



PLANNING & DEVELOPMENT COMMITTEE

AGENDA

3 FEBRUARY 2026

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **PLANNING & DEVELOPMENT COMMITTEE MEETING** of **ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE** on **Tuesday, 3 February 2026**.

Scott Maunder
CHIEF EXECUTIVE OFFICER

For apologies please contact Executive Support on 6393 8391.

AGENDA

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1 INTRODUCTION

MEMBERS

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

1.1 Apologies and Leave of Absence

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

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

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

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

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

RECOMMENDATION

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

2 GENERAL REPORTS

2.1 Items Approved Under the Delegated Authority of Council

RECORD NUMBER: 2026/11

AUTHOR: Paul Johnston, Manager Development Assessments

EXECUTIVE SUMMARY

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

LINK TO DELIVERY/OPERATIONAL PLAN

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

FINANCIAL IMPLICATIONS

Nil.

POLICY AND GOVERNANCE IMPLICATIONS

Nil.

RECOMMENDATION

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

FURTHER CONSIDERATIONS

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

Service/Project Delivery	Nil
Financial	Nil
Reputation/Political	Nil
Environment	Nil
Compliance	Nil
People & WHS	Nil
Information Technology/ Cyber Security	Nil

SUPPORTING INFORMATION

Reference: DA 332/2019(2) Determination Date: 9 December 2025

PR Number PR26131

Applicant/s: Jasbe Pty Ltd

Owner/s: Jasbe Orange Pty Ltd

Location: Lot 4 DP 1185665 - 185 Leeds Parade, Orange

Proposal: Modification of development consent - highway service centre, business identification signage, demolition (remnant farm buildings), tree removal, road and drainage

Value: Not applicable

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 204/2022(3) **Determination Date:** 18 December 2025
PR Number PR30326
Applicant/s: Commins PLANVIEW P/L
Owner/s: Kueb Pty Ltd
Location: Lot 1 DP 1310758 - 4 Hamer Street, Orange
Proposal: Modification of development consent - dual occupancy and subdivision (two lot Torrens title). The applicant requested that Condition 101 be amended to allow the Subdivision Certificate to be issued following completion and inspection of the dwelling slabs, rather than requiring full completion of both dwellings. This request is based on extended processing timeframes associated with NSW Land Registry Services and does not alter any built form or functional aspect of the development.
The application also sought to delete Conditions 8 and 50, which relate to external colours, finishes and architectural detailing. Updated plans, prepared in consultation with Council's Heritage Advisor, now incorporate the required heritage outcomes.
Value: Not applicable

Reference: DA 119/2025(2) **Determination Date:** 3 December 2025
PR Number PR14151
Applicant/s: Orange City Council
Owner/s: Orange City Council
Location: Lot 209 DP 42900 - 1610 Forest Road, Orange
Proposal: Modification of development consent - recreation facility (major) Stage 2. The modification relates solely to Term 10 of the Heritage NSW General Terms of Approval, which currently requires the Heritage Interpretation Plan to be prepared and approved prior to the issue of the Construction Certificate.
The applicant sought an administrative change to the timing of this requirement to avoid delaying construction, noting that the Interpretation Plan will still be prepared and implemented in accordance with the Heritage NSW guidelines.
Value: Not applicable

Reference: DA 144/2025(3) **Determination Date:** 8 December 2025
PR Number PR26108
Applicant/s: Harry Seidler & Associates Pty Ltd
Owner/s: Master Builders Association of New South Wales
Location: Lot 300 DP 1183165 - 171 Dalton Street, Orange
Proposal: Modification of development consent - mixed-use development (industrial training facility and general industrial units). The modification relates to correcting the consent to align with verified flood planning levels and the approved plans.
Value: Not applicable

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 144/2025(4) **Determination Date:** 7 January 2026
PR Number PR26108
Applicant/s: Harry Seidler & Associates Pty Ltd
Owner/s: Master Builders Association of New South Wales
Location: Lot 300 DP 1183165 - 171 Dalton Street, Orange
Proposal: Modification of development consent - mixed-use development (industrial training facility and general industrial units). The modification relates to correcting the consent to align with verified flood planning levels and the approved plans.

Value: Not applicable

Reference: DA 234/2025(1) **Determination Date:** 3 December 2025
PR Number PR7304
Applicant/s: Robin Hood Business Pty Ltd
Owner/s: Robin Hood Lane Pty Ltd
Location: Lot 64 DP 706356 - 30 Burrendong Way, Orange
Proposal: Pub (alterations and additions).
Value: \$337,700

Reference: DA 281/2025(1) **Determination Date:** 12 December 2025
PR Number PR25190
Applicant/s: Keratin NSW Pty Ltd
Owner/s: Keratin NSW Pty Ltd
Location: Lot 4 SP 84946 - 4/2 Gateway Crescent, Orange
Proposal: Light Industry (change of use from warehouse and alterations and additions).
Value: \$117,700

Reference: DA 282/2025(1) **Determination Date:** 3 December 2025
PR Number PR4111
Applicant/s: Solar Professionals
Owner/s: Health Support Linen Services
Location: Lot 151 DP750401 - 1486 Forest Road, Orange
Proposal: Electricity generating works (ground-mounted solar panels) and demolition (tree removal).
Value: \$360,267

Reference: DA 318/2025(1) **Determination Date:** 27 November 2025
PR Number PR27788
Applicant/s: Commins PLANVIEW P/L
Owner/s: Mr LW Bevan and Laurellen Pty Ltd
Location: Lot 401 DP 1232601 - 9 Townsend Way, Orange
Proposal: Vehicle Repair Station (new industrial building and first use).
Value: \$991,000

2.1 Items Approved Under the Delegated Authority of Council

Reference:	DA 322/2025(1)	Determination Date:	12 December 2025
PR Number	PR30450		
Applicant/s:	Commins PLANVIEW P/L		
Owner/s:	Condon Superannuation Investments Pty Ltd		
Location:	Lot 100 DP 1316926 - 4621 Mitchell Highway, Lucknow		
Proposal:	Category 1 remediation and office premises or business premises (construction and use).		
Value:	\$390,676		
Reference:	DA 354/2025(1)	Determination Date:	17 December 2025
PR Number	PR19714		
Applicant/s:	Apex Towing Orange Pty Ltd		
Owner/s:	Lozciv Pty Ltd		
Location:	Lot 4 DP 1074254 - 179 March Street, Orange		
Proposal:	Transport depot (holding yard) and business identification signage.		
Value:	Not applicable		
Reference:	DA 364/2025(1)	Determination Date:	19 December 2025
PR Number	PR26311		
Applicant/s:	Commins PLANVIEW P/L		
Owner/s:	Orange City Council		
Location:	Lot 80 DP 1190216 - 123 Kite Street, Orange		
Proposal:	Entertainment Facility (Events Venue) - Temporary Use of Land.		
Value:	Not applicable		
Reference:	DA 376/2025(1)	Determination Date:	12 December 2025
PR Number	PR782		
Applicant/s:	Raven Ink Studios Pty Ltd		
Owner/s:	Mr A and Mrs BK Bashara		
Location:	Lot 4 SP 32554 - 4/212 Anson Street, Orange		
Proposal:	Business premises (tattoo parlour).		
Value:	\$22,000		
Reference:	DA 380/2025(1)	Determination Date:	16 December 2025
PR Number	PR12848		
Applicant/s:	Hibbards Pty Ltd		
Owner/s:	Hibbards Pty Ltd		
Location:	Lot 3 DP 14453 - 190 Woodward Street, Orange		
Proposal:	Dwelling house, earthworks, retaining walls and structural support.		
Value:	\$410,000		

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 382/2025(1) **Determination Date:** 18 December 2025
PR Number PR28656
Applicant/s: Mr TS Bassmann
Owner/s: Mr JB Kuchel
Location: Lot 202 DP 1263131 - 142 Favell Road, Shadforth
Proposal: Dwelling (two storey), attached garage, rainwater tank, retaining walls and repositioning of building envelope.
Value: \$1,760,955

Reference: DA 383/2025(1) **Determination Date:** 19 December 2025
PR Number PR29499
Applicant/s: Commins PLANVIEW P/L
Owner/s: Mr SG and Mrs HM Norton
Location: Lot 41 DP 1289567 - 19 Honeyman Drive, Orange
Proposal: Subdivision (two lot Torrens).
Value: Not applicable

Reference: DA 390/2025(1) **Determination Date:** 3 December 2025
PR Number PR22779
Applicant/s: Commins PLANVIEW P/L
Owner/s: Mr JA Corrie, Mr WG Tarasenko and Mrs KM Tarasenko
Location: Lot 1 DP 1125450 - 296-298 Summer Street, Orange
Proposal: Subdivision (four lot Strata subdivision).
Value: Not applicable

Reference: DA 396/2025(1) **Determination Date:** 19 January 2026
PR Number PR27983
Applicant/s: Pronto Pilates Pty Ltd
Owner/s: W & S Holman Pty Ltd
Location: Lot 100 DP 1236383 - 202 Anson Street, Orange
Proposal: Recreation facility (indoor).
Value: \$112,204

Reference: DA 398/2025(1) **Determination Date:** 11 December 2025
PR Number PR13286
Applicant/s: Mr BR Penson
Owner/s: Mr BR and Mrs LK Penson
Location: Lot 860 DP 815622 - 471 Canobolas Road, Canobolas
Proposal: Demolition (existing carport) and shed (new construction).
Value: \$67,650

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 402/2025(1) **Determination Date:** 19 December 2025

PR Number PR26104

Applicant/s: 194 Lords Place Pty Ltd

Owner/s: 194 Lords Place Pty Ltd

Location: Lot 8 DP 1183249 - 227 McLachlan Street, Orange

Proposal: Warehouse or Distribution Centre (5 Units) and Strata Subdivision.

Value: \$2,128,815

Reference: DA 406/2025(1) **Determination Date:** 18 December 2025

PR Number PR11541

Applicant/s: J & M MacDouall Pty Ltd

Owner/s: MacDouall Super Holdings Pty Ltd

Location: Lot 1 DP 195317 - 353-355 Summer Street, Orange

Proposal: Office premises (change of use from restaurant) and business identification signage.

Value: \$35,000

Reference: DA 407/2025(1) **Determination Date:** 8 December 2025

PR Number PR28143

Applicant/s: Ms S Avis

Owner/s: Mr CJ Avis and Ms SA Swain

Location: Lot 202 DP 1245015 - 25 Scarborough Street, Orange

Proposal: Home business (food manufacture).

Value: Not applicable

Reference: DA 409/2025(1) **Determination Date:** 22 December 2025

PR Number PR7634

Applicant/s: Mr CL Hansen

Owner/s: Mr CL Hansen and Ms G B Mangrai

Location: Lot 10 DP 311257 - 20 March Street, Orange

Proposal: Demolition (partial rear dwelling) and dwelling alterations and additions.

Value: \$813,000

Reference: DA 410/2025(1) **Determination Date:** 19 December 2025

PR Number PR29479

Applicant/s: B & J Flowers T/A BT Homes

Owner/s: Mr DJ Blandford and Ms TE Hows

Location: Lot 8 DP 1287397 - 2 Carwoola Drive, Orange

Proposal: Dwelling, Attached Garage and Shed (detached).

Value: \$662,956

2.1 Items Approved Under the Delegated Authority of Council

Reference:	DA 430/2025(1)	Determination Date:	17 December 2025
PR Number	PR4998		
Applicant/s:	B Johnson and S Johnson		
Owner/s:	Mr JR and Mrs L 15 Jenkins		
Location:	Lot 1 DP 996035 - 6 Hawkins Lane, Orange		
Proposal:	Demolition (part rear of dwelling and tree removal) and dwelling alterations and additions).		
Value:	\$495,000		
Reference:	DA 445/2025(1)	Determination Date:	17 December 2025
PR Number	PR18085		
Applicant/s:	Sentinel Homemaker (Open Ended) Pty Ltd		
Owner/s:	Sentinel Homemaker (Open Ended) Pty Ltd		
Location:	Lot 6 DP 270204 - 14-16/5295 Mitchell Highway, Orange		
Proposal:	Business Identification Signage (three signs).		
Value:	\$49,500		
Reference:	DA 451/2025(1)	Determination Date:	7 January 2026
PR Number	PR780		
Applicant/s:	Ms A Hansen		
Owner/s:	Cuts Hair Pty Limited		
Location:	Lot 2 SP 32554 - 3/212 Anson Street, Orange		
Proposal:	Business premises (body piercing).		
Value:	\$5,000		

TOTAL NET* VALUE OF DEVELOPMENTS APPROVED BY THE CEO UNDER DELEGATED AUTHORITY IN THIS PERIOD:	\$8,759,423
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** Net value relates to the value of modifications. If modifications are the same value as the original DA, then nil is added. If there is a plus/minus difference, this difference is added or taken out.*

Additionally, since the December 2025 meeting report period (15 November 2025 to 19 January 2026), another 22 development applications were determined under delegated authority by other Council staff with a combined value of \$3,669,695.

2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street

RECORD NUMBER: 2026/48

AUTHOR: Dhawala Ananda, Town Planner

EXECUTIVE SUMMARY

Application lodged	6 May 2024
Applicant	Total Group Constructions Pty Ltd
Owner/s	Orange MS Investments Pty Ltd
Land description	Lot 91 DP 1284877 - Tanika Street
Proposed land use	Centre-based Child Care Facility
Value of proposed development	\$2,279,200

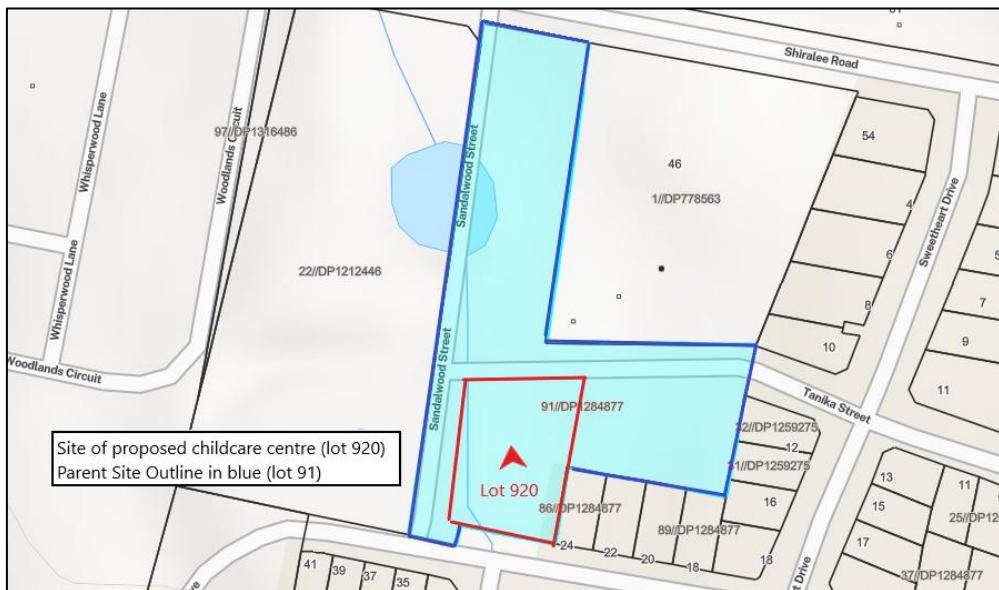
Council's consent is sought for the establishment of a new child care centre on a vacant allotment. The centre is proposed to accommodate a maximum of 100 children, operating Monday to Friday from 7am to 6pm. The distribution of child age groups is as follows:

- Nursery (0–2 years): 20 children
- Toddlers (2–3 years): 40 children
- Preschool (3–5 years): 40 children

The proposal includes the following key components:

- Construction of a purpose-built single-storey child care facility
- Provision of 25 on-site car parking spaces, including bitumen driveways, manoeuvring areas, and designated entry and exit points
- Development of outdoor play areas and associated landscaping

It is noted that Lot 920 was not registered at the time of lodgement of this development application. A condition of consent will therefore require that the lot be registered prior to the issue of any Construction Certificate.



2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street



Figure 2 - aerial view

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 520/2024(1) for Centre-based Child Care Facility at Lot 91 DP 1284877 - Tanika Street 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. A detailed assessment of likely impacts is included in this report

2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street

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

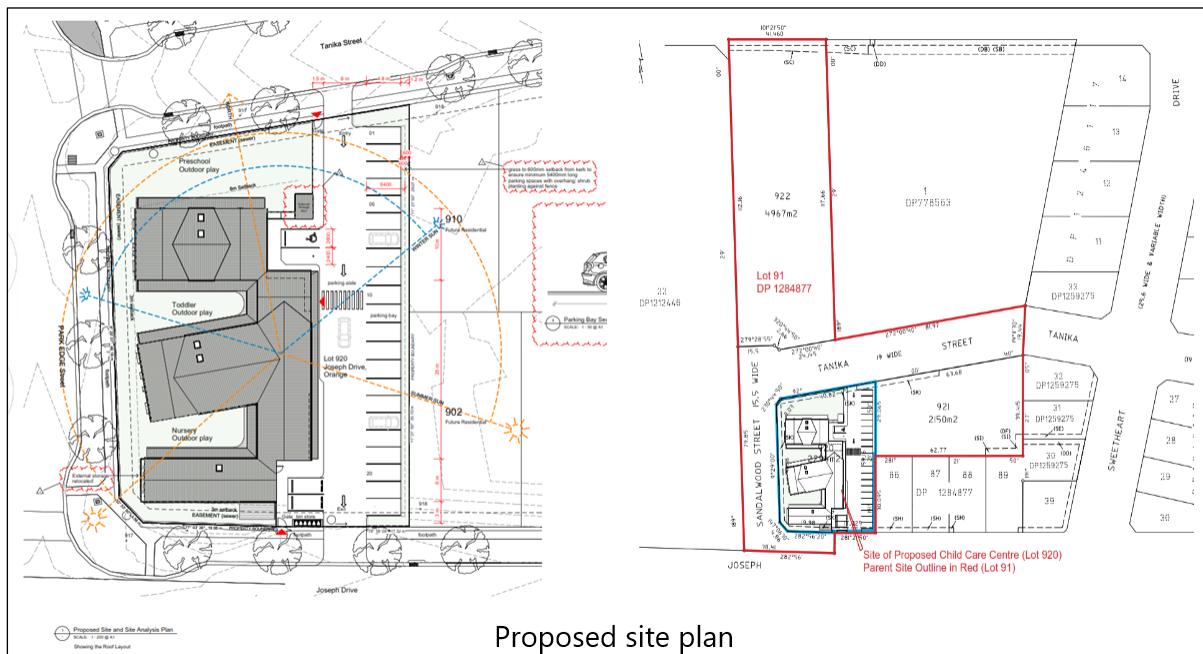
THE PROPOSAL

Council's consent is sought for the establishment of a new childcare centre on a vacant allotment. The centre is proposed to accommodate a maximum of 100 children, operating Monday to Friday from 7am to 6pm. The distribution of child age groups is as follows:

- Nursery (0–2 years): 20 children
- Toddlers (2–3 years): 40 children
- Preschool (3–5 years): 40 children

The proposal includes the following key components:

- Construction of a purpose-built single-storey child care facility
- Provision of 25 on-site car parking spaces, including bitumen driveways, manoeuvring areas, and designated entry and exit points
- Development of outdoor play areas and associated landscaping.



2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street



Site Visit

The site is currently vacant and contains no existing vegetation.

The site is rectangular in shape and benefits from three street frontages, addressing Tanika Street, Sandalwood Street (Park Edge Street) and Joseph Drive. The land falls gently from the rear (eastern) portion of the lot towards Sandalwood Street (Park Edge Street) in the west.



Figure 3 - shows subject lot view from Joseph Drive

2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street



Figure 4 - shows subject lot view from Sandalwood Street



Figure 5 - shows subject lot view from Tanika Street and Sandalwood Street



Figure 6:- shows subject lot view from Tanika Street

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*

In consideration of Section 1.7, the proposed development is not likely to significantly affect a threatened species:

2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street

- The development site is not identified on the Biodiversity Values Map published under the Biodiversity Conservation Regulation 2016. Furthermore, the site does not contain mapped high biodiversity sensitivity pursuant to the Orange LEP 2011 Terrestrial Biodiversity Map.
- The proposal will not involve the removal of trees.
- The site is contained within an R1 General Residential zone and has been highly modified by recent residential subdivision of previous rural land. The subject land does not contain known threatened species or ecological communities.

Based on the foregoing consideration, the proposal will not trigger the Biodiversity Offset Scheme under the Biodiversity Conservation Act 2016. The proposal will satisfy the relevant matters at Clause 1.7.

Section 4.14

Consultation and Development Consent – Certain Bush Fire Prone Land

The proposed development is located on a site identified as containing Vegetation Category 3 and a vegetation buffer, as per the Bushfire Prone Land Mapping. As the proposal constitutes a Special Fire Protection Purpose development, the application is recognised as an integrated development under Section 100B of the Rural Fires Act 1997, requiring assessment and approval by the NSW Rural Fire Service (RFS).

The RFS under Section 100B of the Rural Fires Act 1997 has provided general terms of approval/concurrence for the Integrated Development Application. The integrated requirements address the following matters:

- 1 Asset Protection Zones
- 2 Construction Standards
- 3 Access - Property Access
- 4 Water and Utility Services
- 5 Landscaping Assessment and
- 6 Emergency and Evacuation Planning Assessment

The requirements of RFS have been incorporated into conditions of consent that are included on the attached Notice of Determination.

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 particular aims of the LEP relevant to the proposal include:

(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,*

2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street

- (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 proposal is considered to satisfy the above-listed aims, as outlined in the following sections of this report.

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:	Land zoned R1 General Residential and RE1 Public Recreation
Lot Size Map:	Minimum Lot Size 200 m² and 400 m²
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:	Within Blackmans Swamp Creek flood planning area and probable maximum flood

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

2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street

- (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 primarily located within the R1 General Residential zone, with a portion of the land also falling within the RE1 Public Recreation zone. However, the area proposed for the child-care centre is located entirely within the R1 General Residential zone, as illustrated in Figure 7 below.



Figure 7 – subject site is identified within R1 and RE1 zones

The proposed development is defined as a Centre-based child care facility under OLEP 2011 and is permitted with consent for this zone. This application is seeking consent for this use.

Centre-based child care facility means:

- (a) a building or place used for the education and care of children that provides any one or more of the following:
 - (i) long day care,

2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street

(ii) *occasional child care,*
(iii) *out-of-school-hours care (including vacation care),*
(iv) *preschool care, or*
(b) *an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)).*

Note: An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) is provided.

but does not include:

(c) *a building or place used for home-based child care or school-based child care, or*
(d) *an office of a family day care service (within the meanings of the [Children \(Education and Care Services\) National Law \(NSW\)](#)), or*
(e) *a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
(f) *a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
(g) *a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
(h) *a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

Note: Centre-based child care facilities are a type of early education and care facility - see the definition of that term in this Dictionary.

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 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 child-care centre is consistent with the objectives of the R1 General Residential zone as it provides a community-based facility that supports the needs of residents within the surrounding neighbourhood. The development is compatible with the residential character of the area, offering a low-scale, single-storey built form that integrates appropriately with nearby

2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street

dwellings. The proposal promotes a safe and accessible environment for families, improves local access to early childhood services, and contributes to the overall amenity and functionality of the residential community. The development therefore aligns with and supports the intended purpose and objectives of the R1 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 application.

Part 5 – Miscellaneous Provisions

5.21 - Flood Planning and 5.22 - Special flood considerations

The site is identified within the Blackmans Swamp flood planning area and is also mapped as being subject to the Probable Maximum Flood (PMF), thereby triggering consideration of Clause 5.21 and Clause 5.22 of the Orange Local Environmental Plan 2011 (OLEP 2011).

