



## **PLANNING AND DEVELOPMENT COMMITTEE**

# **AGENDA**

**4 APRIL 2023**

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 **Tuesday, 4 April 2023**.

David Waddell

**CHIEF EXECUTIVE OFFICER**

For apologies please contact Administration on 6393 8106.

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## AGENDA

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## **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

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RECORD NUMBER: 2023/280

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 “7.1. 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 239/2007(4)

**Determination Date:** 13 March 2023

**PR Number** PR23184

**Applicant/s:** Mr A Beswick

**Owner/s:** Beswick Investment No 3 Pty Ltd

**Location:** Lot 2 DP 1137749 - 36 Forbes Road, Orange

**Proposal:** Modification of development consent - subdivision (three lot residential), residential units (alterations and additions to existing building to create five residential units) and subdivision (five lot residential Strata). The modified development sought to regularise the unauthorised work to Unit 5 and remove the laundry from the carport.

**Value:** N/A

2.1 Items Approved Under the Delegated Authority of Council

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**Reference:** DA 218/2015(4)      **Determination Date:** 16 March 2023  
**PR Number** PR29356  
**Applicant/s:** The Trustee for 118 Lysterfield Road Orange Unit Trust  
**Owner/s:** Roy Mammone Developments Pty Ltd  
**Location:** Lot 90 DP 1284877 - Sweetheart Drive, Orange  
(formerly Lot 100 DP 1204145 - 118 Lysterfield Road, Orange)  
**Proposal:** Modification of development consent - subdivision (207 lot residential) and demolition (existing dwelling and shed). The modified proposal will raise the lot yield by one lot, from 202 to 203 lots total (one additional residential lot) and vary the lot typology by reducing the size of a number of allotments, in conflict with the Minimum Lot Size map of the LEP.  
**Value:** N/A

**Reference:** DA 240/2019(4)      **Determination Date:** 15 March 2023  
**PR Number** PR10126  
**Applicant/s:** Orange Ex-Services Club Limited  
**Owner/s:** Orange Ex-Services Club Limited  
**Location:** Lot 199 DP 756899, Lot 181 DP 1154782 - 130 Ploughmans Lane, Orange  
**Proposal:** Modification of development consent - registered club (ancillary buildings), recreation facilities (outdoor). The modified proposal will remove the existing Cart Shed 2 from the site. The modification will not alter any other aspects of the original consent. It is understood that the proposal to remove this building from the consent is to facilitate an alternate proposal to establish water storage tanks (to be considered under separate application) as a part of the fire suppression system for the new Club House. An application for formal demolition of the subject building has been sought under separate cover.  
**Value:** N/A

**Reference:** DA 497/2020(1)      **Determination Date:** 7 March 2023  
**PR Number** PR17075  
**Applicant/s:** Ben Taylor  
**Owner/s:** Mr R Taylor, Mr GC Taylor, and Mr MR and Mrs DA Taylor  
**Location:** Lot 1 DP 880582 - 4625 Mitchell Highway, Lucknow  
Lot 2 DP 880582 DP - 12 Phoenix Mine Road, Lucknow  
**Proposal:** Subdivision (one additional residential lot); Category 1 remediation and demolition (garage)  
**Value:** N/A

2.1 Items Approved Under the Delegated Authority of Council

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**Reference:** DA 437/2021(3)      **Determination Date:** 15 March 2023  
**PR Number** PR10126  
**Applicant/s:** Orange Ex-Services Club Limited  
**Owner/s:** Orange Ex-Services Club Limited  
**Location:** Lot 199 DP 756899  
Lot 181 DP 1154782  
130 Ploughmans Lane, Orange  
**Proposal:** Modification of development consent - demolition (existing pro-shop, gazebo and tree removal) and registered club (new club building with ancillary pro-shop, car store, cafe and car parking). The modified proposal involves:

- relocation of the pump shed and water tanks within the cart shed / utilities compound at the site frontage
- construction of a cart path to the east of the clubhouse, nearby the practice greens
- enclosure of the golf simulator terrace on the lower ground level to form a simulator lounge
- partial internal reconfiguration of the basement level to delete room partitions and modify plant spaces
- placement of mechanical plant on the clubhouse roof in the eastern extent.

The modified proposal will not result in any significant material change to the original development. The proposal will not be contrary to any planning provision applying to the land. The modified development will not give rise to environmental impacts that vary from the original development. The site is suitable for the proposed modified works.  
**Value:** N/A

**Reference:** DA 148/2022(2)      **Determination Date:** 8 March 2023  
**PR Number** PR4531  
**Applicant/s:** Mr W Shi and Ms H Shang  
**Owner/s:** Mr W Shi and Ms H Shang  
**Location:** Lot B DP 417558 - 97 Gardiner Road, Orange  
**Proposal:** Modification of development consent - dual occupancy (one additional detached dwelling) and subdivision (two lot Strata title). The modified proposal will alter the original approval to change from a Torrens subdivision to a Strata subdivision. The modification is negligible and will not result in any other changes to the consent.  
**Value:** N/A

2.1 Items Approved Under the Delegated Authority of Council

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**Reference:** DA 174/2022(2)      **Determination Date:** 15 March 2023  
**PR Number** PR17942  
**Applicant/s:** Mr A Gannon  
**Owner/s:** Ms NL Gannon  
**Location:** Lot 1 DP 1022900 - 11 Witton Place, Orange  
**Proposal:** Modification of development consent - subdivision (two lot Torrens title).  
The applicant requested that Council delete Conditions 4 and 15 which pertains to the upgrade of Witton Place.  
It was also requested that Condition 19 be amended to provide the applicant the opportunity to enter into a bond for the construction of the footpath. Council's Technical Services Department have stated *"we require Condition 19 to be deleted as well (rather than taking a bond as requested by applicant). The footpath construction can be undertaken as part of the future subdivision of Lots 10 and 11."*  
**Value:** N/A

**Reference:** DA 204/2022(1)      **Determination Date:** 15 March 2023  
**PR Number** PR25982  
**Applicant/s:** Kueb Pty Ltd  
**Owner/s:** Kueb Pty Ltd  
**Location:** Lot 2 DP 1180945 - 4 Hamer Street, Orange  
**Proposal:** Dual occupancy and subdivision (two lot Torrens title)  
**Value:** \$900,000

**Reference:** DA 290/2022(1)      **Determination Date:** 24 February 2023  
**PR Number** PR12416  
**Applicant/s:** Southwell Design + Drafting  
**Owner/s:** Mr TE and Mrs AP Kirchler  
**Location:** Lot C DP 349866 - 114 Warrendine Street, Orange  
**Proposal:** Dwelling house (alterations and additions to existing dwelling, detached studio and garden shed) and demolition (garage and tree removal)  
**Value:** \$662,500

**Reference:** DA 362/2022(1)      **Determination Date:** 17 March 2023  
**PR Number** PR1947  
**Applicant/s:** Family Hotel Maitland Pty Ltd  
**Owner/s:** Family Hotel Maitland Pty Ltd  
**Location:** Lot 1 DP 86529 - 69 Byng Street, Orange  
**Proposal:** Pub (alterations and additions)  
**Value:** \$228,250

2.1 Items Approved Under the Delegated Authority of Council

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**Reference:** DA 375/2022(1)      **Determination Date:** 3 March 2023  
**PR Number** PR1205  
**Applicant/s:** TFA Group Pty Ltd  
**Owner/s:** Bass Management Pty Ltd  
**Location:** Lot 1 DP 507625 - 56-60 Bathurst Road, Orange  
**Proposal:** Service station (alterations and additions) and business identification signage  
**Value:** \$30,000

**Reference:** DA 385/2022(1)      **Determination Date:** 8 March 2023  
**PR Number** PR18661  
**Applicant/s:** Mr JS La Spina  
**Owner/s:** Mr JS La Spina  
**Location:** Lot 2 DP 1047698 - 8A Corporation Place, Orange  
**Proposal:** Vehicle repair station (change of use), and alterations and additions to premises  
**Value:** \$100,000

**Reference:** DA 386/2022(1)      **Determination Date:** 8 March 2023  
**PR Number** PR600  
**Applicant/s:** Designs@m  
**Owner/s:** Mr MP and Mrs RA Haydon  
**Location:** Lot 2 DP 526887 - 177 Anson Street, Orange  
**Proposal:** Demolition (existing carport) and garage (new construction)  
**Value:** \$33,000

**Reference:** DA 12/2023(1)      **Determination Date:** 22 March 2023  
**PR Number** PR26330  
**Applicant/s:** Dirty Janes  
**Owner/s:** Orange Ex-Services Club Limited  
**Location:** Lot 200 DP 1191450 - 225-243 Anson Street, Orange  
**Proposal:** Mixed use development (shop and restaurant or cafe) (change of use from indoor recreation facility), alterations and additions to existing building, and business identification signage  
**Value:** \$500,000

**Reference:** DA 21/2023(1)      **Determination Date:** 3 March 2023  
**PR Number** PR17790  
**Applicant/s:** CEO Architectural Cad Design & Presentation  
**Owner/s:** Department of Education  
**Location:** Lot 1 DP 5704 - Calare Public School - 44 Wentworth Lane, Orange  
**Proposal:** School (ancillary and incidental community notice and public information signs)  
**Value:** \$59,900

2.1 Items Approved Under the Delegated Authority of Council

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**Reference:** DA 35/2023(1)      **Determination Date:** 8 March 2023  
**PR Number** PR18664  
**Applicant/s:** Think Water  
**Owner/s:** Rossi Orchards Pty Ltd  
**Location:** Lot 1 DP 1048249 - 121-125 Moulder Street, Orange  
**Proposal:** Business identification signage  
**Value:** \$9,900

**Reference:** DA 42/2023(1)      **Determination Date:** 15 March 2023  
**PR Number** PR10126  
**Applicant/s:** Orange Ex Services Club  
**Owner/s:** Orange Ex-Services Club Limited  
**Location:** Lot 199 DP756899 - 130 Ploughmans Lane, Orange  
**Proposal:** Demolition (shed)  
**Value:** \$2,500

<b>TOTAL NET* VALUE OF DEVELOPMENTS APPROVED BY THE CEO UNDER DELEGATED AUTHORITY IN THIS PERIOD:</b>	<b>\$2,526,050.00</b>
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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 March 2023 meeting report period (22 February to 20 March 2023), another 27 development applications were determined under delegated authority by other Council staff with a combined value of \$5,624,554.



## 2.2 DEVELOPMENT APPLICATION DA 265/2022(1) - 1 SUMMER STREET AND 160 WOODWARD STREET

RECORD NUMBER: 2023/414  
AUTHOR: Rishelle Kent, Senior Planner

### EXECUTIVE SUMMARY

Application lodged	11 August 2022 (amended plans 23 January 2023)
Applicant	Lenco Projects
Owner	Shale Developments 22 Pty Ltd
Land description	Lot 11 DP 1228107 - 1 Summer Street Lot 12 DP 1228107 - 160 Woodward Street
Proposed land use	Residential Flat Building (five units), Multi Dwelling Housing (six dwellings) and Subdivision (consolidation and eight lot Community Title, five lot Strata Title)
Value of proposed development	\$6,072,770.00

Council's consent is sought for a residential flat building (five units), multi dwelling housing (six dwellings) and subdivision (consolidation, eight lot Community Title, five lot Strata Title) on vacant land described as 1 Summer Street and 160 Woodward Street, Orange.

The site is located on a highly visible corner of Summer Street, presenting a key entrance to the CBD from the west, and is within the Dalton Central Heritage Conservation Area. The site has access and frontage to a State Road and is within proximity to Essential Energy's infrastructure, both of which requires concurrence from Transport for NSW and Essential Energy respectively, under SEPP (Infrastructure) 2007.

The proposed development is permissible with consent in the R1 General Residential zone. The proposal comprises "residential flat building" (RFB) for the purposes of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65). The proposal is therefore subject to evaluation in accordance with SEPP 65 and the NSW Apartment Design Guide (ADG).

The proposal comprises two distinct buildings, separated by a single, consolidated access off Woodward Street. The RFB presents to Summer Street with a two storey contemporary interpretation of the surrounding heritage character, which then transitions to three storeys with a longer massing and presentation to Woodward Street. The townhouses have a longer massing along the northern boundary adjacent to Esso Park presenting to Woodward Street and is two storeys in height.

This project has been challenging. Council initially advertised the development site via an Expression of Interest for purchase and redevelopment, looking for 'statement development' but without the necessary regard to the heritage sensitivities of the site. As such, advice from Council's Heritage Architect has been provided on a number of occasions, with various designs (from two architectural firms) submitted for consideration.

Following lodgement, Council staff requested changes to respond to neighbours' concerns and for a more appropriate design in regards to the requirements of SEPP 65, the ADG, Orange LEP and Orange DCP. First and foremost, a sub-grade car park was requested to enable quality activation of the Woodward Street frontage, improve the integration of the development into the site, and respond to height concerns of neighbours.

## 2.2 Development Application DA 265/2022(1) - 1 Summer Street and 160 Woodward Street

Whilst the more significant changes alluded to above were not forthcoming, the following changes were submitted for consideration:

1. A reduction in height of the RFB to two storeys at the Summer Street frontage for a depth of two units, and redesign of the Summer Street frontage, to appropriately relate to the heritage context.
2. Partial activation of the Woodward Street façade of the RFB by dropping Apartment 4 to the ground floor (this resulted in a deficiency of 0.4 car parking spaces) and providing stairwell access to Apartments 1, 2 and 3 from Woodward Street.
3. Screening of select eastern windows of Unit 3 of the RFB to provide privacy to 3 Summer Street, and
4. Provision of open space to the east of Apartment 4.

The assessment report has highlighted a number of technical non-compliances for Council consideration particularly with regard to the lack of communal open space, a deficiency of private open space, street presentation to Woodward Street at ground floor, privacy impacts, a minor deficiency of car parking spaces, and a lack of detail regarding landscaping and noise mitigation. Notwithstanding these non-compliances, appropriate measures have been identified and conditioned in the attached Notice of Approval to reduce the overall impacts, and will ensure the proposed development is compatible with the established character of the surrounding neighbourhood.

The amended proposal satisfies the applicable Local and State Planning Controls and Guidelines. Approval of the application is recommended subject to conditions of development consent.



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 proposal involves residential flat building (five units), multi dwelling housing (six dwellings) and subdivision (consolidation, eight lot Community Title, five lot Strata Title) on vacant land described as 1 Summer Street and 160 Woodward Street, Orange. The site is located on a highly visible corner of Summer Street, presenting a key entrance to the CBD from the west, and is within the Dalton Central Heritage Conservation Area.

The proposal comprises two distinct buildings, separated by a single, consolidated access off Woodward Street. The RFB presents to Summer Street with a two storey contemporary interpretation of the surrounding heritage character, which then transitions to three storeys with a longer massing and presentation to Woodward Street. The townhouses have a longer massing along the northern boundary adjacent to Esso Park presenting to Woodward Street and is two storeys in height.

Part of the proposal comprises "residential flat building" (RFB) for the purposes of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) and the application was therefore subject to evaluation in accordance with SEPP 65 and the NSW Apartment Design Guide (ADG). A complete assessment of the ADG requirements has been provided in the proceeding planning assessment. This assessment has identified several matters for Council consideration.

The proposed development was advertised on two separate occasions. Council received 5 written submissions. The applicant was requested to respond to the issues raised during the public exhibition period a summary of which has been provided later in this report.

## 2.2 Development Application DA 265/2022(1) - 1 Summer Street and 160 Woodward Street

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A key design consideration for Council with this application relates to the presentation of the proposed development to Woodward Street. The applicant was encouraged by Council staff to provide parking at a semi-basement level for the RFB component of the development in order to avoid or lessen visual impacts on the Woodward Street streetscape and ensure an appropriate public domain interface in line with the ADG's design criteria. Whilst the applicant was amenable to several design changes throughout the assessment process which has resulted in improved outcomes for the Woodward street streetscape including but not limited to lowering unit 4 to street level and providing a front entrance for that apartment from the street, the option of a subgrade car park has not been pursued by the applicant. The applicants desire to provide at-grade carparking in this particular design still results in an unbroken brick wall for part of the Woodward Street streetscape below Apartments 1, 2 and 3 which contributes to a sub-optimal public domain interface at that point.

The proceeding planning assessment report and accompanying Notice of determination has identified a series of measures and recommendations relating to the treatment and materiality of the western wall fronting Woodward Street that are considered acceptable to improve the visual presentation of this streetscape.

The assessment report has indicated on balance that the development will result in an acceptable infill residential development. It is considered that the identified issues raised in the assessment report are all capable of being dealt with through conditions of consent so as to ensure that the development proceeds in an acceptable manner. It is recommended that Council supports the proposal subject to the adoption of the Attached recommended Notice of Determination.

### LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "10.1. 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 consents to development application DA 265/2022(1) for *Residential Flat Building (five units), multi dwelling housing (six dwellings) and Subdivision (consolidation and eight lot Community Title, five lot Strata title)* at Lot 11 DP 1228107, Lot 12 DP 1228107 - 1 Summer Street and 160 Woodward Street, Orange, pursuant to the conditions of consent in the attached Notice of Approval.**

**FURTHER CONSIDERATIONS**

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

**SUPPORTING INFORMATION / PROPOSAL**

The proposal involves the following works and staging:

- **Stage One** - consolidation of 1 Summer Street (Lot 11 DP 1288107) with 160 Woodward Street (Lot 12 DP 128107) to create a development lot of 2084m<sup>2</sup>.
- **Stage Two:**
  - Multi dwelling housing (known as 6 attached Townhouses) along the boundary with Esso Park. These dwellings will be two storey with two or three bedrooms and an attached garage for each unit. The building frontage addresses Woodward Street.
  - Five units comprising a Residential Flat Building (RFB) along the western edge of Woodward Street, with street presentation to Summer and Woodward Streets. These units will comprise one or two bedrooms, a single carparking space for each flat, and a built form of two storey transitioning to three storeys. Solar photovoltaic panels will be erected on 55m<sup>2</sup> of eastern roof space on the third storey element.
  - Building materials will comprise standing seam roof cladding, Weathertex cladding, compressed fibre cement, vertical and horizontal aluminium battens and face brickwork.
  - Consolidation of three existing driveways into a single, combined access from Woodward Street.
  - Removal of one tree on 160 Woodward Street, and a claret ash on the boundary with 5 Summer Street.
  - Ancillary works such as earthworks, stormwater drainage and services, landscaping, fencing, visitor parking, and the like.
- **Stage Three** - Community and Strata Title subdivision as follows:
  - Six Community Title lots for the six multi dwelling housing.
  - One lot Community Title for the RFB.
  - One Communal lot for access and servicing.
  - Five lot Strata Title of the RFB.



