



## **PLANNING AND DEVELOPMENT COMMITTEE**

# **AGENDA**

**3 MARCH 2022**

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **PLANNING AND DEVELOPMENT COMMITTEE MEETING of ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE** on **Thursday, 3 March 2022**.

David Waddell

**CHIEF EXECUTIVE OFFICER**

For apologies please contact Administration on 6393 8106.

---

## AGENDA

<b>1</b>	<b>INTRODUCTION.....</b>	<b>3</b>
1.1	Declaration of pecuniary interests, significant non-pecuniary interests and less than significant non-pecuniary interests.....	3
<b>2</b>	<b>GENERAL REPORTS .....</b>	<b>5</b>
2.1	Items Approved Under the Delegated Authority of Council .....	5
2.2	Development Application DA 507/2021(1) - 314 Anson Street .....	11

## **1 INTRODUCTION**

### **1.1 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 and Development Committee at this meeting.



## 2 GENERAL REPORTS

### 2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

---

RECORD NUMBER: 2022/63

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, and one development application approved by the Western Regional Planning Panel. 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 “7.1 Preserve - Engage with the community to develop plans for growth and development that value 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 Manager Development Assessments on Items Approved Under the Delegated Authority of Council.**

#### FURTHER CONSIDERATIONS

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

**Reference:** DA 386/2011(2)

**Determination Date:** 28 January 2022

**PR Number** PR17020

**Applicant/s:** Designs@M

**Owner/s:** Messrs LW Bevan and MA Madden

**Location:** Lot 101 DP 879603 - 1706 Forest Road, Orange

**Proposal:** Modification of development consent - demolition (ancillary structures), residential units (nine units) and community title subdivision (nine lot residential). The modification sought to effect design changes to the residential units, including floor plan, openings, roof profile and car parking. The development will also be modified to include new conditions relating to contamination remediation and validation, which were omitted from the original development consent.

**Value:** \$850,000 (being \$850,000 more than the previous development)

2.1 Items Approved Under the Delegated Authority of Council

---

**Reference:** DA 178/2018(5)      **Determination Date:** 28 January 2022  
**PR Number** PR28819  
**Applicant/s:** MAAS Group Properties Westwinds Pty Limited  
**Owner/s:** MAAS Group Properties Westwinds Pty Limited  
**Location:** Breeze Road, Westerly Drive And Tempest Way Orange  
**Proposal:** Modification of development consent - subdivision (95 lots, comprising 86 residential lots, six (6) open space lots, and three (3) residue lots). The modified proposal sought to amend the lot layout and configuration situated within the Stage 4 release area and reduce the overall lot yield within the subdivision.  
Specifically, this will involve creating regular/consistent lots along the frontage to Breeze Road and proposed Williwaw Crescent, while creating a large residue parcel with frontage to Somerset Creek to be further developed under a subsequent Development Application.  
**Value:** \$0

**Reference:** DA 349/2021(1)      **Determination Date:** 21 January 2022  
**PR Number** PR27708  
**Applicant/s:** Southwell Design Drafting  
**Owner/s:** Mr JB Simpson  
**Location:** Lot 3 DP 271090 - 6 Cedar Street, Orange  
**Proposal:** Dwelling and attached garage  
**Value:** \$870,000

**Reference:** DA 420/2021(1)      **Determination Date:** 21 January 2022  
**PR Number** PR18129  
**Applicant/s:** Mr SR Webster  
**Owner/s:** Mr SR Webster  
**Location:** Lot 311 DP 1024566 - 365 Cadia Road, Springside  
**Proposal:** Fence (masonry boundary wall)  
**Value:** \$160,000

**Reference:** DA 438/2021(1)      **Determination Date:** 17 December 2021  
**PR Number** PR16723  
**Applicant/s:** Mr SJ Rossetto  
**Owner/s:** Mr SJ and Mrs KM Rossetto  
**Location:** Lot 11 DP 871178 - 119 Ploughmans Lane, Orange  
**Proposal:** Subdivision (two lot residential)  
**Value:** \$0

2.1 Items Approved Under the Delegated Authority of Council

---

**Reference:** DA 475/2021(1)      **Determination Date:** 4 February 2022  
**PR Number** PR21525  
**Applicant/s:** Australian Postal Corporation  
**Owner/s:** Rotom Holdings Pty Limited  
**Location:** Lot 100 DP 1110802 - 8 Strathgrove Way, Orange  
**Proposal:** Warehouse or distribution centre (awning addition)  
**Value:** \$192,809

**Reference:** DA 496/2021(1)      **Determination Date:** 21 January 2022  
**PR Number** PR24733  
**Applicant/s:** Voerman and Ratsep  
**Owner/s:** Housing Plus  
**Location:** Lot 22 DP 1155320 - 78-84 Maxwell Avenue, Orange  
**Proposal:** Subdivision (17 lot Strata title)  
**Value:** \$0

**Reference:** DA 497/2021(1)      **Determination Date:** 8 February 2022  
**PR Number** PR25233  
**Applicant/s:** Voerman and Ratsep  
**Owner/s:** Housing Plus  
**Location:** Lot 100 DP 1159265- 20-26 Waratah Avenue, Orange  
**Proposal:** Subdivision (17 lot Strata title)  
**Value:** \$0

**Reference:** DA 498/2021(1)      **Determination Date:** 11 February 2022  
**PR Number** PR25010  
**Applicant/s:** Voerman & Ratsep  
**Owner/s:** Housing Plus  
**Location:** Lot 100 DP 1154961 - 176-180 Sale Street, Orange  
**Proposal:** Subdivision (15 lot Strata title)  
**Value:** \$0

**Reference:** DA 500/2021(1)      **Determination Date:** 7 February 2022  
**PR Number** PR25009  
**Applicant/s:** Voerman and Ratsep  
**Owner/s:** Housing Plus  
**Location:** Lot 1 DP 1156814 - 26-30 Kenna Street, Orange  
**Proposal:** Housing Plus  
**Value:** \$0

2.1 Items Approved Under the Delegated Authority of Council

---

**Reference:** DA 513/2021(1)      **Determination Date:** 4 February 2022  
**PR Number** PR15494  
**Applicant/s:** Tony Leahey Motor Group  
**Owner/s:** Mr AR and Mrs LJ Leahey  
**Location:** Lot 574 DP 836044 - 25 Cameron Place, Orange  
**Proposal:** Vehicle sales or hire premises (alterations and additions to existing showroom) and business identification signage  
**Value:** \$500,000

**Reference:** DA 517/2021(1)      **Determination Date:** 21 January 2022  
**PR Number** PR28874  
**Applicant/s:** Orange Local Aboriginal Land Council  
**Owner/s:** Orange Local Aboriginal Land Council  
**Location:** Lot 1 DP 1271135 - 120 Byng Street, Orange  
**Proposal:** Mixed use development (office premises, community facility, takeaway food and drink premises), and alterations and additions  
**Value:** \$332,203

**Reference:** DA 518/2021(1)      **Determination Date:** 8 February 2022  
**PR Number** PR722  
**Applicant/s:** Mr SK McDonell  
**Owner/s:** Mr SK and Mrs G C McDonell  
**Location:** Lot 5 DP 8192 - 330 Anson Street, Orange  
**Proposal:** Secondary dwelling (conversion of existing garage) and carport  
**Value:** \$45,000

**Reference:** DA 523/2021(1)      **Determination Date:** 4 February 2022  
**PR Number** PR25234  
**Applicant/s:** Housing Plus  
**Owner/s:** Housing Plus  
**Location:** Lot 312 DP 1156569 - 141-143 Margaret Street, Orange  
**Proposal:** Subdivision (eight lot Strata title)  
**Value:** \$0

**Reference:** DA 524/2021(1)      **Determination Date:** 8 February 2022  
**PR Number** PR25282  
**Applicant/s:** Housing Plus  
**Owner/s:** Housing Plus  
**Location:** Lot 100 DP 1156503 - 14-16 Cypress Street, Orange  
**Proposal:** Subdivision (14 lot Strata title)  
**Value:** \$0



2.1 Items Approved Under the Delegated Authority of Council

---

**Reference:** DA 525/2021(1)      **Determination Date:** 28 January 2022  
**PR Number** PR24917  
**Applicant/s:** Housing Plus  
**Owner/s:** Housing Plus  
**Location:** Lot 191 DP 1159504 - 45 Matthews Avenue, Orange  
**Proposal:** Subdivision (11 lot Strata title)  
**Value:** \$0

**Reference:** DA 526/2021(1)      **Determination Date:** 11 February 2022  
**PR Number** PR24842  
**Applicant/s:** Housing Plus  
**Owner/s:** Housing Plus  
**Location:** Lot 271 DP 1158079 - 40-44 Matthews Avenue, Orange  
**Proposal:** Subdivision (12 lot Strata title)  
**Value:** \$0

**Reference:** DA 527/2021(1)      **Determination Date:** 11 February 2022  
**PR Number** PR24862  
**Applicant/s:** Housing Plus  
**Owner/s:** Housing Plus  
**Location:** Lot 1517 DP 1157359 - 3 Jubilee Avenue, Orange  
**Proposal:** Subdivision (13 lot Strata title)  
**Value:** \$0

**Reference:** DA 528/2021(1)      **Determination Date:** 8 February 2022  
**PR Number** PR24869  
**Applicant/s:** Housing Plus  
**Owner/s:** Housing Plus  
**Location:** Lot 320 DP 1156066 - 2-4 Cassey Crescent, Orange  
**Proposal:** Subdivision (13 lot Strata subdivision plus common property)  
**Value:** \$0

**Reference:** DA 536/2021(1)      **Determination Date:** 11 February 2022  
**PR Number** PR25095  
**Applicant/s:** Housing Plus  
**Owner/s:** Housing Plus  
**Location:** Lot 43 DP 1161944 - 79 Dalton Street, Orange  
**Proposal:** Subdivision (20 lot Strata)  
**Value:** \$0

<b>TOTAL NET* VALUE OF DEVELOPMENTS APPROVED BY THE CEO UNDER DELEGATED AUTHORITY IN THIS PERIOD:</b>	<b>\$2,950,012.00</b>
---	-----------------------

*\* 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.*

**ITEM APPROVED BY THE WESTERN REGIONAL PLANNING PANEL (WRPP)**

**Reference:** DA 390/2021(1)      **Determination Date:** 10 February 2022  
**PR Number** PR14151  
**Applicant/s:** Orange City Council  
**Owner/s:** Orange City Council  
**Location:** Lot 1 DP 1142713 and Lot 209 DP 42900  
1584 and 1610 Forest Road, Orange  
**Proposal:** Recreation facility (major) – concept and Stage 1  
**Value:** \$25,000,000.00

Additionally, since the February 2022 meeting report period 21 January to 16 February 2022), another 24 development applications were determined under delegated authority by other Council staff with a combined value of \$4,178,964.