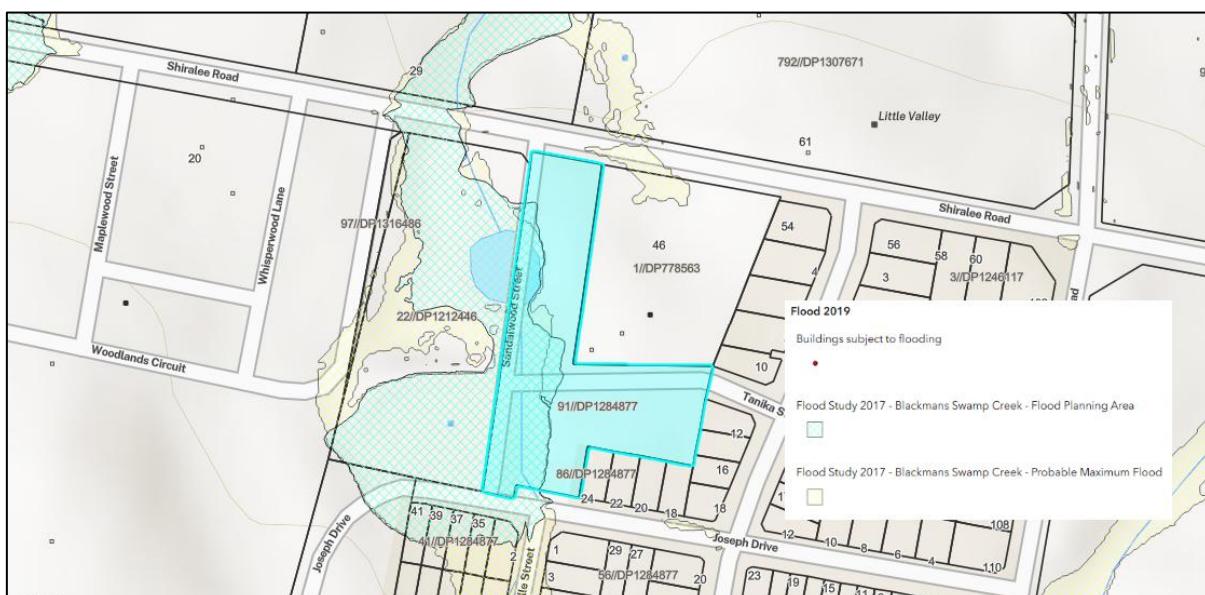


Figure 8 – subject site is identified within flood planning area and PMF

The Statement of Environmental Effects initially submitted with the application did not address these clauses. Accordingly, Council requested additional information given the site's identification within both the flood planning area and the PMF extent. In response, the applicant provided a detailed explanation regarding the historical and current stormwater and flooding conditions affecting the area. The applicant advised that the flood mapping appears to have been prepared on a pre-development landscape, noting the following:

Pre-development,

1. *Near Lot 920 in Council's drainage reserve, exited a farm dam. The wall of this dam if left in position may have caused water to flood over Sandalwood Street and part of Lot 920.*
2. *Hawkes lane dam collected and stored water and when full allowed water flow out at an uncontrolled rate. If this dam wall burst there was the potential for major flooding.*

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About 2017, this dam was converted into a storm water detention basin ensuring the water exits at a controlled rate.

The farm dam wall was removed as part of construction activities about 3 – 4 years ago and the storm water generated in the catchments from the south is piped north past Lot 920 in Councils drainage reserve. Overland flows follow the same route.

Council is scheduled this year to undertake works in the drainage reserve which will create an open playing field and storm water detention basin. This basin is located close to Shiralee Road. The spill way RL of this basin is 913.2 and top of wall is 913.7. The proposed development on Lot 920 is being built around RL 917.5. There is a difference in height of about 3.8m, making it unlikely flooding will affect Lot 920.

The additional information was referred to Council's Technical Services team who confirmed that the applicant's assessment is accurate and that the site is not affected by flooding under current post-development drainage conditions. As such, whilst Clauses 5.21 and 5.22 of OLEP 2011 are technically applicable to the proposed development, they have been adequately addressed by the applicant and the development determined to be acceptable in terms of flooding impacts by Council's Technical Services Department.

Part 6 - Urban Release Area

Clause 6.3 Development Control Plan

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*
- (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 proposed in the application are limited to the extent of cutting and filling required for the proposed building or structure. The extent of disruption to the drainage of the site is considered to be minor and will not detrimentally affect adjoining properties or receiving waterways.

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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.

The site is not in proximity to any waterway, drinking water catchment or sensitive area. Conditions may be imposed to require a sediment control plan, including silt traps and other protective measures to ensure that loose dirt and sediment does not escape the site boundaries.

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 include permeable surfaces. The proposal does not include onsite stormwater retention, which is accepted given the lack of space on the site and requirements for outside play space. The stormwater will discharge to the street water table which then discharges through the approved stormwater system for the subdivision. It is therefore considered that the 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.*

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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 avoids impacts on groundwater and is therefore considered acceptable.

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, It is noted that Lot 920 was not registered at the time of lodgement of this development application. A condition of consent will therefore require that the lot be registered prior to the issue of any Construction Certificate. A condition of this type will ensure that 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

In accordance with the requirements of this section, a Preliminary Contamination Investigation was submitted in support of the proposal (prepared by *Envirowest Consulting Pty Ltd*, dated 15 June 2016).

The investigation concluded:

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Investigation and conclusions

An inspection of the site was made on 17 May 2016. The site is approximately 5.3 hectares in area. The subdivision will comprise 63 Lots (Lot 2 to Lot 64) and 3 access roads.

The site has a horticultural land-use history as an apple and cherry orchard. The orchard trees have been removed and the site is currently used for grazing of stock. A dwelling and shed are located in the central eastern section of the site. A pump is located adjacent to the northern dam. Two water tanks, a septic tank and one above ground fuel storage tank (AST) is present on-site. Surface staining is present underneath and adjacent to the AST.

The contamination status of the site was assessed from a soil sampling and laboratory analysis program. Sixty-four discrete soil samples were collected over the site on a systematic grid pattern and combined to form sixteen composite samples. The soil samples were analysed for arsenic, cadmium, chromium, copper, lead, nickel, zinc, mercury and organochlorine pesticides (OCP).

A judgemental sampling pattern was adopted to assess potential 'hotspot' locations. Four discrete samples were collected from the eastern shed, pump shed and stained areas. The soil samples were analysed for heavy metals, OCP and total recoverable hydrocarbons (TRH C10-C40).

The levels of all substances evaluated were not detected or below the EPA investigation threshold for residential land-use with access to soil.

Recommendations

Areas of the site not containing buildings, infrastructure or disused equipment are suitable for residential land-use.

The AST and associated soil staining require remediation by excavation. Visual inspection and validation sampling of the excavation area is required to ensure no areas of potential contamination remain.

Removal of the water tanks located on-site will also be required. Backfilling of the tank pits will be required in accordance with AS3798.

Decommissioning and removal is required of the absorption trench and septic tank. The septic system should be decommissioned in accordance with NSW Health Advisory Note 3 *Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems and Other Sewerage Management Facility Vessels*. Validation sampling for faecal coliforms and e-coli is recommended to ensure no potential contamination is present.

(Source: PCI, Envirowest Consulting June 2016)

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(Source: PCI, Envirowest Consulting June 2016)

The report identifies that, at the time of investigation, the subject land was vacant and undeveloped. The findings of the assessment concluded that the land is suitable for residential land uses, which means sensitive lands uses are permitted that includes child care centres.

Council's Environmental Health Officer (EHO) has reviewed the submitted application and is satisfied that the proposal is consistent with the NSW Contaminated Land Management Guidelines and relevant planning controls. The EHO has recommended the inclusion of an 'Unexpected Finds' contamination condition on any consent issued. This condition will ensure that, should any unanticipated contamination be encountered during construction, works will cease and appropriate measures will be implemented in consultation with Council to ensure the site remains suitable for the proposed use.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

Chapter 3 - Advertising and Signage

The architectural drawing set submitted in support of the application includes five indicative business identification signs. However, it is noted that these signs are not part of the current development application. A separate development application will be required for any proposed signage that is not exempt under the *SEPP (Exempt and Complying Development Codes) 2008*. A relevant condition will be included in the Notice of Determination to reflect this requirement.

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STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

As the proposed development involves the construction of a child care facility, chapter 3 of the SEPP applies.

Chapter 3 – Educational Establishments and Child Care facilities

The relevant provisions of the SEPP are considered below:

Section 3.22 Centre-based childcare facility - concurrence of Regulatory Authority required for certain development

In accordance with the Child Care Planning Guideline, Regulation 107 requires that every child being educated and cared for within a facility must be provided with a minimum of 3.25m² of unencumbered indoor space. Regulation 108 requires a minimum of 7.0m² of unencumbered outdoor space per child.

For the proposed 100-place centre, the minimum spatial requirements are therefore:

- Indoor unencumbered space: 325 m²
- Outdoor unencumbered space: 700 m²

The proposal, as submitted, provides a total of 325 m² of unencumbered indoor floor space distributed across six learning rooms, which satisfies the requirements of Regulation 107 of the Child Care Planning Guideline (September 2021).

However, the outdoor unencumbered play space is calculated at approximately 661 m², which does not meet the minimum 700 m² required under Regulation 108 of the Child Care Planning Guideline (September 2021).

In accordance with Regulation 108 of the Education and Care Services National Regulations, where the consent authority is of the view that the minimum outdoor unencumbered space requirements are not met, the concurrence of the Regulatory Authority is required under 3.22 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 prior to the granting of development consent.

The Child Care Planning Guideline (September 2021) specifies that unencumbered outdoor space is to exclude any of the following:

- pathway or thoroughfare, except where used by children as part of the education and care program
- car parking area
- storage shed or other storage area
- laundry
- other space that is not suitable for children.

Based on the assessment outcomes, Council requested the applicant submit amended plans to demonstrate compliance with the outdoor space requirements specified in Regulation 108.

In response, the applicant maintains that the open space as submitted complies with the requirements of the SEPP and have chosen not to submit amended plans at this time but rather provide further commentary on how the plans comply. The applicant has advised the following:

The landscape design meets these requirements in full. The total unencumbered area meets/exceeds the minimum requirement of 7m² per child, as demonstrated in the Unencumbered Space Plan provided.

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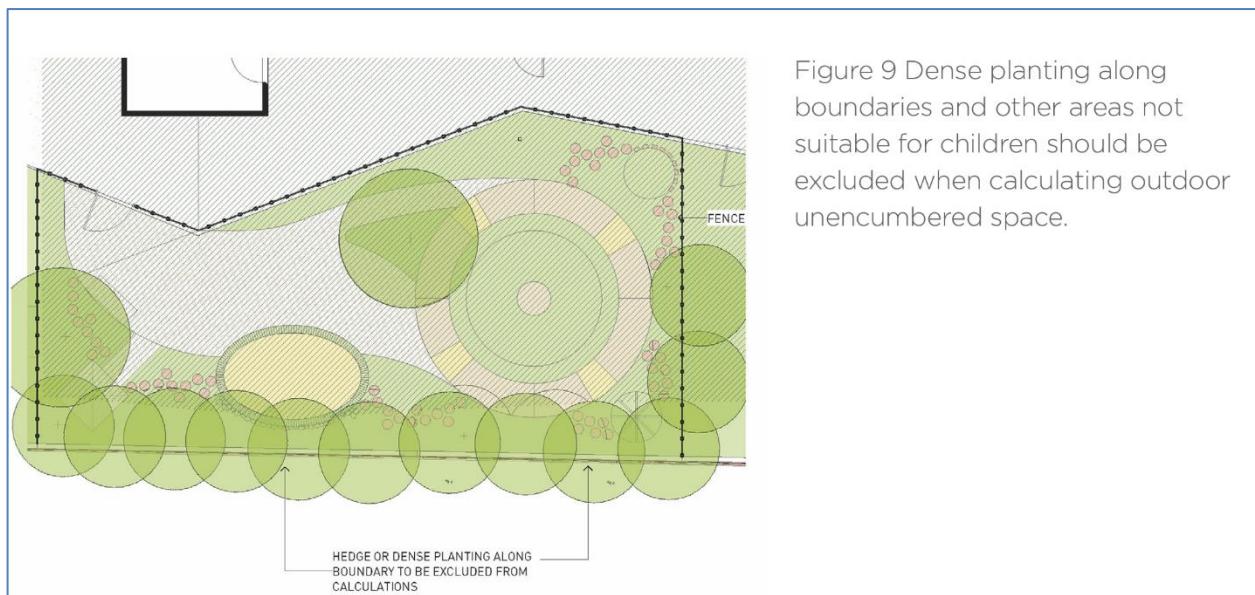
No dense boundary hedges have been proposed. Instead, boundary planting has been spaced intentionally, creating trails and interactive green zones that encourage children to explore, search for insects, and forage for edible plants. All garden areas have been designed to be accessible and usable for children.

Additionally, all non-play spaces including thoroughfares, storage, laundry areas, and car parking have been excluded from the unencumbered area calculations in accordance with the Guideline.



Figure 9 - Unencumbered Play Space proposed as per the applicant

Council officers have undertaken further assessment and analysis of the response and determined that the outdoor unencumbered play space remains deficient. The applicant has included planter boxes located at varying height levels, along with storage areas, within the calculation of unencumbered outdoor play space. The *Child Care Planning Guideline* (September 2021) clearly states that dense planting, including planter boxes, as well as storage areas, are to be excluded from unencumbered outdoor space calculations (see extract below).



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Council's assessment, illustrated in Figure 10, identifies that the storage areas account for approximately 12.6 m², while planter boxes and dense planting account for approximately 29.4 m². When these areas are excluded, the total unencumbered outdoor play space provided equates to approximately 661 m².

Based on the above, Council staff are of the view that the proposal does not achieve compliance with Regulation 108 for a 100-place childcare facility. In the event that Council forms the view that the unencumbered open space does not comply with Regulation 108 it does not have the legal ability to grant development consent for a 100 place childcare centre in the absence of the required concurrence described above. The applicant has met all other requirements of both the Council's LEP/DCP controls and those pertaining to State Environmental Planning Policy (Transport and Infrastructure). In this circumstance it is recommended that Council supports the development application subject to the inclusion of a condition of consent that limits the total number of enrolments to 94 so as to ensure that the development satisfies the ratio of childcare numbers to open space areas required by Regulation 108.



Figure 10 – unencumbered Play Space calculation by Council staff

Section 3.23 Centre-based child care facility - matters for consideration by consent authorities

The proposed development will comply with the applicable provisions of the Child Care Planning Guideline (DPIE 2021) pursuant to Section 3.23 as demonstrated below.

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CHILD CARE PLANNING GUIDELINE**Part 2 - Design Quality Principles****Principle 1 - Context**

The site is located within an emerging residential neighbourhood, characterised by newly established housing and developing community infrastructure. The proposed child care centre is considered an appropriate and complementary land use within this context as it supports the needs of local families and aligns with the residential function of the area.

Principle 2 - Built Form

The proposed development is located on a corner allotment within the Shiralee Estate. The building form is generally compatible with the existing and emerging residential character of the area; however, it is acknowledged that the overall scale is slightly larger than the immediate surrounding development. In addition, the proposal provides limited active frontage to the public domain as the primary entrance is oriented away from the street. While active street frontages are important in contributing to a welcoming and engaging streetscape, it is recognised that site constraints, including the need to accommodate adequate car parking and outdoor play areas, limit the ability to achieve a more outward-facing building orientation.

Concerns have been raised regarding the proposed street setbacks. The subject site has frontages to three public streets, as shown in Figure 11, with a proposed minimum 3m building setback to Sandalwood Street (also known as Park Edge Street). Along this frontage, the building presents a maximum height of approximately 5.6m, tapering from north to south to approximately 5.4m. This setback arrangement is inconsistent with the Shiralee Development Control Plan, which requires a minimum setback of 3m plus a 2m articulation zone for residential development on compact lots within this precinct, as identified in the master plan.

To reduce the perceived visual bulk and improve streetscape amenity, amendments to the architectural plans were requested. In discussions with the applicant, it was agreed that a setback of 4.5m for Wing A and C was acceptable in this case. For assessment purposes, the building has been identified as comprising Wing A, Wing B, and Wing C, as illustrated in Figure 11. Wing A and Wing C are required to provide increased setbacks (4.5m) to Sandalwood Street (also known as Park Edge Street). This position has been discussed and agreed to with the applicant.

Rather than require the applicant expend further money drafting amended plans indicating the increased setback, the matter pertaining to setbacks has been addressed through a recommended condition of consent that has been included in the draft Notice of Determination requiring the submission of amended architectural plans with the agreed setback to the satisfaction of Council prior to the issue of a Construction Certificate.

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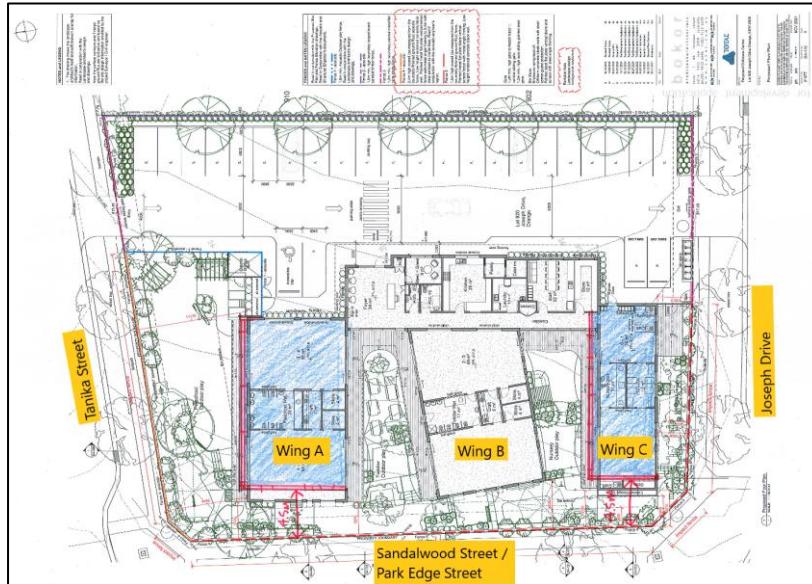


Figure 11 - subject site showing street frontages and setback

Principle 3 - Adaptive Learning Spaces

The proposal will provide purpose-built indoor learning spaces that are 'fit-for-purpose, enjoyable and easy to use'. Outdoor play spaces will be immediately adjacent and accessible via indoor playrooms. Age specific internal playrooms will be provided to cater for various ages and abilities. Indoor and outdoor play spaces will provide various settings and facilities for interaction.

Principle 4 - Sustainability

The applicant states that the proposed building will incorporate energy efficient influences in the design, which is subject to further consideration at Building Certification stage.

Principle 5 - Landscape

The application is accompanied by detailed landscape designs that would provide visual interest and beautification to the site that would contribute positively to the character of the area. The proposal proposes new trees, along with a variety of shrubs and other planting on the site.

Principle 6 - Amenity

The proposed child care facility would provide a high standard of amenity for users. Learning spaces are proposed to be well designed, with direct access to bathrooms, sleep rooms, stores and service areas. Indoor playrooms will provide good quality learning and play environments, with good access to natural light, ventilation and outlook. Outdoor play spaces would be immediately adjacent and accessible via indoor playrooms.

It is not considered that the proposed child care facility would unreasonably impact on residential amenity for adjoining dwellings in relation to visual and acoustic privacy, solar access or visual bulk (as outlined in the following sections of this report).

Principle 7 - Safety

The building design and site works will satisfy the principles of Crime Prevention through Environmental Design (CPTED). The development application is supported by CPTED report indicating that the proposal is consistent with the design quality principles of Context, Built Form, Adaptive Learning Spaces, Sustainability, Landscape, Amenity and Safety and the following matters for consideration under the Child Care Planning Guideline, which take precedence over the provisions of a DCP with the exception of building height, side and rear setbacks and car parking rates.

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Part 3 – Matters for Consideration

3.1 - Site Selection and Location

Objectives:

- C1 - To ensure that appropriate zone considerations are assessed when selecting a site.
- C2 - To ensure that the site selected for a proposed childcare facility is suitable for the use.
- C3 - To ensure that sites for childcare facilities are appropriately located.
- C4 - To ensure that sites for childcare facilities do not incur risks from environmental, health or safety hazards.

In consideration of the above objectives:

- The site is located in an emerging residential area. A childcare facility is a permitted and complementary land use in the setting.
- The site is well-located to attract facility users associated with the surrounding residential neighbourhoods.
- The subject land is not in proximity to land uses with arising adverse environmental impacts prescribed in the Guideline. There is no evidence of land contaminants at the site, and a condition from the Council's Environmental Health Officer regarding unexpected finds ensures that if any contaminants are found on the site, that they are appropriately dealt with prior to construction works completing on the site.
- A Noise Impact Assessment prepared by Acoustik (dated 18 November 2024) accompanies the development application and assesses noise generated by the proposed childcare facility, including outdoor play, mechanical plant, car park activity, and associated vehicle movements on surrounding streets.
- Acoustic modelling demonstrates that noise emissions from the centre will comply with the nominated criteria and will not exceed 45 dBA at any adjoining residential property, indicating that the proposal will maintain an acceptable level of neighbour amenity. The application was reviewed by Council's Environmental Health Officer, who has recommended conditions to ensure appropriate noise attenuation measures are implemented as part of the development.

3.2 - Local Character, Streetscape and the Public Domain Interface

Objectives:

- To ensure that the childcare facility is compatible with the local character and surrounding streetscape.
- To ensure clear delineation between the childcare facility and public spaces.
- To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.

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In consideration of the above objectives:

- The proposed child care facility is designed as a single-storey building that replicates the scale and incorporates some architectural features of the surrounding residential dwellings. The development includes soft landscaping along the street frontages to soften the appearance of the site and enhance the character of the area. The building will feature a mix of roof forms and materials, including timber and Colorbond cladding, providing a varied and visually interesting streetscape.
- Fencing and landscaping along the property boundary will define the transition between public and private spaces and contribute to the overall amenity of the development. The Noise Impact Assessment submitted with the application provides specific recommendations for the proposed fencing, including the acoustic fence along the Tanika Street frontage and the boundary fence separating the car park from the adjoining residential property to the east. These measures are intended to ensure appropriate noise attenuation and maintain a high level of residential amenity for neighbouring properties.

Noise Impact Assessment - Green Elephant Child Care

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5 Recommendations - Noise Control

The following acoustic treatments were included in the iNoise model and are required to control noise emissions to the predicted levels:

1. The boundary fence on the side of the preschool outdoor play area facing Tanika Street is required to be 2.4 m high – The fence must be either lapped timber palings minimum 12 mm thick with a 25 mm overlap or constructed as an acoustic fence with a minimum acoustic rating of Rw 25.
 - a. The fence will be constructed as a 1.8 m high fence with a clear Perspex (hard plastic) extension above 1.8 m angled into the childcare centre to make the 2.4 m final height.
2. The boundary fence between the carpark and residential lots to the East of the site are required to be 1.8 m high – The fence must be either lapped timber palings minimum 12 mm thick with a 25 mm overlap or constructed as an acoustic fence with a minimum acoustic rating of Rw 25

The layout of the childcare building is designed to protect the residential amenity of the residences to the east of the site by directing noise into the open space area to the west. The open space area is non-residential and will not be adversely impacted by the noise levels. Residents to the North of the site are protected by external site fencing.

Source: Acoustik (reference 2201.02.Report.1), dated 18 November 2024

- In accordance with the recommendations of the Noise Impact Assessment, a condition has been included in the draft Notice of Determination requiring the architectural plans to be amended to clearly depict the proposed acoustic fencing along the Tanika Street frontage of the outdoor play area. The fence is to comprise a metal flat-plate vertical screen with metal angle framing to a height of 1.8 m, topped with a clear Perspex (hard plastic) extension. The Perspex section is to be angled inward toward the childcare centre to achieve a total fence height of 2.4 m. An indicative example of the required fence style is provided in Figure 12.