Figure 2 - south-western perspective

## SITE HISTORY

### 1 Summer Street

This property is known as Lot 11 DP 1228107 and is a narrow lot typical of the residential subdivision pattern within the square mile, with street frontage to both Summer Street and Woodward Street. The site is 738.7m<sup>2</sup>. Vehicular access has been previously obtained from Woodward Street. The site does not contain a tree canopy of significance to the CBD.

The site originally contained a residence and an attached corner store. These were demolished in 2016 under development consent DA 319/2015(1), and the site is currently vacant. An asbestos clearance certificate was issued by Envirowest Consulting Pty Ltd dated 10 December 2015.

### 160 Woodward Street

This property is known as Lot 12 DP 1228107 and runs east west, with street frontage and vehicular access to Woodward Street, and a northern boundary adjoining Esso Park. The site is 1,346m<sup>2</sup> in size. The site experiences tree overhang along the northern boundary from trees in Esso Park, and contains two trees.

The site was formerly used as a petrol station from 1937 until the late 1990s. All structural improvements, including several underground fuel tanks, have since been removed under development consent DA 188/2007(1). Envirowest Consulting Pty Ltd has carried out assessments of the site (reports dated 1 September 2014 and 15 December 2014) and advise:

*"Based on previous investigations this letter confirms the site is suitable for residential, commercial and industrial land-uses from a contamination perspective."*

**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***

The proposed development is not likely to significantly affect a threatened species as:

- The subject and adjoining lands are not identified as biodiversity sensitive on the Orange LEP 2011 Terrestrial Biodiversity Map.
- The proposal does not involve clearing or disturbance of native vegetation. Clearing thresholds prescribed by regulation do not apply.
- The site is contained within a developing urban residential area and has been highly modified by the urban land use pattern. The subject land does not contain known threatened species or ecological communities.

Based on the available evidence, a Biodiversity Assessment Report is not required.

**Section 4.15 - Environmental Planning and Assessment Act 1979****Orange Local Environmental Plan 2011****Clause 1.2 - Aims of Plan**

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

- (a) *to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,*
- (b) *to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,*
- (e) *to provide a range of housing choices in planned urban and rural locations to meet population growth,*
- (f) *to recognise and manage valued environmental heritage, landscape and scenic features of Orange.*

The application is consistent with the aims of the Plan.

The proposed development will contribute to Orange's housing diversity in a planned urban location, with accessible pedestrian access to the CBD. The proposal is sympathetic to the significance of heritage values of Summer Street.

**Clause 1.7 - Mapping**

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

Land Zoning Map:	<b>Land zoned R1 General Residential</b>
Lot Size Map:	No Minimum Lot Size
Heritage Map:	<b>Heritage conservation area</b>
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:	<b>Groundwater vulnerable</b>
Drinking Water Catchment Map:	Not within the drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Flood Planning Map:	<b>Minor localised flooding</b>

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**

Council staff are not aware of the title of the subject property being affected by any of the matters described in Clause 1.9A, and further, that the development lots have unrestricted Certificate of Title.

**Clause 2.1 - Land Use Zones**

The subject site is located within the R1 General Residential zone. The proposed development is defined as residential flat building and multi dwelling housing, under OLEP 2011.

Residential flat building is described as:

***residential flat building*** means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Multi dwelling housing is described as:

***multi dwelling housing*** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

The proposal also includes Community Title and Strata title subdivision. Pursuant to Clause 6.2 of the Environmental Planning and Assessment Act 1979, 'subdivision' is defined as *the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use of disposition.*

Residential flat building, multi dwelling housing and subdivision are permitted with consent within the R1 General Residential zone.

The application is seeking consent.



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

The objectives of the R1 General Residential Zone:

- *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.*

In relation to the first and second objective, the proposed development will provide additional housing stock within the City, with a variation of housing types and densities. The subject sites have excellent connection to public transport options, pedestrian pathways and cycling links, and therefore satisfy the fourth objective. The proposed development has no effect on objectives three and five.

**Clause 2.6 - Subdivision**

The application is seeking consent.

**Clause 4.1B - Minimum Lot Sizes for Dual Occupancy, Multi Dwelling Housing and Residential Flat Buildings**

This clause requires the site to have a minimum area of 1,250m<sup>2</sup> for multi dwelling housing. The development site is 2084m<sup>2</sup> and satisfies this clause.

**Clause 5.10 - Heritage Conservation**

The site is located within the Dalton Heritage Conservation Area pursuant to Schedule 5 of the LEP (shown in Figure 3 below). This area broadly corresponds to the original 'square mile' grid pattern of the CBD and surrounds. The Statement of Significance of this HCA is provided below:

*Consisting of a range of buildings dating from the latter part of the nineteenth century and the early part of the twentieth, the conservation area has historical importance for reflecting the development and prosperity of Orange during this period.*

*The conservation area exhibits several fine examples of different architectural styles. The building materials used, the mature street trees and the fine parklands all help to bring the area together as an aesthetically pleasing whole and as a townscape of importance.*

*Representing much of the core of the city, the conservation area has an appreciable level of social significance for the Orange community.*

The site is also located within proximity to heritage item 1306 - Coronation memorial plaque (coloured mustard in Figure 3 below). The proposed development will not impact upon the significance of this item, no further comment is made in this regard.

## 2.2 Development Application DA 265/2022(1) - 1 Summer Street and 160 Woodward Street

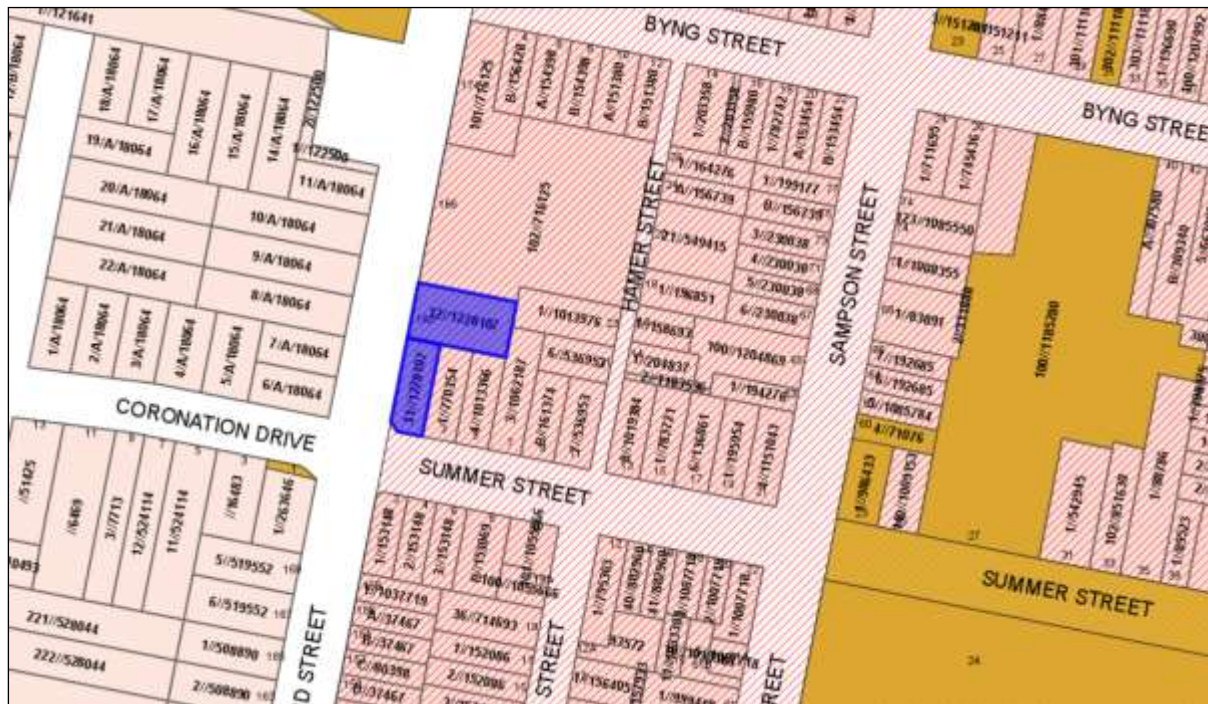


Figure 3 - Dalton Heritage Conservation Area (shown hatched in red)

Council provided heritage advice on four separate occasions:

The development was referred to Council's Heritage Advisor to review concept plans prepared by Source Architects, prior to lodgement of the DA. Comprehensive design advice was provided to the applicant in August 2021 and December 2021.

Sometime between August 2021 and March 2022, the applicant engaged Gardner Wetherill Architects, and presented a new concept to Council for consideration. Heritage advice was provided in March 2022, and again in September 2022 following the formal lodgement of the application. Design changes were carried out in response to the advice.

The most recent advice from Council's Heritage Advisor has been provided below, followed with staff recommendations:

#### Elevation of the corner of the Heritage Conservation Area extending to the East

*"The bulk steps up from Summer Street to the street corner and major junction. The use of pitched roofs in a contemporary but interpretive form is appropriate. The change in roof for the corner building acknowledges the junction and the change with Summer Street. The brick cladding to the ground floor walls is appropriate for both interpretation and modifying the bulk of the building. Fencing details and additional wall colour are sought."*

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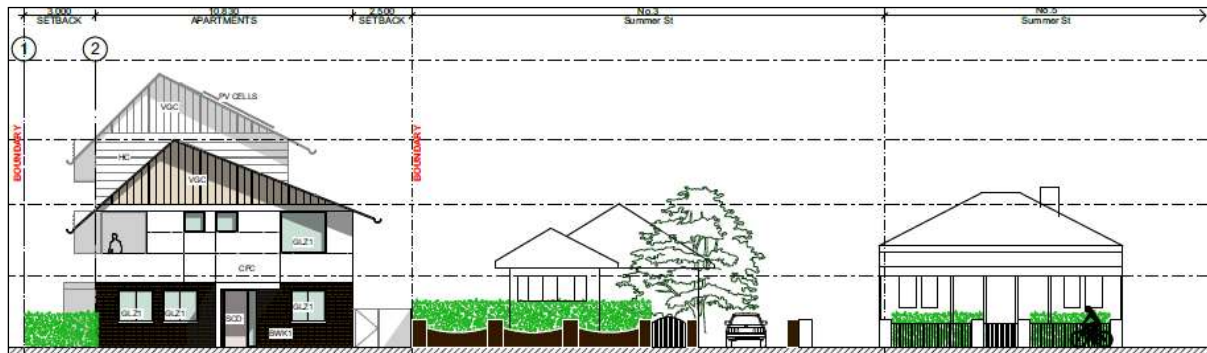


Figure 4 - Summer Street presentation

### Elevation to Woodward Street

*"The stepping in heights and the use of pitched roofs are appropriate for Woodward Street. The combination of materials and colours is appropriate for the local setting. Further clarification of fencing, landscape planting and colours is sought."*



Figure 5 - Woodward Street presentation

### East elevation of the RFB

*"The east elevation... indicates a series of substantial windows facing east. Traditional buildings in the HCA utilise awnings to mitigate solar gain and improve the level of privacy. It is recommended that consideration be given to the use of a contemporary interpreted awning above this series of windows standing off the wall at bottom of weatherboards. This is a preferable details to louvred screens and is characteristic of the HCA."*



Figure 6 - RFB eastern elevation



## 2.2 Development Application DA 265/2022(1) - 1 Summer Street and 160 Woodward Street

The following schedule of finishes has been presented to Council:














1 SUMMER STREET, ORANGE		EXTERNAL MATERIALS SAMPLE BOARD	
			<p><b>WINDSPRAY®</b></p> <p>Colorbond 'Windspray'</p>
<p><b>MRF - ROOF SHEETING</b> – Lysaght Zenith Profile (<i>Standing Seam</i>)</p>			
			
<p><b>HC – HARDBOARD (Weathertex) HORZ. CLADDING</b> – Millwood Smooth (<i>flush profile</i>) 300mm</p> <p><b>Colours:</b> Dulux "Buff It" (Apartments) and Natural Stone (Townhouses)</p>			
<p><b>VB – VERT. &amp; HORZ. ALUM. BATTENS</b> – Aliwood 150 x 50mm timberlook Battens</p> <p><b>Colours:</b> Bushwood (Apartments) and Chestnut (Townhouses)</p>			
			
<p><b>WINDOW &amp; DOOR FRAMES</b> – Powdercoated 'Charcoal'</p>		<p><b>BALUSTRADING</b> – Clear Glazed</p>	
			
			
<p><b>BWK1 – FACEBRICK</b> – PGH 'Dry Pressed Architectural' "Bennelong Blue" (76 x 110 x 230)</p> <p>'Dark' Mortar tinted to match brick colour with 'Flush' joints.</p>			

Figure 7 - schedule of finishes

Regarding the schedule of finishes, the following comments are made:

Brick selection

*“In relation to bulk and scale, the ‘Bennelong Blue’ for the townhouses is supported, and ‘Macquarie Blend’ is recommended for the RFB. The revised mortar colouring and joint profiles are acceptable.”*

Face brickwork in PGH Face bricks Dry Pressed Architectural in colour ‘Bennelong Blue’ with dark mortar joint and flush finish has been nominated for both buildings. The proponent suggests the two buildings should share a common brick colour as a minor tone difference may look like a mismatch.



**Figure 8 - PGH brick selection (Bennelong Blue (L) and Macquarie Blend (R))**

Council’s Heritage Advisor and Council staff do not agree. The cladding of the RFB first floor walls in the differing PGH Macquarie Blend brick will provide visual interest to the streetscape, and break up the appearance and bulk of the buildings upon the site. Brick selection has been conditioned accordingly.

Upper wall and gable colour selection

*“The Stria cladding is fine in terms of character while a Weathertex product would be preferred to that specified as it is a composite wood related product.”*

Hardboard Weathertex Selflok Millwood smooth profile in 300mm has been nominated for the upper level and gable cladding, coloured Dulux “Buff It” for the apartments, and Dulux “Natural Stone” for the townhouses. The colours will ensure a distinctive characteristic between the two buildings and modulate the appearance and bulk on the site, and are therefore supported.



Figure 6 - “Buff It” and “Natural Stone”

### Roofing

*“The appropriate Zenith profile would be one with a medium seam height on a broad flat pan so as to produce an even character. Enseam is 465 pans with 38mm seams and as noted, is fine. A combination of grey colours such as Windspray is supported to model the scheme and reduce the visual impacts of bulk in particular to elements seen against the skyline as background.”*

The proponent advises the metal roof sheeting shall be Lysaght Zenith Enseam 38mm standing seam profile in Colorbond Windspray. Further, that all flashings, gutters, downpipes and roller doors will be Colorbond Windspray. These selections are acceptable.

### Aluminium battens

*“In heritage conservation areas, genuine materials are supported in place of elements which are replicas. An alternative wood coloured batten using a composite product such as Coen or Newtechwood timber screening would be supported. Also supported would be an aluminium batten in a pair of selected powder coated colours - one for each building.”*

Aluminium timber finish battens are proposed for the apartments in ‘Bushwood’, and ‘Chestnut’ for the townhouses, for their appeal of reduced maintenance.

The proposal retains the use of aluminium battens as opposed to the more environmentally sound alternate material, however the external character will remain and is therefore supported. The proposed colours are acceptable.

### Glass balustrading

*“Glass balustrading is not supported in the HCA as per previous advice, where powder coated steel flat profile system is supported in Basalt or similar.”*

The proponent suggests that glass balustrades should be supported at the first floor level of the apartments fronting Woodward Street as it improves the articulation of the facades and offsets the largely solid façade.

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Glass balustrades are uncharacteristic of the heritage conservation area and are not supported by Council's Heritage advisor or staff. The balustrading shall be replaced with powder coated aluminium fin balustrades in colour Basalt or similar. A condition has been attached to this effect.

### Door and window framing

A charcoal colour has been proposed, and is acceptable.

### Compressed fibre cement

A colour has not been chosen for the CFC panels, confirmation shall be submitted to Council for approval prior to the issue of the Construction Certificate.

### Louvres

*"An earth grey colour is recommended for the louvres in place of aluminium which has been found to be excessively bright and glare prone when used in the HCA. An earth-grey colour such as Dulux Pottery is to be specified for the shading system louvres to avoid glare and suit the overall character."*

The proponent specifies natural clear aluminium as they face Esso Park and are screened by trees. Louvres are also required for privacy reasons on the eastern wall of the RFB.

Esso Park is a public place utilised for passive recreation, with deciduous trees along the northern boundary of the development site. The first floor eastern wall will be viewed from multiple properties. As such, and in accordance with Council's heritage advice, the louvres shall be finished in Dulux Pottery or similar colour to reduce glare. This has been conditioned accordingly.

### Landscape Plan

*"The plan is to be developed to illustrate specific numbers of plants and in conjunction with drawings for the fencing, a detailed appreciation for the materials and visual impact of the proposal. Currently there is insufficient detail to indicate that the character and amenity of the future streetscape. This may be developed at Construction Certificate stage."*

The landscape plan has been developed as concept only, without the appropriate level of detail to allow for considered assessment or certification. Further details such as a landscape schedule and maintenance plan are required to be approved by Council prior to the issue of a Construction Certificate. This has been conditioned accordingly.

### Fencing details

Fencing of the development site will be retained where existing, excepting for:

- Eastern boundary adjacent to the townhouses will be a solid lapped and capped timber fence at 1.8m in height.
- Northern boundary adjacent to Esso Park will be a 1.5 m high boundary fence comprising a 600mm high brick plinth and brick pillars with vertical timber picket infill that is stepped down the site to maintain the approximate height.
- Street frontage to Apartment 5 has a front yard wrapping around the corner of Summer and Woodward Street. This space will be defined by fencing of 600mm high brick plinth and 1.2m high brick pillars with hedging behind, in keeping with neighbouring development.