**2.2 DEVELOPMENT APPLICATION DA 507/2021(1) - 314 ANSON STREET**

RECORD NUMBER: 2022/162

AUTHOR: Summer Commins, Senior Planner

**EXECUTIVE SUMMARY**

Application lodged	19 November 2021
Applicant/s	Mr GD Metcalfe
Owner/s	Mr GD and Mrs AL Metcalfe
Land description	Lot 87 DP 869661 - 314 Anson Street, Orange
Proposed land use	Demolition (existing garage) and Garage/Studio (two storey)
Value of proposed development	\$100,000.00

Council's consent is sought for demolition of an existing garage and replacement with a two-storey garage and studio at 314 Anson Street.

The proposal will depart the controls contained in Development Control Plan (DCP) 2004 in relation to Visual Bulk and Heritage Infill Guidelines. It is assessed that the development will have unreasonable arising impacts on residential amenity and conservation values.

Three (3) public submissions were received objecting to the proposal. The submissions raised concerns in relation to building height, siting and overlooking.

The proponent was requested to consider design amendments to address the DCP departures. The proponent declined to amend the proposal.

Refusal of the application is recommended.



**Figure 1 - locality plan**

**DECISION FRAMEWORK**

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

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

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

**DIRECTOR'S COMMENT**

The proposed new garage with a 2 storey studio above was notified to the adjoining neighbours. Three submission were received from neighbours that raised a variety of concerns including bulk/height; privacy; character; overshadowing; close proximity to the boundary; and use.

The site is within the Bletchington Heritage Conservation Area. Staff assessment and also advice from Council's Heritage Architect concludes that the two storey building proposal should be refused. The applicant was asked to reconsider the design. The applicant requested that Council determine the design as proposed without alteration.

The proposal is in excess of 2 metres above the maximum height (bulk) for a building on this site given the minimal setback from the side boundary. The overall height and design of the building is not considered to reflect the existing character of the area having particular regard to the heritage significance of the area. Impacts would be most significant on the adjoining neighbours rather than the streetscape given the location of the proposed building.

The recommendation of Refusal of this application is supported.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan Strategy "10.1 Preserve - Engage with the community to ensure plans for growth and development are respectful of our heritage".

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

That Council **REFUSES** consent to development application DA 507/2021(1) for *Demolition (existing garage) and Garage/Studio (two storey)* at Lot 87 DP 869661 - 314 Anson Street, Orange for the following reasons:

- 1 The proposal will have adverse impacts on the significance of the heritage conservation area.
- 2 The proposal will have adverse impact on residential amenity caused by visual bulk encroachment.

**FURTHER CONSIDERATIONS**

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

**THE PROPOSAL**

The proposal involves demolition of an existing garage and replacement with a two-storey garage and studio at 314 Anson Street.

The existing garage located on the southern boundary at the rear of the dwelling will be demolished (see Figure 2).



**Figure 2 – existing garage to be demolished**

A new garage will be constructed in the same location and be setback 450mm from each of the eastern and southern site boundaries. The garage will comprise a footprint of 7.9m x 5.09m, with ridge height of 5.85m.

The proposed garage will be a two-storey structure. Parking accommodation and a separate WC will be located at ground level. Open-plan studio space and bathroom will be provided

on the first floor. The first floor will be accessed via an external PA door on the northern façade.

The proposed garage will take a contemporary building design with low roof pitch, irregular fenestration and vertical Colorbond cladding.

The proposed development is depicted in the following figures:

FOR THE PUBLIC, PLANS WILL BE OMITTED AND SUBMISSIONS REDACTED IN ORDER TO COMPLY WITH VARIOUS OBLIGATIONS OF ORANGE CITY COUNCIL UNDER:

- (A) ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979;
- (B) ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2000;
- (C) COPYRIGHT ACT 1968;
- (D) GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009;
- (E) PRIVACY AND PERSONAL INFORMATION PROTECTION ACTION ACT 1998.

PLEASE NOTE THAT PUBLIC ACCESS TO PLANS IS SUBJECT TO THE FOLLOWING:  
INTERNAL FLOOR PLANS WILL ONLY BE DISCLOSED TO PERSONS WHO HAVE A GENUINE, REAL AND DEMONSTRABLE INTEREST IN SEEING SUCH INFORMATION AND WHO CAN DEMONSTRATE A DIRECT POTENTIAL EFFECT UPON THEM BY BEING WITHIN THE SPHERE OF INFLUENCE OF THE RESIDENTIAL COMPONENTS OF A DEVELOPMENT OR IF THE HOME OWNER'S WRITTEN CONSENT CAN BE PROVIDED.

COPIES OF ALL PLANS ARE NOT AVAILABLE WITHOUT THE WRITTEN CONSENT OF THE COPYRIGHT OWNER (ARCHITECT).

Figure 3 – ground floor (left) and first floor (right) plans

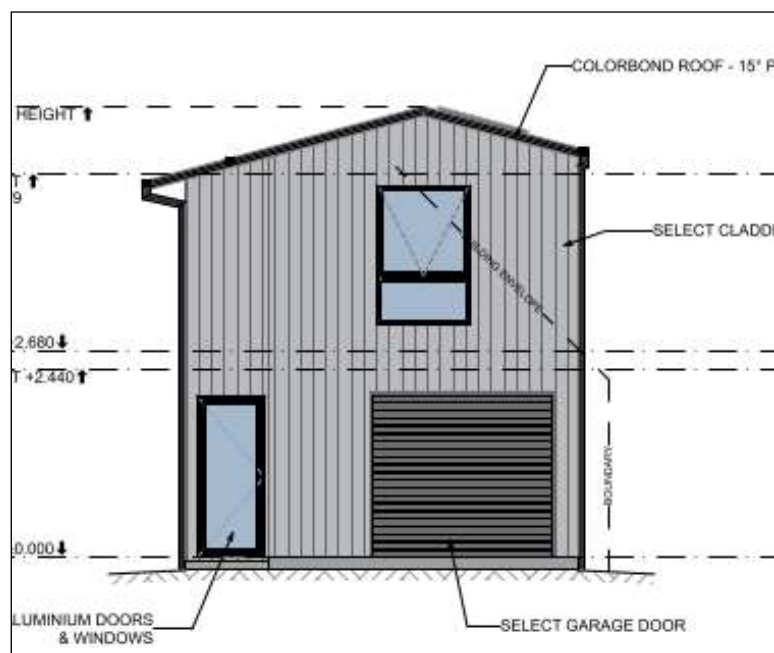


Figure 4 – west (front) elevation



Figure 5 - perspective

## MATTERS FOR CONSIDERATION UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

Pursuant to Clause 1.7:

*This Act has effect subject to the provisions of Part 7 of the [Biodiversity Conservation Act 2016](#) and Part 7A of the [Fisheries Management Act 1994](#) that relate to the operation of this Act in connection with the terrestrial and aquatic environment.*

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

- The subject and adjoining lands are not identified as biodiversity sensitive on the Orange LEP 2011 [Terrestrial Biodiversity Map](#).
- The proposal does not involve tree removal. Clearing thresholds prescribed by regulation are not applicable.
- The site is contained within an established urban area and has been highly modified by the urban landuse pattern. The subject land does not contain known threatened species or ecological communities.

Based on the foregoing consideration, a Biodiversity Assessment Report is not required, and the proposal suitably satisfies the relevant matters at Clause 1.7.

### Section 4.15 Evaluation

#### *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 Orange LEP 2011 relevant to the proposal include:

- (e) *to provide a range of housing choices in planned urban and rural locations to meet population growth,*
- (f) *to recognise and manage valued environmental heritage, landscape and scenic features of Orange.*

The application is considered to be averse to the listed objectives, as outlined in this report.

### **Clause 1.6 Consent Authority**

Clause 1.6 is applicable and states:

*The consent authority for the purposes of this Plan is (subject to the Act) the Council.*

### **Clause 1.7 Mapping**

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

Land Zoning Map:	Land zoned R1 General Residential
Lot Size Map:	Minimum Lot Size
Heritage Map:	Within a heritage conservation area and nearby to local heritage items
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
Terrestrial Biodiversity Map:	No biodiversity sensitivity on the site
Groundwater Vulnerability Map:	Groundwater vulnerable
Drinking Water Catchment Map:	Not within the drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Floodplain Risk Management:	Subject to 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**

Clause 1.9A is applicable and states in part:

- (1) *For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.*

In consideration of this clause, Council staff are not aware that the title of the subject property is affected by a covenant, restriction or similar.