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Figure 12 – an example image of fence with clear Perspex on inside of the fence

- A condition has been included requiring the amended plans to clearly identify the proposed fence style. The site incorporates five distinct fencing types (Fence Types 1–5), with the specifications and locations of each type illustrated in Figures 13 and 14.

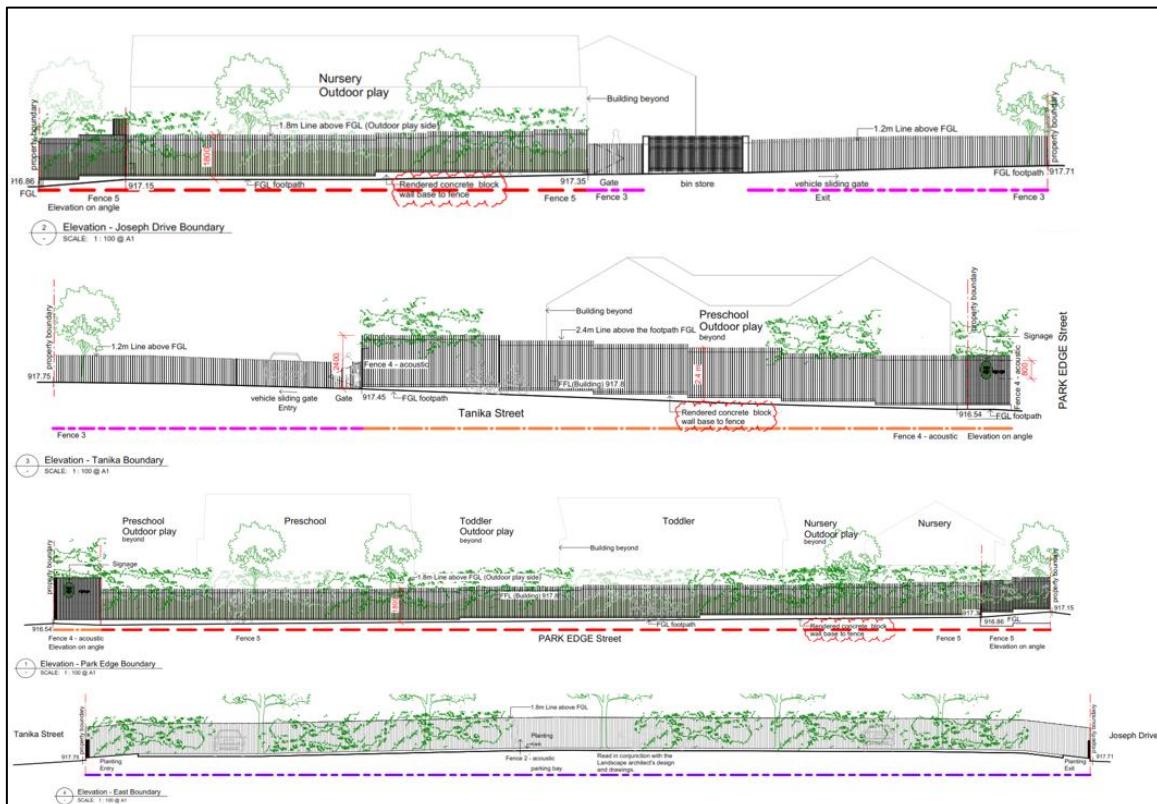


Figure 13 – proposed fencing on Joesph Drive, Park Edge Street, Tanika Street and East boundary

- Along the Park Edge Street/Sandalwood Street frontage, as well as a portion of Joseph Drive, the proposal includes a 1.8 m-high painted metal flat-plate vertical screen fence with metal angle framing. The entry and exit points to the site will incorporate 1.2 m-high fencing, including a sliding gate to accommodate vehicle access to the driveway. In order to reduce the visual impact of fencing along three road frontages it is recommended that the subject fencing be coloured black. A condition of consent has been included to this effect.

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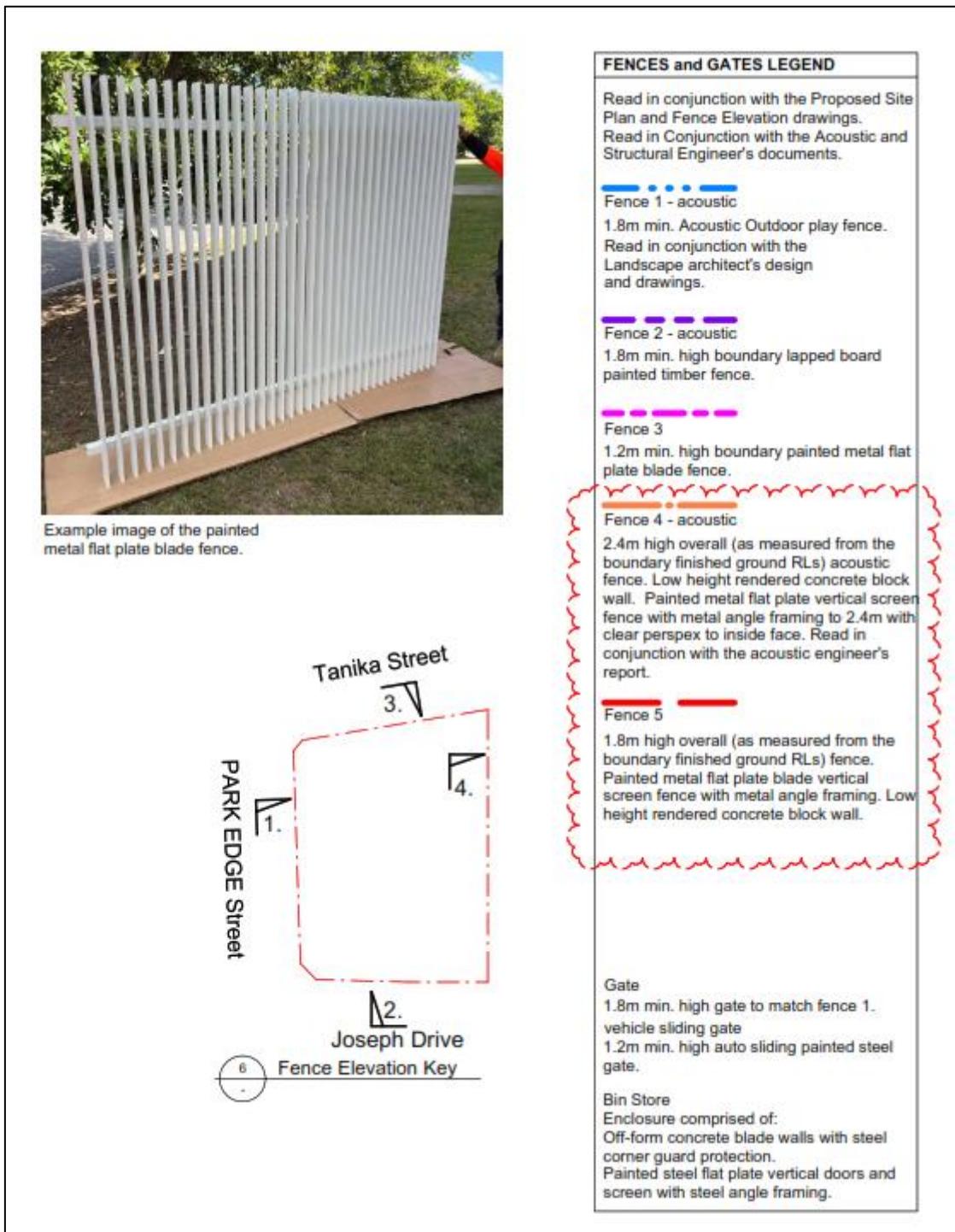


Figure 14 – details of proposed fencing

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3.3 - Building orientation, envelope, building design and accessibility

Objectives:

- To respond to the streetscape and site, while optimising solar access and opportunities for shade.
- To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.
- To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.
- To ensure that the built form, articulation and scale of development relate to its context and buildings are well designed to contribute to an area's character.
- To ensure that buildings are designed to create safe environments for all users.
- To ensure that child care facilities are designed to be accessible by all potential users.

The following comments are provided in consideration of the above objectives:

Bulk and Scale

It is acknowledged that the overall scale is slightly larger than the immediate surrounding development; however, it is identified to be within the visual bulk envelope. Notwithstanding, Council staff raised the concern with the applicant and as a result the buildings oriented towards the Sandalwood Street/Park Edge Street are to provide an extended setback to 4.5m. It is conditioned accordingly in the Notice of Determination that amended architectural plans are provided, to be reviewed and approved by the Manager Development Assessments prior to issue of a construction certificate. With the amendment to the design of the proposal, it provides a safe environment and suitable outdoor play areas with shading and good quality landscaping.



Figure 15 – proposed setback adjustment

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Setbacks

The façade fronting Joseph Drive will be set back 3m from the property boundary. Along Tanika Street the diagonal boundary results in a varied setback, with the minimum being 8.1m and the maximum extending to 11.17m. The façade fronting Park Edge Street has setbacks ranging from 3.3m to 4.9m. These setbacks contribute to a consistent streetscape presentation and provide satisfactory spatial separation to neighbouring properties. Further detailed assessment of setbacks is provided in the DCP section of this report.

Materiality

The proposed mixed external materials are considered acceptable in this setting. The surrounding area is a new residential establishment with a mix of varied styles of dwellings such as mix of brick, clad and smooth wall finishes.

EXTERNAL FINISHES LEGEND							
IMAGE	CODE	DESCRIPTION	PROPOSED FINISH	IMAGE	CODE	DESCRIPTION	PROPOSED FINISH
	CD1	COLORBOND WALL CLADDING	Lysaght Enseam 265 Colorbond Dune		RF	COLORBOND STEEL ROOFING.	Lysaght Spandek Profile Roofing Colorbond Shale Grey
	CD2	COLORBOND WALL CLADDING	Lysaght Custom Orb Accent 21 Colorbond Gully		FS DP	FASCIA & DOWNPIPES	Colorbond Shale Grey
					AWF	POWDERCOATED ALUMINIUM FRAMED WINDOWS & DOORS.	Powdercoat Gully Powdercoat Dune to feature walls
	BK1	BRICKWORK	Austral Wilderness Design Silver Birch		CTD	COMPOSITE TIMBER EXTERNAL DECKING	New Techwood Coastal Decking Grooved Edge Solid Wide Deckboard Antique
	BK2	BLOCKWORK	Austral Pearl Grey Architec Smooth 390x190x190		HH	450MM DEEP ALUMINIUM SHADE HOOD	450mm Deep Heka Hood in Dune
					TP1	COMPOSITE TIMBER PANEL CLADDING.	New Techwood Castellation Batten Profile Cladding Walnut

Figure 16 - external building materials and colours

Solar Access

The proposed care rooms are designed with windows on multiple elevations and supplemented with skylights to maximise natural daylight penetration throughout the day. This design ensures that indoor play areas and activity rooms receive adequate solar access, promoting a healthy internal environment and reducing reliance on artificial lighting. Outdoor play areas also receive balanced solar access, with appropriate shading features to ensure comfort and UV protection during peak sunlight hours.

Security

Passive surveillance opportunities have been incorporated through the strategic positioning of windows and activity areas facing external play spaces and street frontages. Clear sightlines are maintained from internal rooms to outdoor areas to support staff supervision and enhance child safety. Fencing and boundary treatments provide secure containment of play areas while maintaining visibility to and from the public domain. The layout ensures that entry points are clearly defined and easily monitored, contributing to a safe and legible environment.

Accessibility

The building layout and site design provide equitable access for all users, including carers, children, parents and visitors with mobility needs. Pathways, entries and internal circulation routes are designed to comply with relevant accessibility standards, including step-free access from the street and car parking areas into the building. The proposal includes accessible parking spaces and appropriately sized internal facilities to meet regulatory requirements. The overall design ensures convenient, inclusive and safe movement throughout the site.

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3.4 - Landscaping

Objectives

- To provide landscape design that contributes to the streetscape and amenity.

The proposed development is supported by a landscape plan prepared by Urban Landscape Projects (Job No. GEL03, dated 07/10/2025). As identified in the earlier assessment under Section 3.22 of the SEPP (Transport and Infrastructure) 2021, amendments to the architectural plans are required. As a result, the submitted landscape plan will also require corresponding updates to reflect the revised design.

The landscape plan was referred to Council's Manager City Presentation, who provided the following advice:

*"I would suggest swapping out the Tuckeroo (*Cupaniopsis anacardioides*) as it is a coast rainforest tree that most likely has no frost tolerance."*

Relevant conditions are imposed to ensure that the amended landscape plan reflects the changes made to the architectural plans and incorporates species selections that are appropriate and climatically suitable for the Orange region.

3.5 - Visual and Acoustic Privacy

Objectives

- To protect the privacy and security of children attending the facility.
- To minimise impacts on privacy of adjoining properties.
- To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.

The proposal has been designed to ensure that no adverse visual or acoustic privacy impacts occur to adjoining properties. Appropriate boundary fencing is proposed to prevent visual overlooking, and the arrangement of internal and external play areas has been planned to minimise acoustic impacts.

The subject site benefits from being located on a corner lot, with three frontages addressing public streets (Joseph Drive, Park Edge Street and Tanika Street). The only shared residential interface is along the eastern boundary. Part of this boundary adjoins an existing dwelling, while the remainder adjoins a vacant lot earmarked for future residential development. The design locates the car parking area along this eastern edge, with a 1.8m-high acoustic fence proposed along the boundary, as illustrated in Figure 17. This configuration provides an effective buffer between the operational areas of the child care facility and the adjoining residential land.

2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street



Figure 17 – eastern boundary of the subject site – car parking and fence

The development will provide an acceptable level of privacy to neighbouring properties through appropriate boundary fencing, landscaping treatments, sensitive interface management and suitable finished surface levels.

Noise emissions from the child care facility are expected to comply with the relevant acoustic criteria, subject to the implementation of recommended physical and operational noise mitigation measures, which will be imposed as conditions of consent.

3.6 Noise and air pollution

Objectives

- To ensure that outside noise levels on the facility are minimised to acceptable levels.
- To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development

The proposed child care centre is not located in proximity to major roads, industrial activities or other significant sources of air pollution, and therefore the site is considered suitable in terms of air quality. The surrounding environment is predominantly low-density residential, presenting minimal risk of elevated emissions that could adversely affect the wellbeing of children or staff.

In relation to noise, the design incorporates appropriate mitigation measures to ensure that external noise levels within the facility remain within acceptable standards. Acoustic fencing is proposed along sensitive boundaries, and outdoor play areas have been positioned to minimise noise exposure to both the children using the facility and adjoining residential properties. An acoustic assessment has been undertaken, confirming that noise levels will comply with the relevant criteria, subject to the implementation of recommended physical and operational controls. Conditions of consent will ensure these measures are incorporated.

Overall, the proposal is considered satisfactory in relation to noise and air quality objectives.

3.7 Hours of operation

Objectives

- To minimise the impact of the child care facility on the amenity of neighbouring developments.

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The proposed hours of operation for the child care facility are 7am to 6pm Monday to Friday. The submitted acoustic report supports the proposed hours of operation. Recommended acoustic measures have been included in the design. The proposed hours are considered suitable in this context. Conditions of consent will be inserted to ensure compliance with the operating hours.

3.8 - Traffic, Parking and pedestrian circulation

Objectives

- To provide parking that satisfies the needs of users and demand generated by the centre.
- To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.
- To provide a safe and connected environment for pedestrians both on and around the site.

The following comments are provided in consideration of the above objectives:

Car Parking

Pursuant to Chapter 15 of Orange Development Control Plan 2004, child care centres are required to provide on-site parking at a rate of one space per four children. The proposal provides a total of 25 on-site car parking spaces, including one accessible space.

The development is proposed to accommodate up to 100 children. However, as outlined under Section 3.22 of Chapter 3 – *Educational Establishments and Child Care Facilities* of State Environmental Planning Policy (Transport and Infrastructure) 2021, the minimum outdoor play space requirements are not satisfied. Accordingly, the maximum child enrolment is required to be capped at 94 children.

Based on an enrolment of 94 children, a minimum of 23.5 car parking spaces are required, which effectively equates to 24 spaces. As the proposal provides 25 car parking spaces, the development complies with the parking requirements of Orange DCP 2004.

Vehicle Access

Vehicle access to the site is provided from Tanika Street and Joseph Drive via a clearly defined driveway that allows safe entry and exit without disrupting the flow of traffic on the surrounding road network. The access arrangement ensures appropriate sightlines and separation from intersections, supporting safe vehicular movement to and from the site. The application is supported by a Traffic and Parking statement, prepared by Traffic Solutions Pty Ltd, Reference No: 20.21.076, dated 04 April 2022.

Pedestrian Circulation

The design incorporates safe and direct pedestrian pathways from the street frontage to the building entry, ensuring clear separation between pedestrian and vehicle movements. Footpath connections along the site frontages provide a safe and connected environment for pedestrians, including families walking to and from the centre.

Traffic Generation

Traffic generation associated with the proposed child care facility will be as follows:

2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street

Centre Type	Peak Vehicle Trips/Child		
	7.00-9.00am	2.30-4.00pm	4.00-6.00pm
Pre-school	1.4	0.8	—
Long day care	0.8	0.3	0.7
Before/after care	0.5	0.2	0.7

Children number and centre type	AM Peak Hour	PM Peak Hour
100 place long day care	$100 \times 0.8 = 73.6$	$100 \times 0.7 = 64.4$
Total	80 Trips	70 Trips

Source: Traffic and Parking statement, prepared by Traffic Solutions Pty Ltd, Reference No: 20.21.076, dated 04 April 2022

The Traffic and Parking statement provides that the proposed development is estimated to generate approximately 80 vehicle trips during the morning peak hour and 70 vehicle trips during the evening peak hour. As defined by the RMS, a vehicle trip represents a single one-way movement; therefore, this equates to around 40 vehicles entering and exiting the site in the morning peak and 35 vehicles entering and exiting during the evening peak. This equates to an average of one vehicle approaching or departing approximately every 1 minute and 30 seconds in the morning peak and every 1 minute and 43 seconds in the evening peak.

This level of traffic generation is considered modest and can be readily accommodated within the capacity of the surrounding road network, both in its current form and once the broader subdivision road system is fully constructed. In conclusion, the anticipated peak-hour traffic generated by the development - 80 AM and 70 PM trips - will not result in any unacceptable traffic impacts on Tanika Street, Joseph Drive or the adjoining local road network.

Part 4 - Applying the National Regulations to Development Proposals

The proposed development, as submitted, satisfies the requirements of the National Regulations, with the exception of Regulation 108 relating to the provision of unencumbered outdoor play space. Accordingly, a condition of consent will be imposed to cap the maximum child enrolments at 94 places to ensure compliance with the Regulation 108. The proposal complies with the following regulations.

- Regulation 104 - Fencing or barrier that encloses outdoor spaces.
- Regulation 106 - Laundry and hygiene facilities.
- Regulation 107 - Unencumbered indoor space.
- Regulation 108 - Unencumbered outdoor space (conditioned to comply)
- Regulation 109 - Toilet and hygiene facilities.
- Regulation 110 - Ventilation and natural light.
- Regulation 111 - Administrative space.
- Regulation 112 - Nappy change facilities.
- Regulation 113 - Outdoor space - natural environment.
- Regulation 114 - Outdoor space - shade.
- Regulation 115 - Premises designed to facilitate supervision.

2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street

Section 3.27 Centre-based child care facility - development control plans

Orange DCP does not contain prescribed provisions for centre-based child care facilities (including operational or management plans; the demonstrated need for child care services; proximity to other facilities; design considerations etc). Notwithstanding, such provisions would not apply to the proposed development pursuant to Section 3.27.

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 located on a site identified as containing Vegetation Category 3 and a vegetation buffer, as per the Bushfire Prone Land Mapping as shown in figure 18. As the proposal constitutes a Special Fire Protection Purpose development, the application is recognised as integrated development under Section 100B of the *Rural Fires Act 1997*, requiring assessment and approval by the NSW Rural Fire Service (RFS).

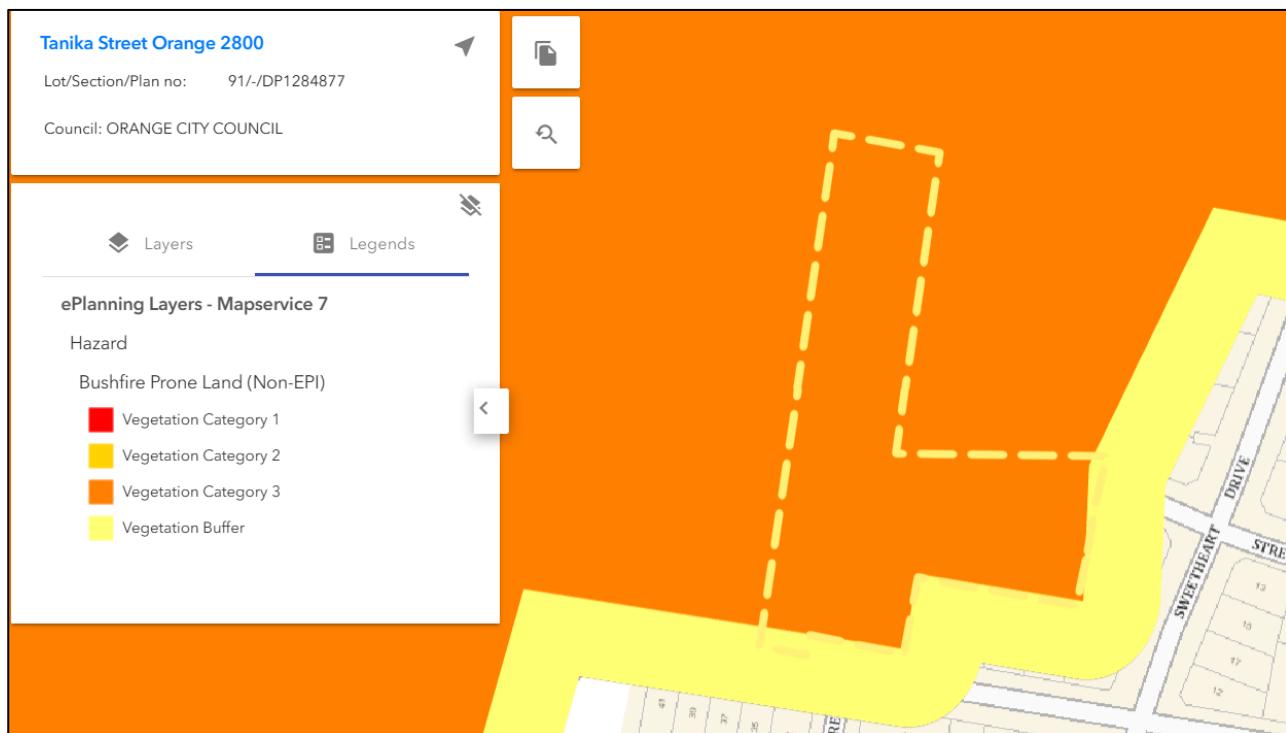


Figure 18 - subject site is identified within vegetation category 3 bushfire prone land

The RFS has issued A Section 100B approval under the Rural Fires Act which includes general terms of approval for the Integrated Development Application. The General Terms of Approval include recommended conditions relating to the following matters:

1. Asset Protection Zones
2. Construction Standards
3. Access - Property Access

2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street

4. Water and Utility Services
5. Landscaping Assessment and
6. Emergency and Evacuation Planning Assessment.

The recommended draft Notice of Determination has included Conditions of consent addressing the requirements of Rural Fire Service.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)**Orange Development Control Plan 2004**

Shiralee Development Control Plan December 2015 and Orange Development Control Plan 2004 applies to the subject land. The following chapters are applicable to the development and relevant matters have been assessed below.