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- Woodward Street frontage of Townhouse TH01 is proposed as 1.5m high fence with brick base and infill timber railings. The DCP permits front fences of 1.2m high. This has been conditioned accordingly.
- Each of the townhouses will have 1.8m high privacy fencing between each yard in Lysaght slat screen.
- The ground level private open space to the east of Apartment 4 will be enclosed with a 1.8m high timber paling privacy fence.
- All other boundary fences are to remain, as is.

These materials and details are suitable to the heritage sensitivities of the site, and have been conditioned accordingly.

### **Infill Policy**

Council's adopted Infill Development Policy is based on the Royal Australian Institute of Architects NSW document 'Context in Design', a document considered as industry best practice. Council's DCP and Infill Policy requires infill development to complement and relate to the relevant features and built form within existing streetscapes, to harmonise with and enhance the character of the neighbourhood, but not to replicate. These are the overarching principles of infill development in a heritage setting.

The design criteria outlined below are considered the key heads of consideration when assessing new work within a heritage conservation area, and are discussed hereafter:

### Character

Places that are valued for their historic character convey a sense of continuity with the past. Sympathetic development should not compromise historic character but harmonise with the distinctive setting.

The character of the Dalton Heritage Conservation Area is shaped by the many buildings from the turn of the Century, displaying Victorian and Edwardian features. These buildings retain their significance due to their concentration and general good condition. Some significant Federation houses exist, many located on corner blocks, and bungalows of the 20s and 30s make up a major element of the housing stock of the area.

Within all these architectural styles are common features contributing to the character of the area, including the use of the vernacular 'buff brown' brick, corrugated iron roofs and consistent front verandah element. The conservation area has a rare combination of these common elements from each of the building periods, and wide streets often complemented by large trees. A number of front fences and gardens retain their original style and reinforce the identity of the periods.

The proponents architect provides the following design statement:

The development seeks to balance the opportunity to create a 'gateway' building that can support some height and scale due to the location on a key intersection/wide streets as well as providing a sensitive transition to lower-scale historic detached dwellings and the heritage conservation area. It is also important to recognise the landscape character of the area with 2-3 storey street trees providing a significant unifying element that is dominant in views along key streets and softens the built form.



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The reiteration of unifying, but not replicating, materials such as brown brick, iron roofing, and front porch interpretation, combined with a contemporary pitched roof, symmetrical window openings on the ground floor to Summer Street and a consistent landscaped setback and front fence, will sensitively integrate the proposed development into the character of the area.

However, the provision of blank walls along the RFB ground level of the Woodward Street frontage and Townhouse frontage on Woodward Street is not appropriate for the context of the site, and will detract from the character of the area. As such, the blank bays below Apartments 1, 2 and 3 shall be modified to provide an appropriate level of transparent elements, measuring from 1.2m above ground height, and extending to ceiling height. This shall also be replicated on the blank wall of the garage for TH 01. Conditions have been attached to this effect.

### Scale and Form

The scale of dwellings within Summer Street are mostly single storey in height, with pitched roofs and similar bulk, presenting a unity of elements relatable to each other, and therefore largely consistent in scale.

The scale of buildings within Woodward Street is not as coherent, with the Orange High School buildings providing an industrial scale in comparison to the residential neighbourhood on the eastern side and interrupted by areas of open space devoid of building scale by parks, car parking spaces and large setbacks. Having said that, the height and density of trees located in Esso Park and Orange High School provides a sense of scale to this locality.

The scale of the townhouses at two storey recognises the height of adjacent development at Orange High (two storey) and mature trees within Esso Park. Similarly, the two storey element of the RFB at Summer Street recognises buildings such as Colour City Apartments (two storey) and Piggot Miller Wilson (three storey), among others, which bookend their corner blocks.

Whilst a three storey development is not recognised as a predominant scale in this area, the siting of this articulated element 21m back from the Summer Street frontage (which is the depth of two apartments) can be supported for this site.

The form of a building is its overall shape and volume and the arrangement of its parts.

The proportion and size of openings in the Summer Street façade echoes the rhythm and placement of windows through their shape and placement addressing the street. Large areas of glass such as sliding doors or floor to ceiling windows have been provided on the less-sensitive Woodward Street frontage.

The form of the RFB displays an offset ridge, a modern play on the gable ends and pitched roofs found in the locality, and is supported.

As previously addressed, the lack of openings in the Woodward Street ground floors is not consistent with the form of the locality, and requires design modification. Floors one and two of the RFB and the remaining Townhouse frontage present appropriate proportions and openings.

### Siting

The siting of the RFB reinforces the front and side setbacks of existing dwellings along Summer and Hamer Streets, and therefore provides consistency in the pattern of siting and openings. Whilst most buildings are oriented to the street frontage, a few examples of dual orientation can be found within the residential heritage area. As such, the interpretation of the RFB having primary access to Summer Street, whilst also addressing Woodward Street (Apartments 4 and 5) is consistent with neighbourhood siting, and an appropriate design response for this location.

Woodward Street, in this locality, has a variation in setbacks and siting of developments, and therefore provides no clear established pattern. Esso Park provides a large gap in building lines, and the Orange High School buildings are situated so far back they essentially provide another hole in the streetscape pattern. The width of 1 Summer Street limits the developable area when also considering the setback, privacy and solar access requirements for 3 Summer Street.

The front setback of the RFB is marginally forward of the dwelling at 3 Summer Street at 7.5m, due to the protruding portico element, however the building proper is in line with the setback of 3 Summer Street, and is sited further back than the dwelling at 5 Summer Street. The front and side setbacks are acceptable.

The proposed side and front setback of 3m from Woodward Street is supported.

### Materials and Colour

Materials and colour have been discussed in depth above.

### Detailing

Landscaping - Fence heights and materials have been designed to be sympathetic to the heritage sensitivities of the location. Soft landscaping behind fence lines (such as hedging) is encouraged, and proposed for this development, however, further information regarding species selection is required.

Modern services (solar collectors) - the development proposes to install solar photovoltaic panels on 55m<sup>2</sup> of eastern roof space on the 3<sup>rd</sup> storey element. This location will not impact upon the heritage character of the conservation area, and is supported.

The application provided a Heritage Impact Statement which found the design to “*have no adverse impact on the overall heritage significance of the Dalton Central HCA.*” Key reasons for this finding comprised:

- contemporary forms and materiality that borrow from the HCA without being derivative
- key design elements such as asymmetrical massing, off-centre gable profiles and garden setbacks, with façade articulation containing a mix of vertical and horizontal elements
- contemporary materials and colour schemes
- the design does not replicate historic forms and is sympathetic to existing development along Summer St by way of a traditional gable end.

The development satisfies the heritage objectives of Clause 5.10, subject to conditions of consent requiring modification or further detail.

**Clause 7.1 - Earthworks**

The site has approximately 0.5m fall from east to west across 160 Woodward Street, with 1 Summer Street being relatively flat. The proposal requires excavation only for minor levelling, footings and services. 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.

The site is not known to be contaminated. Excavated materials will be reused onsite as far as possible. The earthworks will be appropriately supported onsite and the change in ground level is not substantial, therefore the effect on the amenity of adjoining properties is considered to be minor.

The 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, a condition has been imposed to ensure that should site works uncover a potential relic or artefact, relevant permits shall be sought.

The site is not in proximity to any waterway, drinking water catchment or sensitive area. Conditions have been imposed to require a sediment control plan to ensure loose dirt and sediment does not escape the site boundaries.

**Clause 7.2 - Flood Planning**

Council's Assistant Development Engineer advises the land is subject to minor localised flooding of the intersection, and not overland/creek flooding, therefore the requirements of this clause are redundant.

**Clause 7.3 - Stormwater Management**

A range of onsite detention measures have been incorporated into the design, including basins, raingarden and rain water tanks.

Council's Assistant Development Engineer advises the development's stormwater design is to include stormwater detention within the development, designed to limit peak outflows from the land to the pre-existing natural outflows up to the 100 year ARI frequency, with sufficient allowance in overflow spillway design capacity to safely pass flows of lower frequency (that is, a rarer event) without damage to downstream developments.

Individual lots and the common property are to be provided with interlot stormwater drainage, including a grated concrete stormwater pit within each lot. Internal stormwater lines servicing the development from the existing stormwater pit shall be constructed in accordance with AS/NZS 3500.

These requirements have been conditioned accordingly.

**Clause 7.6 - Groundwater Vulnerability**

The subject land is identified as 'Groundwater Vulnerable' on the LEP's Groundwater Vulnerability Map. Based on the submitted information, and previous contamination remediation, the proposed development is:

- not likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems
- will not entail any significant cumulative impact on groundwater quality.

The proposal is considered to be acceptable.

**Clause 7.11 - Essential Services**

The proposed development is capable of being adequately serviced in accordance with Clause 7.11, and has been conditioned accordingly. All residences will be connected to Council's reticulated water and sewer mains. Electricity exists within the vicinity of the site. Telecommunications and gas will be provisioned accordingly.

**STATE ENVIRONMENTAL PLANNING POLICIES**

The following state environmental planning policies (SEPPs) were in force at the time the development application was lodged and apply to the proposal:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development

An assessment of the proposal's concurrence with the requirements of the relevant SEPPs is included below.

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

The proposal constitutes BASIX affected development under the SEPP. A satisfactory BASIX certificate has been submitted in accordance with the EP&A Regulation requirements.

***State Environmental Planning Policy (Resilience and Hazards) 2021***

Pursuant to Clause 4.6 *Contamination and remediation to be considered in determining development application*:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The land at 1 Summer Street was historically used for a dwelling and corner shop, and 160 Woodward Street subject to a service station, which is a potentially contaminating development use.

Demolition approvals for the two sites were approved in 2015 and 2007 respectively. As part of the previous demolition approvals and subsequent remediation, several contamination investigations were carried out by Envirowest Consulting Pty Ltd (reports dated 1 September 2014, 15 December 2014, 10 December 2015). Site clearance certificates have been issued, and have found the development site is either unlikely to be contaminated, or has been remediated to be suitable for residential use without any further works.

Council's Environmental Health Officer raises no concerns with regard to site contamination.

**State Environmental Planning Policy (Infrastructure) 2007**

The proposed development has frontage to a classified road and therefore requires the concurrence of Transport for NSW (TfNSW). Concurrence was issued on 7 November 2022 subject to conditions included in the attached Notice of Approval.

The development also requires the concurrence of Essential Energy given the proposal's proximity to infrastructure. Essential Energy issued their concurrence on 20 March 2023 subject to conditions included in the attached Notice of Approval.

**State Environmental Planning Policy No. 65 - Design of Quality Residential Apartment Development**

The proposed development constitutes "residential apartment development" under the SEPP and is therefore subject to assessment against the SEPP's Design Quality Principles and the design criteria of the *NSW Apartment Design Guide (ADG)*. A Design Verification Statement by Gardiner Wetherill and Associates (Rev 1 - 12 December 2022) has been submitted as part of the development application. The proposal's consistency with the SEPP's requirements is described below.

**Design Quality Principles - Clause 28(2)(b) and Schedule 1**

The proposal is considered to demonstrate an acceptable degree of design quality when evaluated in accordance with the SEPP's Design Quality Principles.

An assessment of the proposal's consistency with the SEPP's Design Quality Principles is included in the table below.

**Table 5 - SEPP 65 Design Quality Principles**

SEPP 65 Design Quality Principle	Assessment
<p><b>Principle 1: Context and Neighbourhood Character</b></p> <p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p><b>Unsatisfactory, requires design modification</b></p> <p>The proposal is considered to respond and contribute to the desirable neighbourhood character attributes of its surrounding context. In addition, the proposal is considered to incorporate a number of desirable character attributes for the locality. These include:</p> <ul style="list-style-type: none"> <li>• effective activation of the site's street frontage to Summer Street</li> <li>• above-ground street address and casual surveillance (ie, "eyes on the street")</li> <li>• appropriate materials, colours and finishes, building setbacks and façade composition to achieve an aesthetically acceptable building appearance within a heritage context.</li> </ul> <p>These aspects have the potential to enrich the locality's established urban character and are considered to be consistent with the site's land use zoning and favourable locational attributes</p>

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	<p>while at the same time maintaining an appropriate degree of aesthetic continuity and compatibility with the landscape and built form character of the site's surrounding low density residential context.</p> <p>However, it is considered that the proposed design provides ineffective activation of the Woodward Street frontage in this case with the provision of blank walls at ground level, for the length of three apartments (partly separated by an access door). The applicant was encouraged by Council staff to provide parking at a semi-basement level in order to avoid visual impacts on the Woodward Street streetscape and ensure an appropriate public domain interface in line with the ADG's design criteria could be achieved a position in which was not supported by the applicant in the amended design concept.</p> <p>The amended design concept amongst other things lowered Apartment 4 to ground level and provided some activation of the Woodward street streetscape but maintained the on-grade parking which in turn kept the three blank walls disused above. The amended design was nonetheless assessed and it was considered to be acceptable subject to the application of a condition of consent requiring amendments to the treatment and materiality of the western wall fronting Woodward Street (see attached Draft Notice of Determination).</p>
<p><b>Principle 2: Built Form and Scale</b></p> <p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<p><b>Satisfactory</b></p> <p>The built form and scale of the proposal is considered appropriate given the corner site location and desired future character of the HCA.</p> <p>The site is not subject to a FSR or Building Height limit under the Orange LEP.</p> <p>The proposed design breaks the development into two distinct buildings, siting longer massing along the Woodward and northern boundaries, where more bulk and scale can be supported.</p> <p>Suitable building separation has been achieved, as has street setbacks consistent with the established pattern of dwellings.</p> <p>The incorporation of deep soil zones and associated areas for landscaping and tree planting consistent with the locality's established tree canopy will assist with integrating the built</p>

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	<p>form into the streetscape, however details regarding this are to be submitted to ensure achievement.</p> <p>The proposed buildings are considered to achieve an acceptable arrangement of building elements and articulation. The arrangement of façade elements (including the horizontal and vertical sequencing and composition of framing devices, windows, balconies and levels) to present a cohesive composition consistent with the domestic scale and street level expression of nearby low rise housing in Summer Street.</p> <p>As previously discussed, the blank walls along Woodward Street is not characteristic of the built form of the locality, and requires further refinement. Conditions of consent have been recommended.</p>
<p><b>Principle 3: Density</b></p> <p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p><b>Satisfactory</b></p> <p>The site is not subject to a floor space ratio (FSR) under the LEP. The design recognises the location's proximity to the City's services and employment opportunities, and provides an acceptable density to promote a walkable, connected, and healthy residential option.</p> <p>The proposal achieves acceptable levels of amenity for each apartment in line with the <i>NSW Apartment Design Guide's</i> detailed requirements (see analysis in Appendix A).</p>
<p><b>Principle 4: Sustainability</b></p> <p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	<p><b>Satisfactory</b></p> <p>The proposal is compliant with the requirements of BASIX and appropriate conditions are recommended to ensure the development complies with those requirements.</p> <p>The building design provides for sustainable development through the extensive use of natural cross ventilation and provision for effective heat insulation, water efficient devices and deep soil zones for planting.</p>
<p><b>Principle 5: Landscape</b></p> <p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed</i></p>	<p><b>Unsatisfactory, requires design modification</b></p> <p>Approximately 20% of the site has been dedicated for deep soil zone, with suitable areas for landscaping of front setbacks of street frontages and at the rear setback of the townhouses adjoining Esso Park. The site</p>

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<p><i>developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, microclimate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</i></p>	<p>benefits from the substantial tree canopy provided along this boundary. Areas provided for landscaping consists of paved, turfed and garden beds with a combination of trees, plants and shrubs (species unknown).</p> <p>The proposal is considered unsatisfactory at present, as sufficient detail is lacking. As such, a condition of consent requiring the submission of a detailed landscape plan demonstrating compliance with the requirements of the NSW Apartment Design Guide, SEPP 65 and Council's DCP is required, prior to the issue of a Construction Certificate.</p>
<p><b>Principle 6: Amenity</b></p> <p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	<p><b>Unsatisfactory, requires design modification</b></p> <p>The proposed apartment and townhouse layouts and private open spaces have been assessed as achieving acceptable levels of amenity in accordance with the detailed requirements of the <i>NSW Apartment Design Guide</i>. This includes provision for storage, accessibility, privacy within the development, outlook, daylight access and natural cross ventilation within apartments.</p> <p>However, the proposal is considered to achieve an unacceptable level of privacy impact to neighbouring residences to the east when measured against the detailed requirements of the Orange DCP 2004 and <i>NSW Apartment Design Guide</i> (discussed later in this report). In order to improve residential amenity and meet the requirements of the design principle privacy screens have been recommended on all eastern habitable room windows of the first and second floor, and has been conditioned accordingly. Solar access requirements to neighbouring properties have been achieved.</p>
<p><b>Principle 7: Safety</b></p> <p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly</i></p>	<p><b>Satisfactory</b></p> <p>A Crime Prevention Through Environmental Design assessment was submitted with the application.</p> <p>The proposed mix of ground floor and above ground residential uses will enable both day and night time casual surveillance of the surrounding public street spaces.</p> <p>Perimeter fencing and landscaping will clearly</p>



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<i>defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i>	define public vs private land, and will offer little opportunity for concealment.
<p><b>Principle 8: Housing Diversity and Social Interaction</b></p> <p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p><b>Satisfactory</b></p> <p>The proposal will contribute to the City's overall housing diversity and capacity to support an equitable social mix.</p> <p>The proposed overall apartment mix comprises:</p> <ul style="list-style-type: none"> <li>• one x 1 bedroom occupancy</li> <li>• six x 2 bedroom occupancy</li> <li>• four x 3 bedroom occupancy</li> </ul> <p>The proposed mix of apartment sizes is considered to offer a suitably robust mix of accommodation options suitable for a range of potential household sizes, thereby enabling the buildings to serve a range of housing need scenarios over time.</p>
<p><b>Principle 9: Aesthetics</b></p> <p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<p><b>Unsatisfactory, requires design modification</b></p> <p>The proposed buildings are considered to be acceptably proportioned and scaled for the context of the site.</p> <p>The proposal provides modern building materials, colours and textures appropriate to the surrounding streetscape.</p> <p>The proposed arrangement of external elements and finishes for each building is well composed, allowing the internal building structure, floor pattern and layout to be made legible from street view.</p> <p>However, the ground floor façade composition of Woodward Street as discussed above and elsewhere in this report will require further design refinement and has been addressed via a recommended condition of consent, to be approved by Council's Director of Development Services prior to the issue of a Construction Certificate.</p>

*NSW Apartment Design Guide - Clause 28(2)(c)*

A detailed assessment of the proposal in accordance with the provisions of the *NSW Apartment Design Guide* (ADG) is included in Appendix A. Subject to the conditions of consent, the modified proposal is considered to be acceptable when evaluated against the ADG's design guidelines and criteria.