## **Part 2 - Permitted or Prohibited Development**

### **Clause 2.1 Land Use Zones**

The subject land is zoned R1 General Residential.



The proposal is defined as “demolition” and “dwelling house” (ancillary garage and studio).  
The development is permitted with Council’s consent in the R1 Zone.

**Clause 2.3 Zone Objectives and Land Use Table**

The objectives of the R1 General Residential Zone are:

- *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 proposal will not be contrary to the zone objectives.

**Clause 2.7 Demolition Requires Development Consent**

Clause 2.7 is applicable and states:

*The demolition of a building or work may be carried out only with development consent.*

Consent is sought for demolition of the existing garage in accordance with this Clause.

**Part 3 - Exempt and Complying Development**

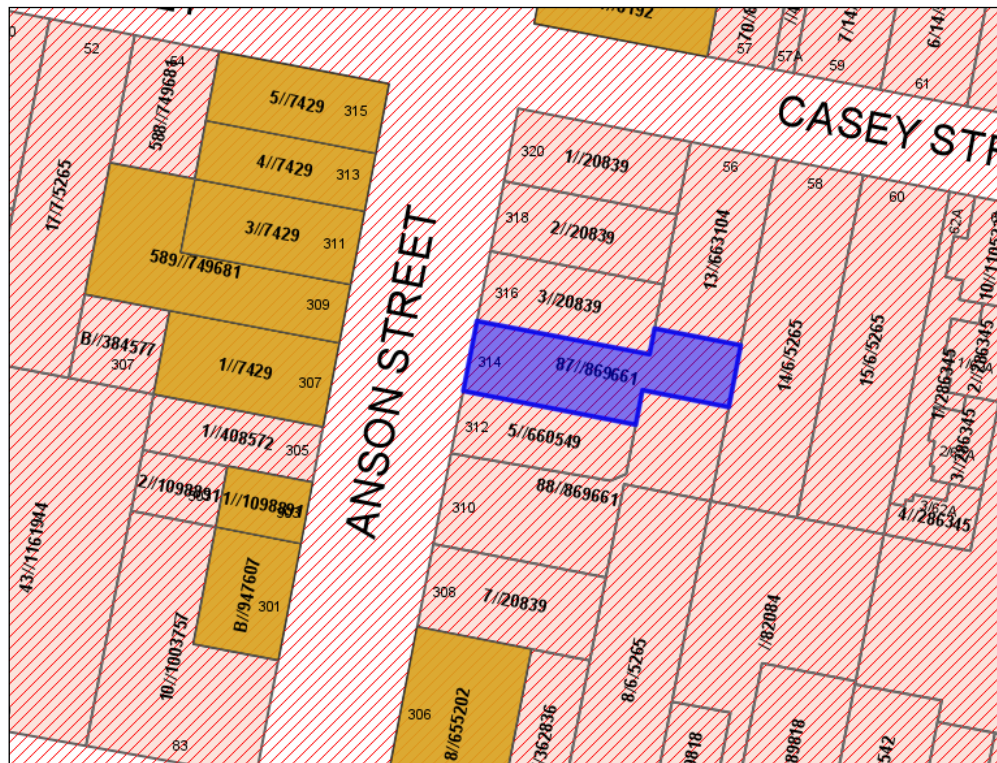
The application is not exempt or complying development.

**Part 4 - Principal Development Standards**

The Part 4 Development Standards do not relate to the subject land or proposed development.

**Part 5 - Miscellaneous Provisions****Clause 5.10 Heritage Conservation**

The subject land is located within the Bletchington Heritage Conservation Area, and nearby to Local heritage items on the west side of Anson Street (see Figure 6).



**Figure 6 – Heritage Conservation Area (red hatching) and nearby heritage items (brown shading)**

Clause 5.10(4) is applicable and states in part:

*The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned..*

The proposal was referred to Council's Heritage Advisor for consideration and comment. The Heritage Advisor considers that the proposed development will have adverse impact on the significance of the conservation setting; and will be unsuitable in the context of Council's Infill Guidelines. In this regard:

- Character: Ancillary buildings in the vicinity and across the conservation area generally are single-storey. A two-storey structure will be unsuitable for the setting and building type.
- Scale: The proposal will depart from the DCP controls in relation to bulk and scale.
- Form: The proposed building form will be uncharacteristic of ancillary buildings in the vicinity and conservation area generally.
- Siting: The siting will be suitable for an ancillary building. However, the siting will substantially impact residential amenity for the southern neighbour in relation to visual bulk encroachment.
- Materials: The proposed external finishes will be unsuitable. The vertical sheeting will accentuate the building height. Weatherboard cladding would be more suitable for the building. Storage and ancillary buildings are generally visually recessive and not highly coloured or visually dominant.

Detailing: The proposal does not include building details that would mitigate the scale, bulk, privacy and character suited for this building type and location.

It is considered then that the proposal will have adverse impacts on the significance of this setting, pursuant to Clause 5.10(4).

#### **Part 6 - Urban Release Area**

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

#### **Part 7 - Additional Local Provisions**

##### **Clause 7.2A Flood Plain Risk Management**

The land is partly subject to probable maximum flood associated with Blackmans Swamp Creek. Clause 7.2A is applicable and states in part:

- (3) *Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land—*
- (r) *residential accommodation,*

The proposal involves replacement of an existing garage in a like-for-like location. Existing flood hazards associated with the land will not be altered. Council's Assistant Development Engineer had no comments or concerns in relation to the occupation of or evacuation from the land in flood events.

##### **Clause 7.3 Stormwater Management**

Clause 7.3 is applicable. This clause states in part:

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
- (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, and*
- (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.*

In consideration of Clause 7.3, the proposal will not alter the existing stormwater drainage arrangements that service the subject land.

##### **Clause 7.6 Groundwater Vulnerability**

The subject land is identified as Groundwater Vulnerable on the Groundwater Vulnerability Map. Clause 7.6 applies. This clause states in part:

- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must 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.*

In consideration of Clause 7.6, there are no aspects of the proposal will not impact on groundwater and related ecosystems.

#### **Clause 7.11 Essential Services**

Clause 7.11 applies and states in part:

- (3) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:*
  - (a) the supply of water,*
  - (b) the supply of electricity,*
  - (c) the disposal and management of sewage,*
  - (d) storm water drainage or onsite conservation,*
  - (e) suitable road access.*

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

#### **State Environmental Planning Policy 55 Remediation of Land**

SEPP 55 Remediation of Land is applicable. Clause 7 states in part:

- (1) A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) it has considered whether the land is contaminated, and*

The subject land has longstanding residential use and is unlikely to be contaminated. Contamination investigation is not required for proposed continuation of the existing residential use.

As a matter arising, it is noted that the existing garage contains asbestos material. Should the application be approved, Conditions would be included requiring asbestos removal and disposal consistent with Safe Work NSW guidelines.

#### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The BASIX SEPP is applicable. Pursuant to Clause 6:

- (1) This Policy applies to buildings arising from the following development:*
  - (a) proposed BASIX affected development for which the regulations under the Act require a BASIX certificate to accompany a development application or an application for a complying development certificate or construction certificate,*

In consideration of this clause, the proposed garage and studio comprise BASIX affected development. A BASIX Certificate was submitted in support of the proposal. The proposed garage and studio will comply with the provisions of BASIX in respect of water, thermal comfort and energy.

***Provisions of any Draft Environmental Planning Instrument that has been Placed on Exhibition 4.15(1)(a)(ii)***

There are no draft EPIs on public exhibition at present.

***Provisions of any Development Control Plan S4.15(1)(a)(iii)***

**Development Control Plan 2004**

**DCP 2004 – 7 Development in Residential Zones**

**Neighbourhood Character and Building Appearance**

<b>PO 7.7-1 PLANNING OUTCOMES - NEIGHBOURHOOD CHARACTER</b>	
1	Site layout and building design enables the: <ul style="list-style-type: none"> <li>- creation of attractive residential environments with clear character and identity;</li> <li>- use of site features such as views, aspect, existing vegetation and landmarks.</li> </ul>
2	Buildings are designed to complement the relevant features and built form that are identified as part of the desired neighbourhood character.
3	The streetscape is designed to encourage pedestrian access and use.

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

The proposed replacement garage and studio will be located at the rear of the existing dwelling and attached carport and will not contribute to the streetscape-built form. Notwithstanding, the adjoining driveways will provide a view corridor to the proposal from the site frontage (see below).



**Figure 7 – view of the garage from Anson Street between the dwellings**



The contemporary building design and detailing will not relate to surrounding improvements in the Anson Street streetscape. Furthermore, as outlined above (see Clause 5.10), the height, building form and external finishes are unsuitable for an ancillary building in a heritage setting.

The proposed garage will not dominate improvements on this site, noting that the existing dwelling is two-storey, and the perimeter tree canopies are extensive. The proposed garage will, however, dominate the dwelling, garage and rear yard at adjoining 312 Anson Street.

### Heritage

PO 7.7-3 PLANNING OUTCOMES – HERITAGE	
1	Heritage buildings and structures are efficiently re-used.
2	New development complements and enhances the significance of a heritage item or place of heritage significance listed in the Orange Heritage Study.
3	Significant landscape features are retained including original period fences and period gardens.