Chapter 5 - Residential Buildings

Chapter 6 - Private Domain Landscape

Chapter 7 - Public Domain

Chapter 8 - Environmental Management

Chapter 9 - Movement Networks

Chapter 10 - Vehicle parking and servicing

The relevant matters in Shiralee DCP were considered in the foregoing assessment under *Child Care Planning Guideline*.

15 - Car Parking

The submitted plans show 25 on-site car parking spaces, consistent with the requirements of Orange Development Control Plan 2004 which stipulates a minimum provision of one parking space per four children based on an enrolment of 100 children. However, as identified in the assessment under Section 3.22 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, the maximum child enrolment is required to be capped at 94 places to ensure compliance with Regulation 108 of the *Child Care Planning Guideline (September 2021)* relating to the provision of unencumbered outdoor play space.

A condition of consent will be imposed under the ongoing conditions section of the Notice of Determination to reflect the reduced enrolment.

Child care centres can generate increased parking demand on surrounding streets during peak drop-off and pick-up periods. To mitigate potential impacts on local traffic conditions and residential amenity, a condition of consent will be imposed requiring all parking associated with the child care facility, including staff and visitor parking, to be provided on-site, with no parking permitted on the adjoining public roads. This will ensure the safe and efficient operation of the facility and protect the amenity of the surrounding residential area.

DEVELOPMENT CONTRIBUTIONS**Section 64 Local Government Act 1993**

Development contributions for water, sewer and drainage works are applicable to the proposed development at *0.06wET/person & 0.10sET/person for 94 enrolment places*.

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The contributions are based on 5.64 ETs for water supply headworks and 9.4 ETs for sewerage headworks. A condition is included requiring payment of applicable headworks contributions.

Any adjustments to the recommended enrolment numbers in excess of 94 would require a corresponding adjustment to the contribution amounts payable under **Section 64 Local Government Act 1993**.

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 development may achieve compliance with the BCA in relation to fire safety measures. Further details will be required and assessment undertaken at Construction Certificate stage. Conditions are included.

BASIX Commitments (clause 75)

BASIX is not applicable to the proposed development. A Section J energy efficiency statement will be required with the Construction Certificate application.

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

Context and Setting

The proposed child care centre is located within an emerging residential neighbourhood characterised by newly established dwellings and developing community infrastructure. The site's position on a corner allotment with three street frontages provides an appropriate urban context for a community-based land use of this nature.

The scale, form and setbacks of the development are compatible with the surrounding residential character and will integrate effectively with the evolving streetscape. The child care centre is considered a complementary use within the R1 General Residential zone, supporting local families and contributing positively to the accessibility of essential services within the neighbourhood. The development is not expected to generate adverse impacts on the existing or future residential setting.

Access and Transport

The proposed development will be provided with safe and efficient vehicular access via the adjoining road network, with internal circulation designed to allow for convenient drop-off and pick-up movements.

As alluded to above the submitted plans show 25 on-site car parking spaces, consistent with the requirements of Orange Development Control Plan 2004 which stipulates a minimum provision of one parking space per four children based on an enrolment of 100 children. However, as identified in the assessment under Section 3.22 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, the maximum child enrolment is required to be capped at 94 places to ensure compliance with Regulation 108 of the *Child Care Planning Guideline (September 2021)* relating to the provision of unencumbered outdoor play space.

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Traffic generation associated with the child care centre has been assessed and is expected to be readily accommodated by the surrounding road network without adverse impacts on traffic flow or road safety.

Pedestrian access is safe and direct, with footpath connections provided along the street frontages, ensuring safe movement for families and staff entering the site. Overall, the proposal is considered acceptable in terms of access, parking provision and transport impacts.

Acoustic and Privacy Impacts

The development has been designed to minimise potential acoustic and privacy impacts on surrounding properties. Outdoor play areas are located as far as practicable from the nearest dwelling, and the proposed acoustic fencing - discussed earlier in this report - will further assist in reducing noise transmission and maintaining an appropriate level of residential amenity.

The design also incorporates appropriate separation, landscaping and boundary fencing to prevent overlooking and maintain visual privacy for adjoining residential lots. Subject to the recommended conditions relating to acoustic mitigation and operational management, the development is not expected to result in any unreasonable privacy or noise impacts on neighbouring properties.

Social and Economic Impacts

The proposal will generate positive social and economic outcomes for the local community by providing additional child care places within an emerging residential area, supporting the needs of families and contributing to workforce participation. The development will create employment opportunities during both construction and ongoing operation. The presence of a child care facility in close proximity to new housing areas enhances neighbourhood amenity and supports community cohesion. No adverse social or economic impacts are anticipated as a result of the development.

Environmental Impacts

The proposed development is not expected to result in any significant adverse environmental impacts. The site is currently vacant and contains no vegetation of environmental significance.

A Preliminary Contamination Investigation has confirmed that the land is suitable for the proposed use, subject to an unexpected finds condition. The development will incorporate appropriate stormwater management measures and will not be adversely affected by flooding, as confirmed by Council's Technical Services team.

Landscaping will be provided to enhance the environmental quality of the site and contribute positively to local biodiversity. Overall, the environmental impacts of the proposal are considered acceptable and capable of being managed through standard conditions of consent.

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

Strategic Location and Accessibility

- Development within new residential establishment, making it convenient for families.
- Good separation from existing dwellings minimises amenity impacts and supports a suitable operational environment.
- The surrounding local road network can adequately accommodate the anticipated traffic generation.

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- The site is relatively flat and unconstrained, enabling safe pedestrian access and compliant building design.
- Located within a low-density residential neighbourhood, providing strong local demand.

Land Use Compatibility

- Supports complementary land uses within upcoming residential establishment.
- Integrates with the surrounding urban environment.

Adequate Site Area and Layout

- Sufficient space for indoor learning areas and outdoor play spaces.
- Setbacks and landscaping buffers ensure privacy and noise mitigation for neighbouring properties.

Traffic and Parking Considerations

- Dedicated on-site parking and designated car park entry improve traffic flow.
- Parking provided meets DCP 2004 requirements.

Environmental and Amenity Considerations

- No significant environmental constraints (e.g. flooding or heritage restrictions).
- Acoustic fencing and setbacks minimize noise impacts on nearby residents. The development has been conditioned to be carried out in accordance with the acoustic report submitted in support of the development.

Safety, Security and Crime Prevention

- Security fencing will be provided around the perimeter of the site, whilst at the same time allowing for natural surveillance and visibility from public areas. Appropriate lighting will also be provided to assist in surveillance.
- The design of the building has ensured that the building meets CPTED principles.

Cumulative Impacts.

- There are no cumulative impacts anticipated as a result of the construction of the child care facility.

In conclusion, the site is well-located and appropriately designed for a child care facility, ensuring accessibility, demand, and compatibility with surrounding land uses.

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 from 19 November 2024 to 3 December 2024 and at the end of that period one submission was received.

The issues raised in the submission are:

1. *The car parking and traffic assessment provides an insufficient amount of detail regarding manoeuvrability and traffic generation. It does not provide any detail regarding trip distributions and the level of service of the nearby intersections (intersection capacity). Additionally, it does not demonstrate how garbage trucks will enter and exit the site on waste collection days.*

2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street

Comment:

The traffic assessment report concludes that the development will potentially increase peak hour traffic flows in the order of 80 vehicle trips in the morning and 70 in the evening peak hours respectively, which will not have any unacceptable traffic implications upon Tanika Street, Joseph Drive or the surrounding road network.

The building design incorporates a dedicated bin storage area accommodating wheelie bins, located adjacent to the Joseph Drive exit gate. A condition of consent requires the preparation of a Waste Management Plan, to be submitted to and approved by the Manager Development Assessments prior to the issue of an Occupation Certificate. The plan must detail the proposed waste collection procedures. A further condition specifies that waste bins must not be placed on the verge of any street for collection.

2. Further to the point above, there is no waste management plan to demonstrate how waste would be stored, managed and collected. Merely a brief paragraph in the SEPP regarding odour. A waste management plan should be prepared in accordance with the EPA better practice guidelines for waste management and recycling in commercial and industrial facilities.

Comment:

The building design provides for six (6) wheelie waste bins in a bin store which provides sufficient storage for waste separated from any residential premises. However, a condition of consent will be inserted to submit a waste management plan to indicate the waste management through construction and operation of the facility.

3. The use of the front setbacks area and fencing along the front boundary is not consistent with and would be out of character with the surrounding residential development which provides soft landscaping to the front setback. The proposed fencing in the front setback is inconsistent with the open front yards, setback and built form that is encouraged in Shiralee Estate.

Comment:

The proposed development has been amended since the notification plans. The amended plans ensure that the setbacks maintain a visual connection with the street, in keeping with the character of the surrounding residential development. Landscaping is proposed within the setbacks to soften the appearance of any fencing, and the fence design has been modified to be visually permeable and is consistent with built forms encouraged for child care facilities in Orange. These measures address the concerns regarding streetscape character and compatibility with the existing neighbourhood. The palisade style fencing has been conditioned to be black in colour so to ensure that it does not adversely visually impact upon amenity of the locality.

4. Naturally occurring asbestos is cited as an issue delaying the completion of the Southern Feeder Road through to Shiralee Estate. This road is a few hundred metres from the proposed development site. There are likely to be children disturbing the soil at the proposed development site on a regular basis. Given ours and Council's knowledge of the proximity of asbestos contamination conditions in soil that is likely to be of a very similar if not the same, condition as that found up the road – The Envirowest preliminary contamination report does not adequately address and is not sufficient to negate the potential safety concerns of children playing in and disturbing soil that may be characterised by the same naturally occurring asbestos contaminations. It would likely be negligent to proceed to development of this site for the proposed purpose without thoroughly negating any potential contamination concerns.

2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street

Comment:

The applicant has submitted a site-specific contamination investigation report prepared by Envirowest, which concludes that the site is suitable for residential and other sensitive land uses. Council's Environmental Health officers have reviewed the report and confirmed its findings.

5. *The Regulations and the Child care Planning Guideline identify a minimum of 7 square metres of unencumbered outdoor play space. Based on 100 children, a total outdoor play space of 700 square metres is required. This development would require concurrence from a regulatory authority because it doesn't comply with the unencumbered space requirements. The front setback should not be included in the calculation of unencumbered outdoor space, as the visual impacts on the streetscape will be out of character with Shiralee Estate. The necessity for play space in the front setback arises from the number of children to be catered for at the site. With a smaller number of children, this would not be necessary.*

Comment:

To ensure compliance with the minimum unencumbered outdoor play space requirements, amended plans are required to be submitted for approval by Council's Manager Development Assessments prior to the issue of a construction certificate. The number of enrolments has been reduced to 94 to ensure compliance with Regulation 108 discussed above. This approach ensures that the outdoor play areas meet the required standards while maintaining an appropriate streetscape character in Shiralee Estate.

6. *A less intense development would result in more outdoor space for children attending the Centre. A lower scale development would be more respectful of residential character. The proposed development appears to push the site beyond its capacity.*

Comment:

The proposed development has been assessed in terms of site capacity, residential amenity, and provision of outdoor play space. Amendments to the plans, including a reduction in maximum enrolment from 100 to 94 children, ensure that the site can adequately accommodate the intended use without compromising outdoor play space requirements or the residential character of Shiralee Estate. The scale and intensity of the development are therefore considered appropriate for the site.

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 subject to recommended conditions of consent. Attached is a draft Notice of Determination outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

COMMENTS

The requirements of the Environmental Health Officer, Building Certifier, Manager City Presentation and the Technical Services Section are included in the attached Notice of Determination.

2.2 Development Application DA 520/2024(1) - Lot 91 Tanika Street

ATTACHMENTS

- 1 DRAFT Notice of Determination, D26/5915 [↓](#)
- 2 Site Plan, DPIE24/1439 [↓](#)
- 3 Architectural Plans, DPIE25/5157 [↓](#)
- 4 Landscape Plans, DPIE25/5155 [↓](#)
- 5 Submission (Redacted), D26/5906 [↓](#)

Attachment 1 DRAFT Notice of Determination**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Application number	DA 520/2024(1) PAN-430484
Applicant	Anthony Daintith PO Box 1975, Orange NSW 2800
Description of development	Centre-Based Child Care Facility
Property	SWEETHEART DRIVE ORANGE 2800 91/-/DP1284877
Determination	Approved Consent Authority - Council
Date of determination	16/01/26
Date from which the consent operates	16/01/26
Date on which the consent lapses	16/01/31
Approval bodies that have given general terms of approval	Rural Fire Service

Under section 4.18(1) of the EP&A Act, notice is given that the above development

Attachment 1 DRAFT Notice of Determination

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. 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.
9. To ensure a quality urban design for the development which complements the surrounding environment.

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

Attachment 1 DRAFT Notice of Determination

For further information, please contact Dhawala Ananda / Senior Planner

DRAFT

Attachment 1 DRAFT Notice of Determination

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 <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <p>Approved Plans</p> <p>Architectural Plans prepared by bokor architecture + interiors Pty Ltd; Project Name – Proposed Childcare Centre; Project number – 21977; Drawing No DA-000, DA-002, DA-005, DA-110, DA-111, DA-120, DA-121, DA-300, DA-400 (9 sheets); Revised date 08/10/2025;</p> <p>Landscape Plan prepared by Urban Landscape Projects; Project number GEL03, Drawing No. 1(A1) – 9(A1) (10 Sheets); Dated 07/10/2025;</p> <p>Approved Documents</p> <p>Noise Impact Assessment Document No: 2201.02.Report.1 Prepared by Acoustik; Dated 18 November 2024</p> <p>Supporting Document</p> <p>RFS General Terms of Approval issued by the Rural Fire Service, dated 26 June 2025;</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
2	Development and subdivision works requirements <p>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</p>

Attachment 1 DRAFT Notice of Determination

	conditions is to be completed prior to the issue of an Occupation 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	Equal access to the premises
	Prior to the issue of a Construction Certificate, the applicant shall submit plans to the satisfaction of the Principal Certifier demonstrating that adequate access to the premises is provided for persons with disabilities in accordance with the <i>Commonwealth Disability (Access to Premises – Buildings) Standards 2010</i> . The approved plans are to be submitted to the certifier.
	Condition reason: To ensure safe and easy access to the premises for people with a disability
5	Food - plans for food shop fit-out
	Detailed plans and specifications are to be provided to Council specifying the proposed fit-out of the food preparation and storage areas in accordance with the requirements of Standard 3.2.3 "Food Premises and Equipment" of the Australian New Zealand Food Standards Code.
	Condition reason: To ensure compliance with relevant statutory requirements.
6	Liquid trade waste application
	A Liquid Trade Waste Application is to be submitted to Orange City Council prior to the issue of a Construction Certificate. The application is to be in accordance with Orange City Council's Liquid Trade Waste Policy. Engineering plans submitted as part of the application are to show details of all proposed liquid trade waste pre-treatment systems and their connection to sewer.
	Where applicable, the applicant is to enter into a Trade Waste Services Agreement with Orange

Attachment 1 DRAFT Notice of Determination

	<p>City Council in accordance with the Orange City Council Liquid Trade Waste Policy.</p> <p>Condition reason: To ensure compliance with relevant statutory requirements</p>
7	<p>Section 68 application - water and sewer</p> <p>An approval under Section 68 of the <i>Local Government Act</i> 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.</p> <p>Condition reason: To ensure the utility services are available to the site and adequate for the development.</p>
8	<p>Water and soil erosion control plan to be submitted</p> <p>A water and soil erosion control plan 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 control 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.</p> <p>Condition reason: To comply with Council's Development and Subdivision Code.</p>
9	<p>Comply with Council's sewer infrastructure services policy</p> <p>Prior to the issue of a Construction Certificate structural engineers' details shall be provided for piers/footings of any building located adjacent to the sewer main. Piers shall extend below the invert of the main and shall be located clear of the sewer easement.</p> <p>Condition reason: To comply with Council's Sewer Infrastructure Services policy.</p>
10	<p>Engineering plans for carpark</p> <p>Prior to the issue of a Construction Certificate plans of the carpark shall be submitted to the Principal Certifying Authority for approval. The carpark plans shall provide details of levels, cross falls of all pavements, proposed sealing materials and proposed drainage works. Stormwater shall be collected in stormwater pits located within the carpark and piped to the kerb and gutter. All parking spaces and access aisle dimensions shall be in accordance with AS 2890.1 (Off-street car parking). 'Entry' and 'Exit' signage shall be installed on the property boundary facing Tanika Street and Joseph Drive, 'No Exit' sign installed within the carpark adjacent to the carpark entry, and pavement arrows shall be installed to regulate traffic flow through the carpark. The plans shall also detail pedestrian sight lines for vehicles exiting the driveway to Joseph Drive to ensure pedestrian safety. The plans shall detail how compliance is achieved with AS/NZS 2890.1:2004 section 3.2.4(b) and ensure that there are no obstructions located within the required sight triangles.</p> <p>All landscaping on the eastern boundary of the carpark shall be deleted to ensure that 5.4m clear parking space is available for vehicles. The sewer manhole in the exit driveway shall be replaced with a trafficable lid.</p>

Attachment 1 DRAFT Notice of Determination

	Condition reason: To comply with Council's Development and Subdivision Code.
11	Road opening permit required <p>A Road Opening Permit in Accordance with Section 138 of the Roads Act 1993 must be approved by Council prior to a Construction Certificate being issued or any intrusive works being carried out within the public road or footpath reserve.</p>
	Condition reason: To ensure compliance with relevant statutory requirements.
12	Registration of Subdivision Lot <p>Prior to the issue of a Construction Certificate, the Applicant shall provide evidence to the satisfaction of the Principal Certifying Authority that proposed Lot 920, created from the subdivision of Lot 91 DP 1284877, has been registered with NSW Land Registry Services.</p>
	Condition reason: To ensure the development is carried out on a legally created allotment in accordance with the Environmental Planning and Assessment Act 1979.
13	Amendments to Approved Plans <p>The Applicant shall submit amended plans to the satisfaction of Council's Development Assessments Manager prior to the issue of a Construction Certificate. The amended plans shall demonstrate the following:</p> <p>1. Architectural Plans</p> <ul style="list-style-type: none"> Amended architectural plans shall demonstrate that Wing A and Wing C of the proposed building provide a minimum setback of 4.5 metres from the boundary along Sandalwood Street / Park Edge Street. Adequate unencumbered indoor space is to be provided in accordance with Regulation 107 of the Child Care Planning Guideline (September 2021), relative to the approved maximum child enrolment. Amended architectural plans shall clearly depict the proposed acoustic fencing along the Tanika Street frontage of the outdoor play area. The fencing is to comprise a metal flat-plate vertical screen with metal angle framing to a height of 1.8 m, with a clear Perspex (hard plastic) extension angled inward toward the childcare centre to achieve a total fence height of 2.4 m. This fencing, along with all other perimeter fencing except the eastern boundary fence, must be shown as painted in Monument (black) colour. Amended architectural plans shall clearly depict the boundary fence between the car park and the residential lots to the east of the site using lapped timber palings with a minimum thickness of 12 mm and a minimum overlap of 25 mm. <p>2. Landscape Plans</p> <ul style="list-style-type: none"> Amended landscape plan shall reflect the amended architectural plans. The proposed Tuckeroo (<i>Cupaniopsis anacardioides</i>) is to be replaced with a tree species suitable for the Orange climate, with the final species selection to be to the

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	<p>satisfaction of the Manager City Presentation.</p> <p>Condition reason: To ensure the development complies with the Child Care Planning Guideline, provides compliant car parking, and incorporates landscaping appropriate to local site conditions and climate.</p>
14	<p>Obtain a section 307 Certificate of Compliance</p> <p>Submit an application to Council under section 305 of the <i>Water Management Act 2000</i> to obtain a section 307 Certificate of Compliance. The <i>Application for a 307 Certificate under section 305 Water Management Act 2000</i> form can be found on Councils website.</p> <p>A section 307 Certificate must be obtained prior to the issue of any Construction Certificate.</p> <p>Payment of contributions for water, sewer and drainage works is required to be made at the contribution rate applicable at the time that the payment is made. The contributions are based on 5.64 ETs for water supply headworks and 9.4 ETs for sewerage headworks.</p> <p>Condition reason: To ensure compliance with relevant statutory requirements.</p>
15	<p>RFS - Construction Standards</p> <p>The plans shall demonstrate compliance with Section 3 and Section 6 (BAL-19) of Australian Standard AS3959-2018 <i>Construction of Buildings in Bush Fire-Prone Areas</i>, or the NASH Standard (1.7.14 updated) <i>National Standard Steel Framed Construction in Bushfire Areas – 2014</i>, as appropriate, and Section 7.5 of <i>Planning for Bush Fire Protection 2019</i>.</p> <p>Condition reason: To provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.</p>

Before building work commences

16	<p>Appoint PC</p> <p>Appoint Principal Certifier. The person having the benefit of the development consent and a construction certificate shall:</p> <p>(a) Appoint a Principal Certifier and notify Council of the appointment (if Council is not appointed) and,</p> <p>(b) Notify Council of their intension to commence the erection of the building (at least two (2) day's notice is required)</p>
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	<p>The Principal Certifier shall determine when inspections and compliance certificates are required.</p> <p>Condition reason: To ensure compliance with relevant statutory requirements.</p>
17	<p>Construction certificate required</p> <p>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.</p> <p>Condition reason: Required by Section 6.6 (formerly 81A) of the Environmental Planning and Assessment Act, 1979 and Part 8, Division 2 of the Environmental Planning and Assessment Regulation, 2000.</p>
18	<p>Onsite toilet</p> <p>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.</p> <p>Condition reason: To provide adequate public health and safety measures.</p>
19	<p>Sediment control</p> <p>Sediment and erosion control measures shall be implemented on the site.</p> <p>Condition reason: To protect waterways from pollution by sediment-laden runoff.</p>
20	<p>Structural details for construction certificate</p> <p>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).</p> <p>Condition reason: To ensure structural certification is undertaken.</p>

During building work

21	<p>Surveys by a registered surveyor</p> <p>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:</p> <ol style="list-style-type: none"> All footings / foundations in relation to the site boundaries and any registered and proposed easements
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	<p>b. At other stages of construction – any marks that are required by the principal certifier.</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
22	<p>Adjustments to utility services</p> <p>Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.</p> <p>Condition reason: To comply with Council's Development and Subdivision Code.</p>
23	<p>Food - details of food preparation</p> <p>The fit-out of the food preparation and storage areas are to be installed in accordance with the requirements of Food Safety Standard 3.2.3 "Food Premises and Equipment" of the Australian New Zealand Food Standards Code.</p> <p>Condition reason: To ensure compliance with relevant statutory requirements.</p>
24	<p>Hours of work - construction</p> <p>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.</p> <p>Condition reason: To ensure compliance with relevant statutory requirements.</p>
25	<p>Kerb and gutter layback and footpath crossing</p> <p>Concrete kerb and gutter laybacks and footpath crossings are to be constructed in the position shown on the plan submitted with the Construction Certificate application. The works are to be carried out to the requirements of the Orange City Council Development and Subdivision Code and Road Opening Permit.</p> <p>Condition reason: To comply with Council's Development and Subdivision Code.</p>
26	<p>Unexpected finds - contamination</p> <p>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.</p> <p>Condition reason: To ensure any unexpected finds of contamination are notified to Council and managed appropriately.</p>