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

Nil

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

A detailed assessment of the proposal in accordance with the DCP's controls is discussed below, where not addressed elsewhere in this report.

Provision	Assessment
<b>PO 0.4-2 INTERIM PLANNING OUTCOMES - TREE PRESERVATION</b>	
1. Trees prescribed by this DCP must not be ringbarked, cut down, topped, lopped or wilfully destroyed without the Council's approval and landowners consent.	<p><b>Complies, subject to conditions</b></p> <p>Council staff support the removal of the tree upon 160 Woodward Street and the tree on the boundary/within 5 Summer Street (a claret ash). A replacement maple tree (as suggested by landowner) of minimum 75L size shall be provided to the landowner of 5 Summer Street, conditioned accordingly.</p> <p>It is predicted that some tree pruning works will be required for the trees in Esso Park, to provide separation of limbs for the construction of the proposed townhouse building. A condition of consent will require a Level 5 arborist to undertake this work, under the supervision of Council's City Presentation Manager.</p> <p>Furthermore, no changes in soil levels between the Townhouse building and the northern boundary shall be allowed, except for that required to lay paving. Conditioned accordingly.</p> <p>Trenching for services along the boundary with Esso Park shall be undertaken in accordance with the conditions of consent.</p>
<b>PO 0.4-11 INTERIM PLANNING OUTCOMES - TRANSPORT ROUTES</b>	
<p>1. The development provides a high standard of visual appeal to motorists, cyclists and pedestrians as well as adjoining property owners.</p> <p>2. The visual appearance of the development must not generate a distraction to motorists.</p> <p>3. Where land has more than one street frontage the street with the lower volume of traffic is to provide the principal access to the development, subject to safety considerations.</p>	<p><b>Does not comply</b></p> <p>Visual quality has been previously addressed. Whilst the development will not generate a distraction to motorists, the Woodward Street façade requires a higher standard of visual appeal. Combined ingress and egress via a 6m wide driveway (left in, left out) to Woodward Street has been supported by TfNSW and Council staff. Entrance and exit signage is not required for this development given the single access point.</p> <p>Concept noise mitigation measures have been proposed, with nominal details listed as a 3m setback, double glazing and wall/roof insulation. Details shall be submitted to Council for approval prior to the issue of the Construction Certificate to ensure compliance with PO 0.4-11.</p>

Provision	Assessment
<p>4. Where access is provided onto an arterial road or major collector road, the access point must have appropriate safe sight distances for the prevailing speed limit and clear and unimpeded entrance/exit signage must be displayed.</p> <p>5. Where the proposal is residential, appropriate noise mitigation measures to limit the development from traffic noise must be demonstrated.</p>	
<b>PO 2.1 WATER QUALITY LEP 2000 CI 8(a) STORMWATER AND DRAINAGE ISSUES</b>	
<i>STORMWATER QUALITY</i>	
<p>1. Development is carried out in a manner that does not contribute to downstream erosion or sedimentation of waterways.</p> <p>2. Development complies with the Water and Soil Erosion Control requirements of the Development and Subdivision Code.</p> <p>3. Onsite detention is carried out in accordance with the Development and Subdivision Code for all developments comprising buildings with a site coverage greater than 50m<sup>2</sup> or where site coverage exceeds the "percentage impervious" level listed in the Code applicable to that development.</p> <p>4. Where onsite detention is not appropriate, contributions are made towards retarding basins and/or GPTs and associated drainage under the Contribution Plan that applies to the land.</p>	<p><b>Complies</b></p> <p>It is proposed to drain stormwater to Woodward Street following a series of onsite detention methods including basins, rain gardens and rainwater tanks. Conditions of consent have been imposed.</p>
<i>GROUNDWATER QUALITY</i>	
<p>1. Development is carried out in a manner that does not adversely affect groundwater resources.</p>	<p><b>Complies</b></p> <p>The proposal is considered to be acceptable.</p>
<b>PO 3.1-1 PLANNING OUTCOMES - CUMULATIVE IMPACT</b>	
<p>1. Applications for development demonstrate how the development relates to the character and use of land in the vicinity.</p>	<p><b>Complies, subject to conditions</b></p> <p>The proposal is considered to comprise an acceptable response to the site's intended residential use.</p> <p>Impacts to Esso Park have been lessened with appropriate design, material selection and construction methods.</p> <p>Impacts to neighbourhood character previously discussed.</p>

2. The introduction of new development into a locality maintains environmental impacts within existing or community-accepted levels.	<b>Complies</b> The proposal has been modified to ensure impacts for neighbouring properties and the locality are within acceptable limits when measured against the relevant requirements of the DCP and NSW Apartment Design Guide. The proposal is considered to be acceptable subject to conditions of consent.
3. Water conservation measures are implemented.	<b>Complies</b> The proposal is supported by the required BASIX certificates and incorporates water sensitive urban design (WSUD) measures as part of the submitted landscape and stormwater concepts.
<b>PO 3.2-1 PLANNING OUTCOMES - SCENIC, LANDSCAPE AND URBAN AREAS</b>	
1. Development incorporates landscaping that enhances the landscaped setting of the locality.	<b>Does not comply</b> A concept landscape plan has been submitted as part of the application, however insufficient information is available to determine if the proposal will effectively enhance the landscaped setting given the building mass and heritage context. A condition of consent will require the submission of a revised landscape plan, planting schedule and maintenance plan, to ensure compliance with PO 3.2-1.
2. External finishes, materials and colour schemes of development complement its setting.	<b>Complies, subject to conditions.</b> As previously discussed.
<b>PO 3.3-1 PLANNING OUTCOMES - ENERGY EFFICIENCY</b>	
1. Development is carried out in accordance with the principles from Council's Energy Smart Homes Code.	<b>Complies</b> The proposal complies with BASIX standards and relevant certificates have been submitted.
<b>7.7 DESIGN ELEMENTS FOR RESIDENTIAL DEVELOPMENT STREETSCAPE</b>	
<b>PO 7.7-1 PLANNING OUTCOMES - NEIGHBOURHOOD CHARACTER</b>	
<b>Planning Outcomes</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>	<b>Complies, subject to conditions</b> The proposed site layout is an appropriate response to the site's context, dimensions and features. The proposal's overall design quality has been assessed in accordance with the requirements of the SEPP 65 Design Quality Principles and <i>NSW Apartment Design Guide</i> and is considered to demonstrate acceptable levels of aesthetic quality, consistency with local character, and residential amenity, if carried out in accordance with design modifications required as per the conditions of consent.
2. Buildings are designed to complement the relevant features and built form that are identified as part of the desired neighbourhood character.	<b>Complies, subject to conditions</b> The proposal has been assessed against the requirements of Council's Infill Policy and SEPP 65 Design Quality Principles (including Principle 1 - Context and Neighbourhood Character) and is considered to be compatible with the neighbourhood character attributes of its surrounding context, provided design modifications are carried out, as discussed in this report.

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3. The streetscape is designed to encourage pedestrian access and use.	<p><b>Complies</b></p> <p>The proposal incorporates a number of desirable features that will encourage pedestrian access and use within the streetscape.</p>
<b>PO 7.7-2 PLANNING OUTCOMES – BUILDING APPEARANCE</b>	
<p><b>Planning Outcomes</b></p> <p>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.</p>	<p><b>Complies, subject to conditions</b></p> <p>The scale, overall design quality and aesthetic qualities of the proposal are considered to be suitable, as discussed previously. The ground floor blank walls to Woodward Street do not add visual interest to the street, and require modification in order to comply with the LEP and DCP.</p>
2. The frontage of buildings and their entries address the street.	<p><b>Does not comply</b></p> <p>The proposal provides acceptable frontages to Summer St (AP 4 + 5 of the RFB) and Woodward St (TH 1) with entries addressing the street. The entries for AP 1, 2 and 3 are accessed either via a combined single door from Woodward Street, or from the internal driveway. Whilst the first floor of these units address the street, the ground floor provides blank frontages to the streetscape, partly broken by the communal door, due to the location of carparking behind.</p> <p>Modification to the materiality of the walls in accordance with previous discussed recommendations prior to Construction Certificate will ensure compliance.</p>
3. Garages and car parks are sited and designed so that they do not dominate the street frontage.	<p><b>Complies</b></p> <p>Onsite car parking is provided at grade and to the side/rear, away from street frontages.</p>
<p><b>Guidelines</b></p> <p>(a) Dwellings facing public streets or internal accessways have:</p> <ul style="list-style-type: none"> <li>a front door and living room window facing that street or accessway, to provide for surveillance</li> <li>the difference in building height between existing buildings and the new development appearing to be no more than one storey when viewed from the street (except for heritage conservation areas where the building height appears to be single storey from the street)</li> <li>building design, roof form and detailing that</li> </ul>	<p><b>Complies, subject to conditions</b></p> <p>All dwellings within the townhouse development have a front door and bedroom window facing either Woodward Street or the internal driveway, and a living window facing Esso Park, for surveillance.</p> <p>Apartments 4 + 5 in the RFB have a front door and living window at grade for surveillance. The other three apartments are accessed via a stairwell from Woodward Street or the internal driveway, however, street surveillance is provided via the location of living areas towards Woodward Street.</p> <p>The difference in building height has been previously addressed, and is supported.</p> <p>The RFB building façade to Summer Street and Woodward Street is acceptable, with exception to the blank wall at ground level which requires modification.</p> <p>The townhouse building façade to Woodward Street is acceptable, subject to modification as discussed.</p> <p>Variation in materials, detailing and form have been supported, as discussed in depth above.</p> <p>Modification in accordance with recommendations prior to Construction Certificate will ensure compliance subject to conditions.</p>

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<p>complements neighbourhood character</p> <ul style="list-style-type: none"> <li>the building façade to the public street including relief features (verandahs, windows, balconies, wall offsets) and relating to the dimensions of the other houses in the street, particularly in heritage conservation areas</li> <li>variation in materials, detailing, form, façade lines and relief and provide for individual designs for dwellings that complement the setting within a consistent neighbourhood theme.</li> </ul>	
<p>(a) New development complements or enhances the desired neighbourhood character by:</p> <ul style="list-style-type: none"> <li>providing sufficient space for planting trees and providing gardens in setback areas</li> <li>retaining and protecting existing vegetation, where possible.</li> </ul>	<p><b>Complies, subject to conditions</b></p> <p>The proposal incorporates an adequate area for site landscaping, including deep soil zones and sufficient area for tree planting. At grade car parking is located away from street frontages. The proposal is considered to be acceptable subject to a condition of consent requiring a detailed landscape plan.</p>
<b>PO 7.7-3 PLANNING OUTCOMES – HERITAGE</b>	
<p>1. New development complements and enhances the significance of a heritage item or place of heritage significance listed in the Orange Heritage Study.</p>	<p><b>Complies, subject to conditions</b></p> <p>As previously addressed</p>

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(b) Building form, massing, roof shapes, pitch, height and setbacks are consistent with nearby buildings of heritage significance (NB buildings of heritage significance include buildings listed as heritage items in schedule 8 of LEP 2000 and/or buildings listed in inventory sheets in the Orange Heritage Study).	Complies, subject to conditions. As previously addressed.
(c) Any significant heritage features – including mature trees, retaining walls, fences or kerbstones – are retained.	<b>Not applicable</b> Kerbing is concrete, and no significant trees exist upon the site.
(d) Period fences and gardens are established/reinstated in heritage settings.	<b>Complies</b> Front fencing of sympathetic heights and landscaping of suitable depths will be established for this development, in keeping with the character of the HCA.
<b>PO 7.7-4 PLANNING OUTCOMES - SETBACKS</b>	
<b>Planning Outcomes</b> 1. Street setbacks contribute to the desired neighbourhood character, assist with integration of new development and make efficient use of the site.	<b>Complies</b> The proposed development will have a setback of 7.5m from its Summer Street frontage and 3m from each of its Woodward Street frontages. The proposed setbacks are broadly compatible with those of the surrounding residential development.
2. Street setbacks create an appropriate scale for the street considering all other streetscape components.	<b>Complies</b> As per (1) above.
<b>Guidelines</b> (a) Building setbacks from the public street: <ul style="list-style-type: none"> <li>• are generally consistent with those of adjoining developments</li> <li>• provide a front garden area</li> <li>• relate to the width of the street and footpaths to provide quality urban environment.</li> </ul>	<b>Complies</b> As per (1) above. The proposed street setbacks incorporate additional street level landscaping.

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(b) In established areas (infill) the setback shall be up to the front building line of the residential part of a building on adjoining (but not adjacent) land.	<b>Does not comply</b> However, the setback is broadly consistent with the predominant building line of the street and will not impact upon the visual setting of the locality, and is therefore supported.
(d) In addition to the setback requirements detailed above, a 2m secondary setback applies to corner allotments.	<b>Complies</b> A 3m setback has been provided to Woodward Street, to reduce the bulk from this view.
(e) A 9m front setback applies from the street frontage for main or defined arterial roads.	<b>Does not comply</b> However, the proposed 7.5m setback is supported in keeping with the predominant setback within this part of Summer Street.
(f) Within heritage areas, garages shall be located behind the existing building line.	<b>Complies</b> Garages are accessible from the internal driveway only, and do not dominate the street frontages.
(p) Variations to front setbacks will be considered on local roads where the neighbourhood character differs significantly from the above setbacks.	<b>Complies</b> As per (1) above.
<b>PO 7.7-5 PLANNING OUTCOMES – FENCES AND WALLS</b>	
<b>Planning Outcomes</b> 1. Front fences and walls: <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>	<b>Complies</b> The proposed front fences for Summer Street consists of 1.2m high brick pillars, with a 600mm basecourse and hedge behind. This is an acceptable interpretation of heritage fences in the HCA. Mailboxes will be provided adjacent to the combined driveway.
<b>Guidelines</b> (a) Front fences and walls: <ul style="list-style-type: none"> <li>have a maximum height of 1.2m.</li> </ul>	<b>Does not comply</b> Whilst the front fence for Summer Street (and return) is nominated at 1.2m high, the proposed front fence for the Townhouse building is nominated at 1.5m high. A condition of consent will restrict this height to 1.2m in accordance with the DCP requirements.



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<p>(b) Front fences and walls are designed to use similar or compatible materials used in the locality to positively contribute to the streetscape.</p>	<p><b>Complies</b></p>
<p>(c) Side fences on corner lots fronting a street:</p> <ul style="list-style-type: none"> <li>• have a maximum height of 1.8m behind the front building line of the dwelling;</li> <li>• use similar or compatible materials used in the locality to positively contribute to the streetscape. In heritage areas timber paling fences are preferred for side fences on corner lots fronting a street.</li> </ul>	<p><b>Complies</b></p> <p>A fence along the Woodward Street boundary is not proposed for the RFB, excepting for the return of the Summer Street fence.</p> <p>The Townhouse fence is considered a front fence, and therefore has a height restriction of 1.2m as discussed above.</p>
<p><b>PO 7.7-6 PLANNING OUTCOMES – VISUAL BULK</b></p>	
<p><b>Planning Outcomes</b></p> <p>1. 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>	<p><b>Complies, subject to conditions</b></p> <p>As previously addressed.</p>
<p><b>Guidelines</b></p> <p>(a) Buildings are contained within an envelope generated by planes projected at 45° over</p>	<p><b>Does not comply</b></p> <p>The proposed RFB is outside the DCP's building envelope when measured from the site's side boundaries (refer to highlighted area below).</p>

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<p>the site commencing 2.5m above existing ground level from each side and rear boundary.</p>	 <p>The applicant justifies the departure as “we have demonstrated reasonable residential amenity for adjacent dwellings... and suggest the height envelope should not be applied strictly to apartment buildings or townhouses”.</p> <p>Both proposed buildings have been appropriately sited away from neighbouring residential boundaries, with internal driveways providing additional setback. The contemporary pitched roof seeks to move the ridge height away from the adjoining 3 Summer Street, and therefore reducing overshadowing impact. The majority of the departure consists of gutter/roof of the eastern side of the RFB, which will not cause significant detrimental impact to the neighbour at 3 Summer Street. No objection has been received from the landowner of 3 Summer Street.</p> <p>The departure from the envelope is supported.</p>
<p>(b) Buildings within 15m of the street frontage, in areas of predominantly single-storey houses, are or appear as single storey.</p>	<p><b>Does not comply</b></p> <p>As previously justified, the proposed height is supported.</p>
<p>(b) Buildings may cover up to 50% of the site area (except for single dwellings which may cover up to 60% including outbuildings).</p>	<p><b>Complies</b></p> <p>The combined building footprints are less than 50% of the total site area of 2085m<sup>2</sup>.</p> <p>Resulting deep soil zones and areas reserved for landscaping are considered to be acceptable when assessed in accordance with the requirements of the <i>NSW Apartment Design Guide</i> (Design Element 3E).</p>
<p><b>PO 7.7-7 PLANNING OUTCOMES - WALLS AND BOUNDARIES</b></p>	
<p><b>Planning Outcomes</b></p> <p>1. 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>	<p><b>Complies</b></p> <p>The proposal involves a storage room/shed built adjacent to the eastern side boundary, which will be seen by the neighbours at 7 Summer Street and 23 Hamer Street.</p> <p>Given the length (6m) and height (2.7m) of this shed, this structure will not create unreasonable overshadowing, nor will it create privacy issues. A dividing fence of 1.8m will be provided, and therefore only the top 900mm of the shed will be viewed by the neighbours.</p> <p>This is considered reasonable.</p>