As outlined above (see Clause 5.10), it is considered that the proposal will be unsuitable in the heritage setting.

### Setbacks

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

The proposal will have nil impact on street setbacks being located at the rear of the site.

The proposed garage will be setback 450mm from each of the eastern and southern site boundaries (see below). The minimum setback will not impact the eastern parcel due to the opposing shed and tree canopy.

The minimum siting will, however, contribute to visual bulk encroachment to the south (312 Anson Street). The building form will also contribute to encroachment (see following section of this report). The opposing shed and dwelling siting at 312 Anson Street will be insufficient to mitigate the visual impacts associated with the proposed garage/studio.

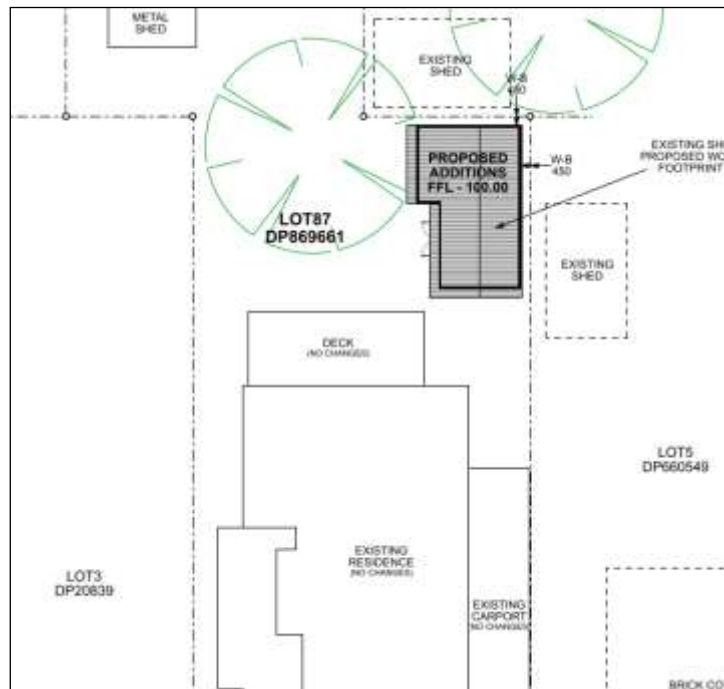


Figure 8 – setbacks

### Front Fences and Walls

PO 7.7-5 PLANNING OUTCOMES – FENCES AND WALLS	
1	<p>Front fences and walls:</p> <ul style="list-style-type: none"> <li>- assist in highlighting entrances and creating a sense of identity within the streetscape.</li> <li>- are constructed of materials compatible with associated housing and with fences visible from the site that positively contribute to the streetscape</li> <li>- provide for facilities in the street frontage area such as mail boxes.</li> </ul>

The proposal will not alter the existing front fence to Anson Street.

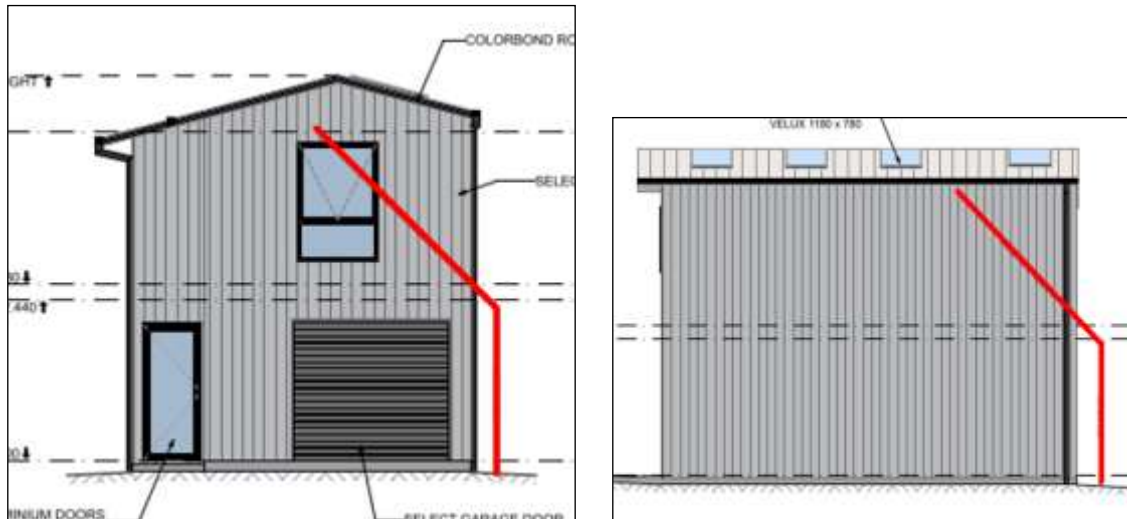
### Visual Bulk

PO 7.7-6 PLANNING OUTCOMES – VISUAL BULK	
1	<p>Built form accords with the desired neighbourhood character of the area with:</p> <ul style="list-style-type: none"> <li>- side and rear setbacks progressively increased to reduce bulk and overshadowing;</li> <li>- site coverage that retains the relatively low-density, landscaped character of residential areas;</li> <li>- building form and siting that relates to land form, with minimal land shaping (cut and fill);</li> <li>- building height at the street frontage that maintains a comparable scale with the predominant adjacent development form;</li> <li>- building to the boundary where appropriate.</li> </ul>

In consideration of the Visual Bulk Guidelines:

- The proposed garage/studio will be a two-storey structure. The prevailing built form is single-storey excepting two-storey dwellings on the subject land and at 310 Anson Street. The proposed garage/studio will exceed the height of the predominant adjacent development form. As noted above (see Clause 5.10(4)), ancillary buildings are usually single-storey.

- The proposed garage studio will encroach within the visual bulk envelope (VBE) plane prescribed in the DCP, ie. *a plane projected at 45° over the site, commencing 2.5m above existing ground level from each side and rear boundary*. The VBE encroachment projected from the southern and eastern boundaries is depicted below (see Figure 9). The VBE non-compliance is excessive and will result in visual bulk encroachment impacts for the opposing southern dwelling at 312 Anson Street.



**Figure 9 – VBE encroachment projected from the south and east boundaries**

- The proposed building design will also contribute to visual bulk encroachment of the adjoining southern parcel. The southern façade of the proposed garage/studio will have a wall height of 5m (compared with the wall height of the existing garage of some 3m) and a wall distance of 7.9m. The southern elevation does not include any articulation. Vertical cladding will have the visual effect of increasing the height of the building.

As considered above, the existing opposing shed at 312 Anson Street is inadequate to provide screening mitigation of the proposed garage/studio. Furthermore, while the dwelling at 312 Anson Street is separated from the proposed garage/studio by some 13m, views of the garage/studio will be substantial from the dwelling and rear yard due to the building bulk and height.

- Nil-negligible earthworks will be required.
- The proposal will not exceed 60% site coverage prescribed in the DCP for dwelling houses and ancillary outbuildings.
- As considered above, the minimum setback to the southern boundary will contribute to visual bulk encroachment impacts for the adjoining southern dwelling.

### Walls and Boundaries

PO 7.7-7 PLANNING OUTCOMES - WALLS AND BOUNDARIES	
1	<p>Building to the boundary is undertaken to provide for efficient use of the site taking, into account:</p> <ul style="list-style-type: none"> <li>- the privacy of neighbouring dwellings and private open space;</li> <li>- the access to daylight reaching adjoining properties;</li> <li>- the impact of boundary walls on neighbours.</li> </ul>



As outlined above, the southern wall of the proposed garage/studio will visually encroach upon the adjoining dwelling and yard at 312 Anson Street. Visual encroachment will be caused by setback (450mm), wall height (5m), wall length (7.8) and articulation (nil).

Building to the boundary will not adversely impact on privacy or solar access to the opposing southern dwelling, as outlined in the following sections of this report.

### Daylight and Sunlight

<b>PO 7.7-8 PLANNING OUTCOMES - DAYLIGHT AND SUNLIGHT</b>	
<b>1</b>	Buildings are sited and designed to ensure: <ul style="list-style-type: none"> <li>- daylight to habitable rooms in adjacent dwellings is not significantly reduced;</li> <li>- overshadowing of neighbouring secluded open spaces or main living-area windows is not significantly increased;</li> <li>- consideration of Council's Energy Efficiency Code.</li> </ul>

The proposed garage/studio will increase shadowing of the adjoining parcel at 312 Anson Street. Notwithstanding, solar access will be maintained to indoor and outdoor habitable spaces in accordance with the DCP Guidelines. The proposal will not impact on daylighting to northern or eastern living room windows, nor the main private open space area at 312 Anson Street.

### Views

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

The rear siting of the proposed garage/studio will not alter the Anson Street streetscape view corridor. Views of the development will be afforded between the dwellings at 312 and 314 Anson Street. The presentation of the garage/studio in the driveway view corridor is unsuitable for an ancillary rear building in a heritage setting.

### Visual Privacy

<b>PO 7.7-10 PLANNING OUTCOMES – VISUAL PRIVACY</b>	
<b>1</b>	Direct overlooking of principal living areas and private open spaces of other dwellings is minimised firstly by: <ul style="list-style-type: none"> <li>- building siting and layout;</li> <li>- location of windows and balconies;</li> </ul> and secondly by: <ul style="list-style-type: none"> <li>- design of windows or use of screening devices and landscaping.</li> </ul>

Overlooking from the proposed garage/studio will be within reasonable limit:

- Northern openings will overlook the rear yard of the subject dwelling. Sufficient distance will be provided from northern openings and adjoining dwellings to the north to maintain privacy.
- The south and east elevations do not include openings, with skylights to be provided instead.