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27	RFS - Asset Protection Zones
	<p>At the commencement of building works, and in perpetuity to ensure ongoing protection from the impact of bushfires, the entire site must be managed as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of <i>Planning for Bush Fire Protection 2019</i>. When establishing and maintaining an IPA, the following requirements apply:</p> <ul style="list-style-type: none"> • Tree canopy cover should be less than 15% at maturity. • Trees at maturity should not touch or overhang any buildings. • Lower limbs should be removed up to a height of 2 metres above the ground. • Tree canopies should be separated by 2 to 5 metres. • Preference should be given to smooth-barked and evergreen trees. • Large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings. • Shrubs should not be located under trees. • Shrubs should not form more than 10% ground cover. • Lumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation. • Grass should be kept mown (as a guide grass should kept to no more than 100mm in height); and • Leaves and vegetation debris should be removed.
	<p>Condition reason: To provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.</p>
28	RFS - Construction Standards
	<p>The proposed construction must comply with Section 3 and Section 6 (BAL 19) of Australian Standard AS 3959-2018 <i>Construction of Buildings in Bush Fire-Prone Areas</i>; or NASH Standard (1.7.14 updated) <i>National Standard Steel Framed Construction in Bushfire Areas – 2014</i>, as appropriate; and Section 7.5 of <i>Planning for Bush Fire Protection 2019</i>.</p> <p>Condition reason: To provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.</p>
29	RFS - Property Access
	<p>Property access roads, must comply with the following requirements of Table 7.4a of <i>Planning for Bush Fire Protection 2019</i>:</p> <ul style="list-style-type: none"> • property access roads are two-wheel drive, all weather roads; • minimum 4m carriageway width; • a minimum vertical clearance of 4m to any overhanging obstructions, including tree

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	<ul style="list-style-type: none"> branches; and, Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. <p>Condition reason: To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</p>
30	<p>RFS - Water and Utility Services</p> <p>The provision of water, electricity and gas, must comply the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:</p> <ul style="list-style-type: none"> reticulated water is to be provided to the development where available; fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005; hydrants are and not located within any road carriageway; reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads; fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005; all above-ground water service pipes are metal, including and up to any taps; where practicable, electrical transmission lines are underground; where overhead, electrical transmission lines are proposed as follows: <ul style="list-style-type: none"> a) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and b) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines. reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used; the requirements of relevant authorities, and metal piping is used; The storage and handling of LP Gas, - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014; all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side; connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and above-ground gas service pipes are metal, including and up to any outlets. <p>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</p>
31	<p>RFS - Landscaping Assessment</p>

Attachment 1 DRAFT Notice of Determination

	<p>Landscaping within the required asset protection zone, must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:</p> <ul style="list-style-type: none"> • A minimum 1 metre wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building; • Planting is limited in the immediate vicinity of the building; • Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters); • Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings; • Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies; • Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown; • Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter); • Avoid climbing species to walls and pergolas; • Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building; • Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and • Low flammability vegetation species are used.
	<p>Condition reason: To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</p>

Before issue of an occupation certificate

32	<p>Cut and fill</p>
	<p>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.</p>
	<p>Condition reason: To comply with the Environmental Planning & Assessment Act, 1979.</p>
33	<p>Landscaping - to be installed and maintained in accordance with approved plans</p>
	<p>Landscaping must be installed in accordance with the approved plans and must be permanently maintained to the satisfaction of Councils Manager Development Assessments.</p>
	<p>Condition reason: To ensure a quality urban design for the development which complements the surrounding environment.</p>
34	<p>Completion of works relating to road opening permit</p>
	<p>A Road Opening Permit Certificate of Compliance is to be issued for the works by Council prior to</p>

Attachment 1 DRAFT Notice of Determination

	any Occupation Certificate being issued for the development.
	Condition reason: To ensure compliance with relevant statutory requirements.
35	<p>Completion of works on public land and services</p> <p>Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of an Occupation 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.</p> <p>Condition reason: To comply with Council's Development and Subdivision Code.</p>
36	<p>Noise - attenuation measures to be implemented</p> <p>Prior to the issue of an Occupation Certificate, the applicant must implement all required noise attenuation measures in accordance with the recommendations of the Noise Impact Assessment prepared by Acoustik (Reference: 2201.02.Report.1). This includes:</p> <ol style="list-style-type: none"> 1. Construction of the acoustic fence along the Tanika Street frontage of the outdoor play area, comprising a metal flat-plate vertical screen with metal angle framing to a height of 1.8 m, topped with a clear Perspex (hard plastic) extension angled inward toward the childcare centre to achieve a total height of 2.4 m, as shown on the approved architectural plans. 2. Construction of the boundary fence between the car park and the residential lots to the east of the site using lapped timber palings with a minimum thickness of 12 mm and a minimum overlap of 25 mm, as shown on the approved architectural plans. <p>Condition reason: To ensure noise generated from the development does not unreasonably or unlawfully impact upon surrounding premises.</p>
37	<p>Food Business Registration</p> <p>The applicant shall register the food business' details with Orange City Council prior to the issuing of an Occupation Certificate.</p> <p>Condition reason: To ensure compliance with the Food Act 2003.</p>
38	<p>Waste Management</p> <p>Prior to the issue of a Occupation Certificate, a Waste Management Plan shall be submitted to the satisfaction of the Council's Manager Development Assessments detailing the ongoing management of waste generated by the development. The plan shall include details of waste collection arrangements with an approved waste contractor. Kerbside placement of waste bins on Joseph Drive, Tanika Street or Park Edge Street is not permitted.</p> <p>Condition reason: To ensure waste is managed in an orderly and efficient manner without</p>

Attachment 1 DRAFT Notice of Determination

	adverse impacts on public amenity or traffic safety.
39	<p>Plan of Management</p> <p>Prior to the issue of an Occupation Certificate, a Plan of Management for the childcare centre shall be submitted to and approved by Council's Manager Development Assessments. The Plan of Management shall address the ongoing operation of the centre, including (but not limited to) hours of operation, staff numbers, child enrolment, parking and pick-up/drop-off arrangements, waste management, noise management and complaint handling procedures.</p> <p>Condition reason: To ensure the ongoing operation of the childcare centre is managed in a manner that minimises impacts on the surrounding area and is consistent with the approved development.</p>
40	<p>Off-Street Car Parking</p> <p>All car parking associated with the child care facility shall be provided within the approved off-street car parking area as part of the development approval, comprising 25 spaces. No parking associated with the child care facility shall occur on Joseph Street, Tanika Street, or any adjoining streets.</p> <p>Condition reason: To ensure adequate on-site parking is provided and to prevent adverse impacts on surrounding streets and local traffic.</p>
41	<p>No use or occupation without occupation certificate</p> <p>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.</p> <p>Condition reason: To ensure compliance with the Building Code of Australia.</p>
42	<p>RFS - Emergency and Evacuation Planning Assessment</p> <p>A Bush Fire Emergency Management and Evacuation Plan, must be prepared and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan; and,</p> <ul style="list-style-type: none"> The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants. A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development. <p>Condition reason: The intent of measures is to provide suitable emergency and evacuation arrangements for occupants of Special Fire Protection Purpose developments.</p>
43	<p>Fencing Installation</p> <p>Prior to the issue of an Occupation Certificate, all boundary and access fencing must be</p>

Attachment 1 DRAFT Notice of Determination

	<p>constructed in accordance with the approved plans.</p> <p>Condition reason: To ensure all fencing is constructed to the approved acoustic and design specifications and to maintain appropriate amenity and safety for the surrounding area.</p>
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Occupation and ongoing use

44	Annual fire safety statement
	<p>The owner is required to provide to Council and to the NSW Fire Commissioner an Annual Fire Safety Statement in respect of the fire-safety measures as required by Clause 177 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p>
	<p>Condition reason: To ensure compliance with relevant statutory requirements.</p>
45	Food - compliance with Food Act
	<p>Compliance with the <i>Food Act and Regulation</i> and the Australian Food Safety Standards is required in relation to the storage of ingredients, temperature control, cross contamination, cleaning and sanitising of contact surfaces, labelling and packaging, health and hygiene of food handlers, and handwashing.</p>
	<p>Condition reason: To ensure compliance with relevant statutory requirements in the operation of home food businesses.</p>
46	Business Identification Signs
	<p>A separate development application shall be submitted to and approved by Council for any advertising signage proposed on the site that is not classified as exempt development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>
	<p>Condition reason: To ensure that all signage is appropriately assessed for visual amenity, safety and compliance with relevant planning controls.</p>
47	On-Site Loading and Unloading
	<p>All vehicular loading and unloading associated with the development shall be carried out within the site. This is to ensure safe off-street loading and unloading of vehicles and to prevent interference with the use of public roads by vehicles and pedestrians.</p>
	<p>Condition reason: To maintain safety and amenity for both site users and the surrounding public road network.</p>
48	External Lighting
	<p>All external lighting installed on the site shall be maintained in accordance with the latest relevant Australian Standards, including but not limited to AS 4282—Control of the</p>

Attachment 1 DRAFT Notice of Determination

	<p>Obtrusive Effects of Outdoor Lighting. Lighting shall be designed and operated to avoid glare, light spill, or nuisance to adjoining properties, public roads, and pedestrians.</p> <p>Condition reason: To ensure external lighting does not adversely affect the amenity or safety of adjoining properties, road users, or the public.</p>
49	<p>Landscaped Areas – Planting and Maintenance</p> <p>All landscaped areas on the site shall be maintained on an ongoing basis. Any tree or shrub that fails to establish within two (2) years of the initial planting date shall be replaced with the same or an approved equivalent species.</p> <p>Condition reason: To ensure the ongoing establishment and maintenance of landscaping.</p>
50	<p>Hours of Operation</p> <p>Hours of Operation of the Child Care Centre shall be between the hours of 7:00 am and 6:00 pm, Monday to Friday.</p> <p>Condition reason: To ensure compliance with relevant statutory requirements.</p>
51	<p>Maximum enrolment of children</p> <p>The number of children enrolled at the child care centre shall not exceed 94 at any time.</p> <p>Condition reason: To ensure the operation of the centre remains consistent with the approved development and child-to-staff ratios.</p>
52	<p>Plan of Management – Ongoing Compliance</p> <p>The childcare centre shall at all times operate in accordance with the approved Plan of Management. Any changes to the operation that are inconsistent with the approved Plan of Management must be submitted to and approved by Council's Manager Development Assessments.</p> <p>Condition reason: To ensure the ongoing operation of the centre is consistent with the approved development and minimises impacts on the surrounding area.</p>
53	<p>Off-Street Parking – Ongoing Compliance</p> <p>All car parking associated with the childcare centre shall be provided and maintained within the approved off-street parking area. No parking associated with the centre shall occur on Joseph Street, Tanika Street, Park Edge Street, or any other adjoining streets.</p> <p>Condition reason: To ensure parking is managed on-site and to prevent adverse impacts on surrounding streets and traffic safety.</p>

General advisory notes

Attachment 1 DRAFT Notice of Determination

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.

Attachment 1 DRAFT Notice of Determination**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.

Attachment 2 Site Plan

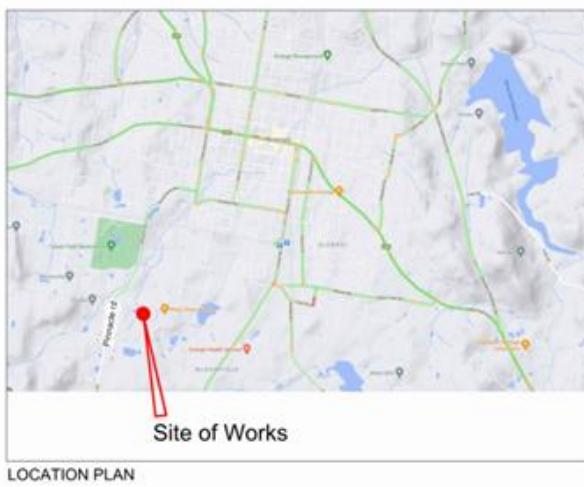


A 10/04/2024 For Development Application ph
 rev date issue drawn
bokor
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 ph(02) 9212 6604 fax(02) 9212 6670
 www.bokor.com.au
 BOKOR
 TOTAL
 Project
 Proposed Childcare Centre
 Lot 920 Joseph Drive Orange, NSW 2800
 Drawing
 Proposed Site Plan - Parent Lot
 CONTRACTORS MUST VERIFY ALL EMBODIMENTS ON SITE PRIOR TO
 STARTING ANY WORK OR MAKING ANY SHOP DRAWINGS. IF REQUIRED
 CONSULT THE ORIGINAL DRAWINGS FOR THE CORRECT DESIGN. THIS DRAWING
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 project no. drawing no.
 21977 DA-005 A

PROPOSED CHILDCARE CENTRE

LOT 920, JOSEPH DRIVE, ORANGE

DEVELOPMENT APPLICATION



Drawing	Drawing Name
DA-000	Cover Page and Location Plan
DA-002	Proposed Site and Site Analysis Plan
DA-005	Proposed Site Plan - Parent Lot
DA-110	Proposed Floor Plan
DA-111	Proposed Roof Plan
DA-120	Proposed Elevations - Sheet 1
DA-121	Proposed Elevations - Sheet 2
DA-300	Proposed Sections
DA-400	Proposed Fence Details

for development application

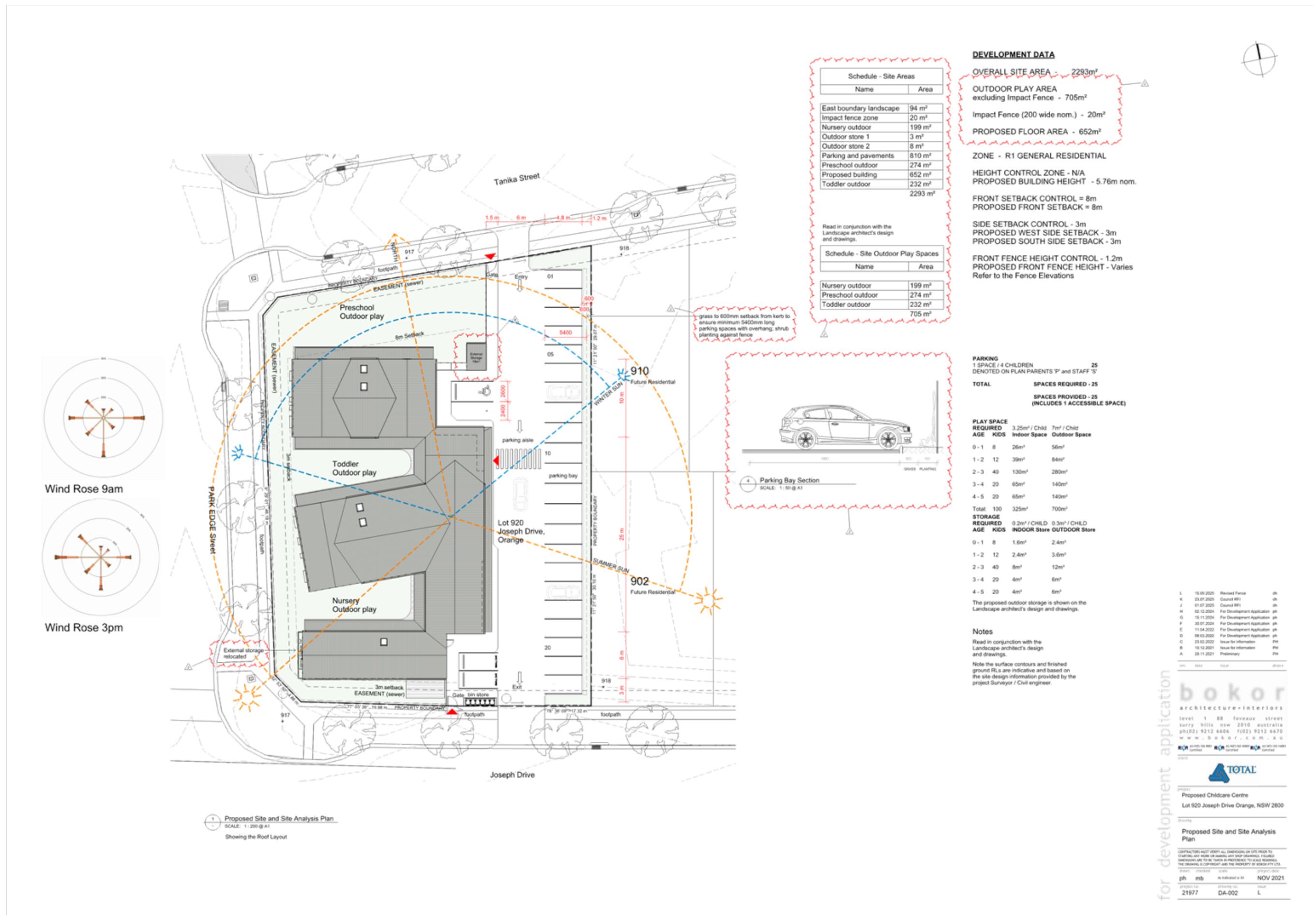
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TOTAL
 Proposed Childcare Centre
 Lot 920 Joseph Drive Orange, NSW 2800

Cover Page and Location Plan

CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE PRIOR TO STARTING WORKS OR MAKING MATERIAL PURCHASES.
 DRAWINGS ARE TO BE KEPT IN REFERENCE TO SCALE DRAWINGS.
 THE DRAWING IS CONFIDENTIAL AND THE PROPERTY OF BOKOR PTY LTD.

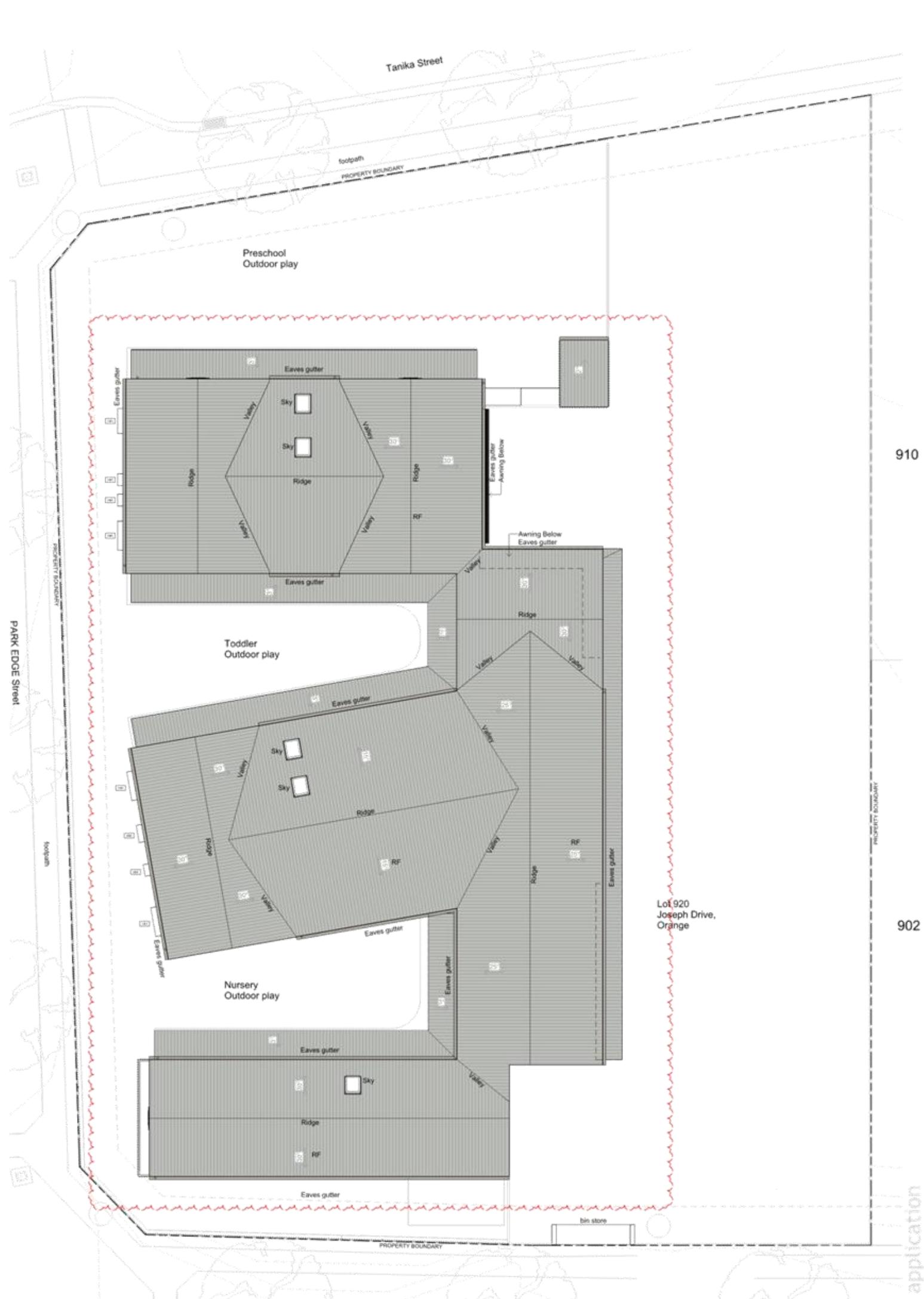
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Attachment 3 Architectural Plans


Attachment 3 Architectural Plans



Attachment 3 Architectural Plans


Attachment 3 Architectural Plans


for development application

 bokor
 ARCHITECTURE + INTERIORS

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RIBA Certified RIBA Certified RIBA Certified

TOTAL

 project
 Proposed Childcare Centre

Lot 920 Joseph Drive Orange, NSW 2800

drawing

Proposed Roof Plan

CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALE READINGS. THE DRAWING IS COPYRIGHT AND THE PROPERTY OF BOKOR PTY LTD.