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<b>Guidelines</b> (a) There is a side boundary setback of at least 900mm minimum for walls in accordance with the above building envelope planes (unless the wall has been built on the boundary). Eaves and other projections may encroach within this area.	<b>Does not comply</b> The storage shed has been pulled back from the boundary to allow for dividing fencing. The location of the shed is acceptable.
(b) Adequately fire-rated walls without windows or other openings may be erected on or adjacent to boundaries subject to no projections encroaching on adjoining land. The length of a wall within 900mm of the boundary is a maximum of 15m or 50% of the side boundary length, whichever is less.	<b>Complies</b>
(c) Encroachments within the setback demonstrate that privacy and overshadowing will not affect adjoining land. Council requires evidence that the adjoining owner does not object to the positioning of the building on or near the boundary.	<b>Complies</b> Overshadowing will not unreasonably affect adjoining land at 7 Summer St and 23 Hamer St, given the height of the shed at 2.7m from ground level. A shed is not deemed to create a privacy issue. Objection was raised to the location of the shed on the boundary in the first instance. The shed was then pulled off the common boundary and located behind the dividing fence, of which formed part of the re-notification and exhibition period. No objection was received following the second round of notification.
(d) The position of buildings in relation to boundaries addresses existing trees and landscaping that contribute to the amenity of the locality.	<b>Complies</b> The proposal has been designed to ensure viability of the trees in Esso Park. Trees to be removed, as previously discussed, are supported.
<b>PO 7.7-8 PLANNING OUTCOMES - DAYLIGHT AND SUNLIGHT *ADG prevails over the DCP for the RFB</b>	
<b>Planning Outcomes</b> 1. 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-</li> </ul>	<b>Complies</b> 3 Summer Street has a sunroom (habitable room) and laundry (non-habitable room) on its northern façade. 5 Summer Street has a sunroom and a bedroom (both habitable rooms) on its northern façade. The townhouse building has been sited along the northern boundary adjacent to Esso Park, which provides a 6.9m separation to the neighbouring properties at 3 and 5 Summer Street. The RFB is situated 5.8m and 8.5m from the neighbouring

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<p>area windows is not significantly increased</p> <ul style="list-style-type: none"> <li>consideration of Council's Energy Efficiency Code.</li> </ul>	<p>eastern dwelling, separated by the internal driveway and areas of landscaping.</p> <p>Shadow diagrams indicate adequate solar access to the rear private open spaces of 3 and 5 Summer Street between the hours of 9am and 2pm on 21 June, in accordance with the requirements of the DCP.</p> <p>The townhouse building will overshadow part of the rear open space of 7 Summer Street from 2pm onwards, however sufficient solar access is available to this area between 9am and 2pm.</p> <p>Overshadowing from the RFB will impact 3 Summer Street from 2pm, resulting in significant shadow of the rear open space from 3pm. Having said that, the site maintains an acceptable amount of solar access between the hours of 9am and 2pm, which complies with the requirements of the DCP.</p> <p>The proposal is consistent with the DCP's Planning Outcome.</p>
<p><b>Guidelines</b></p> <p>(a) Habitable rooms include windows that are:</p> <ul style="list-style-type: none"> <li>facing private open space, courtyard, verandah, patio or the like, open to the sky</li> <li>at least 1.8m from any adjoining building.</li> </ul>	<p><b>Complies</b></p> <p>The proposal is consistent with the DCP's Guideline.</p> <p>Townhouse: Living rooms face north and adjoin the areas of private open space.</p> <p>RFB: The RFB is guided by the Apartment Design Guide (ADG) for daylight and sunlight. Assessment against these controls is provided in Attachment A.</p>
<p>(b) Sunlight to at least 40% of the main area of private open space (on ground level) within the development and on adjoining land:</p> <ul style="list-style-type: none"> <li>is not reduced to less than 3 hours between 9am and 3pm on 21 June</li> <li>is not further reduced where existing overshadowing is greater than the above points.</li> </ul>	<p><b>Complies</b></p> <p>Townhouse: The proposal will maintain sunlight to at least 40% of required open space for townhouses within the development for at least three hours between 9am and 3pm on 21 June.</p> <p>RFB: Refer to the ADG assessment in Attachment A.</p> <p>Impact on adjoining sites: As mentioned in (1) above, whilst the proposal will overshadow the POS of neighbouring lots (3, 5, 7 Summer) to some degree, the extent of overshadowing will still comply with the requirements of the DCP (sunlight to at least 40% of their private open space between 9am and 3pm on 21 June)</p>
<p>(c) Sunlight to at least 75% of north-facing living area windows within the development and on adjoining land:</p> <ul style="list-style-type: none"> <li>is provided for a minimum of 4 hours on 21 June</li> <li>is not further reduced than existing where already less.</li> </ul>	<p><b>Complies</b></p> <p>Townhouse: The proposal will maintain sunlight to at least 75% of north-facing living area windows of the townhouse for a minimum of four hours on 21 June, given the provision of northern living windows.</p> <p>RFB: Refer to the ADG assessment in Attachment A.</p> <p>Impact on adjoining sites: The proposed development will not restrict sunlight to less than 75% of any northern facing living room windows for 4 hours on 21 June at 3, 5 and 7 Summer Street.</p>

## 2.2 Development Application DA 265/2022(1) - 1 Summer Street and 160 Woodward Street

**PO 7.7-9 PLANNING OUTCOMES - VIEWS****Planning Outcomes**

1. Building form and design allow for residents from adjacent properties to share prominent views where possible.

**Complies**

The subject site is not located within an important view corridor and the proposal does not obstruct view sharing opportunities for nearby residential properties.

2. Views including vistas of heritage items or landmarks, are not substantially affected by the bulk and scale of new development.

**Complies**

The proposal does not obstruct any public vistas of heritage items or landmarks.

**PO 7.7-10 PLANNING OUTCOMES – VISUAL PRIVACY \*ADG prevails over the DCP for the RFB****Planning Outcomes**

1. Direct overlooking of principal living areas and private open spaces of other dwellings is minimised firstly by:

- building siting and layout
- location of windows and balconies.

and secondly by:

- design of windows or use of screening devices and landscaping.

**Complies**

Townhouse: the townhouse has been designed for the principal living areas to overlook the north (Esso Park), with first floor bedroom windows facing south, towards 3, 5 and 7 Summer Street. The separation between the bedroom windows and the southern boundary is 7m.

The DCP requires privacy measures for habitable rooms windows of upper floor levels when they are within 9m to a neighbouring window. Building separation between the townhouses and adjoining residences is well in excess of 9m, and therefore screening measures are not required.

There are no windows on the eastern wall of TH06, and therefore no privacy issue to residents at 7 Summer and 23 Hamer Street.

RFB: The RFB is guided by the Apartment Design Guide (ADG) for visual privacy. Assessment against these controls is provided in Attachment A.

**Guidelines**

(a) Site and building layout ensures windows do not provide direct and close views into the windows, balconies or private open spaces of adjoining dwellings.

**Complies**

As per (1) above.

(b) Habitable room windows on upper-floor levels (ie, floor level greater than 1.5ms above pre-development ground level) within 9m from windows of living areas of adjacent dwellings:

- are off-set sufficient distance to limit direct views
- include measures to screen or obscure views between the dwellings (curtains are not sufficient for screening).

**Complies**

As per (1) above.

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(c) Balconies of an upper-floor level (as defined above) within 9m of habitable rooms or private open space are permanently screened to reasonably obscure direct views to adjacent rooms and private open space.	<b>Complies</b> As per (1) above.
<b>PO 7.7-11 PLANNING OUTCOMES - ACOUSTIC PRIVACY</b>	
<b>Planning Outcomes</b> 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>	<b>Complies, subject to conditions</b> Site layout and design is sufficient. Road noise is to be addressed prior to the issue of the Construction Certificate to ensure compliance, as previously discussed.
<b>Guidelines</b> (a) Site layout separates active communal recreation areas, parking areas, access-ways and service-equipment areas from bedrooms.	<b>Complies</b> The proposal is consistent with the DCP's Guideline.
(b) Shared walls and floors between dwellings are constructed in accordance with the noise transmission and insulation requirements of the Building Code of Australia.	<b>Complies</b> Compliance will be certified as part of any future Construction Certificate/s.
(c) Bedrooms of one dwelling do not adjoin living rooms or garages of adjoining dwellings.	<b>Complies</b> The proposal is consistent with the DCP's Guideline.
(d) Dwellings close to high-noise sources (busy roads, railways, major industries, etc) are designed to locate habitable rooms and private open spaces away from the noise source and are protected by appropriate noise-shielding devices according to relevant Australian Standards.	<b>Complies, subject to conditions</b> As previously addressed above.

**PO 7.7-12 PLANNING OUTCOMES – SECURITY**

<b>Planning Outcomes</b> 1. The site layout enhances personal safety and minimises the potential for crime, vandalism and fear.	<b>Complies</b> It is considered that the proposed site and building security measures are sufficient to address concerns relating to safety and security.
2. The design of dwellings enables residents to survey streets, communal areas and approaches to dwelling entrances.	<b>Complies</b> The proposal enables sufficient levels of casual surveillance from habitable spaces over adjoining public street spaces, passive recreation areas and communal ground level spaces.
<b>Guidelines</b> (a) Applications for multi-unit development include a crime-risk assessment and demonstrate that the principles of “Crime Prevention Through Environmental Design” (CPTED) are achieved.	<b>Complies</b> A CPTED assessment was submitted in support of the proposed development, and was found to be satisfactory.
(b) Buildings adjacent to public streets, spaces or communal areas are designed to allow casual surveillance and should have at least one habitable-room window facing that area.	<b>Complies</b> The proposal enables excellent levels of casual surveillance from habitable spaces over adjoining public street spaces and communal ground level areas.
(c) Shared entrances for multi-unit buildings are able to be locked and serve a limited number of dwellings. Consideration should be given to security systems for access into multi-unit buildings.	<b>Complies</b> There is one communal pedestrian access, which serves Apartments 1, 2 + 3 only. There are no secured communal spaces requiring security systems for multiple users. Each unit is individually secured.

**PO 7.7-13 PLANNING OUTCOMES - PUBLIC TRANSPORT**

<b>Planning Outcomes</b> 1. Residential unit development is accessible to public transport.	<b>Complies</b> Local bus routes are located immediately adjacent to the site.
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**PO 7.7-14 PLANNING OUTCOMES – CIRCULATION DESIGN - \*ADG prevails over the DCP for the RFB**

<b>Planning Outcomes</b> 1. Accessways and parking areas are designed to manage stormwater.	<b>Complies</b> The proposal is considered to be acceptable subject to the imposition of conditions of consent regarding the design and installation of stormwater management infrastructure.
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2. Accessways, driveways and open parking areas are suitably landscaped to enhance amenity while providing security and accessibility to residents and visitors.	<p><b>Complies</b></p> <p>The proponent submits sufficient manoeuvring area will be available within the parking area for vehicles up to medium rigid vehicles (8.8m long) required to access the site.</p> <p>Nominal landscaping of the driveway is proposed. The area provided is considered generally suitable to provide softening of hardstand vehicle areas.</p>
3. The site layout allows people with a disability to travel to and within the site between car parks, buildings and communal open space.	<b>Complies</b>
<p><b>Guidelines</b></p> <p>(a) Accessways and driveways:</p> <ul style="list-style-type: none"> <li>are designed to enable vehicles to enter a garage in a single turning movement and leave in no more than two turning movements;</li> <li>provide a free-standing car-parking space according to this Development Control Plan;</li> <li>comply with AS 1428.1 - 1993 Design for access and mobility.</li> </ul>	<p><b>Complies</b></p> <p>Conditions will ensure compliance with the Australian Standard.</p>
(a) Driveways are designed to allow cars to enter and leave the site without reversing onto the street for:	<b>Complies</b>
<ul style="list-style-type: none"> <li>the site provides access to more than two dwellings.</li> </ul>	
(b) Driveways have sufficient width to provide for cars to pass where there are more than three dwellings within the site.	<p><b>Complies</b></p> <p>The driveway width is 6m.</p>
(c) Driveways shall have a maximum width of 6m for laybacks and driveways where they cross the public footpath.	<p><b>Complies</b></p> <p>The driveway width measures 6m.</p>
(d) Driveways shall be located at least 6m from the boundary line at an intersection (preferably nearest to the boundary furthest from the intersection).	<p><b>Complies</b></p> <p>The driveway location is a suitable distance from the intersection of Summer Street and Woodward Street, and is acceptable to TfNSW and Council.</p>
<b>PO 7.7-15 PLANNING OUTCOMES - CAR PARKING</b>	
<p><b>Planning Outcomes</b></p> <p>1. Parking facilities are provided, designed and located to:</p> <ul style="list-style-type: none"> <li>enable the efficient and convenient use of car spaces and accessways within the site</li> </ul>	<b>Complies</b>



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<ul style="list-style-type: none"> <li>reduce the visual dominance of car-parking areas and accessways.</li> </ul>	
<p>2. Car parking is provided with regard to the:</p> <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>	<p><b>Does not comply</b></p> <p>The proposed car parking is not consistent with the DCP's car parking rates (see (a) and (d) below).</p>
<p><b>Guidelines</b></p> <p>(a) Car parking is provided according to Part 15 of the Development Control Plan.</p>	<p><b>Does not comply</b></p> <p>The proposal is not consistent with the DCP's Guideline. Based on the proposed dwelling mix, the proposed development will require a minimum of 16.4 (or 17) onsite car parking spaces. The proposal provides for 16 car parking spaces (5 spaces for 5 apartments, 10 spaces for 6 multi dwelling housing, and 1 visitor space) which is a deficiency of 0.4 (or 1) car parking space under the DCP's requirements. Essentially, the site is lacking 0.4 (or 1) visitor car parking space.</p> <p>The deficiency of 0.4 car parking spaces is considered acceptable for the development, given the site's proximity to the CBD and availability of public transport options, combined with the availability of off-street parking adjacent to the site.</p> <p>The deficiency of 0.4 spaces will not create a detrimental impact upon the road network, or upon neighbours within the locality, and is therefore supported.</p>
<p>(b) Car parking is provided after consideration of other design elements to ensure that access and parking fits into the design and landscaping of the development.</p>	<p><b>Complies</b></p> <p>As per (a) above.</p>
<p>(c) Resident car parking is provided according to the following table subject to:</p> <ul style="list-style-type: none"> <li>open parking areas being situated no closer to the street than the rear building line of the dwelling nearest the street</li> <li>each dwelling having at least one undercover parking space in close proximity to the dwelling</li> <li>additional spaces associated with dwellings may be provided in front of the undercover parking space (in "tandem") provided that this does not obstruct accessways.</li> </ul>	<p><b>Complies</b></p> <p>Each residence has access to one, undercover car parking space.</p> <p>Tandem spaces are not appropriate in this instance.</p>
<p>(d) Visitor car parking is provided according to the following table,</p>	<p><b>Does not comply</b></p> <p>As per (a) above.</p>

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subject to: <ul style="list-style-type: none"><li>visitor parking being provided within the site unless the site has frontage to a local road with a carriage width of at least 11m and has sufficient frontage to accommodate the required number of visitor car spaces for the development.</li></ul>		Whilst the development is deficient in 0.4 (1) visitor parking space, the site has frontage to two roads in excess of 11m carriage widths, and has sufficient frontage to accommodate the 0.4 (1) visitor parking space. The deficiency is acceptable.
CAR PARKING TABLE		
DWELLING SIZE OR NUMBER OF BEDROOMS	AVERAGE CAR PARKING PER DWELLING	
Small (<75m <sup>2</sup> ) or 1-bedroom unit	1.0 spaces per unit	
Medium (75m <sup>2</sup> - 110m <sup>2</sup> ) or Two bedroom unit	1.2 spaces per unit	
Large (>110m <sup>2</sup> ) or 3+ -bedroom unit	1.5 spaces per unit	
Visitor Parking	0.2 spaces per unit	
PO 7.7-16 PLANNING OUTCOMES – PRIVATE OPEN SPACE *ADG prevails over the DCP for the RFB		
<b>Planning Outcomes</b> 1. Private open space is clearly defined for private use.		<b>Complies</b> Townhouse: Each townhouse has a north facing private open space, directly accessible from a living room, and clearly delineated from the adjoining public open space in accordance with the DCP. RFB: The RFB is guided by the Apartment Design Guide (ADG) for private open space. Assessment against these controls is provided in Attachment A.
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.		<b>Complies</b> Townhouse: each townhouse each has an area of between 45m <sup>2</sup> and 100m <sup>2</sup> of level outdoor area for their open space requirements. RFB: Refer to the ADG assessment in Attachment 1.
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>		<b>Complies</b> Townhouse: as per 1 and 2 above. RFB: Refer to the ADG assessment in Attachment 1.