- The west elevation includes a first floor opening that will address the driveway. There will be potential for overlooking from this window of the adjoining dwelling and yard at 312 Anson Street.

The DCP requires that *habitable room windows on upper floors within 9m from windows of living areas of adjacent dwellings are off-set... or include measures to screen views.*

A separation of some 14m will be provided between the opposing windows. Though not required under the terms of the DCP, the proponent will accept a condition to screen the western window, should be application be approved.

- Existing perimeter fencing and landscaping will be retained in their current forms.

### Acoustic Privacy

PO 7.7-11 PLANNING OUTCOMES - ACOUSTIC PRIVACY	
1	Site layout and building design: <ul style="list-style-type: none"> <li>- protect habitable rooms from excessively high levels of external noise;</li> <li>- minimise the entry of external noise to private open space for dwellings close to major noise sources;</li> <li>- minimise transmission of sound through a building to affect other dwellings.</li> </ul>

The subject land is contained in a residential area, where ambient noise levels are low. The proposal will not alter the existing acoustic environment for the subject and adjoining dwellings.

### Security

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

There are no aspects of the proposal that would be averse to Crime Prevention Through Environmental Design (CPTED) principles.

### Circulation and Design

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

The proposal will not alter existing site access or manoeuvring arrangements associated with the residential parcel. Reverse egress to Anson Street is a longstanding situation.



**Car Parking**

<b>PO 7.7-15 PLANNING OUTCOMES - CAR PARKING</b>	
1	Parking facilities are provided, designed and located to: <ul style="list-style-type: none"> <li>- enable the efficient and convenient use of car spaces and accessways within the site;</li> <li>- reduce the visual dominance of car-parking areas and accessways.</li> </ul>
2	Car parking is provided with regard to the: <ul style="list-style-type: none"> <li>- number and size of proposed dwellings;</li> <li>- requirements of people with limited mobility or disabilities.</li> </ul>

Resident carparking will be maintained and provided onsite in accordance with the DCP.

**Private Open Space**

<b>PO 7.7-16 PLANNING OUTCOMES – PRIVATE OPEN SPACE</b>	
1	Private open space is clearly defined for private use.
2	Private open space areas are of a size, shape and slope to suit the reasonable requirements of residents, including some outdoor recreational needs and service functions.
3	Private open space is: <ul style="list-style-type: none"> <li>- capable of being an extension of the dwelling for outdoor living, entertainment and recreation;</li> <li>- accessible from a living area of the dwelling;</li> <li>- located to take advantage of outlooks and to reduce adverse impacts of overshadowing or privacy from adjoining buildings;</li> <li>- orientated to optimise year-round use.</li> </ul>

Private open space for the existing dwelling will comply with the DCP Guidelines in relation to minimum area, dimension, orientation, solar access and connectivity.

**Open Space and Landscaping**

<b>PO 7.7-17 PLANNING OUTCOMES – OPEN SPACE AND LANDSCAPING</b>	
1	The site layout provides open space and landscaped areas which : <ul style="list-style-type: none"> <li>- contribute to the character of the development by providing buildings in a landscaped setting;</li> <li>- provide for a range of uses and activities including stormwater management;</li> <li>- allow cost-effective management.</li> </ul>
2	The landscape design specifies landscape themes consistent with the desired neighbourhood character and vegetation types and location, paving and lighting are provided for access and security.
3	Major existing trees are retained and protected in a viable condition whenever practicable through appropriate siting of buildings, accessways and parking areas.
4	Paving is applied sparingly and integrated in the landscape design.

Existing site landscaping will be retained.

**Stormwater**

<b>PO 7.7-18 PLANNING OUTCOMES - STORMWATER</b>	
1	On-site drainage systems are designed to consider: <ul style="list-style-type: none"> <li>- downstream capacity and the need for on-site stormwater retention, detention and re-use;</li> <li>- scope for on-site infiltration of water;</li> <li>- safety and convenience of pedestrians and vehicles;</li> <li>- overland-flow paths.</li> </ul>
2	Provision is made for on-site drainage which does not cause damage or nuisance flows to adjoining properties.

Existing arrangements for stormwater drainage will be maintained.

**Erosion and Sedimentation**

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

Should the application be approved, conditions would be included in relation to sediment and erosion controls during construction works.

**DCP 2004 INFILL GUIDELINES**

As outlined above, the proposal is assessed as unsuitable in the context of the Infill Guidelines Assessment Criteria.

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

The proposal is not inconsistent with any matter prescribed by Regulation.

**Demolition of a Building (clause 92)**

The proposal involves the demolition of an existing garage. Should the application be approved, Conditions would be included in relation to waste management, and demolition works consistent with applicable standards.

**Fire Safety Considerations (clause 93)**

The proposal does not involve a change of building use for an existing building.

**Buildings to be Upgraded (clause 94)**

The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building.

**BASIX Commitments (clause 97A)**

A BASIX Certificate has been submitted in support of the proposed development. The proposed garage/studio will satisfy the provisions of BASIX in respect of water, thermal comfort and energy.

***The Likely Impacts of the Development S4.15(1)(B)***

The impacts of the proposed development have been considered in the foregoing sections of this report and include:

- Setting and context
  - heritage conservation area
  - neighbourhood character
  - landscape character
  - interface
  - presentation

- Heritage setting
  - character
  - scale and form
  - siting
  - materials
  - detailing
  - mitigation
- Visual impacts
  - neighbourhood character
  - streetscape presentation
  - building design and detailing
  - building bulk, height and siting
  - landscape character
- Residential amenity
  - visual privacy
  - visual bulk encroachment
  - acoustic privacy
  - solar access
- Traffic matters
  - site access
  - onsite manoeuvring
  - car parking
- Environmental impacts
  - sediment and erosion control
  - biodiversity
  - groundwater
  - stormwater management
  - contamination
  - flooding

The impacts on residential amenity and the conservation setting are considered significant to warrant refusal of the application.

***The Suitability Of The Site S4.15(1)(c)***

There are no known physical attributes within the site that would unreasonably constrain the proposed development.

***Any Submissions Made In Accordance With The Act S4.15(1)(d)***

The proposed development is defined as Notified Development pursuant to Council's Community Participation Plan 2019. The application was exhibited in the prescribed manner. At the completion of the exhibition period, three (3) submissions were received. The issues raised include:

- a) The potential for overlooking from the first-floor studio to adjoining dwellings to the north and south.
- b) The unsuitable building height.
- c) The unsuitable minimum setback.
- d) The potential for overshadowing to the south.
- e) Future use of the first-floor studio.

The above-listed matters at a) to d) have been considered in the foregoing assessment.

In relation to point e), the studio is intended to provide an ancillary living space for residents of the existing dwelling. Further development consent would be required for use of the studio as a *home business* (unless exempt development pursuant to SEPP (Exempt and Complying Development Codes) 2008) or a *secondary dwelling*. Should the application be approved, conditions would be included to this effect.

It is noted that at the completion of the exhibition period, the proponent was requested to consider design amendments to address Council's concerns and the issues raised in the submissions. The proponent declined to amend the proposal.

***Public Interest S4.15(1)(e)***


The proposal is not inconsistent with any relevant policy statements, planning studies and guidelines that have not been considered in this assessment. The proposed development is not considered to be in the public interest, by virtue of the adverse impacts on residential amenity and conservation values.

**SUMMARY**

Council's consent is sought for demolition of an existing garage and replacement with a two-storey garage and studio at 314 Anson Street. The proposal will depart the controls contained in Development Control Plan (DCP) 2004 in relation to Visual Bulk and Heritage Infill Guidelines. Three (3) public submissions were received objecting to the proposal. The submissions raised concerns in relation to building height, siting and overlooking. The proponent was requested to consider design amendments to address the DCP departures. The proponent declined to amend the proposal. It is considered that the development will have unreasonable arising impacts on residential amenity and conservation values. Refusal of the application is recommended.

**ATTACHMENTS**

- 1 Notice of Refusal, D22/8888 [↓](#)
- 2 Plans, D22/8225 [↓](#)
- 3 Submissions, D22/8215 [↓](#)

	<b>ORANGE CITY COUNCIL</b> Development Application No <b>DA 507/2021(1)</b> NA22/109 Container PR16624
---	--

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the *Environmental Planning and Assessment Act 1979*  
Section 4.18

### Development Application

Applicant Name: Mr GD Metcalfe  
Applicant Address: 314 Anson Street  
ORANGE NSW 2800  
Land to Be Developed: Lot 87 DP 869661 - 314 Anson Street, Orange  
Proposed Development: Demolition (existing garage) and Garage/Studio (two storey)

### Building Code of Australia Building Classification:

Class not applicable

### Determination made under Section 4.16

Made On: 3 March 2022  
Determination: **APPLICATION REFUSED**

### Reason(s) for Refusal:

That Council REFUSES consent to development application DA 507/2021(1) for Demolition (existing garage) and Garage/Studio (two storey) at Lot 87 DP 869661 - 314 Anson Street, Orange for the following reasons:

- 1 The proposal will have adverse impact on the significance of the heritage conservation area.
- 2 The proposal will have adverse impact on residential amenity caused by visual bulk encroachment.