DRAWN BY: DATE: APPROVED BY:

ph: mb: 1/180 x 11 NOV 2021

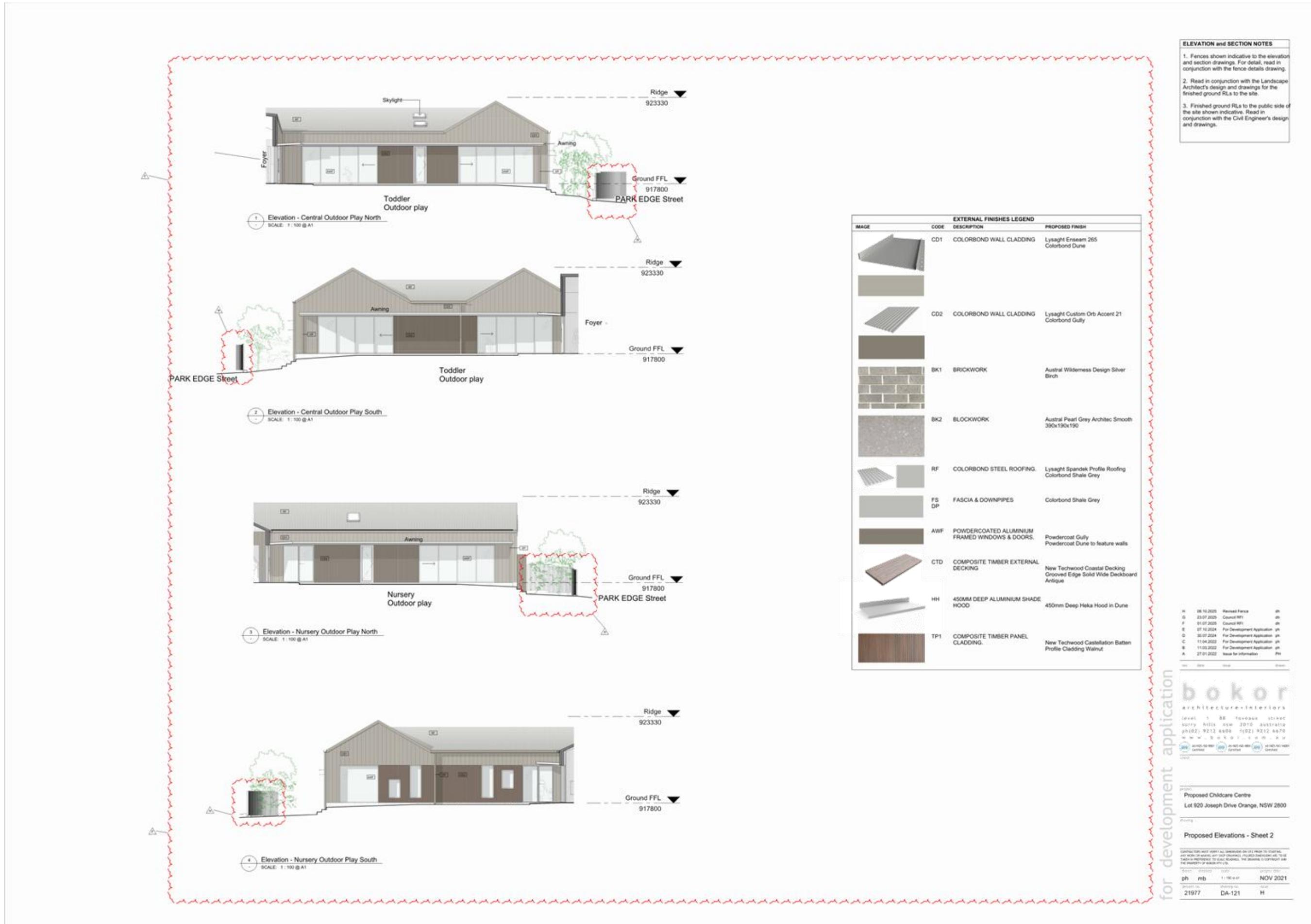
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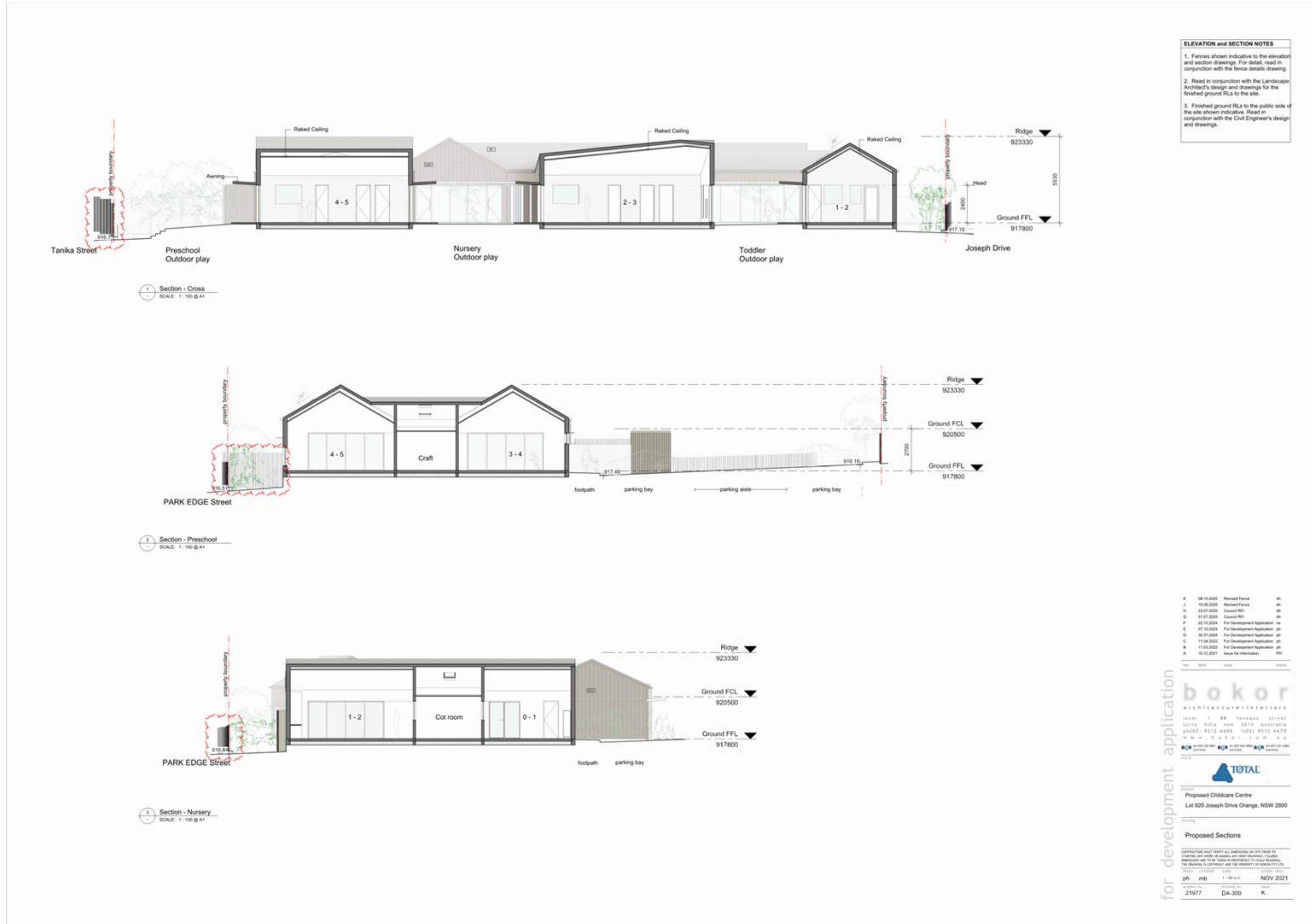
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Attachment 3 Architectural Plans

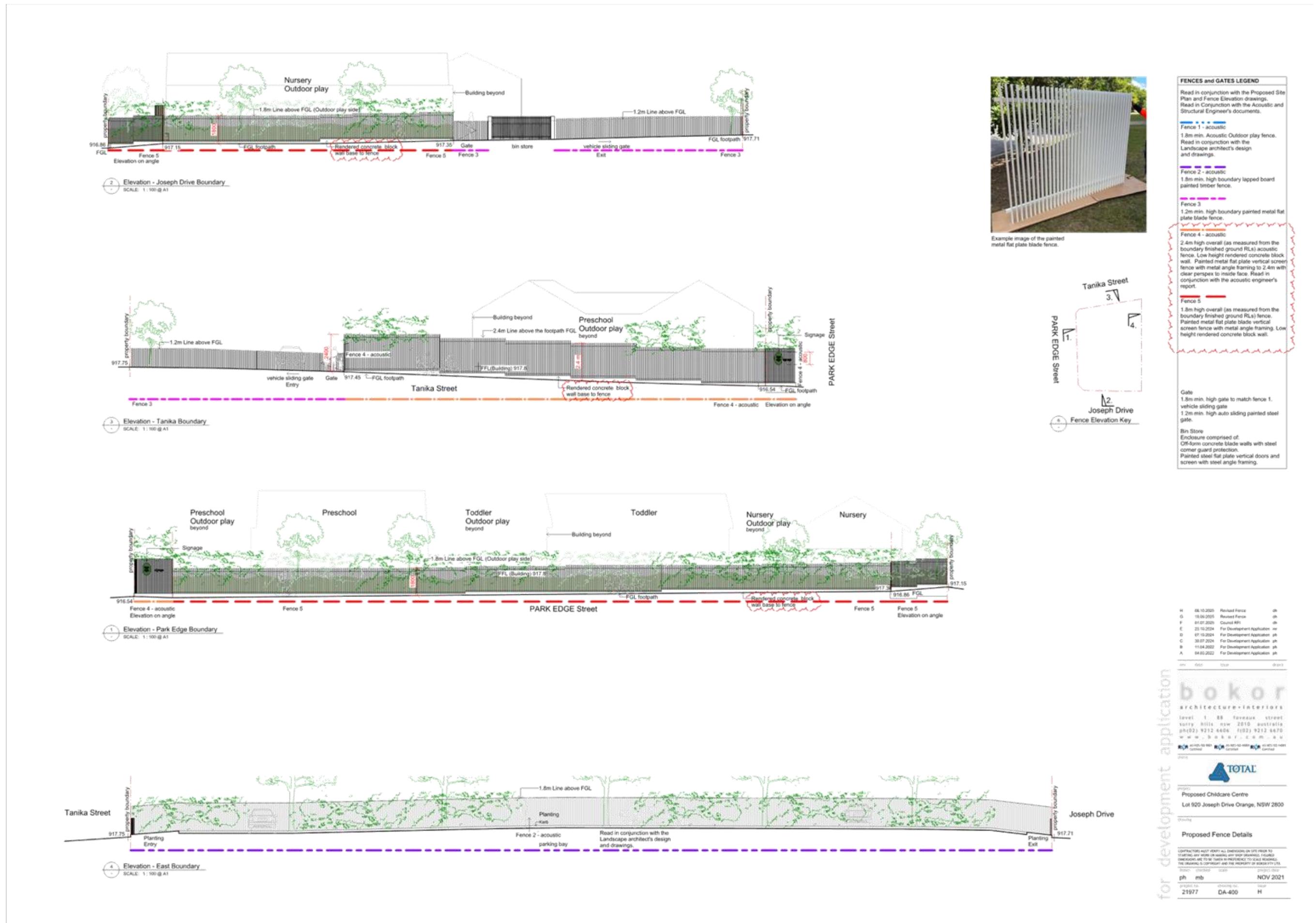


Attachment 3 Architectural Plans



Attachment 3 Architectural Plans


Attachment 3 Architectural Plans



Attachment 4 **Landscape Plans**

1	2	3	4	5	6	7	8	9	10	11	12
A											A
B											B
C											C
D											D
E											E
F											F
G											G
H											H

THE GREEN ELEPHANT ELC, ORANGE

Lot 921 Joseph Drive, Orange NSW 2800
 Landscape Concept Plans
 Issue 1



DRAWING LIST

SHEET NUMBER	SHEET NAME
1(A1)	Cover Page
2(A1)	Landscape Concept Plan
3(A1)	Play Space Activity Guide
4(A1)	Image Board
5(A1)	Surfaces and Levels Plan
6(A1)	Drainage Plan
7(A1)	Shade Diagram
8(A1)	Planting Plan - Playspace
9(A1)	Planting Plan - Car Park

PROPOSED PLAYSPACE 718m²



Scale 1:200
 0 5 10m

Notes: REVISION 1: Tree species changed in planting plan	Northpoint	Client: Gregory Nastoulis	Project Name: The Green Elephant ELC, Orange	Drawn to AS1100 Drawn by: OR	Dimensions in Millimetres Date: 07/10/2025	Do not Scale Plot Date: 7/10/25	
Rev. Date Description	By	Urban Landscape Projects	File Name: 25.10.07 THE GREEN ELEPHANT ELC - LANDSCAPE CONCEPT PLAN ISSUE 1.VWK	Drawing Name: Cover Page	Job No: GEL03	Sheet No: 1	Copyright
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Attachment 4 Landscape Plans

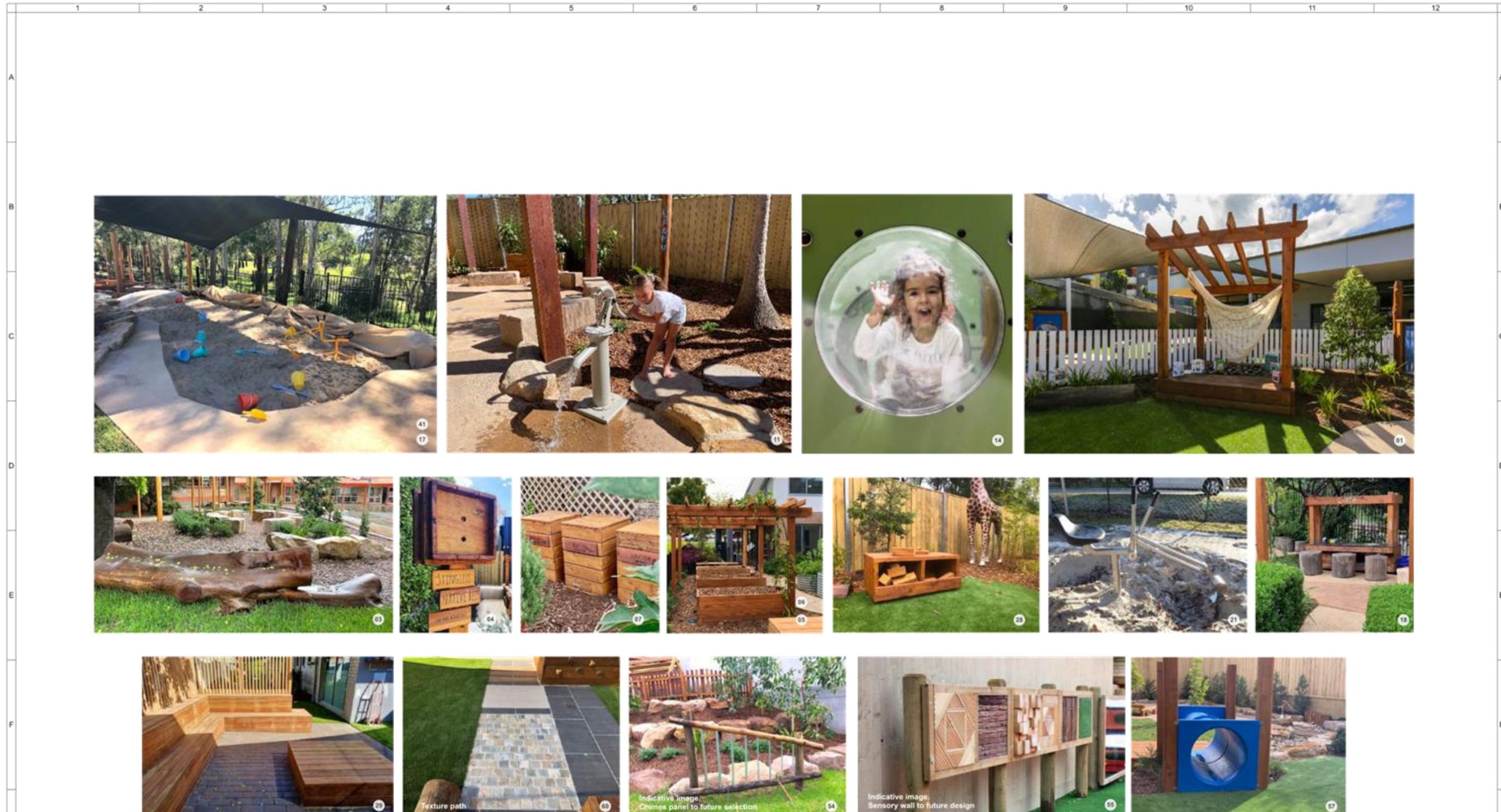

Attachment 4 Landscape Plans



INTERACTIVE GARDENS FOR LEARNING AND PLAY:
This play space has been designed as an outdoor learning environment where children are given access to nature so that they can foster a care and understanding of the natural world. All gardens are to be accessible to the children. Children are encouraged to explore and discover, search for insects and forage for edible foods. The carefully considered layout and plant selection has been designed and selected to provide habitat for native wildlife in a space that is both practical and safe for the children. Encouraging wildlife into this play space provides opportunities for children to learn and be curious. We have proposed a variety of plant forms and species that create a variety of habitat and food niches throughout the garden. Tall canopy trees provide height for territorial birds and birds of prey while providing habitat and protection for climbing animals. Understory planting provides shelter for smaller birds and perfect for insect hunting and circulation for the tree canopy bird species.



Attachment 4 Landscape Plans



Attachment 4 Landscape Plans


H	Notes: REVISION I: Tree species changed in planting plan	Northpoint	Client: Gregory Nastoulis	Project Name: The Green Elephant ELC, Orange	Drawn to AS1100 Dimensions in Millimetres Do not Scale
					Drawn by: OR Date: 07/10/2025 Plot Date: 7/10/25
					Job No: GEL03 Scale: 1:100 @ A1 Sheet No: 1 Copyright

File Name:
25.10.07 THE GREEN ELEPHANT ELC - LANDSCAPE CONCEPT PLAN ISSUE 1.VWK

Drawing Name:
Surfaces and Levels Plan

Sheet: A1 **Dwg No:** 5 (A1) **Revision:**

Attachment 4 Landscape Plans



PRELIMINARY DRAINAGE PLAN - TO BE CONFIRMED WITH HYDRAULIC ENGINEER.

Attachment 4 Landscape Plans



Scale 1:100 (A1)			Notes: REVISION I: Tree species changed in planting plan		Northpoint		Client: Gregory Nastoulis		Project Name: The Green Elephant ELC, Orange			Drawn to AS1100 Dimensions in Millimetres Do not Scale		
Rev:	Date:	Description:	1	2	3	4	5	6	7	8	9	10	11	12
By:														

Urban
Landscape
Projects

File Name:
25.10.07 THE GREEN ELEPHANT ELC -
LANDSCAPE CONCEPT PLAN ISSUE 1.VWK

Drawn by: OR	Date: 07/10/2025	Plot Date: 7/10/25
Job No: GEL03	Scale: 1:100 @ A1	Sheet No: 1 Copyright
Dwg No: A1	Revision: 7 (A1)	

Attachment 4 Landscape Plans

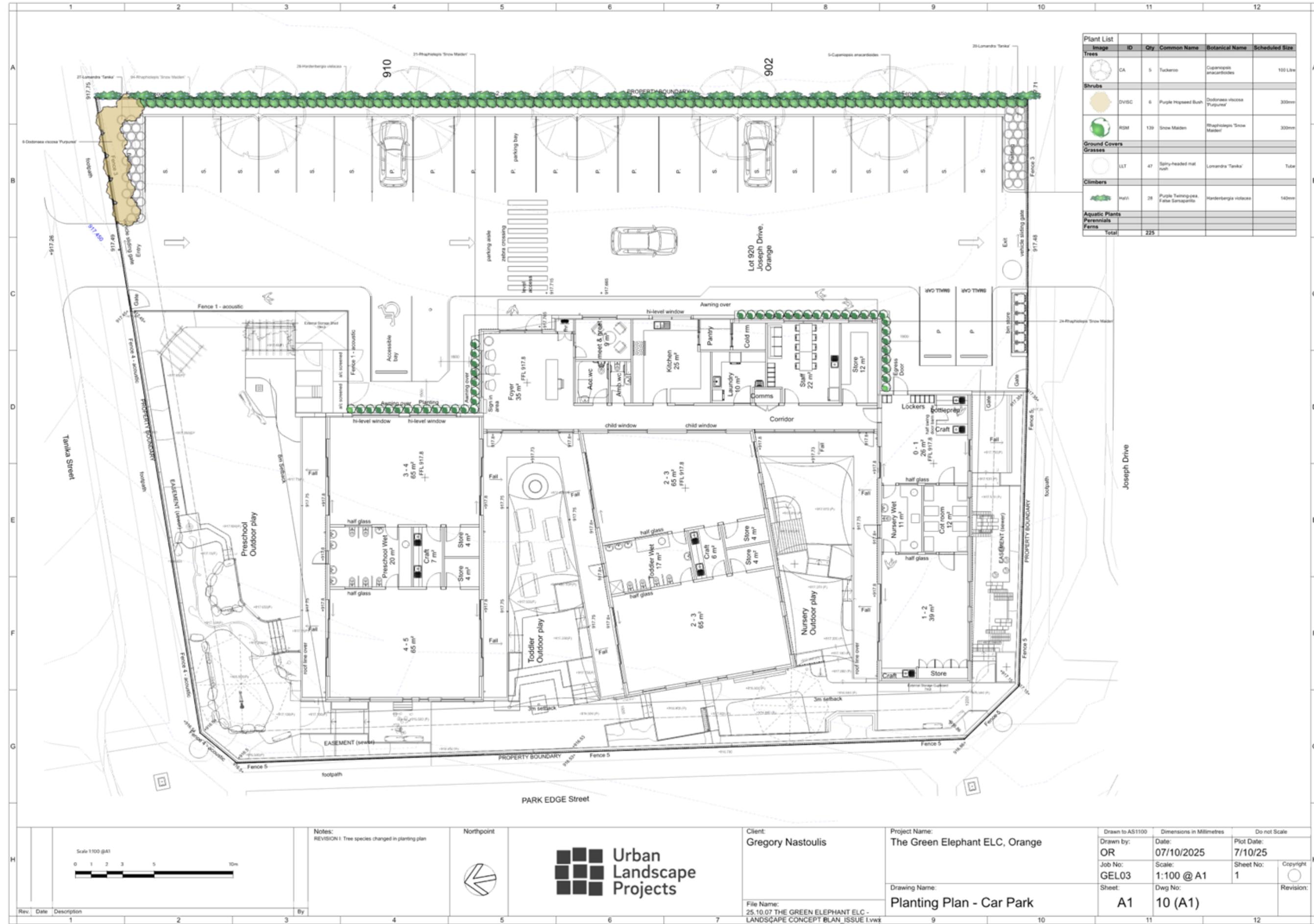
INTERACTIVE GARDENS FOR LEARNING AND PLAY

This play space has been designed as an outdoor learning environment where children are given access to nature so that they can foster a care and understanding of the natural world. All gardens are to be accessible to the children. Children are encouraged to explore and discover, search for insects and forage for edible foods. The carefully considered layout and plant selection has been designed and selected to provide habitat for native wildlife in a space that is both practical and safe for the children. Encouraging wildlife into this play space provides opportunities for children to learn and be curious. We have proposed a variety of plant forms and species that create a variety of habitat and food niches throughout the garden. Tall canopy trees provide height for territorial birds and birds of prey while providing habitat and protection for climbing animals. Understory planting provides shelter for smaller birds and perfect for insect hunting and circulation for the tall canopy bird species.

UNENCUMBERED SPACE PLAN			
■	Total area	718m ²	100%
■	Storage (encumbered space)	11.4m ²	1.6%
■	Storage (unencumbered space)	8.3m ²	1.16%
■	Encumbered space	3.6m ²	0.5%
■	Total unencumbered space	703m ²	97.91%



Attachment 4 Landscape Plans


Attachment 4 **Landscape Plans**


Attachment 5 Submission (Redacted)

Submission 1

22 November 2024

Orange City Council
Wiradjuri Country
PO Box 35
Orange NSW 2800

By email: council@orange.nsw.gov.au

Dear Council,

RE: Objection Submission DA 520/2024(1) – Lot 91 Tanika Street, Orange (Centre-based Child Care Facility)
Your ref: DA 520/2024(1) - PAN-430484

I have reviewed the Development Application on exhibition for Lot 91 Tanika Street Orange and wish to make the following submissions in objection:

1. The car parking and traffic impact assessment provides an insufficient amount of detail regarding maneuverability and traffic generation. It does not provide any detail regarding trip distributions and the level of service of the nearby intersections (intersection capacity). Additionally, it does not demonstrate how garbage trucks will enter and exit the site on waste collection days.
2. Further to the point above, there is no waste management plan to demonstrate how waste would be stored, managed and collected. Merely a brief paragraph in the SEPP regarding odour. A waste management plan should be prepared in accordance with the EPA better practice guidelines for waste management and recycling in commercial and industrial facilities.
3. The use of the front setback area and fencing along the front boundary is not consistent with and would be out of character with the surrounding residential development which provides soft landscaping to the front setback. The proposed fencing in the front setback is inconsistent with the open front yards, setback and built form that is encouraged in Shiralee Estate.
4. Naturally occurring asbestos is cited as an issue delaying the completion of the Southern Feeder Road through to Shiralee Estate. This road is a few hundred meters from this proposed development site. There are likely to be children disturbing the soil at the proposed development site on a regular basis. Given ours and Council's knowledge of the proximity of asbestos contamination conditions in soil that is likely to be of a very similar, if not the same, condition as that found up the road - The Envirowest preliminary contamination report does not adequately address and is not sufficient to negate the potential safety concerns of children playing in and disturbing soil that may be characterized by the same naturally occurring asbestos contaminations. It would likely be negligent to proceed to development of this site for the proposed purpose without thoroughly negating any potential contamination concerns.

Attachment 5 Submission (Redacted)

5. The Regulations and the Childcare Planning Guideline identify a minimum of 7sqm of unencumbered outdoor play space. Based on 100 children, a total outdoor play space of 700m² is required. This development would require concurrence from a regulatory authority because it doesn't comply with the unencumbered space requirements. The front setback should not be included in the calculation of unencumbered outdoor space, as the visual impacts on the streetscape will be out of character with Shiralee Estate. The necessity for play space in the front setback arises from the number of children to be catered for at the site. With a smaller number of children, this would not be necessary.
6. A less intense development would result in more outdoor space for children attending the Centre. A lower scale development would be more respectful of residential character. The proposed development appears to push the site beyond its capacity.