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<b>Guidelines</b> (a) Private open space at ground level has: <ul style="list-style-type: none"> <li>• a useable area of at least equivalent to 50% of the dwelling floor space (gross) with a minimum dimension of 3m and including:             <ul style="list-style-type: none"> <li>◦ at least one area with minimum dimensions of 5m by 5m directly accessible to a living area, preferably orientated to the north or east of the dwelling.</li> </ul> </li> </ul>	<b>Does not comply</b> Townhouse: TH06 has an area of 73% of the dwelling floor space, satisfying the requirement of the DCP. TH01 to TH05 has between 42% and 43% of the required area of private open space, according to the size of the townhouses. All of the areas of POS are 8m x 5m minimum, directly accessible from a living room, and north facing. The proponent justifies the minor variation based on the shape and orientation of the open space and the proximity to areas of public open space (Esso Park (adjoining) and Cook Park). The variation is supported for this reason.
(b) Private open space for each dwelling located above the ground is in the form of a balcony or roof terrace with: <ul style="list-style-type: none"> <li>• convenient access from the main living area</li> <li>• a minimum area of 8m<sup>2</sup> and a minimum dimension of 2m</li> <li>• appropriate solar access/orientation and privacy.</li> </ul>	<b>Not applicable</b> Townhouse: POS is at ground level. RFB: Refer to the ADG assessment in Attachment 1.
(c) Open space is: <ul style="list-style-type: none"> <li>• located behind the main façade of the dwelling, ie, the primary front wall excluding decorative elements such as porticoes or similar</li> <li>• adjacent to dwellings</li> <li>• is allocated to individual units where practicable to minimise the need for management and maintenance of communal open space.</li> </ul>	<b>Complies</b> Townhouse: The proposed private open space is consistent with this guideline. RFB: Refer to the ADG assessment in Attachment 1.
(d) Communal open space may be appropriate for units above ground level. Communal space is provided at the same rate as for private open space above.	<b>Not applicable</b> There are no significant areas of communal open space.
<b>PO 7.7-17 PLANNING OUTCOMES - OPEN SPACE AND LANDSCAPING</b>	
<b>Planning Outcomes</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>	<b>Does not comply</b> A concept Landscape Plan has been submitted as part of the development application, however further detail is required, as to how the landscaping will provide an integration of buildings in the surrounding streetscapes and heritage context, softening of the hardstand vehicle and footpath areas and visual bulk of the proposed buildings, provision of appropriate screening and a maintenance plan, among other considerations. This is to be submitted prior to the issue of the Construction Certificate to ensure compliance with the DCP and ADG.

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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.	<b>Does not comply</b> Appropriate areas for landscaping have been provided within the site. Deep soil zone areas has been provided along the road frontages and Esso Park boundary. However, landscape vegetation types and location has not been provided. Paving is proposed for each Townhouse, as well as Apartments 4 and 5. A lighting plan is to be submitted, to ensure appropriate access and security in accordance with the DCP.
3. Major existing trees are retained and protected in a viable condition whenever practicable through appropriate siting of buildings, accessways and parking areas.	<b>Complies</b> Whilst the site does not contain any major existing trees, neighbouring trees on Esso Park are to be protected, as discussed previously and conditioned accordingly.
4. Paving is applied sparingly and integrated in the landscape design.	<b>Complies</b> The proposed landscape design is consistent with the DCP's Planning Outcome. Paving is applied to provide for potential outdoor use associated with the ground floor residences.
<b>Guidelines</b> (b) A landscape plan identifies: <ul style="list-style-type: none"> <li>existing vegetation and proposed planting and landscaping (including proposed species)</li> <li>arrangement of hard landscaping features (paved areas, pathways, walls, etc) and front gardens designed to complement the locality including front fences and period cottage gardens in heritage areas.</li> </ul>	<b>Does not comply</b> As per 1 above.
(c) At least two thirds of the front yard (setback area) is soft landscaped (gardens, lawns etc) - not paved or sealed.	<b>Complies</b>
<b>PO 7.7-18 PLANNING OUTCOMES - STORMWATER</b>	
<b>Planning Outcomes</b> 1. Onsite drainage systems are designed to consider: <ul style="list-style-type: none"> <li>downstream capacity and the need for onsite stormwater retention, detention and re-use</li> <li>scope for onsite infiltration of water</li> <li>safety and convenience of pedestrians and vehicles</li> <li>overland-flow paths.</li> </ul>	<b>Complies</b> As discussed previously.
2. Provision is made for onsite drainage which does not cause damage or nuisance flows to adjoining properties.	<b>Complies</b> As discussed previously.

<b>PO 7.7-19 PLANNING OUTCOMES - EROSION AND SEDIMENT CONTROL</b>	
<b>Planning Outcomes</b> 1. Measures implemented during construction to ensure that the landform is stabilised and erosion is controlled.	<b>Complies</b> The proposal is considered to be acceptable subject to the imposition of conditions of consent to regulate site and construction management during construction. Appropriate conditions of consent are included in the attached Draft Notice of Determination.
<b>Guidelines</b> (a) A Stormwater and Soil Management Plan as required by the Development and Subdivision Code demonstrates how sedimentation and erosion of disturbed areas will be managed on the site.	<b>Complies</b> As per 1 above.
<b>15.5 PARKING AREA DESIGN AND LAYOUT</b>	
1. The design and layout of parking areas (including physical controls, signage and line-marking is to comply with Australian Standard AS2890.1 - 2004 Off Street Parking.	<b>Complies</b> The proposed car parking will be conditioned to comply with the DCP's requirements.
2. All off-street parking spaces in the City are to be designed for the relevant user class as described in Table 1.1 of AS2890.1 - 2004.	<b>Complies</b> The proposed car parking will be conditioned to comply with the DCP's requirements.
<b>PO 15.6-1 PLANNING OUTCOMES – OFF-STREET CAR PARKING</b>	
1. Adequate off-street car parking is provided in accordance with the Table or, alternatively, according to an assessment that demonstrates peak-parking demand based on recognised research.	<b>Does not comply</b> As per 7.7-15 above.
2. Car-parking areas are designed according to Australian Standard.	<b>Complies</b> The proposed car parking is consistent with the DCP's requirements.
3. Car-park areas include adequate lighting and landscaping (preferably deciduous shade trees), which provides for the personal security of users.	<b>Complies, subject to conditions</b> The proposed car parking is considered to be acceptable subject to conditions of consent requiring submission of a Lighting Plan.
4. Bicycle-parking facilities are provided according to the relevant Australian Standard.	<b>Complies</b> Bicycle storage has been made available upon the site.
5. Facilities for loading and unloading of commercial vehicles are provided according to the relevant Australian Standard.	<b>Complies</b> Loading and unloading can be undertaken upon the site, up to a Medium Rigid Vehicle (8.8m) in size.

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The applicant has made a number of modifications to the original design in response to Council's concerns regarding the requirements of both the *NSW Apartment Design Guide* and Orange DCP 2004. As a result of these changes, and subject to the conditions of consent, the modified proposal is considered to be acceptable when evaluated against the DCP's requirements.

### Development Contributions

#### Section 7.11 Development Contributions and Section 64 Headworks Charges

Development contributions are applicable to the proposal development, pursuant to Orange Development Contributions Plan 2017 (Remainder of LGA). The contributions are based on 4 x three bedroom, 6 x two bedroom and 1 x one bedroom dwellings.

Open Space and Recreation	1 x one bed dwellings @ \$1,951.35 6 x two bedroom dwellings @ \$2,641.00 4 x three bedroom dwellings @ \$4,626.04	36,301.51
Community and Cultural	1 x one bed dwellings @ \$565.84 6 x two bedroom dwellings @ \$765.89 4 x three bedroom dwellings @ \$1341.53	10,527.33
Roads and Traffic Management	1 x one bed dwellings @ \$2873.47 6 x two bedroom dwellings @ \$3591.89 4 x three bedroom dwellings @ \$6106.21	48,849.65
Plan Preparation and Administration	1 x one bed dwellings @ \$152.80 6 x two bedroom dwellings @ \$206.79 4 x three bedroom dwellings @ \$362.19	2,842.30
<b>TOTAL:</b>		<b>\$98,520.79</b>

Headworks charges for water supply, sewerage and stormwater will apply to the proposal also. The existing development site comprises two separate allotments which are proposed to be consolidated. A credit of one x 3 bed dwelling is applicable to each site, which will be deducted from the final amount at the time of payment. Conditions are included on the attached Notice of Determination requiring payment of development contributions in accordance with the above prior to the issue of a construction certificate.

### INFILL GUIDELINES

The Infill Guidelines have been addressed under *Cl. 5.10 Heritage Considerations* of the LEP.

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

The Regulations have been considered where relevant.

Council's Building Surveyor advises *"the proposal will be considered as Class 1a, 2 and 7a buildings. The proposal can comply with the BCA, however, more detail will be required with the Construction Certificate application"*.

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

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

- Setting, context and neighbourhood character.

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- Visual impacts (streetscape presentation, building design and detailing, landscape design, site works).
- Heritage impacts (character, heritage significance, sympathetic infill design).
- Public domain (Esso Park, landscaping of street frontages).
- Access (site access, onsite car parking and manoeuvring).
- Crime prevention.
- Environmental impacts (biodiversity, groundwater, stormwater management, sediment control).

Additional relevant impacts are discussed below:

**Residential amenity**

The proposed development has the potential to negatively impact eastern neighbours in terms of visual privacy. Side setbacks and separation are found to fall short of the minimum requirements under the NSW Apartment Design Guidelines and Council's DCP. As such, all eastern habitable windows of the first floor and second floor are required to be screened, with details of the screening to be approved by Council prior to the issue of the Construction Certificate. A 1.8m high timber lapped and capped fence will be required along the eastern and southern dividing boundaries, to maintain privacy to areas of private open space. In addition to this, landscaping shall be undertaken on the western and northern sides of the dividing fence, to assist in screening the development from neighbouring properties.

Whilst some overshadowing of rear yards will occur, solar access has been found to be compliant under the provisions of the DCP.

As such, and subject to the conditions of consent, the proposed development is not believed to substantially impact upon the amenity of the residential neighbourhood.

**Waste Generation**

Standard practice for waste management is kerbside pick-up, however, larger developments may enter into a private agreement whereby onsite storage and collection of bins is undertaken by Council's waste contractor. In this case, the agreed approach will comprise:

- a) red and yellow bins to be serviced onsite utilising a compact garbage truck (8m long) that is required to enter and leave the site in a forward direction
- b) green bins will be serviced kerb-side
- c) based on the relatively small unit sizes, bin numbers will be reduced from eleven to nine general waste, nine recycling and four green waste bins (total of 22 x 240L sulo bins)
- d) wide doors to be provided on the northern side of the proposed bin room
- e) ventilation to be included into the bin room
- f) driveway to be engineered to account for 16 tonne truck (GCM)
- g) bins expected to be serviced between 6am and 8am.

These details have been accepted by Council's Manager - Waste Services, and have been conditioned accordingly.

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

The subject land is considered to be suitable for the proposed development due to the following:

- The proposed is permitted on the subject land zoning;
- The site is of sufficient area and dimensions to accommodate the proposal and provide a suitable residential amenity;
- Utility services are available and adequate;
- The land has suitable road access;
- The local road network is of sufficient capacity to support the proposal;
- The land is not subject to known technological or natural hazards;
- The site not known to contain any Aboriginal, European or archaeological relics; and
- The site has no particular environmental values.

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

The proposed development is defined as "advertised development" under the provisions of Council's Community Participation Plan. Written and public notice of the application was undertaken on two occasions. The first period was from 5-19 September 2022 with five submissions being received at the close of exhibition. Following the receipt of revised plans, the proposal was placed on exhibition for a second period from 5-19 December 2022. No public submissions were received.

The below table provides a summary of the key issues and concerns raised in the submissions and how these have been addressed..

Issue	Response
<p><u>Privacy</u></p> <ul style="list-style-type: none"> <li>• The 2 and 3 storey nature of the development will overlook the backyard of adjoining residences at 3, 5 and 7 Summer Street.</li> <li>• Request privacy screens on windows overlooking neighbours.</li> </ul>	<ul style="list-style-type: none"> <li>• As discussed previously, the townhouse building has been designed for the principal living areas to overlook the north (Esso Park), with first floor bedroom windows facing south, towards 3, 5 and 7 Summer Street. The separation between the bedroom windows and the southern boundary is 7m. The separation from the southern townhouse windows to 3 Summer St northern window is 27m. The separation from the southern townhouse windows to 5 Summer St northern window is 24m, and greater for 7 Summer Street. The DCP requires privacy measures for habitable rooms windows of upper floor levels when they are within 9m to a neighbouring window. Building separation between the townhouses and adjoining residences is well in excess of 9m, and therefore screening measures are not required.</li> <li>• The Apartment Design Guide (ADG) contains the design parameters for visual privacy regarding the RFB. According to the guideline, the proposed development will result in overlooking from the RFB to the east. As such, all eastern habitable windows</li> </ul>



## 2.2 Development Application DA 265/2022(1) - 1 Summer Street and 160 Woodward Street

Issue	Response
	<p>(living, bedroom, study, etc) shall be fitted with privacy screens on the first and second floor. Details of the privacy screening shall be submitted to Council for approval prior to the issue of the Construction Certificate. This is considered suitable to alleviate privacy concerns.</p> <ul style="list-style-type: none"> <li>Screening of the ground floor habitable rooms and private open spaces shall be undertaken with the erection of a 1.8m high lapped and capped timber fence. This shall be erected on the eastern and southern boundaries, to provide suitable privacy for existing neighbouring residences. A condition of consent has been attached to this effect.</li> </ul>
<p><u>Car parking and traffic</u></p> <ul style="list-style-type: none"> <li>Inadequacy of onsite car parking will increase the demand for on-street parking.</li> <li>On-street parking on surrounding streets already at a premium due to Orange High School traffic.</li> <li>Proposed development will generate additional vehicle traffic and parking congestion.</li> <li>Impacts to residents unable to park near their properties.</li> <li>Deterioration of road safety and increase in accidents.</li> <li>Single access is insufficient for number of residences, causing unreasonable traffic and congestion in Woodward Street.</li> <li>Visitor parking to east side of terraces is not GPT designed for car and bin washing.</li> <li>Turn radius of garbage truck will block access to enter or exit the development.</li> </ul>	<ul style="list-style-type: none"> <li>The site had a deficiency of 0.4 (or 1) visitor car parking space, which is considered acceptable given the site's proximity to the CBD and the availability of street parking within the vicinity. The surrounding road network has capacity for the 0.4 car parking space unable to be catered for upon the site.</li> <li>Each existing neighbouring residence has at least one parking space upon their property, which is the requirement of the DCP.</li> <li>Traffic generation is in the order of 6 peak hour vehicle trips (<i>RTA Guide to Traffic Generating Development</i>). The surrounding road network has capacity for this demand.</li> <li>Road safety will not be reduced as a result of this development, given the low volume of traffic generated, the requirement for left in/left out, a traffic light north of the access providing breaks in traffic at peak times, slower vehicle speeds at peak times, and good sight lines along Woodward Street. The proposed development has been suitably designed in accordance with Australian Standard. There is no evidence to suggest the development will deteriorate road safety and increase accidents.</li> <li>The proposed driveway location on Woodward Street and the single, combined access point is supported by Transport for NSW and Council's Technical Services department.</li> <li>Car and bin washing can be undertaken upon the site.</li> <li>Turn radius of garbage truck will be undertaken upon the site, and therefore will not block ingress. Egress may be restricted for a short duration, however this will not affect road users of Woodward Street.</li> </ul>

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Issue	Response
<p><u>Replacement tree</u></p> <ul style="list-style-type: none"> <li>The owner does not object to the removal of the tree at 5 Summer Street, but requests a replacement of a 'reasonably developed tree.' A maple has been suggested by the landowner.</li> </ul>	<ul style="list-style-type: none"> <li>A 75L maple tree shall be provided to the owner of 5 Summer Street, a condition has been attached to this effect.</li> </ul>
<p><u>Overshadowing of neighbouring properties</u></p> <ul style="list-style-type: none"> <li>Proposed buildings will reduce sunlight to houses to 3, 5 and 7 Summer, and 23 Hamer.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed development meets the requirements of Chapter 7 of the DCP and the ADG regarding overshadowing.</li> </ul>
<p><u>Appearance and scale, heritage</u></p> <ul style="list-style-type: none"> <li>Proposed development will not suit the residential area and will look out of place. Proposal is not in keeping with existing character, density, and scale of the locality.</li> <li>Medium density housing is not represented in the immediate surrounding area.</li> <li>The style and look mimics medium density housing unit blocks found in major cities with no significant heritage significance.</li> <li>Building exceeds the height, mass and visual bulk guidelines, including setbacks, as required by the DCP. The 3 storey element will be visible within the streetscape and will be an intrusive addition to the neighbourhood.</li> <li>It is requested the development be reduced to 2 storeys maximum.</li> <li>The roof line does not complement neighbouring character. With an almost 12m apex, the building could be considered a 4 storey impact. The roof line looks industrial in nature. No attempt has been made on the 2 storey townhouses to remove the plain look of the roof line.</li> <li>The roof lines will give the buildings an industrial look in a residential area. The inclusion of pitched area, gables and valleys should be used in keeping with existing residential buildings.</li> <li>Glass balustrading on Woodward Street boundary does not provide screening from looking into apartments, and detracts from the streetscape.</li> <li>Development fails to include California bungalow style single level housing features,</li> </ul>	<ul style="list-style-type: none"> <li>The proposal has been assessed in accordance with the neighbourhood character, density, scale, heritage, setbacks, mass and visual quality provisions of SEPP 65, NSW Apartment Design Guide, Orange LEP, Orange DCP and Infill Policy. The proposal is considered to provide an appropriate contribution to the local character and nearby streetscapes, subject to design modifications as conditioned.</li> <li>Medium density housing is a permissible landuse within the R1 zone.</li> <li>The development site has no building height limit under the LEP. The articulated 3 storey height of the development can be supported on this corner site, and acts to 'book end' this gateway site, as previously addressed.</li> <li>The roofline is a contemporary interpretation of the gable and hipped roofs found in the HCA. As previously mentioned, it is considered best practice not to replicate built form, but produce sympathetic interpretations when carrying out infill development in a heritage setting.</li> <li>The proposed materials and finishes have been amended to better reflect the neighbourhood character and are considered acceptable. The glass balustrading is not supported, as previously discussed.</li> <li>The proposed development will not detrimentally impact upon the heritage significance of the HCA, subject to the conditions of consent.</li> <li>It is considered best practice not to replicate details such as traditional quad gutter, deep fascia board etc, on a contemporary building. A building should be reflective of its era of construction, whilst maintaining sympathy to those surrounding it.</li> </ul>

2.2 Development Application DA 265/2022(1) - 1 Summer Street and 160 Woodward Street

Issue	Response
<p>such as traditional quad gutter, deep fascia board, symmetrical ridge or traditional roof line.</p> <ul style="list-style-type: none"> <li>The design represents no heritage principles or attributes.</li> <li>The material selection is light weight and cheap.</li> </ul>	
<p><u>Overdevelopment</u></p> <ul style="list-style-type: none"> <li>The development is an overdevelopment of the site and will remove the residential nature of the surroundings.</li> <li>The structures are not in sympathy with the surrounding homes.</li> <li>The proposal does not hit the mark on a number of aspects.</li> <li>The proposal does not comply with the guidelines framing the area.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed development is residential in nature, and will not create a conflict of land use.</li> <li>The building design is considered to be an acceptable infill development, subject to design modifications as previously discussed.</li> <li>Whilst the development does not comply with all guidelines, compliance can be achieved through conditions of consent. There is considered to be no significant impact to neighbours.</li> </ul>
<p><u>Amenity</u></p> <ul style="list-style-type: none"> <li>A set of 3 storey flats in a heritage area will detract from the ambience of the area and has the potential to lower house prices.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed development will not detrimentally impact upon the amenity of the area, as discussed previously.</li> <li>House prices are not a matter for consideration under the EP&amp;A Act.</li> </ul>
<p><u>Landuse</u></p> <ul style="list-style-type: none"> <li>The development does not comply with the recommendation from Envirowest Consulting Pty Ltd for future land use.</li> </ul>	<ul style="list-style-type: none"> <li>The site has been found to be suitable for residential use. No issue is raised with regard to contamination.</li> </ul>
<p><u>Fencing</u></p> <ul style="list-style-type: none"> <li>What is the intent of fencing on the boundary of 7 Summer and 23 Hamer Street?</li> <li>Proposed wall of townhouse development in lieu of boundary fencing shows roofed construction over the boundary, and will require screening.</li> </ul>	<ul style="list-style-type: none"> <li>Fencing of these dividing boundaries will comprise 1.8m high lapped and capped timber paling.</li> <li>The wall of the storage shed has been relocated behind the boundary, therefore fencing will remain on the boundary. A condition of consent will ensure no overhang from the storage shed onto neighbouring land. Screening of the site is not required for privacy reasons. The size of the storage shed is not unreasonable and is not considered visually obtrusive.</li> </ul>
<p><u>Land ownership</u></p> <ul style="list-style-type: none"> <li>As Council is the landowner, can the sale details be disclosed.</li> </ul>	<ul style="list-style-type: none"> <li>This is not a relevant matter for consideration under the EP&amp;A Act.</li> </ul>

**PUBLIC INTEREST s4.15(1)(e)**

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts. The proposal is not inconsistent with any relevant policy statements, planning studies, guidelines etc that have not been considered in this assessment.