### Right of Appeal:

**Applicant:**  
If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court. Pursuant to Section 8.10, an applicant may only appeal within 6 months after the date the decision is notified.

**Objector:**  
The *Environmental Planning and Assessment Act 1979* does not give a right of appeal against this determination to an objector.

### Signed:

On behalf of the consent authority:

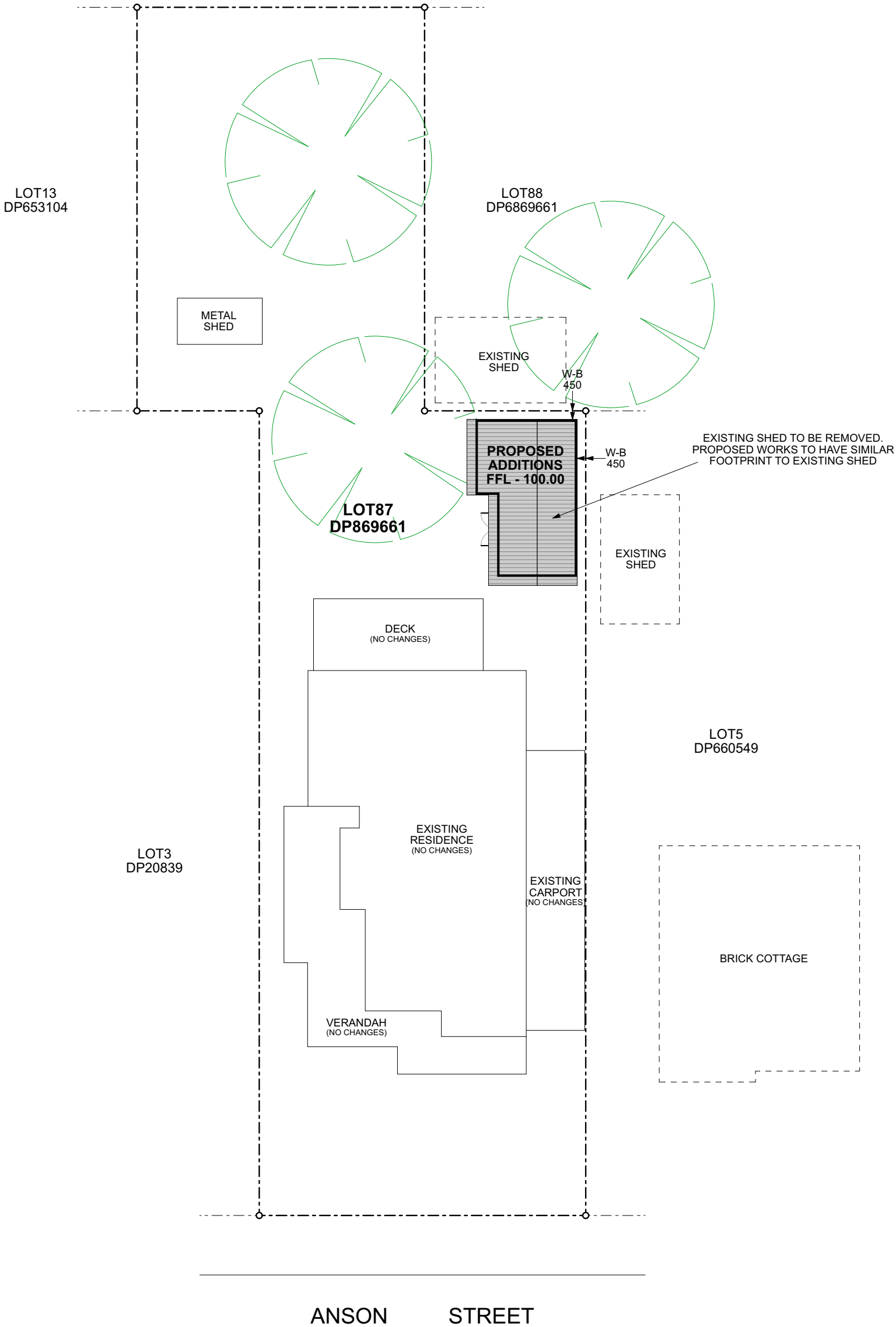
### Signature:

Name: PAUL JOHNSTON - MANAGER DEVELOPMENT ASSESSMENTS

Date: 4 March 2022







○ Site Plan  
SCALE 1:200

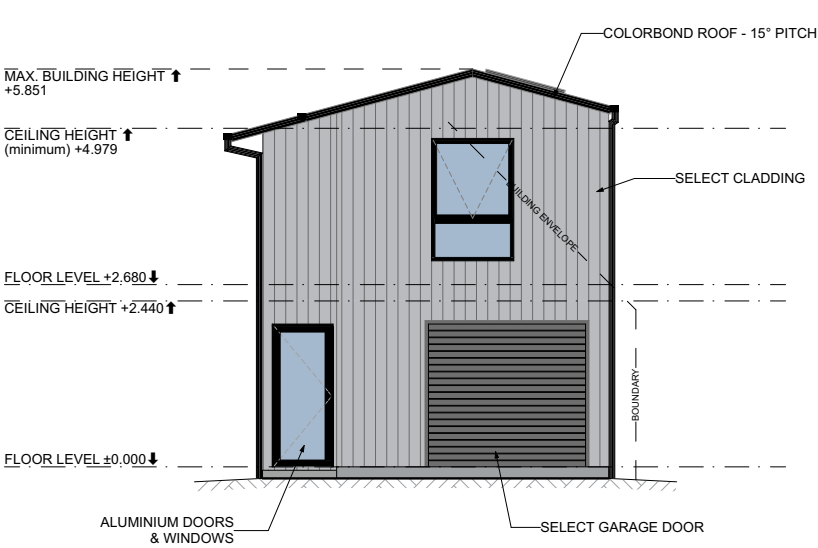
PROPOSED NEW SHED & STUDIO FOR:  GEOFF METCALFE No. 314 ANSON STREET ORANGE, NSW, 2800	TITLE: SITE PLAN  APPLICATION: DEVELOPMENT APPLICATION	DATE: 30/9/2021	NOTES: AMENDMENTS - 16/10/21       <b>SAM MORGAN</b> <b>DESIGNS</b> ARCHITECTURAL DRAFTING 0419 480 827 smdesigns2800@gmail.com
		PAGE: 1 / 4	
		SCALE: 1 : 200 @ A3	
		DRAWN BY: SAM MORGAN	

**FOR THE PUBLIC, PLANS WILL BE OMITTED AND SUBMISSIONS REDACTED IN ORDER TO COMPLY WITH VARIOUS OBLIGATIONS OF ORANGE CITY COUNCIL UNDER:**

- (A) ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979;**
- (B) ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2000;**
- (C) COPYRIGHT ACT 1968;**
- (D) GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009;**
- (E) PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998.**

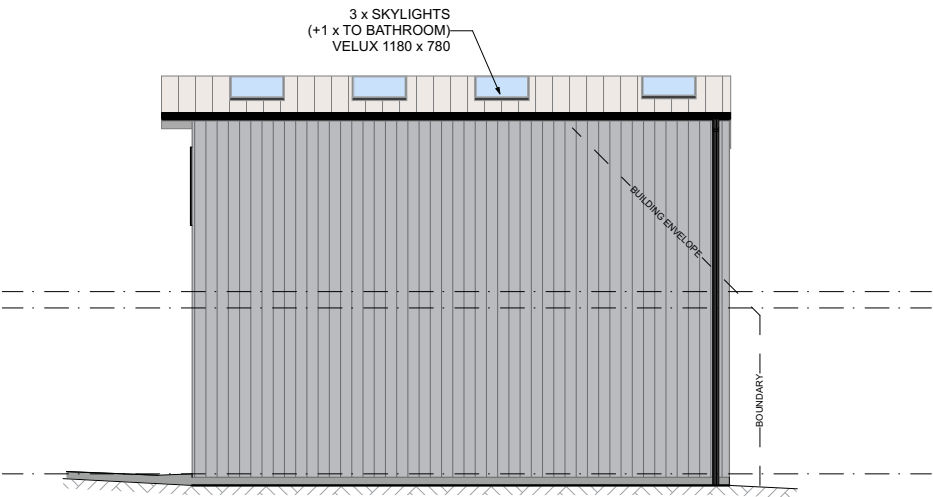
**PLEASE NOTE THAT PUBLIC ACCESS TO PLANS IS SUBJECT TO THE FOLLOWING:  
INTERNAL FLOOR PLANS WILL ONLY BE DISCLOSED TO PERSONS WHO HAVE A GENUINE,  
REAL AND DEMONSTRABLE INTEREST IN SEEING SUCH INFORMATION AND WHO CAN  
DEMONSTRATE A DIRECT POTENTIAL EFFECT UPON THEM BY BEING WITHIN THE SPHERE  
OF INFLUENCE OF THE RESIDENTIAL COMPONENTS OF A DEVELOPMENT OR IF THE HOME  
OWNER'S WRITTEN CONSENT CAN BE PROVIDED.**