On a separate note, the link contained in the advertisement regarding "Information on making a submission" does not currently work. Please kindly advise if you require any further information for my submission or require it to be sent to a different address/email.

Thank you for reviewing and considering the above submissions.

Kind regards,

2.3 Amendment to the Orange Local Environmental Plan 2011 - 49-51 Molong Road - Post Exhibition Report

RECORD NUMBER: 2026/74

AUTHOR: Amira Halla, Town Planner

EXECUTIVE SUMMARY

The Planning Proposal relates to reclassification of the land at 49-51 Molong Road (Lots 4 and 5 DP790829) from Community Land to Operational Land by listing in Schedule 4 of Orange Local Environmental Plan 2011. The land is currently vacant and zoned R2 Low Density Residential. The Planning Proposal will retain the current zone and reclassify the land to Operational Land under the Local Government Act as it is intended to sell the land for future housing.

The Planning Proposal is supported indirectly by the Orange Local Housing Strategy which emphasises the efficient use of existing infrastructure and services by encouraging residential development within established areas. Council has identified 49-51 Molong Road as being surplus Council owned land that is located within an existing residential neighbourhood. The subject site is well served by recreation facilities, transport connections and community infrastructure. The land is considered to be a suitable site for infill development.

Council considered the Planning Proposal at the 3 June 2025 Planning and Development Committee meeting. Subsequent to the Gateway determination received from the Department of Planning, Housing and Infrastructure on the 12 August 2025, Council placed the Planning Proposal on exhibition for a period of 28 days from 9 September until 8 October 2025. During this time, zero (0) agency submissions were received, and one (1) public submission was received. The public exhibition aligned with the Gateway condition requiring the Planning Proposal to be made publicly available for a minimum of 20 working days. The details of the submission received have been addressed below.

Council staff in accordance with the Local Government Act 1993 Chapter 6, Part 2, Division 1, Section 29, also arranged a public hearing on 19 November 2025, to which there were no attendees and zero (0) public submissions. An independent Chair attended the Public Hearing and provided a report as per the requirements of Section 47G of the Local Government Act 1993.

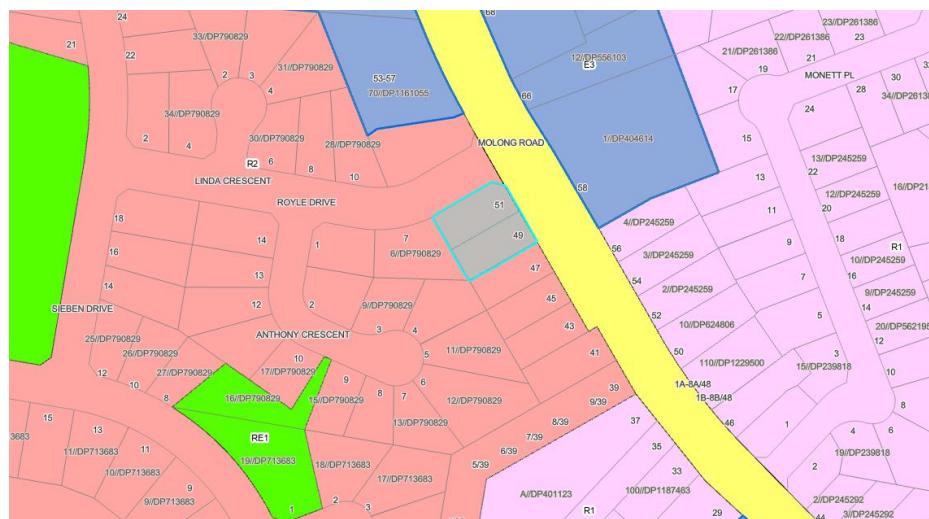


Figure 1 – Existing Land Zone Map showing the subject lands

2.3 Amendment to the Orange Local Environmental Plan 2011 - 49-51 Molong Road - Post Exhibition Report



Figure 2 – Aerial view of 49-51 Molong Road

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:

1. Acknowledge the Independent Hearing Report, and
2. Support the amendment to the Orange Local Environmental Plan 2011, and
3. Direct staff to request that the local plan-making authority seek to finalise the amendment and submit the request for approval to discharge interests from the land title to the Governor.

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	Reclassification of land was subject to community consultation under the EPA Act 1979 and Local Government Act 1993. No

2.3 Amendment to the Orange Local Environmental Plan 2011 - 49-51 Molong Road - Post Exhibition Report

	submissions were received. Therefore, risk is minimal.
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

Site Context

The land is described as Lots 4 and 5 DP790829 being 49-51 Molong Road. The subject land is currently vacant and is zoned R2 Low Density Residential. The lots were created as a result of a subdivision approved in October 1988. Exactly how these lots came into Council ownership is not understood. The lots are fully serviced for water and sewer with connections in place and 51 Molong Road has a driveway layback in place along Royle Drive. This suggests an intention for the lots to be developed for housing at some future point. The subject sites involved are all situated in established urban residential estates and do not contain vegetation that could provide significant habitat value. There are no known threatened species or populations on the site.

Objective and Intended Outcomes

The objectives of this planning proposal are to:

- Reclassify land at 49-51 Molong Road from community Land to Operational Land to enable their sale for further residential development.

The objectives of this Planning Proposal will be achieved by:

- Reclassifying land at 49 Molong Road (Lot 4 DP 790829) from Community land to Operational land within the meaning of the Local Government Act 1993. The Public Reserve notation is also to be removed from the second schedule of the title. Therefore, the land is to be listed in Schedule 4 Part 2 of the OLEP.
- Reclassifying land at 51 Molong Road (Lot 5 DP 790829) from Community land to Operational land within the meaning of the Local Government Act 1993. The Public Reserve notation is also to be removed from the second schedule of the title. Therefore, the land is to be listed in Schedule 4 Part 2 of the OLEP.

Local Strategic Planning Statement

The Orange Local Strategic Planning Statement (LSPS) 2020 outlines a 20-year vision for land use in Orange, focusing on sustainable growth, community wellbeing, and environmental preservation.

The proposal demonstrates consistency with the Planning Priorities, as outlined:

- Supporting the delivery of new homes in residential release areas,
- Provide diverse housing choices and opportunities to meet changing demographics,
- Ensure that building design and construction is of high quality and maintains resident amenity, and
- Enhance local and neighbourhood centres as great, connected places, whilst maintaining the regional town atmosphere.

2.3 Amendment to the Orange Local Environmental Plan 2011 - 49-51 Molong Road - Post Exhibition Report

Orange Local Housing Strategy

The Orange Local Housing Strategy (O HLS) aims to address the diverse and evolving housing needs of the Orange community. The proposal demonstrates consistency with the O HLS priorities, as outlined:

- Coordinate services and community infrastructure to facilitate housing growth in appropriate locations,
- Increase housing supply, diversity, and choice to meet population needs,
- Support the supply of affordable housing.

9.1 Local Planning Directions

The Planning Proposal is consistent with the Ministerial Directions. The relevant directions are as outlined:

- The planning proposal aligns with the Central West and Orana Regional Plan 2041, supporting housing supply, sustainable development, and economic growth,
- The proposal does not include any site-specific provisions or additional permitted uses,
- The proposed land use does not include ecologically sensitive land, and no environmental protections are reduced,
- The proposed land use does not include any items or objects of environmental heritage or indigenous heritage significance,
- The subject lands are not identified as flood prone,
- The reclassified land is within an urban area, providing good access to existing roads and services,
- The proposal is the means for seeking the approval of the relevant authority and Planning Secretary, and
- The proposal facilitates residential development, including housing supply while maintaining alignment with Orange's strategic growth framework.

State Environmental Planning Policies

SEPP (Housing) 2021

The Housing SEPP enables a series of housing types on residentially zoned land. The regular shape, dimensions and area of the subject lots are anticipated to be suitable for a broad mix of the available options under the Housing SEPP.

SEPP (Exempt and Complying Development Codes) 2008

The Codes SEPP establishes a range of criteria and standards for various forms of complying development. This includes complying development for individual dwelling houses. The regular shape, dimensions and area of the subject lots are anticipated to be suitable for a broad mix of the available options under the SEPP.

Gateway Conditions

Conditions	Compliance
<p>1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows.</p> <p>(a) the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guideline</p>	Council staff arranged public exhibition from 4 September 2025 until 8 October 2025 (25 workdays). One (1) submission was received and is addressed below.

2.3 Amendment to the Orange Local Environmental Plan 2011 - 49-51 Molong Road - Post Exhibition Report

<p>(Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and</p> <p>(b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).</p>	
<p>2. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).</p>	<p>Council held a public hearing on Wednesday, 19 November 2025 as per the requirements of Section 47G of the Local Government Act 1993. Andrew Muir was appointed as independent chair. There were no attendees and zero (0) public submissions.</p>

Submissions

Following the public exhibition period from 4 September to 8 October 2025, one public submission was received. A public hearing was held at 12:00 PM on 19 November 2025, at which no members of the public attended and no submissions were made. A report was subsequently provided by the independent chair.

Public submission

Submitter concern	Response
<p>The submitter objects to the proposed reclassification of 49-51 Molong Road. The submission states that the development has the potential to affect their privacy, sunlight and views due to their close proximity to the lots.</p>	<p>Future development would either require consent via a Development Application or Complying Development Certificate. Development Applications require the consideration of the Orange Development Control Plan 2004 Planning Outcomes in relation to height, build, shadows, character and landscaping. Alternatively, a Complying Development Certificate may be issued for development that meets pre-determined planning standards. As such, all future development would be adequately considered to address concerns raised.</p>
<p>The submitter queries if the lots will require access from Molong Road and if/how this would impact the existing left turn lane situated in front of the lots.</p>	<p>Council's Technical Services team have not raised any concerns in relation to impacts on the existing left turn lane given there is a long straight approach, within a residential 50km/hr</p>

2.3 Amendment to the Orange Local Environmental Plan 2011 - 49-51 Molong Road - Post Exhibition Report

	zone. Future access provisions will be considered through the Development Application process.
The submitter mentions their concerns that future development will not align with the existing character of the area.	As mentioned above, any new development would undergo an assessment against planning controls and/or planning standards.
The submitter mentions access to their rear no longer being viable as they have a two-way swing gate.	Council records show there is no legal access to the gates in question. The gates appear in nature to be consistent with the existing fencing any changes to the fence would be the responsibility of the property owners.
The submitter requests compensation through replacement Colorbond fencing as they will no longer have access to their two-way gate.	
The submitter requests for the lots to be regularly maintained to a high standard and frequency.	The responsibility of land maintenance is on the owner of the lot.
The submitter suggests the following conditions to be included: <ul style="list-style-type: none"> • Limiting the height of future buildings, single level dwellings only, no townhouses/terraces, etc, • Landscaping is to be considered as to not cause any impact to sunlight access to their property. This includes any tree choices, etc. • Access to driveway not being directly on the boundary of their property. 	Future development would either require consent via a Development Application or Complying Development Certificate. Development Applications require the consideration of the Orange Development Control Plan 2004 Planning Outcomes in relation to height, build, shadows, character and landscaping. Alternatively, a Complying Development Certificate may be issued for development that meets pre-determined planning standards. As such, all future development would be adequately considered to address concerns raised.

Independent hearing report (21/01/2026)

A Public Hearing is a requirement of the Local Government Act in relation to a Planning Proposal change to the classification of land from Community Land to Operational Land. A report (21/01/2026) was prepared by the independent Chair for the Public Hearing (19/11/2025). This appointment satisfies the requirements of Section 47G of the Local Government Act.

The independent Chair was satisfied that Council provided an appropriate opportunity for members of the community to provide input in relation to the proposal. The report by the independent chair states that the Public Hearing did not reveal any reason why the planning proposal should not proceed. The Independent Chair recommends for the Planning Proposal to proceed.

Next steps

If Council resolve to support the finalisation of the amendment, Council staff will request the amendment be finalised by the local plan making authority and notified prior to the finalisation date of 28 May 2026.

2.3 Amendment to the Orange Local Environmental Plan 2011 - 49-51 Molong Road - Post Exhibition Report

ATTACHMENTS

- 1 Letter to Council - PP-2025-1137 - 49-51 Molong Road (Redacted), D26/8584 [↓](#)
- 2 Gateway Determination - PP-2025-1137 - 49-51 Molong Road (Redacted), D26/8585 [↓](#)
- 3 Planning Proposal – 49-51 Molong Road, D26/7818 [↓](#)
- 4 Submission - LEP Reclassification Amendment 1 - 49-51 Molong Road (Redacted), D26/6790 [↓](#)
- 5 Reclassification of Land Public Hearing Report - 49-51 Molong Road (Redacted), D26/6847 [↓](#)

Attachment 1 Letter to Council - PP-2025-1137 - 49-51 Molong Road (Redacted)

Department of Planning, Housing and Infrastructure

Our ref: PP-2025-1137
IRF25/165

Mr Barry Omudson
Interim CEO
Orange City Council
PO Box 63
ORANGE NSW 2800
ahalla@orange.nsw.gov.au

12/8/2025

Subject: (PP-2025-1137) Proposal to amend Orange Local Environmental Plan 2011

Dear Mr Omudson

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) to reclassify land at 49-51 Molong Road, Orange from community land to operational land and discharge interests.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

In relation to ministerial planning direction 5.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that it has been demonstrated the site is superfluous to council's needs. No further approval is required in relation to the directions.

I have determined not to authorise Council to be the local plan-making authority as council stands to benefit from the outcome of the proposal and it will need to be submitted for the Governor's approval to discharge interests from the land title.

The amending local environmental plan (LEP) is to be finalised on or before 28 May 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

Attachment 1 Letter to Council - PP-2025-1137 - 49-51 Molong Road (Redacted)

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Kimberley Beencke to assist you. Ms Beencke can be contacted on 02 9274 6053.

Yours sincerely



Chantelle Chow
Acting Director, Southern, Western and Macarthur Region
Local Planning and Council Support

Encl: Gateway determination



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2025-1137): reclassify land at 49-51 Molong Road, Orange from community land to operational land and remove interests.

I, the Acting Director, Southern, Western and Macarthur Region, at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Orange Local Environmental Plan 2011 to reclassify the site from community land to operational land and remove interests should proceed subject to the following.

The LEP should be completed on or before 28 May 2025.

Gateway Conditions

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
2. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

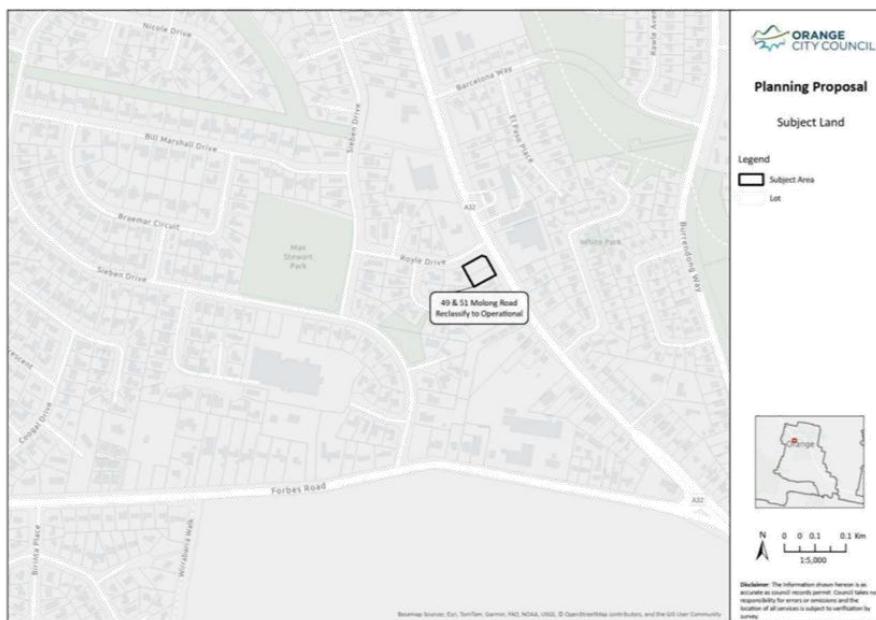
Dated 12 August 2025



Chantelle Chow
Acting Director, Southern, Western and
Macarthur Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces

PP-2025-1137 (IRF25/1650)

Attachment 3 Planning Proposal – 49-51 Molong Road**Planning Proposal 49 – 51 Molong Road****Orange LEP 2011 Amendment****May 2025**

Orange City Council
135 Byng Street, Orange
NSW 2800
P: 02 6393 8000
E: council@orange.nsw.gov.au
W: www.orange.nsw.gov.au

Attachment 3 Planning Proposal – 49-51 Molong Road**TABLE OF CONTENTS**

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Attachment 3 Planning Proposal – 49-51 Molong Road

Planning Proposal Sieben Drive & Molong Road Orange



Introduction

Orange City Council has prepared this Planning Proposal for an amendment to the Orange Local Environmental Plan 2011 ('the LEP'). The Planning Proposal has been prepared in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and the *Local Environmental Plan Making Guideline* (August 2023) issued by the NSW Department of Planning and Environment (DPIE).

The Planning Proposal seeks to reclassify land at 49-51 Molong Road from Community Land to Operational Land to enable these properties to be sold for subsequent residential development.

Further commentary on these matters can be found in the report, including under **Part 2 – Explanation of Provisions**.



Figure 1: Existing Land Zone Map showing the subject lands

SITE HISTORY

These lots were created as a result of a subdivision approved in October 1988. A report to the Council meeting which addressed two adjoining subdivision DA's states:

"Three areas of public open space are to be provided under these applications. These are a Basic Sports Unit located to the east of the centre of the site, a public reserve along the western extremity of the site adjacent to Ploughmans Creek, and a small area of land at the eastern extremity of Sieben Drive which essentially is an extension of an existing public reserve provided in the Brouwers subdivision. These plans do not include any isolated small pockets of land which serve no real purpose, and which present considerable maintenance problems to Council."

The "Basic Sports Unit" refers to what is now Max Stewart Oval. The public reserve at the western extremity is now part of Coegal Park, and the small area at the eastern extremity refers to the northern part of what is now

Attachment 3 Planning Proposal – 49-51 Molong Road

Planning Proposal Sieben Drive & Molong Road Orange



Sieben Park. **Figure 2** below shows these open space areas in blue and subject site in orange. Therefore, Councils acquisition of the subject land was not part of the open space requirements, and the report at the time appears to argue against small pocket parks as serving no real purpose.



Figure 2: showing approximate area of original subdivision, open space provided and subject site.

Exactly how these lots came into Council ownership is not understood. As detailed above the land at 49 – 51 Molong Road was not acquired to satisfy public open space requirements as that was already provided for with what is now Max Stewart Oval, Coogal Park and Sieben Park. Records confirm that the developer paid the full amount of contributions that were required at the time, and there is no significant vegetation on the site, other than three mature trees within the road reserve or along the street boundary, that might have warranted the dedication to Council.

The lots are fully serviced for water and sewer with connections in place and 51 Molong Road has a driveway layback in place along Royle Drive. This suggests an intention for the lots to be developed for housing at some future point.

Part 1 – Objectives and intended outcomes

The objectives of this Planning Proposal are to:

- Reclassify land at 49-51 Molong Road from Community Land to Operational Land to enable their sale for further residential development.

Attachment 3 Planning Proposal – 49-51 Molong Road

Planning Proposal Sieben Drive & Molong Road Orange



Figure 4: Aerial view of 49 – 51 Molong Road

Part 2 – Explanation of Provisions

The objective of this Planning Proposal will be achieved by:

- reclassifying land at 49 Molong Road (Lot 4 DP 790829) from Community land to Operational land within the meaning of the Local Government Act 1993. The Public Reserve notation is also to be removed from the second schedule of the title. Therefore, the land is to be listed in Schedule 4 Part 2 of the OLEP.
- reclassifying land at 51 Molong Road (Lot 5 DP 790829) from Community land to Operational land within the meaning of the Local Government Act 1993. The Public Reserve notation is also to be removed from the second schedule of the title. Therefore, the land is to be listed in Schedule 4 Part 2 of the OLEP.

Attachment 3 Planning Proposal – 49-51 Molong Road*Planning Proposal Sieben Drive & Molong Road Orange*

Part 3 – Justification

Section A - Need for the Planning Proposal

Q1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

Indirectly. The Orange Local Housing Strategy (July 2022) (OLHS) emphasizes the efficient use of existing infrastructure and services by encouraging residential development within established areas (9.1 Delivery Plan, 3. Facilitate infill opportunities for housing near jobs and services). Infill development is seen as a way to enhance housing diversity, provide more affordable housing options, and promote sustainable urban growth. The OLHS advocates for well-planned infill projects that respect neighbourhood character, improve walkability, and integrate with existing transport and community infrastructure, ensuring that new housing aligns with Orange's long-term planning goals.

Council has identified 49-51 Molong Road as being surplus Council owned land that is located within existing residential neighbourhoods that are well served by recreation facilities, transport connections and community infrastructure and therefore considers these lands to be suitable sites for infill development.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The proposal is the best way of achieving the objectives and intended outcomes. There are no alternative means available.

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Planning Proposal Sieben Drive & Molong Road Orange

Section B – Relationship to strategic planning framework.

Q3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The proposal will make a minor but positive contribution to the objectives of the Central West and Orana Regional Plan 2041 and is consistent with the OLHS as detailed in the sections below.

The Central West and Orana Regional Plan 2041

The Central West and Orana Regional Plan 2041 outlines a strategic vision for sustainable growth, economic development, and community well-being in the region. The proposed planning actions to reclassify specific lands in Orange, NSW, align with several objectives within this plan. **Table 1** provides a summary of how the proposal aligns with the plan's objectives:

Table 1. Central West and Orana Regional Plan	
Regional Plan Objective	Alignment with Planning Proposal
OBJECTIVE 13: Provide well located housing options to meet demand <i>13.1 Provide new housing where it can use existing Infrastructure capacity or support the timely delivery of new infrastructure</i>	The proposal will deliver 2 additional residential lots to the market in established residential areas, making greater use of existing infrastructure and contributing to the overall infill housing requirements of the City.
OBJECTIVE 14: Plan for diverse, affordable, resilient and inclusive housing <i>14.1 allow a diversity of housing, including affordable housing, student housing, shop top housing, more dense housing types and housing choices for seniors close to existing services, and on land free from hazards</i>	The R2 Low Density Residential zone provides for a certain level of housing diversity commensurate with the local character of a lower density residential neighbourhood. The R2 Low Density residential zone allows for dual occupancies, group homes, and secondary dwellings.

Q4. Will the Planning Proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. The proposal is consistent with the Orange Community Strategic Plan 2022-2032 and the Orange Local Strategic Planning Statement and will give effect to several objectives as detailed in the sections below.

Orange Community Strategic Plan 2022-2032

The Orange Community Strategic Plan (CSP) 2022-2032 outlines the community's vision and priorities across four key themes: Live, Preserve, Prosper, and Collaborate. The proposed planning actions to rezone and reclassify specific lands in Orange, NSW, align with several objectives within these themes. **Table 2** provides a summary of how the proposal aligns with the CSP's objectives:

Attachment 3 Planning Proposal – 49-51 Molong Road

Planning Proposal Sieben Drive & Molong Road Orange


Table 2. Orange Community Strategic Plan 2022-2032

CSP Theme	Relevant CSP Objective	Alignment with Planning Proposal
Live: A healthy, safe, inclusive, and vibrant community.	<i>Promote access to affordable and diverse housing options.</i>	Reclassifying land at 49-51 Molong Road for residential development increases the availability of housing, supporting diverse and affordable living options within the permissible housing types under the R2 Low Density Residential zone.
Preserve: Balancing the natural and built environment.	<i>Ensure that development is sustainable and respects the natural environment.</i>	The proposal considers sustainable development practices by focusing on land already within urban areas, thereby minimizing environmental impact.
Prosper: A smart, innovative, and resilient economy.	<i>Encourage residential development to support economic growth.</i>	Facilitating infill residential development can provide more options for a growing workforce, bolster local businesses, and contribute to economic resilience.
Collaborate: Leading and partnering to support the community.	<i>Engage with stakeholders to plan and deliver infrastructure and services.</i>	The planning proposal demonstrates collaboration between the Council and the community to address housing needs and infrastructure planning.