**SUMMARY**

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

**COMMENTS**

The requirements of the following officers are included in this assessment:

- Environmental Health and Building Surveyor
- Assistant Development Engineer
- Environmental Health Officer
- Manager Waste Services
- City Presentation Manager, and
- Senior Planner.

## APPENDIX 'A'

Objective	Design Guidance/Criteria	Assessment
<b>3A Site Analysis</b>		
<b>Objective 3A-1</b> <i>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.</i>	<b>Design Guidance</b> <i>Each element in the Site Analysis Checklist should be addressed (see Appendix 1).</i>	<b>Acceptable</b> An appropriate site and local context analysis been provided as part of the submitted architectural drawings and accompanying SEPP65 Design Verification Statement.
<b>3B Orientation</b>		
<b>Objective 3B-1</b> <i>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</i>	<b>Design Guidance</b> <i>Buildings along the street frontage define the street, by facing it and incorporating direct access from the street.</i>	<b>Not acceptable</b> The proposal has been designed to address each of the street frontages, however the ground floors of Woodward Street requires a more appropriate activation to the street frontage through the incorporation of transparent elements. Conditions attached.
	<i>Where the street frontage is to the east or west, rear buildings should be orientated to the north.</i>	<b>Acceptable</b> The primary street frontages is to the south and west and proposed buildings are oriented accordingly.
	<i>Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west.</i>	<b>Acceptable</b> Overshadowing to the south is irrelevant (road reserve) and overshadowing to the east is within acceptable limits in accordance with DCP 2004.
<b>Objective 3B-2</b> <i>Overshadowing of neighbouring properties is minimised during mid winter.</i>	<b>Design Guidance</b> <i>Living areas, private open space and communal open space should receive solar access in accordance with Sections 3D Communal and Public Open Space and 4A Solar and Daylight Access.</i>	<b>Acceptable</b> Solar access has been maintained to living areas and private open space of 3, 5, 7 Summer Street and 23 Hamer Street.
	<i>Solar access to living rooms, balconies and private open spaces of neighbours should be considered.</i>	<b>Acceptable</b> Solar access has been maintained to the sunrooms of 3 and 5 Summer St, and the POS areas of 3 and 5 Summer St to the east in accordance with Orange DCP 2004.
	<i>Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.</i>	<b>Acceptable</b> Solar access has been maintained to neighbouring residential properties to the east in accordance with the Orange DCP 2004.

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Objective	Design Guidance/Criteria	Assessment
	<i>If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in Section 3F Visual Privacy.</i>	<u>Not applicable</u>
	<i>Overshadowing should be minimised to the south or downhill by increased upper level setbacks.</i>	<u>Not applicable</u>
	<i>It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.</i>	<u>Acceptable</u> Proposed buildings are oriented appropriately.
	<i>A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.</i>	<u>Acceptable</u> Solar access has been maintained to neighbouring residential properties to the east in accordance with the Orange DCP 2004, within the hours of 9am and 2pm.
<b>3C Public Domain Interface</b>		
<u><b>Objective 3C-1</b></u> <i>Transition between private and public domain is achieved without compromising safety and security.</i>	<b>Design Guidance</b> <i>Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.</i>	<u>Acceptable</u> Apartments 4 and 5 have direct street entry.  Apartments 1, 2 + 3 are located above ground with communal lobby access provided at street level.
	<i>Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.</i>	
	<i>Upper level balconies and windows should overlook the public domain.</i>	<u>Acceptable</u> The proposed building designs enable acceptable levels of casual surveillance from apartments to public and communal spaces.
	<i>Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m.</i>	<u>Not acceptable</u> The proposed blank walls below Apartments 1, 2 + 3 will detract from the appearance of the public domain. Design modification required, as per the conditions of consent. Front fencing and ground floor wall treatments to Apartments 4 and 5 are considered adequate to satisfy Objective 3C-1.

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	<i>Length of solid walls should be limited along street frontages.</i>	<u>Not acceptable</u> The proposed solid ground floor wall treatments are considered insufficient to satisfy Objective 3C-1. Design modification will be required, as previously mentioned.
	<i>Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.</i>	<u>Acceptable</u> The proposed above ground residential balconies overlooking the street are considered sufficient to satisfy Objective 3C-1.
	<i>In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions:</i> <ul style="list-style-type: none"><li>• architectural detailing</li><li>• changes in materials</li><li>• plant species</li><li>• colours</li></ul>	<u>Acceptable</u> The proposed residential street entries are sufficiently highlighted and detailed to enable the required degree of legibility.
	<i>Opportunities for people to be concealed should be minimised.</i>	<u>Acceptable</u> The proposed building arrangement and layout is considered sufficient to discourage opportunities for concealment, provided appropriate landscaping is installed. A landscaping plan is required prior to Construction Certificate.
<u>Objective 3C-2</u> <i>Amenity of the public domain is retained and enhanced.</i>	<b>Design Guidance</b> <i>Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking.</i>	<u>Not acceptable</u> The proposed landscaping design requires further information to ensure a suitable degree of planting to street edges. Conditions attached.
	<i>Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.</i>	<u>Acceptable</u> Mailboxes are located adjacent to the combined vehicular access at street level.
	<i>The visual prominence of underground car park vents should be minimised and located at a low level where possible.</i>	<u>Not applicable</u> Underground car parking is not proposed.
	<i>Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.</i>	<u>Acceptable</u> The garbage storage is contained within a room integrated into the footprint of the RFB.
	<i>Ramping for accessibility should be minimised by building entry location and setting ground floor levels in</i>	<u>Acceptable</u> Proposed building entry levels and locations are considered to sufficiently

	<i>relation to footpath levels.</i>	respond to the site's topography and street level frontages.
	<i>Durable, graffiti resistant and easily cleanable materials should be used.</i>	<u>Acceptable</u> The proposed materials are considered to be sufficiently durable to satisfy Objective 3C-2.
	<i>Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions:</i> <ul style="list-style-type: none"> <li>• <i>street access, pedestrian paths and building entries which are clearly defined</i></li> <li>• <i>paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space</i></li> <li>• <i>minimal use of blank walls, fences and ground level parking</i></li> </ul>	<u>Not applicable</u> The ADG does not apply to the townhouse development.
	<i>On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking.</i>	<u>Not applicable</u> The site is generally level and proposed onsite car parking is located at grade.
<b>3D Communal and Public Open Space</b>		
<u><b>Objective 3D-1</b></u> <i>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</i>	<b>Design Criteria</b> <i>Communal open space has a minimum area equal to 25% of the site.</i>	<u><b>Does not comply</b></u> The proposal includes no communal open space. A variation is sought, based on the following: <ul style="list-style-type: none"> <li>• each unit has private open space (either ground level or balcony, or both)</li> <li>• proximity to Esso Park, Cook Park and Elephant Park</li> <li>• 25% communal open space would unduly restrict the usability of the site.</li> </ul> The ADG provides that when developments are unable to achieve the design criteria, such as on small lots, they should provide: <ol style="list-style-type: none"> <li>rooftop communal space or a common room</li> <li>provide larger balconies</li> <li>demonstrate good proximity to public open space, and/or provide contributions to public open space.</li> </ol> The proponent justifies the departure based on access to passive and active recreation areas, proximity to the CBD,



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		<p>each unit having access to “good private open space”, and the serious impact on usability of the site, if Council were to enforce the 25% site requirement for communal open space.</p> <p>It is agreed the site has excellent proximity to areas of open space. Whilst balconies have been provided for Apartments 1, 2, 3 + 4, these balconies do not comply with the minimum size requirements of the ADG. Apartment 5 is the only apartment with an adequate area of open space, however this area is not defined as private as it is located within a front setback, on a busy intersection.</p> <p>In order to increase areas of open space to reduce the lack of outdoor recreation opportunities, the hardstand area adjacent to the east of Apartment 4 shall be converted to private open space. This area shall be subject to detailed landscaping, including a medium height tree, privacy fencing and shall allow pedestrian access to Apartment 5 along the eastern boundary. A condition has been attached to this effect.</p> <p>Given this additional area of open space, combined with the close proximity to Esso Park and the percentage of site area provided to deep soil zone (discussed further in this report) the lack of communal open space can be supported.</p>
	<i>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter).</i>	<u>Does not comply</u> As above.
	<b>Design Guidance</b> <i>Communal open space should be consolidated into a well designed, easily identified and usable area.</i>	<u>Does not comply</u> As above.
	<i>Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions.</i>	<u>Does not comply</u> As above.
	<i>Communal open space should be co-located with deep soil areas.</i>	<u>Does not comply</u> As above.

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	<i>Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.</i>	<u>Does not comply</u> As above.
	<i>Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.</i>	<u>Does not comply</u> As above.
	<i>Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:</i> <ul style="list-style-type: none"> <li>• <i>provide communal spaces elsewhere such as a landscaped roof top terrace or a common room</i></li> <li>• <i>provide larger balconies or increased private open space for apartments</i></li> <li>• <i>demonstrate good proximity to public open space and facilities and/or provide contributions to public open space</i></li> </ul>	<u>Does not comply</u> As above.
<u>Objective 3D-2</u> <i>Communal open space should be consolidated into a well designed, easily identified and usable area.</i>	<b>Design Guidance</b> <i>Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:</i> <ul style="list-style-type: none"> <li>• <i>seating for individuals or groups</i></li> <li>• <i>barbecue areas</i></li> <li>• <i>play equipment or play areas</i></li> <li>• <i>swimming pools, gyms, tennis courts or common rooms</i></li> </ul>	<u>Does not comply</u> As above.
	<i>The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.</i>	<u>Does not comply</u> As above.
	<i>Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks.</i>	<u>Not applicable</u>
<u>Objective 3D-3</u> <i>Communal open space is designed to maximise safety.</i>	<b>Design Guidance</b> <i>Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include:</i>	<u>Does not comply</u> As above.

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	<ul style="list-style-type: none"><li>• bay windows</li><li>• corner windows</li><li>• balconies</li></ul>													
	Communal open space should be well lit.	<u>Does not comply</u> As above.												
	Where communal open space/facilities are provided for children and young people they are safe and contained.	<u>Does not comply</u> As above.												
<u>Objective 3D-4</u> Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	<b>Design Guidance</b> The public open space should be well connected with public streets along at least one edge.	<u>Not applicable</u>  The development does not provide public open space.												
	The public open space should be connected with nearby parks and other landscape elements.	<u>Not applicable</u>												
	Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid.	<u>Not applicable</u>												
	Solar access should be provided year round along with protection from strong winds.	<u>Not applicable</u>												
	Opportunities for a range of recreational activities should be provided for people of all ages.	<u>Not applicable</u>												
	A positive address and active frontages should be provided adjacent to public open space.	<u>Not applicable</u>												
	Boundaries should be clearly defined between public open space and private areas.	<u>Not applicable</u>												
3E Deep Soil Zones														
<u>Objective 3E-1</u> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	<b>Design Criteria</b> Deep soil zones are to meet the following minimum requirements:	<b>Acceptable</b>  The proposal incorporates a total deep soil zone area of 222m <sup>2</sup> of minimum 3m depth, which equates to approx. 30% of the site area. This complies with the ADG’s Design Criteria.												
	<table><tr><th>Site Area</th><th>Minimum Dimension</th><th>Deep Soil Zone (% of Site Area)</th></tr><tr><td>Less than 650m<sup>2</sup></td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m<sup>2</sup>-1,500m<sup>2</sup></td><td>3m</td></tr><tr><td>Greater than 1,500m<sup>2</sup></td><td>6m</td></tr><tr><td>Greater than 1,500m<sup>2</sup> with significant existing tree cover</td><td>6m</td></tr></table>		Site Area	Minimum Dimension	Deep Soil Zone (% of Site Area)	Less than 650m <sup>2</sup>	-	7%	650m <sup>2</sup> -1,500m <sup>2</sup>	3m	Greater than 1,500m <sup>2</sup>	6m	Greater than 1,500m <sup>2</sup> with significant existing tree cover	6m
	Site Area		Minimum Dimension	Deep Soil Zone (% of Site Area)										
	Less than 650m <sup>2</sup>		-	7%										
	650m <sup>2</sup> -1,500m <sup>2</sup>		3m											
	Greater than 1,500m <sup>2</sup>	6m												
Greater than 1,500m <sup>2</sup> with significant existing tree cover	6m													
	<b>Design Guidance</b> On some sites it may be possible to provide larger deep soil zones.	<u>Acceptable</u>  As discussed above, the proposal incorporates 30% of the RFB site as deep												

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	<p><i>depending on the site area and context:</i></p> <ul style="list-style-type: none"> <li>• 10% of the site as deep soil onsite with an area of 650m<sup>2</sup> - 1,500m<sup>2</sup></li> <li>• 15% of the site as deep soil onsite greater than 1,500m<sup>2</sup></li> </ul> <p><i>Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:</i></p> <ul style="list-style-type: none"> <li>• basement and sub basement car park design that is consolidated beneath building footprints</li> <li>• use of increased front and side setbacks</li> <li>• adequate clearance around trees to ensure long term health</li> <li>• co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil</li> </ul>	<p>soil onsites.</p> <p><u>Acceptable</u></p> <p>The proposal is considered to provide sufficient areas of deep soil zone, with the associated demonstrated capacity for mature tree planting, gardens and bioretention facilities within the proposal considered to be sufficient to satisfy Objective 3E-1.</p>												
<b>3F Visual Privacy</b>														
<p><u>Objective 3F-1</u></p> <p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p>	<p><b>Design Criteria</b></p> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="456 1294 970 1666"> <thead> <tr> <th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non-habitable Rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> <p><i>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room.</i></p> <p><i>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</i></p>	Building Height	Habitable Rooms and Balconies	Non-habitable Rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p><u>Does not comply</u></p> <p>The separation from the RFB habitable room window to the townhouse habitable room window, is 8.6m, and is required to be 6m minimum, and therefore complies.</p> <p>The separation between non-habitable rooms (bath, toilet, laundry, hall, etc) of the RFB to the eastern side boundary is 5.2m, and is required to be 3m minimum, and therefore complies.</p> <p>The separation between habitable rooms (living, bedroom, study, sunroom, etc) of the RFB to the eastern side boundary is 2.6m at Apartment 5, and 5.2m for Apartments 1-4. Separation is required to be 6m minimum, and therefore does not comply.</p> <p>As such, all eastern habitable windows of the RFB will be required to be screened. This will entail screening of the living windows of Apartments 1, 3, 4 and the study of Apartment 5 for the first floor, and the bedroom window of Apartment 1 and 3, and the study window of Apartment 2 for the second floor. The ground floor windows will be sufficiently</p>
Building Height	Habitable Rooms and Balconies	Non-habitable Rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												

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		screened by a 1.8m high dividing fence, required to be erected on the eastern and southern boundaries. Details of the proposed method of privacy screening of windows shall be submitted to Council for approval, prior to the issue of the Construction Certificate.
	<b>Design Guidance</b> <i>Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance.</i>	<u>Acceptable</u> The proposed RFB building provides one step in the built form as it moves away from the primary street frontage of Summer Street.
	<i>For residential buildings next to commercial buildings, separation distances should be measured as follows:</i> <ul style="list-style-type: none"> <li>• for retail, office spaces and commercial balconies use the habitable room distances</li> <li>• for service and plant areas use the non-habitable room distances</li> </ul>	<u>Not applicable</u>
	<i>New development should be located and oriented to maximise visual privacy between buildings onsite and for neighbouring buildings. Design solutions include:</i> <ul style="list-style-type: none"> <li>• site layout and building orientation to minimise privacy impacts (see also Section 3B Orientation)</li> <li>• on sloping sites, apartments on different levels have appropriate visual separation distances</li> </ul>	<u>Does not comply</u> The RFB will provide direct views into the western windows of 3 Summer Street. As previously discussed, privacy screening of habitable windows is required, with details to be submitted prior to the issue of a Construction Certificate.
	<i>Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping.</i>	<u>Not applicable</u>
	<i>Direct lines of sight should be avoided for windows and balconies across corners.</i>	<u>Does not comply</u> As above.
	<i>No separation is required between blank walls.</i>	<u>Noted</u>
<b>Objective 3F-2</b> <i>Site and building design elements increase privacy without compromising access to</i>	<b>Design Guidance</b> <i>Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable</i>	<u>Acceptable</u> The proposed design lacks communal open space.  Common areas will not impact upon