**COPIES OF ALL PLANS ARE NOT AVAILABLE WITHOUT THE WRITTEN CONSENT OF THE  
COPYRIGHT OWNER (ARCHITECT).**



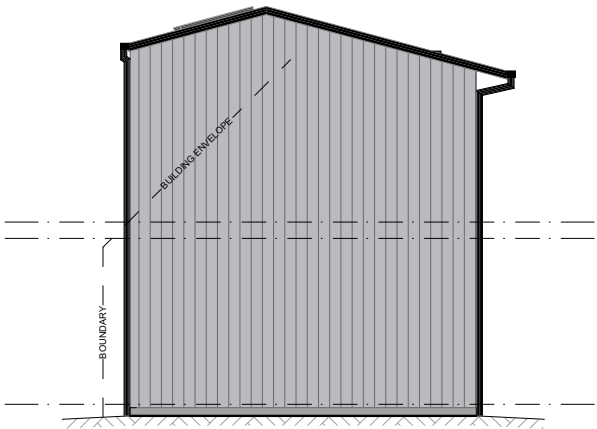
West Elevation

SCALE 1:100



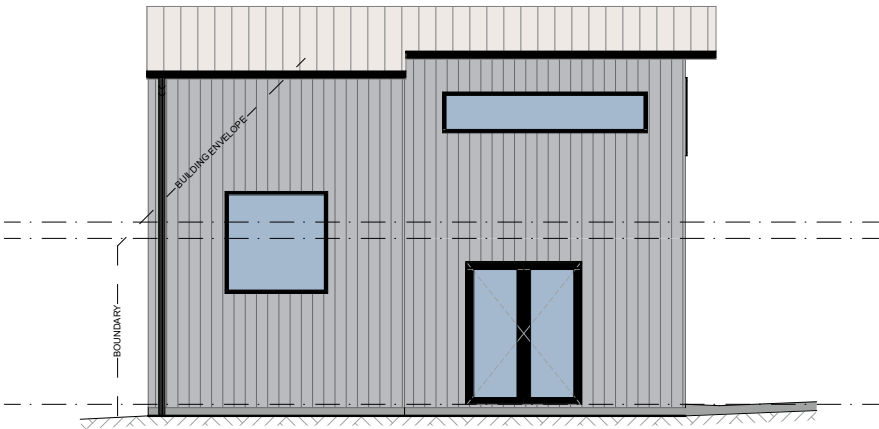
South Elevation

SCALE 1:100



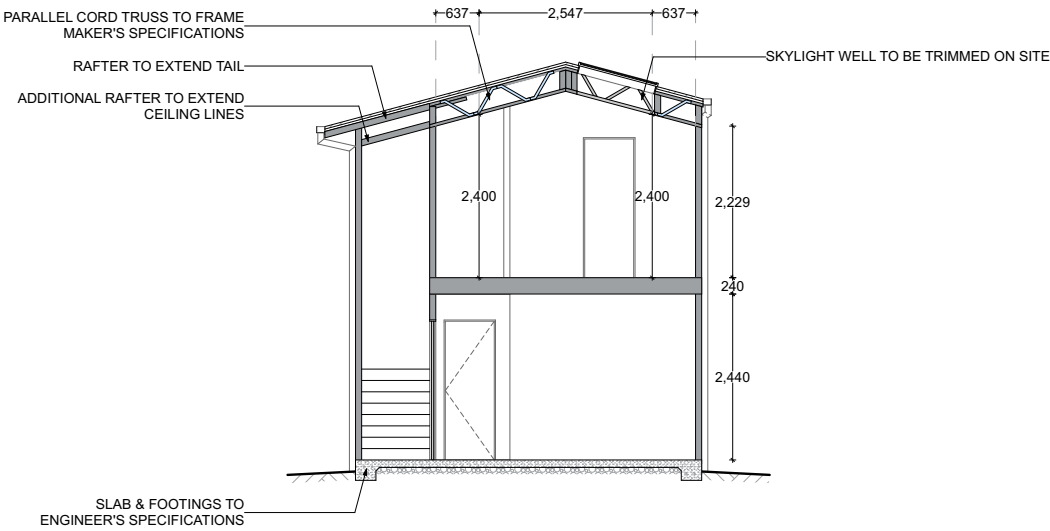
East Elevation

SCALE 1:100



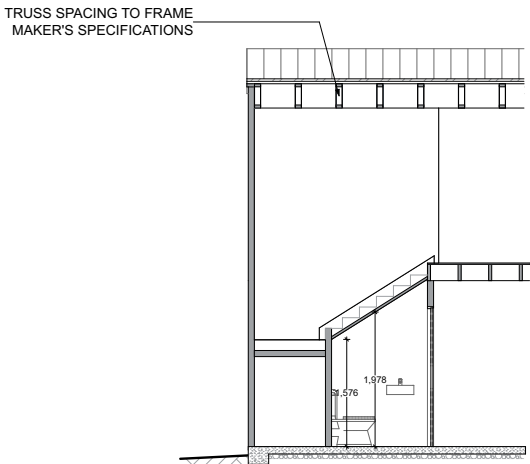
North Elevation

SCALE 1:100



Section S-01

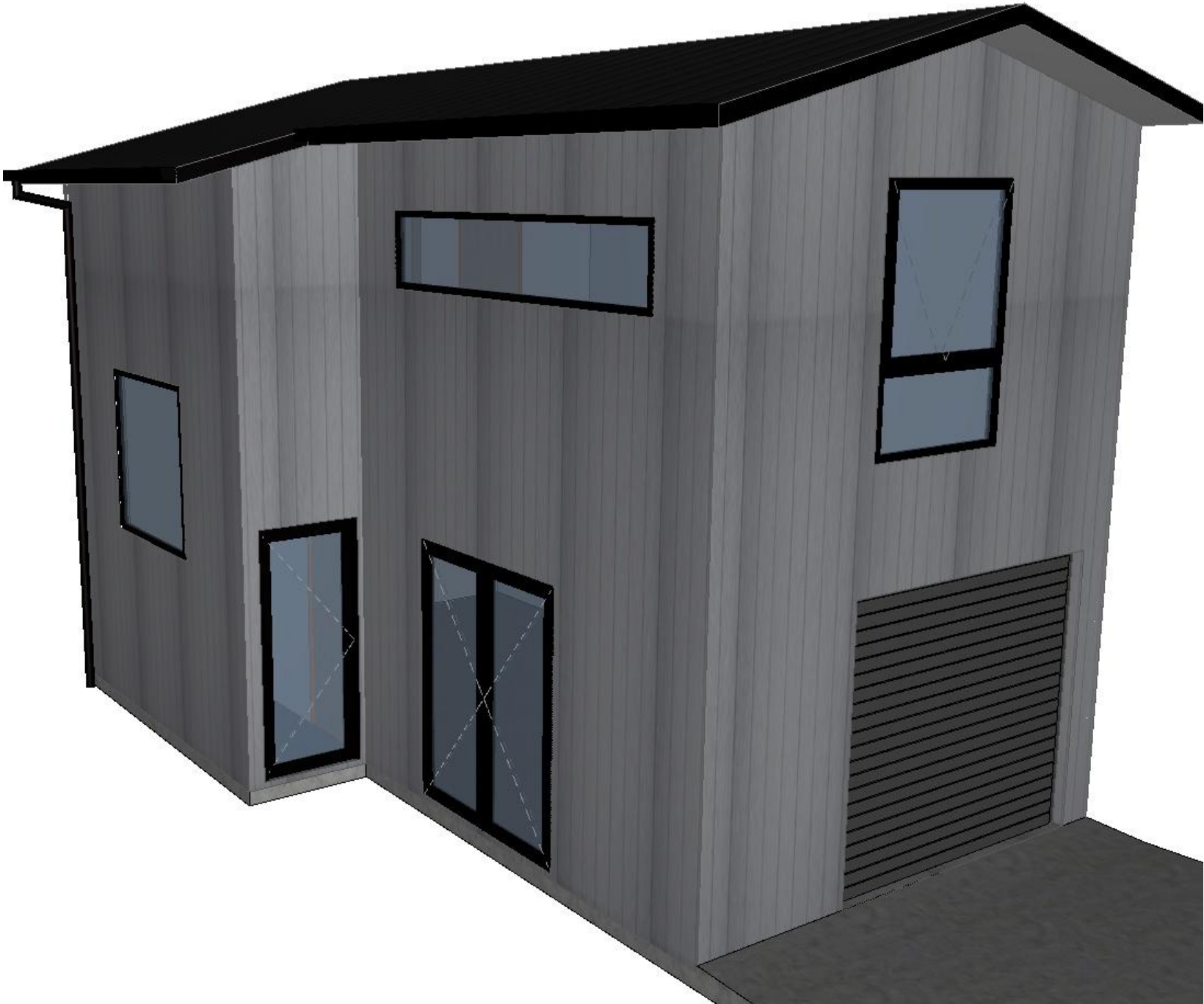
SCALE 1:100



Section S-02

SCALE 1:100

PROPOSED NEW SHED & STUDIO FOR:  GEOFF METCALFE No. 314 ANSON STREET ORANGE, NSW, 2800	TITLE: ELEVATIONS, SECTION VIEW  APPLICATION: DEVELOPMENT APPLICATION	DATE: 30/9/2021	NOTES: AMENDMENTS - 16/10/21 ROOF CHANGES - 11/12/21	<div><div>SAM MORGAN</div><div>DESIGNS</div><div>ARCHITECTURAL DRAFTING</div><div>0419 480 827</div><div>smdesigns2800@gmail.com</div></div>
		PAGE: 3 / 4		
		SCALE: 1 : 100 @ A3		
		DRAWN BY: SAM MORGAN		



Perspective Views

NOT TO SCALE

PROPOSED NEW SHED & STUDIO FOR:  GEOFF METCALFE No. 314 ANSON STREET ORANGE, NSW, 2800	TITLE: PERSPECTIVE VIEWS  APPLICATION: DEVELOPMENT APPLICATION	DATE: 30/9/2021	NOTES: AMENDMENTS - 16/10/21	<div><div>SAM MORGAN</div><div>DESIGNS</div><div>ARCHITECTURAL DRAFTING</div><div>0419 480 827</div><div>smdesigns2800@gmail.com</div></div>
		PAGE: 4 / 4		
		SCALE: N.T.S. @ A3		
		DRAWN BY: SAM MORGAN		

## Submission 1

**Submission to Development Application DA 507/2021(1)****Demolition of Existing Garage & construction of a new Garage/Studio (Two Storey) at 314 Anson Street Orange, 2800.****Date: 16/12/2021.**

1. We received council letter dated 30/11/2021 with Reference D21/77607 PR16624 by standard mail on Friday 10/12/2021 whilst the closing date for our comments on the proposal is Friday, 17/12/2021 at 5pm. (our mail is delivered 3 times per week)

**Comment:** The tight time frame for submissions has not allowed much time to understand the proposed development & how it might impact upon my property, Orange.