Orange Local Strategic Planning Statement

The Orange Local Strategic Planning Statement (LSPS) 2020 outlines a 20-year vision for land use in Orange, focusing on sustainable growth, community well-being, and environmental preservation. The proposed planning actions to rezone and reclassify specific lands in Orange, NSW, align with several planning priorities identified in the LSPS. **Table 3** provides a summary of this alignment:

Table 3. Orange Local Strategic Planning Statement

LSPS Planning Priority	Alignment with Planning Proposal
Planning Priority 2: Support the delivery of new homes in residential release areas, including North Orange and Shiralee, and increase the range of housing options in existing urban areas. Ensure a sufficient supply of land and diverse housing options to meet the community's needs.	Reclassifying land at 49-51 Molong Road for residential development increases the availability of land for housing, supporting diverse and affordable living options.

Attachment 3 Planning Proposal – 49-51 Molong Road

Planning Proposal Sieben Drive & Molong Road Orange



<p>Planning Priority 4: Provide diverse housing choices and opportunities to meet changing demographics and population needs, with housing growth in the right locations.</p> <p>Encourage a variety of housing types to cater to different community needs and ensure growth occurs in suitable areas.</p>	<p>The proposal focuses on land for infill opportunities within urban areas, promoting sustainable development practices and minimizing environmental impact.</p>
<p>Planning Priority 5: Ensure that building design and construction is of high quality and maintains resident amenity.</p> <p>Promote high-quality design in new developments to enhance liveability and community well-being.</p>	<p>Facilitating new residential areas can attract a growing workforce, bolster local businesses, and contribute to economic resilience.</p>
<p>Planning Priority 9: Enhance local and neighbourhood centres as great, connected places, whilst maintaining the regional town atmosphere.</p> <p>Develop vibrant, well-connected local centres that retain Orange's unique character.</p>	<p>The planning proposal demonstrates collaboration between the Council and the community to address housing needs and infrastructure planning.</p>

Orange Local Housing Strategy

The OLHS aims to address the diverse and evolving housing needs of the Orange community, ensuring sustainable growth and enhanced liveability. The proposed planning actions to rezone and reclassify specific lands in Orange, NSW, align with several priorities outlined in the OLHS identified under 9.1 Delivery Plan of the OLHS (page 116-118). **Table 4** provides a summary of this alignment:

Table 4. Orange Local Housing Strategy	
OLHS Priority	Alignment with Planning Proposal
<p>1. Coordinate services and community infrastructure to facilitate housing growth in appropriate locations</p> <p>Ensure new housing development can be efficiently and effectively serviced by infrastructure suitable to the location and is unconstrained.</p>	<p>The proposal focuses on land within urban areas, promoting sustainable development practices and minimizing the environmental impacts of sprawl.</p>
<p>2. Increase housing supply, diversity, and choice to meet population needs</p> <p>Ensure a wide range of housing can be provided to meet the social and economic needs of the changing demographics of the City.</p>	<p>Reclassifying land at 49-51 Molong Road for residential development increases the availability of land for housing, supporting diverse and affordable living options.</p>
<p>4. Support the supply of affordable housing</p> <p>Implement mechanisms to ensure that affordable housing is available to meet the needs of the community.</p>	<p>Facilitating infill residential development can provide more options for a growing workforce, bolster local businesses, and contribute to economic resilience.</p>

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Orange Recreation Needs Study 2008

The Recreation Needs Study (2008) recommended that Council finalise a review of parcels of open space considered excessive to current and future recreational needs of the community, be sold with proceeds being directed towards specific recreation facilities and other open space assets. This recommendation was carried through to the 2011 Recreation Needs Study Review which remains in draft.

Orange Play Strategy 2024-2040 (2024)

The Orange Play Strategy 2024-2040 (2024) identifies the catchment area as being adequately serviced for play spaces and does not identify any future playgrounds being required within the area of the subject sites for the life of the strategy. This indicates that there is adequate provisions of playgrounds in the local area to cater for population growth to 2040. It is therefore noted that the selling of the subject sites will not impact on the provision of play spaces within the locality.

Q5. Is the planning proposal consistent with any other applicable state and regional studies or strategies?

None directly applicable.

Not inconsistent with any State-wide or Region-wide studies or strategies.

Table 5. State-wide and Region-wide Policies considered

Policy	Applicable	Comments
Housing 2041 2021-22 Action Plan, NSW Housing Strategy – Priority Area 5.	Yes	The role of Council-owned land for housing opportunities is encouraged by the policy where there is community support, and land has been identified as under utilised.

Q6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes.

State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

The Housing SEPP enables a series of housing types on residentially zoned land. The regular shape, dimensions and area of the subject lots are anticipated to be suitable for a broad mix of the available options under the Housing SEPP.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)

The Codes SEPP establishes a range of criteria and standards for various forms of complying development. This includes complying development for individual dwelling houses. The regular shape, dimensions and area of the subject lots are anticipated to be suitable for a broad mix of the available options under the SEPP.

Attachment 3 Planning Proposal – 49-51 Molong Road

Q7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions) or key government priority?

Yes. Relevant directions are summarised in **Table 6** below.

Table 6. Ministerial Directions (s9.1 directions)

Direction	Requirement	Comments
1.1 Implementation of Regional Plans	Planning proposals must align with the relevant Regional Plan to give effect to its vision, land use strategy, and goals.	The proposal aligns with the Central West and Orana Regional Plan 2041, supporting housing supply, sustainable development, and economic growth.
1.4 Site-Specific Provisions	Proposals should not introduce unnecessarily restrictive site-specific provisions and should integrate land uses into existing zones where possible.	The proposal does not include any site specific provisions or additional permitted uses.
3.1 Conservation Zones	Protect environmentally sensitive areas and avoid downscaling conservation protections.	The proposed land does not include ecologically sensitive land, and no environmental protections are reduced.
3.2 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The proposed land does not include any items or objects of environmental heritage or indigenous heritage significance.
4.1 Flooding	Avoid rezoning flood-prone land for vulnerable uses such as housing unless adequate flood mitigation is in place.	The subject lands are not identified as flood-prone.
5.1 Integrating Land Use and Transport	Ensure new developments are well-connected to transport networks and promote walkability and public transport access.	The reclassified land is within an urban area, providing good access to existing roads and services.
5.2 Reserving Land for Public Purposes	Must not reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary.	The proposal is the means for seeking the approval of the relevant authority and Planning Secretary.

Attachment 3 Planning Proposal – 49-51 Molong Road*Planning Proposal Sieben Drive & Molong Road Orange*

6.1 Residential Zones	Promote housing diversity, affordability, and sustainable growth in existing or planned residential areas.	The proposal facilitates residential development, increasing housing supply while maintaining alignment with Orange's strategic growth framework.
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Section C – Environmental, social and economic impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The properties involved are all situated in established urban residential estates and do not contain vegetation that could provide significant habitat value. There are no known threatened species or populations known on the site (whether permanent, transient or migratory) and there are no threatened ecological communities present on the land.

Q9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No. The properties involved are all existing lots in an established residential neighbourhood and have access to all required services. There are no works involved in the proposal, and it is considered that future development of the lots for residential development can be undertaken without significant environmental effects.

Q10. Has the Planning Proposal adequately addressed any social and economic effects?

Yes. The social and economic effects are likely to be minor but beneficial in the sense that it will marginally increase residential supply by 2 lots which will assist the local market, provide 2 additional housing opportunities and the construction of 2 homes will provide a marginal stimulus to the local construction sector.

Council staff have undertaken an analysis against the criteria of the Draft Green Places Design Guide (2020) to determine the provision of open space within the locality. Whilst 49-51 Molong Road is already zoned R2 Low Density Residential the analysis remains relevant to the site as it is classified for community use as per the *Local Government Act 1993*, community land being for the purpose of:

- a) a natural area,
- b) a sports ground,
- c) a park,
- d) an area of cultural significance,
- e) general community use.

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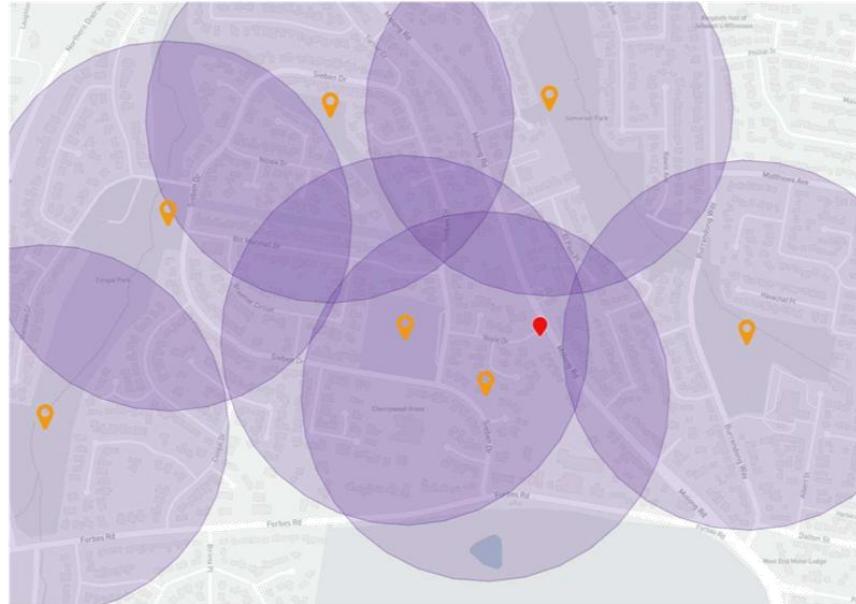
Table 7. Draft Greener Places Design Guide (2020)

1.4 Criteria	Performance Indicators	Comments
Accessibility and connectivity. <i>Ease of access is critical for the community to be able to enjoy and use public open space and recreation facilities.</i>	Local access – medium-to-low density areas <60 dwelling/hectare are within a 5 minute walk/400m walking distance to a local park barrier free.	A 5 minute walking catchment analysis (excluding the subject sites) has identified that there is adequate provision of local access to the district and local open space.
Distribution. <i>The ability of residents to gain access to public open space within an easy walk from home, workplaces, and schools is an important factor for quality of life. The</i>	Local distribution (0.3–2 ha public open space) within 400m from most houses.	Within a 400m catchment of both the subject sites there is approximately 3 ha of open space readily accessible to the community. Access to a further 16 ha of open space is available noting there are physical barriers such as Molong Road that impact on accessibility. However, the existing provision of open space

Figure 6: 5-minute walking catchment from open space assets


Attachment 3 Planning Proposal – 49-51 Molong Road
Planning Proposal Sieben Drive & Molong Road Orange


<i>geographic distribution of open space is a key access and equity issue for the community.</i>		(excluding the subject sites) is adequate and surplus to the draft Guide recommendations.
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Figure 7: 400m catchment from open space assets

-  Open space assets
-  Subject Sites

Size and shape. <i>Size and shape of open space has a direct bearing on the capacity of that open space to meet and accommodate recreation activities and needs.</i>	Medium to low density areas – the minimum size of a local park is 5000–7000m ² . Road frontage and visibility are key considerations, especially in high-density areas so open space is accessible for all. Sporting facilities have specific size and shape requirements that need to be met to provide functional space for their use.	The size of each surrounding open space asset is summarised as follows: <ul style="list-style-type: none"> • Max Stuart Oval (district sporting field) – 2.7 ha • Seiben Park (playground) – 0.33 ha • Harold Nicholas Walk (linear) – 2.6 ha • Coogal Park (linear and informal open space) – 10.38 ha • Somerset Park (linear and informal open space including playground) – 14.41 ha • Paul Park – 2.57 ha (linear and informal open space)
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Attachment 3 Planning Proposal – 49-51 Molong Road

		49-51 Molong Road equates to 1549m ² . The sites are surplus to the already existing open space assets and do not meet the recommended sizing requirements under the draft Guide.
Quantity. <i>In low- and high-density areas, good provision of public open space is essential to compensate for the lack of private open space to support active living and contribute to a more liveable neighbourhood.</i>	Quantity should be considered in the number of opportunities available. Larger public open space areas mean more opportunities can be provided in one location. Quantity of land available, along with size and shape, are critical in adequately meeting sporting needs. There are minimum areas needed for different sports, and different sporting spaces can only accommodate so many users.	Given the extensive linear nature of the surrounding open space network, there is the ability for the co-location of further types of open space settings i.e. playgrounds, informal recreation space, to be provided for into the future. Given this flexibility and in addition to the provision of a district sports field within the locality - the quantity of open space surpasses the requirements of the draft Guide.
Quality. The quality of design and ongoing maintenance and management is critical to attracting use and activating the open space network.	Open space needs to be strategically planned and designed to create a quality open space network; the sum is greater than its parts. Key characteristics of open space that influence quality include: <ul style="list-style-type: none">• visual and physical access• landscape setting• demographic, cultural, and community demand• condition of facilities and equipment• maintenance• number of activations within the space• size, shape, and topography• adjacent land uses• amount of vegetation and shade• biodiversity outcomes• safety• sustainability.	49-51 Molong Road is located along a regional road corridor and adjacent to employment land uses, therefore not being a desirable location to cater to ongoing community use.

Attachment 3 Planning Proposal – 49-51 Molong Road

<p>Diversity.</p> <p><i>The range of open space setting types within an urban area will determine the diversity of recreation opportunity for communities.</i></p>	<p>Performance indicators are outlined for a range of recreation types below. These are not the only types of open space but represent a range of opportunities. They should be combined, as multi-use facilities:</p> <ul style="list-style-type: none"> • local play for the very young (LPY) • local children's play (LPC) • older children's activity space (OCA) • youth recreation space (YRS) • local recreation space (LRS) • active recreation space (ARS) • large community outdoor recreation area (LCOR) • fitness and exercise space (FES) • trail and path-based recreation (TPR) • organised sport and recreation (OSR) • off-leash dog exercise area (DEA). 	<p>The range of open space surrounding the subject sites is summarised as follows:</p> <ul style="list-style-type: none"> • Max Stuart Oval - ORS, LCOR, ARS • Seiben Park – LPC, OCA, LRS, TPR • Harold Nicholas Walk - TPR • Coogal Park – TPR, LRS, LCOR • Somerset Park - TPR, LPC, OCA, TRS, ARS, LRS, LCOR • Paul Park – TPR, LRS, ARS, LCOR <p>There is a large diversity of uses available to the community through the current provision of open space (excluding the subject sites).</p>
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Section D – State and Commonwealth interests
Q11. Is there adequate public infrastructure for the Planning Proposal?

Yes. The lots involved are located within established residential estates and have full access to all required utilities, water and sewer, roads and public transport and can be reached by all emergency services and waste management vehicles.

Q12. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Preliminary views of State or Commonwealth public authorities have not been obtained prior to preparing this

Attachment 3 Planning Proposal – 49-51 Molong Road

Planning Proposal Sieben Drive & Molong Road Orange



Planning Proposal. Having regard to the Ministerial Directions and overall scope of the Planning Proposal, no recommendations are made as to agencies that should be consulted in connection with progressing the Proposal. The Gateway Determination may stipulate additional consultation requirements in the planning proposal process.

Attachment 3 Planning Proposal – 49-51 Molong Road*Planning Proposal Sieben Drive & Molong Road Orange*

Part 4 – Mapping

49-51 Molong Road is already zoned R2 Low Density Residential. As such the Planning Proposal does not seek to amend any LEP maps.

Part 5 – Community Consultation

Community consultation will be undertaken in accordance with the requirements of the Gateway Determination. It is, however, anticipated that an exhibition period of 28 days will be required per the default in Schedule 1 of EP&A Act 1979.

Consultation will commence by giving notice of the Planning Proposal via:

- a notification on the Orange City Council website (www.orange.nsw.gov.au), and
- social media.

All forms of the notice will include:

- a brief description of the objectives and intended outcomes of the Planning Proposal,
- an indication of the land affected by the Planning Proposal,
- the location and dates where the Planning Proposal may be inspected,
- the contact name and address at Orange City Council where submissions may be directed, and
- the closing date of the submission process.

During the exhibition period, the following materials will be made freely available for public inspection:

- the Planning Proposal, in the form approved for community consultation by the Department of Planning Housing and Infrastructure (DPHI),
- the Gateway Determination, and
- any studies and supporting material relied upon by the Planning Proposal.

Following the exhibition period, a public hearing will be called in relation to the reclassification of 49-51 Molong Road in accordance with the Local Government Act 1993. The public hearing will be chaired by an independent suitably qualified person.

After the public hearing is completed, the independent chair will provide a report to Council which will accompany a post exhibition report on the overall planning proposal. The latter report will be prepared analysing any submissions received and making recommendations as to any appropriate changes or adjustments to the Planning Proposal, for the consideration of Orange City Council.

Where contact details have been provided, all persons and organisations making a submission will be advised of the date and time of the relevant Council (or committee) meeting where the report is to be considered and subsequently advised of the determination.

Attachment 3 Planning Proposal – 49-51 Molong Road*Planning Proposal Sieben Drive & Molong Road Orange*

Part 6 – Project Timeline

The anticipated project timeline for completion of the Planning Proposal is outlined in **Table 7**.

Table 7. Project timeline

Project stage	Commencement	Completion
Gateway Determination		June 2025
Government Agency consultation	June 2025	July 2025
Public Exhibition Period	June 2025	July 2025
Public Hearing		August 2025
Consideration of Submissions	July 2025	August 2025
Consideration of post exhibition proposals (Report to Council)		September 2025
Seeking and obtaining legal opinion from Parliamentary Counsels Office	September – October 2025	September – October 2025
Submission to DPHI to finalise		October 2025
Anticipated date Council will make the plan (if delegated)		Not seeking delegations due to direct Council interest
Anticipated date Council will forward to DPHI for notification		November 2025

Attachment 3 Planning Proposal – 49-51 Molong Road

Planning Proposal Sieben Drive & Molong Road Orange



Attachments

[Title Search 49 Molong Road](#)

[Title Search 51 Molong Road](#)

Submission 1

17.9.2025

Dear Planning Department- Orange City Council,

Ref: F4405-Reclassification Amendment 1

I am writing to provide my **objection** regarding the proposed low-density residential development on the property **49-51 Molong Road Orange., Lots 4 & 5 DP790829**.

My reasons for submission being:

The development may affect my privacy, sunlight, views particularly my property

Traffic assessment being access to proposed Lots if driveway access is off Molong Road which does currently have a left turning lane into Royle Drive. Does this change the traffic plan/ turning lane into Royle Drive.

Character of the area being concerned it won't align with the existing dwellings/housing in the neighbourhood.

Access for my property wouldn't be viable to me at all.

Mowing of proposed lots are always maintained at a high level and frequency.

Suggestions or conditions if the development is approved, I request;

*Limit of building height. Single level dwellings only. Not to be townhouse/terraces/mutli level or units or battle-axe blocks.

*Landscaping to be considered that will not impact my impact of full sunlight (being N to NW direction of my house) nor tree choices of any great height to impact my property.

*Access driveways to proposed lots being

*Compensated in the form of

Thankyou for taking the time and consideration of my views.

Yours sincerely

Orange City Council

Public Hearing Report Planning Proposal

Reclassification of Land

49 – 51 Molong Road, Orange

Report by Independent Chair: Andrew Muir

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Introduction

The purpose of this report is to provide a record of the Public Hearing on 19 November 2025 at Orange City Council. A Public Hearing is a requirement of the Local Government Act in relation to a Planning Proposal to change the classification of land from Community Land to Operational Land. Orange City Council are progressing a Planning Proposal to facilitate such a change of classification for land known as 49-51 Molong Road Orange.

This report has been prepared by Andrew Muir, who was appointed the independent Chair for the Public Hearing. The appointment satisfies the requirements of Section 47G of the Local Government Act.

Background

Orange City Council owns the subject land being Lot 4 & 5 DP 790829 known as 49-51 Molong Road Orange which is currently classified as Community Land under the Local Government Act 1993.

It is proposed that the land be reclassified Operational to enable Council to enable these properties to be sold for subsequent residential development.

In August 2025 Council received a Gateway Determination from the NSW Department of Planning and Environment in relation to the Planning Proposal. Public exhibition was a requirement of the Gateway Determination.

Whilst not specifically conditioned by the Gateway Determination, a Public Hearing into the reclassification of Community land as Operational land is required under Section 29 of the Local Government Act 1993.

A public exhibition process was also required as well as 21 days notice of the public hearing which has occurred in this instance.

Location of the Subject Land

The land is located at 49-51 Molong Road Orange

Image 1: Land Use Zone Map identifying subject land



Image 2: Aerial Map identifying subject land



Attachment 5 Reclassification of Land Public Hearing Report - 49-51 Molong Road (Redacted)

Public Hearing Overview

A Public Hearing was scheduled at Orange City Council on Wednesday 19 November 2025 at Midday. Andrew Muir was appointed as the independent Chair. Senior Planner at Orange City Council was also in attendance.

At the scheduled commencement time, no attendees presented themselves to the hearing. The Chair waited 20 minutes and checked the foyer area outside the Council Chambers for attendees but no party arrived.

There being no attendees, the Public Hearing formally concluded at 12.20pm.

Attendees and oral submissions

As there were no attendees, no oral submissions were received.

Written submissions

Following Councils public exhibition from 4 September until 8 October 2025, one written submission by way of objection was received. A copy of the submission with private information redacted is attached to this report. The matters raised in the submission mostly relate to issues that may be able to be considered with future development applications (e.g. landscaping). An issue raised regarding access and compensation may be something for the Council to consider on its merits but is not a matter that should impact on the Council's desire to reclassify land.

Conclusion

A Public Hearing on Wednesday 19 November 2025 was convened. No members of the public attended and no oral submissions were received. One written submission was received during the exhibition process.

I am satisfied as the Independent Chair that Council provided an appropriate opportunity for members of the community to provide input in relation to the proposal in accordance with the Local Government Act 1993. The Public Hearing did not reveal any reason why the planning proposal should not proceed.

It is my recommendation that the Planning Proposal can be progressed.

Andrew Muir

Independent Chair

20 January 2026

Appendix A – Written Submission

[REDACTED]
[REDACTED]
[REDACTED]
Orange NSW 2800
[REDACTED]

17.9.2025

Dear Planning Department- Orange City Council,

Ref: F4405-Reclassification Amendment 1

I am writing to provide my **objection** regarding the proposed low-density residential development on the property **49-51 Molong Road Orange., Lots 4 & 5 DP790829**.

My reasons for submission being:

The development may affect my privacy, sunlight, views particularly my property [REDACTED]
[REDACTED]

Traffic assessment being access to proposed Lots if driveway access is off Molong Road which does currently have a left turning lane into Royle Drive. Does this change the traffic plan/ turning lane into Royle Drive.

Character of the area being concerned it won't align with the existing dwellings/housing in the neighbourhood.

Access for my property [REDACTED] wouldn't be viable to me at all.

Mowing of proposed lots are always maintained at a high level and frequency.

Suggestions or conditions if the development is approved, I request;

*Limit of building height. Single level dwellings only. Not to be townhouse/terraces/multi level or units or battle-axe blocks.

*Landscaping to be considered that will not impact my impact of full sunlight (being N to NW direction of my house) nor tree choices of any great height to impact my property.

*Access driveways to proposed lots being [REDACTED]

*Compensated in the form of [REDACTED]
[REDACTED]

Thankyou for taking the time and consideration of my views.

Yours sincerely

[REDACTED]