Mrs. F. BLUNT
PROJECT: PROPOSED SUDIVISION OF LOT 1 D.P.581796 GORMAN ROAD, ORANGE
Sheet No. 13 of 15 Sheets
JOB No. 14_048
DRAWING No. 14048_DE13
DRAWING TITLE: CROSS SECTIONS ROAD No. 2 CH90.00 - CH180.00
REV. B

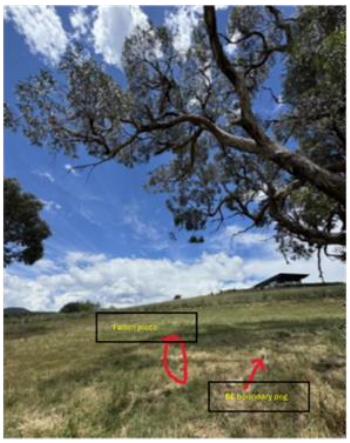

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NATURAL
DESIGN
OFFSET
195.00
847.00
232.88
ORANGE CITY COUNCIL
DEVELOPMENT CONSENT
THESE ARE THE PLANS SUBMITTED TO
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OF: 5 September 2015
SIGNED:
DATE: 15 September 2015
B 22/09/16 AMEND TO SUIT OCC R.A.H.
A 23/08/15 ISSUED FOR DEVELOPMENT APPROVAL R.A.H.
No. DATE AMENDMENT DESCRIPTION APP'D
SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:
SCALES:
SCALE 1:100 (A1)
1:200 (A3)
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CLIENT: Mrs. F. BLUNT
PROJECT: PROPOSED SUDIVISION OF LOT 1 D.P.581736 GORMAN ROAD, ORANGE
Sheet No. 14 of 15 Sheets
JOB No. 14_048
DRAWING No. 14048_DE14
DRAWING TITLE: CROSS SECTIONS ROAD No. 2 CH195 - CH259.53
REV. B


858.00
315.00
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NATURAL
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OFFSET
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ORANGE CITY COUNCIL
DEVELOPMENT CONSENT
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A 13/10/15 ISSUED FOR DEVELOPMENT APPROVAL R.A.H.
No. DATE AMENDMENT DESCRIPTION APP'D
SURVEY: C.J.A DATE: SEPT. 2014
DESIGN: R.A.H DATE: OCT. 2014
DRAWN BY: A.R. DATE: OCT. 2014
CHECKED BY: DATE:
SCALES: 1 0 1 2 3 4 5m
SCALE 1:100 (A1)
1:200 (A3)
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Sheet No. 15 of 15 Sheets
JOB No. 14_048
DRAWING No. 14048_DE15
DRAWING TITLE: CROSS SECTIONS ROAD No. 2 CH270.00 - CH369.99
REV. B

Street Address	9 Hilldale Crescent Orange NSW 2800
Owner/s	
Land Description	Lot 339 DP 1272081
Land Zoning	R5 – Large Lot Residential
Date	16 November 2025
Author	

I am writing to report an incident involving a fallen tree branch within the existing building envelope that occurred over the past week. A section of branch approximately 0.67 metres in length detached from the tree and landed within the development area, approximately 2m within the boundary.

This occurrence has been documented for record-keeping and monitoring purposes.









Impact of a falling object

Assumptions – air resistance negligible

Item	Value / Equation
Mass (kg)	3.8
Fall distance (m)	10
Velocity at impact (m/s)	$V_f^2 = V_i^2 + 2g\Delta D$ $V_f = final\ velocity\ \left(\frac{m}{s}\right)$ $V_i = initial\ velocity\ \left(\frac{m}{s}\right)$ $g = gravitational\ acceleration: 9.81\ \left(\frac{m}{s^2}\right)$ $\Delta D = change\ in\ distance\ (m)$
Gravitational Potential Energy (J)	$GPE = mgh$ $m = mass$ $h = height$
Force on impact (N)	$F = \frac{1}{2}\frac{mV^2}{d}$ $V = velocity\ at\ impact\ \left(\frac{m}{s}\right)$ $d = deformation\ at\ impact\ (m)$

Energy of branch of at rest at10m height	Velocity at impact falling 10m
$GPE = mgh$ $GPE = 3.85 \times 9.81 \times 10$ $GPE = 377.685J$	$V_f^2 = V_i^2 + 2g\Delta D$ Initial velocity is 0 therefore the formular can be simplified $V_f^2 = 2g\Delta D$ $V_f^2 = 2 \times 9.81 \times 10$ $V_f^2 = 196.2$ $V_f = 14\frac{m}{s}$ This is 50km/h, speed limit on most roads
Force on impact	
Assume the branch impacts a person on the head and skull caves in by 5cm before stopping $F = \frac{1}{2}\frac{mV^2}{d}$ $F = \frac{1}{2} \times \frac{3.85 \times 14^2}{0.05}$ $F = 7{,}546N$ This is equivalent to 769kg, 5 Ford Ranger engines **Interesting fact:** Car bumpers are designed to crumple upon impact. This helps absorb and dissipate the energy generated during a collision, reducing the force transferred to personnel in vehicle, unlike the human head	

Incidents caused by gumtree fallen branches

Website	Published date
https://www.abc.net.au/news/2025-03-12/second-falling-tree-branch-incident-in-adelaide/105041578	12/3/2025
https://www.abc.net.au/news/2024-10-19/victoria-kevington-tree-collapse-man-dies/104493314	19/10/2024
https://www.abc.net.au/news/2024-11-27/man-killed-by-fallen-tree-branch-at-yarrawonga/104651370	27/11/2024
https://www.abc.net.au/news/2024-12-31/two-injured-by-fallen-tree-branch-near-shrine-of-remembrance/104774918	31/12/2024
https://www.abc.net.au/news/2024-02-29/falling-trees-indonesia-student-should-we-be-worried/103493198	29/2/2024





History of Orange Expansion: Documented 09 Nov. 2019

Before (Google Earth)	After (Google Earth)	Google Maps Street View
28 April 2017	2 October 2023	March 2010
 Corner of William Maker Drive & Northen Distributor Road		

Before (Google Earth)	After (Google Earth)	Now	
9 March 2018	2 October 2023	9 November 2025	
 Westerly Way, DP1267568 Tilston Way, DP1233465		 Westerly Way, DP1267568	 Tilston Way, DP1233465

History of Orange Expansion: Documented 09 Nov. 2019

Before (Google Earth)	After (Google Earth)	Apple Maps Street View
1 Feb 2023	2 October 2023	December 2019
 Rifle Range Road, DP1298186		

History of Orange Expansion: Documented 09 Nov. 2019

Before	After
2 April 2022	2 October 2023
	

History of Orange Expansion: Documented 09 Nov. 2019

Before	After	Orange.gov Website
20 September 2022	2 October 2023	23 November 2023
 Brabham Way (Road Construction) C2 Zoning - Environmental Conservation		

 Brabham Way		

History of Orange Expansion: Documented 09 Nov. 2019

Before	After
3 December 2018	2 October 2025
	
Connemara Drive (Road Extension)	

History of Orange Expansion: Documented 09 Nov. 2019

Before	After
2 October 2025	9 November 2025
	
Shiralee Road, DP1267518 Lysterfield Village	