2. I have reviewed the plans and Statement of Environmental Effect for the proposed new 2 storey garage & studio to be constructed in the same position of the existing single garage at 314 Anson Street.

**Comment:** From the plans on exhibition showing the location of the new building including its scale & external appearance I make the following points:

- (a) Max building height is 5.781m with ceiling height of 4.779m.
- (b) Building size – unknown.
- (c) All windows will be positioned on the northern side of the new building.
- (d) The existing large trees in the back yard at 314 Anson St will be untouched.

My Concerns:

1. Although the large trees in the back yard will not be touched, I am not sure if the first floor studio will look into the back yard at (IE affect our privacy)
2. The existing double brick cottage at will be extended with a large extension at the back of the house within the next 5 years. Will the first floor studio look onto any proposed extension to the rear of the cottage at
3. The property at Orange is currently tenanted. I am currently unable to access the back yard of my property to see if the roof & second floor of the proposed new building at 314 Anson Street can be seen. I assume it will be shielded by the current trees however the roof height is 5.781m for the new garage/studio building.
4. Is the first floor studio proposed to be used for a business use or residential use?

Yours Sincerely

## Submission 2

14/12/21

To Chief Executive Officer of Orange City Council

Re: Development application DA 507/2021(1). PR16624

Lot 87 DP 869661 – 314 Anson Street, Orange

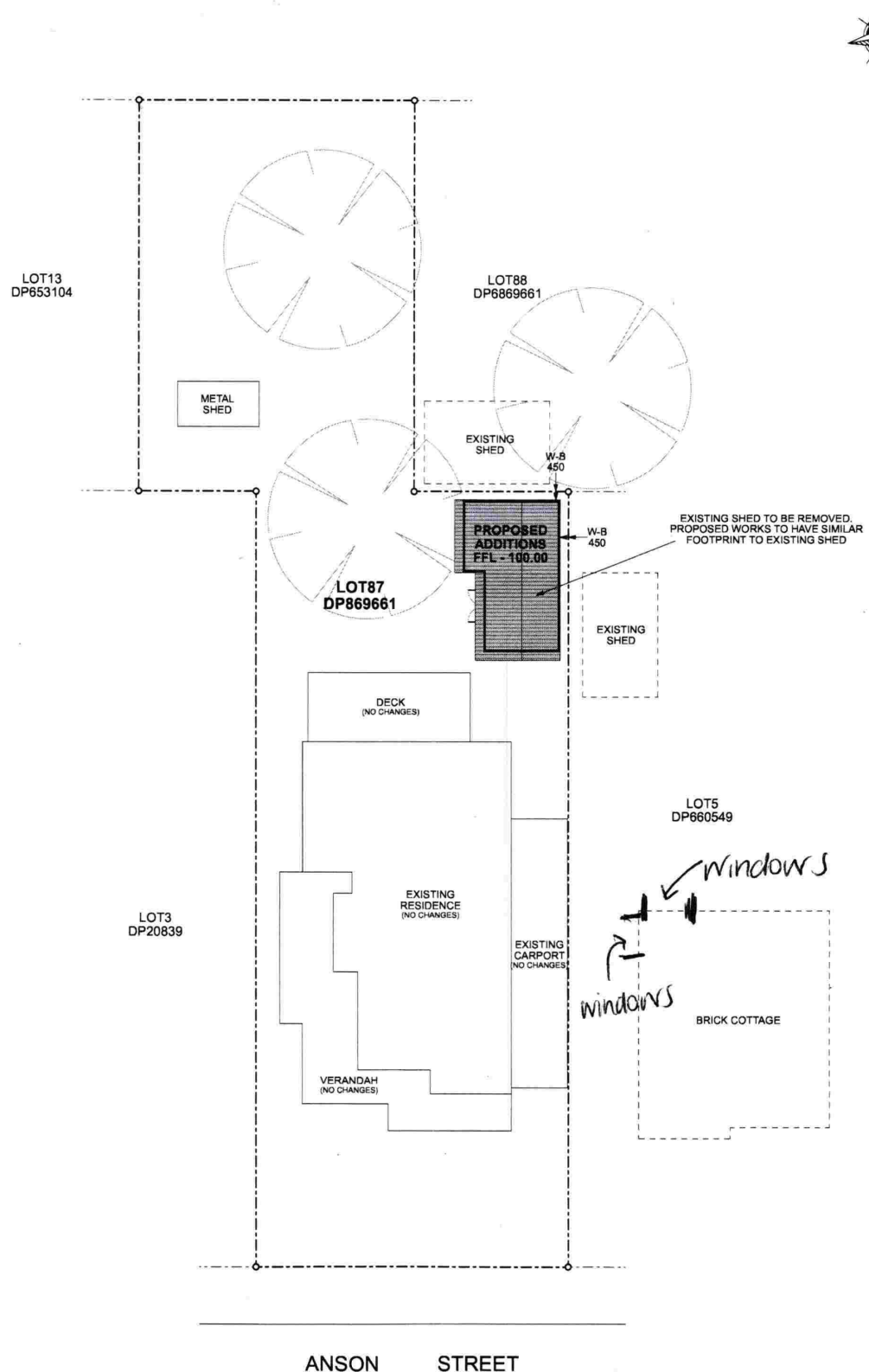
I am writing to you to express my concern and opposition to the development application made for 314 Anson Street. I live | and oppose the application for the following reasons...

- The proposed new structure would be unprecedented for the neighbourhood. There are no double storey separate secondary dwellings that can be seen from the street, nor in such close proximity to boundary/fence lines in our neighbourhood.
- The size of the proposed building. Being double storey and in such close proximity to the boundary will result in an imposing building that will dwarf my small single storey home and small backyard. I believe the application will breach planning outcome 7.7-6 - Visual bulk in the Orange city council development control plan.
- The glass door and second storey window on the west side of the proposed building will result in substantial loss of visual privacy. The glass door and most certainly the second storey window will look directly into my backyard and backroom of my house. I use this backroom as a study and living space. The windows of my backroom are located on the east and west side of my home (I have drawn their location on the attached diagram). Subsequently if a glass door and second storey window were installed on the west side of the proposed building I will lose visual privacy. I fear the loss of privacy this will create and believe it will breach planning outcome 7.7-10 – visual privacy in the Orange development control plan.
- Proximity of a two storey residential building to the fence line being only 45cm. I am concerned that a second habitable dwelling, with studio space, so close to the boundary will result in breach of planning outcomes 7.7-11 – acoustic privacy and 7.7-7 walls and boundaries.
- Two storey residential building being in such close proximity to the fence line resulting in overshadowing of my backyard. I only have a small backyard and fear I will lose a lot of natural sunlight as a consequence. I am concerned this development will breach planning outcome 7.7-8 – daylight and sunlight.

I am not opposed to an extension of the existing house. And would not have the same concerns that I presently do. My concerns relate to the proposed application being a new independent entity, using the foot print of the present garage, to build another stand alone double storey residential building, which is no way accessed from or to the principle household.

Thankyou for considering my concerns. I would welcome an on site visit to look at my backyard and home to enable visualisation of my concerns and to facilitate your understanding as to why I am opposed to the development application made. I look forward to your response and further dialogue.





Site Plan  
SCALE 1:200

PROPOSED NEW SHED & STUDIO FOR: GEOFF METCALFE No. 314 ANSON STREET ORANGE, NSW, 2800	TITLE: SITE PLAN APPLICATION: DEVELOPMENT APPLICATION	DATE: 30/9/2021 PAGE: 1 / 4 SCALE: 1 : 200 @ A3 DRAWN BY: SAM MORGAN	NOTES: AMENDMENTS - 18/10/21	<b>SAM MORGAN</b> <b>DESIGNS</b> ARCHITECTURAL DRAFTING 0419 480 827 smdesigns2800@gmail.com
--	--	---	---------------------------------	--

## Submission 3

**From:**  
**Sent:** Tuesday, 4 January 2022 12:47 PM  
**To:** Summer Commins  
**Subject:** Development application 314 Anson St

Hi Summer

I've been thinking about the windows on the west side of proposed building and am really against them. I know you mentioned you could request opaque glazing but it isn't a stretch for them to be changed to standard see through windows in a few years time and I don't know what I could do to preclude that change being made in future and the significant loss of privacy that would ensue. I really think more than ample nature light will be achieved through the 4 skylights and 2 windows on the north side.

I also forgot to ask you when we met, what happens from here?

I hope you had a lovely, well deserved and restful break.

Yours sincerely