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light and air and balance outlook and views from habitable rooms and private open space.	<p>room windows. Design solutions may include:</p> <ul style="list-style-type: none"> <li>• setbacks</li> <li>• solid or partially solid balustrades to balconies at lower levels</li> <li>• fencing and/or trees and vegetation to separate spaces</li> <li>• screening devices</li> <li>• bay windows or pop out windows to provide privacy in one direction and outlook in another</li> <li>• raising apartments/private open space above the public domain or communal open space</li> <li>• planter boxes incorporated into walls and balustrades to increase visual separation</li> <li>• pergolas or shading devices to limit overlooking of lower apartments or private open space</li> <li>• on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies</li> </ul>	windows, balconies or areas of private open space, as adequate fencing is described, or has been conditioned.
	Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	<p><u>Acceptable</u></p> <p>The proposed apartment layouts avoid any juxtaposition of habitable rooms and living spaces with open circulation spaces.</p>
	Balconies and private terraces should be located in front of living rooms to increase internal privacy.	<p><u>Acceptable</u></p> <p>The proposed private open spaces (balconies) each adjoin internal living rooms.</p>
	Windows should be offset from the windows of adjacent buildings.	<p><u>Does not comply</u></p> <p>As discussed above.</p>
	Recessed balconies and/or vertical fins should be used between adjacent balconies.	<p><u>Acceptable</u></p> <p>The proposed RFB does not incorporate any balconies on the eastern facade.</p>
<b>3G Pedestrian Access and Entries</b>		
<p><u>Objective 3G-1</u></p> <p>Building entries and pedestrian access connects to and addresses the public domain.</p>	<p><b>Design Guidance</b></p> <p>Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge.</p>	<p><u>Acceptable</u></p> <p>The proposal provides for multiple building entries to the site's frontages.</p>
	Entry locations relate to the street and subdivision pattern and the existing pedestrian network.	<p><u>Acceptable</u></p> <p>The proposal provides for entries and footpaths to the street.</p>
	Building entries should be clearly identifiable and communal entries	<p><u>Acceptable</u></p> <p>The proposal provides building entrances</p>

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	<i>should be clearly distinguishable from private entries.</i>	on both street frontages.
	<i>Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries.</i>	<u>Not applicable</u>
<b>3H Vehicle Access</b>		
<b><u>Objective 3H-1</u></b> <i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</i>	<b><u>Design Guidance</u></b> <i>Car park access should be integrated with the building's overall facade. Design solutions may include:</i> <ul style="list-style-type: none"> <li><i>the materials and colour palette to minimise visibility from the street</i></li> <li><i>security doors or gates at entries that minimise voids in the facade</i></li> <li><i>where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed</i></li> </ul>	<u>Acceptable</u> Vehicle access for the site is proposed on the Woodward Street frontage, avoiding the need for vehicle access to be accommodated within the buildings' primary (Summer Street) facade.
	<i>Car park entries should be located behind the building line.</i>	<u>Acceptable</u> Car park entries do not address frontages.
	<i>Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout.</i>	<u>Acceptable</u> Vehicle access will minimise excavation.
	<i>Car park entry and access should be located on secondary streets or lanes where available.</i>	<u>Acceptable</u> Car park access is provided to the side/rear of the proposed RFB.
	<i>Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.</i>	<u>Acceptable</u> The proposed driveway width and location is satisfactory.
	<i>Access point locations should avoid headlight glare to habitable rooms.</i>	<u>Acceptable</u> The proposed driveway location is sufficient.
	<i>Adequate separation distances should be provided between vehicle entries and street intersections.</i>	<u>Acceptable</u> The proposed driveway location is sufficient to avoid conflicts with nearby street intersections.
	<i>The width and number of vehicle access points should be limited to the minimum.</i>	<u>Acceptable</u> The proposed driveway width and location is sufficient to satisfy Objective 3H-1.
	<i>Visual impact of long driveways should be minimised through changing alignments and screen planting.</i>	<u>Does not comply</u> A nominal planting area has been designated along the long axis of the driveway. Further landscaping detail is required to satisfy Objective 3H-1.

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	<i>The need for large vehicles to enter or turn around within the site should be avoided.</i>	<u>Acceptable</u> The proposed vehicle access provides for the onsite collection of waste and for loading and unloading. The proposed arrangement is considered to be suitable for the needs of the development.
	<i>Garbage collection, loading and servicing areas are screened.</i>	<u>Acceptable</u> Garbage collection and loading areas are located within the site and are sufficiently screened from public view.
	<i>Clear sight lines should be provided at pedestrian and vehicle crossings.</i>	<u>Acceptable</u> Clear sight lines are provided for the proposed vehicular crossover.
	<i>Traffic calming devices such as changes in paving material or textures should be used where appropriate.</i>	<u>Does not comply</u> Internal paving specifications have not been provided as part of the application. It is recommended that a condition of consent be imposed requiring a final landscape design (including proposed paving specifications) be submitted for Council's approval prior to the issue of a Construction Certificate.
	<i>Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include:</i> <ul style="list-style-type: none"> <li><i>changes in surface materials</i></li> <li><i>level changes</i></li> <li><i>the use of landscaping for separation</i></li> </ul>	<u>Acceptable</u> Proposed pedestrian and vehicle accesses are not separated or distinguishable, however this is a minor matter for the number of units and traffic movements associated with the development.
<b>3J Bicycle and Car Parking</b>		
<u><b>Objective 3J-1</b></u> <i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</i>	<u><b>Design Criteria</b></u> <i>For development in the following locations:</i> <ul style="list-style-type: none"> <li><i>onsites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area; or</i></li> <li><i>on land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</i></li> </ul> <i>The car parking needs for a development must be provided off street.</i>	<u>Not applicable</u>



	<b>Design Guidance</b> <i>Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be onsite.</i>	<u>Not applicable</u>
	<i>Where less car parking is provided in a development, council should not provide on street resident parking permits.</i>	<u>Not applicable</u>
<u>Objective 3J-2</u> <i>Parking and facilities are provided for other modes of transport.</i>	<b>Design Guidance</b> <i>Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.</i>	<u>Acceptable</u> The proposal incorporates sufficient area for parking of motorbikes or scooters.
	<i>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</i>	<u>Acceptable</u> Secure and covered bicycle parking has been provided in the ground level car park area.
	<i>Conveniently located charging stations are provided for electric vehicles, where desirable.</i>	<u>Not applicable</u> EV charging bays are not proposed, or required for this scale of development.
<u>Objective 3J-3</u> <i>Car park design and access is safe and secure.</i>	<b>Design Guidance</b> <i>Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces.</i>	<u>Acceptable</u> The proposed car parking is designed to enable separate access to supporting facilities.
	<i>Direct, clearly visible and well lit access should be provided into common circulation areas.</i>	<u>Does not comply</u> Appropriate line marking shall be included in the car park subject to condition of consent. A lighting plan shall be submitted for approval prior to Construction Certificate, as previously addressed.
	<i>A clearly defined and visible lobby or waiting area should be provided to lifts and stairs.</i>	<u>Acceptable</u> A clearly defined lobby is available for the combined access to Apartments 1, 2 + 3.
	<i>For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards.</i>	<u>Does not comply</u> Appropriate lighting, signage and line marking will be included in the car park, subject to conditions of consent and the submission of a Lighting Plan.
<u>Objective 3J-5</u> <i>Visual and environmental impacts of on-grade car parking are minimised.</i>	<b>Design Guidance</b> <i>On-grade car parking should be avoided.</i>	<u>Does not comply</u> The applicant was encouraged by Council staff to provide parking at a semi-basement level for the RFB in order to avoid visual impacts on the Woodward Street streetscape and ensure an appropriate public domain interface in line with the ADG's design criteria. However, this option has not

		subsequently been pursued by the applicant, with the resulting unbroken brick wall below Apartments 1, 2 and 3 contributing to a sub-optimal public domain interface with Woodward Street. The proposed on-grade parking is however considered to be acceptable subject to the application of a condition of consent requiring amendments to the treatment and materiality of the western wall fronting Woodward Street (see attached Draft Notice of Determination).
	<p><i>Where on-grade car parking is unavoidable, the following design solutions are used:</i></p> <ul style="list-style-type: none"> <li>• <i>parking is located on the side or rear of the lot away from the primary street frontage</i></li> <li>• <i>cars are screened from view of streets, buildings, communal and private open space areas</i></li> <li>• <i>safe and direct access to building entry points is provided</i></li> <li>• <i>parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space</i></li> <li>• <i>stormwater run-off is managed appropriately from car parking surfaces</i></li> <li>• <i>bio-swales, rain gardens or onsite detention tanks are provided, where appropriate</i></li> <li>• <i>light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving</i></li> </ul>	<p><u>Acceptable</u></p> <p>The proposed at-grade car parking incorporates the following design solutions:</p> <ul style="list-style-type: none"> <li>• Car parking is located at the side/rear of the proposed building and away from the site's street frontages (Summer and Woodward Streets).</li> <li>• Car parking is sufficiently screened from neighbouring properties and surrounding public street spaces to avoid unreasonable visual impacts.</li> <li>• Safe and direct access to building entry points are provided.</li> <li>• Stormwater run-off is designed in accordance with Council's requirements.</li> <li>• The proposal incorporates sufficient deep soil zones with potential for water sensitive urban design (eg, rain gardens).</li> <li>• Paving of the car parking manoeuvring areas shall be conditioned as part of the required landscaping plan.</li> </ul>
<p><u>Objective 3J-6</u></p> <p><i>Visual and environmental impacts of above ground enclosed car parking are minimised.</i></p>	<p><b>Design Guidance</b></p> <p><i>Exposed parking should not be located along primary street frontages.</i></p>	<p><u>Acceptable</u></p> <p>The proposed car parking areas is enclosed within the building footprint, and is located away from the site's street frontages (Summer and Woodward Streets).</p>
	<p><i>Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design</i></p>	<p><u>Not acceptable</u></p> <p>The proposed blank walls of the car parking areas are to include transparent elements (windows or the like) combined</p>

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	<p><i>solutions may include:</i></p> <ul style="list-style-type: none"> <li><i>car parking that is concealed behind the facade, with windows integrated into the overall facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels)</i></li> <li><i>car parking that is 'wrapped' with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage</i></li> </ul>	with suitable screening to integrate the car parking.
	<p><i>Positive street address and active frontages should be provided at ground level.</i></p>	<p><u>Not acceptable</u></p> <p>The proposed building design does not provide for positive street address and active frontage on the Woodward Street frontage.</p> <p>The blank walls are required to be modified, as discussed above.</p>
<b>4A Solar and Daylight Access</b>		
<p><u>Objective 4A-1</u></p> <p><i>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</i></p>	<p><b>Design Criteria</b></p> <p><i>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</i></p> <p><i>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9am and 3pm at mid winter.</i></p>	<p><u>Complies</u></p> <p>80% of apartments achieve a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter. Even with the necessary privacy screens fixed to eastern windows, compliance will be achieved.</p>
	<p><i>A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid winter.</i></p>	<p><u>Complies</u></p> <p>All of the proposed apartments receive an acceptable level of direct sunlight between 9am and 3pm at mid winter.</p>
	<p><b>Design Guidance</b></p> <p><i>The design maximises north aspect and the number of single aspect south facing apartments is minimised.</i></p>	<p><u>Acceptable</u></p> <p>The proposal does not have any single aspect apartments. The site's primary axis is north-south, and therefore maximisation of the northern aspect is difficult to achieve.</p>
	<p><i>Single aspect, single storey apartments should have a northerly or easterly aspect.</i></p>	<p><u>Acceptable</u></p> <p>The proposal does not include any single aspect apartments.</p>

	<i>Living areas are best located to the north and service areas to the south and west of apartments.</i>	<u>Acceptable</u> Living areas are predominantly east and west facing.
	<i>To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:</i> <ul style="list-style-type: none"> <li>• dual aspect apartments</li> <li>• shallow apartment layouts</li> <li>• two storey and mezzanine level apartments</li> <li>• bay windows</li> </ul>	<u>Acceptable</u> All apartments are dual aspect.
	<i>To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m<sup>2</sup> of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.</i>	<u>Acceptable</u> The proposed location and orientation of living rooms and private open spaces is considered to be sufficient to achieve adequate sunlight access.
	<i>Achieving the design criteria may not be possible on some sites. This includes:</i> <ul style="list-style-type: none"> <li>• where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source</li> <li>• on south facing sloping sites</li> <li>• where significant views are oriented away from the desired aspect for direct sunlight</li> <li>• Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective.</li> </ul>	<u>Acceptable</u> The proposed overall arrangement and orientation of apartments reflects the primary north-south axis of the site and is considered to be sufficient.
<u>Objective 4A-2</u> <i>Daylight access is maximised where sunlight is limited.</i>	<b>Design Guidance</b> <i>Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.</i>	<u>Acceptable</u> High level window sills are proposed for non-habitable rooms along the second floor eastern wall of the RFB.
	<i>Where courtyards are used:</i> <ul style="list-style-type: none"> <li>• use is restricted to kitchens, bathrooms and service areas</li> <li>• building services are concealed with appropriate detailing and materials to visible walls</li> <li>• courtyards are fully open to the sky</li> <li>• access is provided to the light well from a communal area for cleaning and maintenance</li> <li>• acoustic privacy, fire safety and minimum privacy separation distances (see Section 3F Visual</li> </ul>	<u>Acceptable</u> The proposal does not incorporate any courtyards.

	<p><i>Privacy) are achieved</i></p> <p><i>Opportunities for reflected light into apartments are optimised through:</i></p> <ul style="list-style-type: none"> <li><i>reflective exterior surfaces on buildings opposite south facing windows</i></li> <li><i>positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light</i></li> <li><i>integrating light shelves into the design</i></li> <li><i>light coloured internal finishes</i></li> </ul>	<p><u>Acceptable</u></p> <p>The use of reflective materials or devices is not considered to be necessary or appropriate within the local context. Sufficient daylight access for the proposed apartments is considered to be achievable through the proposed overall apartment layout and orientation.</p>
<p><u>Objective 4A-3</u></p> <p><i>Design incorporates shading and glare control, particularly for warmer months.</i></p>	<p><b>Design Guidance</b></p> <p><i>A number of the following design features are used:</i></p> <ul style="list-style-type: none"> <li><i>balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas</i></li> <li><i>shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting</i></li> <li><i>horizontal shading to north facing windows</i></li> <li><i>vertical shading to east and particularly west facing windows</i></li> <li><i>operable shading to allow adjustment and choice</i></li> <li><i>high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided)</i></li> </ul>	<p><u>Acceptable</u></p> <p>The proposal incorporates sufficient shading and glare control measures.</p>
<b>4B Natural Ventilation</b>		
<p><u>Objective 4B-1</u></p> <p><i>All habitable rooms are naturally ventilated.</i></p>	<p><b>Design Guidance</b></p> <p><i>The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.</i></p>	<p><u>Acceptable</u></p> <p>The proposed apartment layouts allow for natural ventilation in habitable rooms.</p>
	<p><i>Depths of habitable rooms support natural ventilation.</i></p>	<p><u>Acceptable</u></p> <p>The proposed habitable room depths are sufficient to support natural ventilation.</p>
	<p><i>The area of unobstructed window openings should be equal to at least 5% of the floor area served.</i></p>	<p><u>Acceptable</u></p> <p>The extent of unobstructed windows is considered to be sufficient to satisfy Objective 4B-1.</p>
	<p><i>Light wells are not the primary air source for habitable rooms.</i></p>	<p><u>Acceptable</u></p> <p>The proposed apartment designs do not rely on light wells as the primary air</p>

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	<p><i>Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:</i></p> <ul style="list-style-type: none"> <li>• adjustable windows with large effective openable areas</li> <li>• a variety of window types that provide safety and flexibility such as awnings and louvres</li> <li>• windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors</li> </ul>	<p>source for habitable rooms.</p> <p><u>Acceptable</u> The proposed location and design of doors and openable windows is considered to be sufficient to satisfy Objective 4B-1.</p>
<p><u>Objective 4B-2</u> The layout and design of single aspect apartments maximises natural ventilation.</p>	<p><b>Design Guidance</b> Apartment depths are limited to maximise ventilation and airflow.</p>	<p><u>Acceptable</u> The proposed apartment depths are considered to be sufficient to enable an adequate degree of ventilation and airflow for each apartment.</p>
	<p><i>Natural ventilation to single aspect apartments is achieved with the following design solutions:</i></p> <ul style="list-style-type: none"> <li>• primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation)</li> <li>• stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries</li> <li>• courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells</li> </ul>	<p><u>Not applicable</u> Single aspect apartments are not proposed.</p>
<p><u>Objective 4B-3</u> The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</p>	<p><b>Design Criteria</b> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p>	<p><u>Complies</u> 80% of apartments are cross ventilated.</p>
	<p><i>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i></p>	<p><u>Not applicable</u> The proposal does not include cross-over or cross-through apartments.</p>
	<p><b>Design Guidance</b> The building should include dual aspect apartments, cross through apartments and corner apartments and limit</p>	<p><u>Acceptable</u> The proposal includes dual aspect apartments. The proposed overall arrangement and orientation of</p>

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	apartment depths.	apartments is considered satisfactory.	
	In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side).	<u>Acceptable</u> Window and door opening sizes are satisfactory.	
	Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow.	<u>Acceptable</u> The proposed overall arrangement and orientation of apartments is considered to be sufficient to satisfy Objective 4B-3.	
	Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow.	<u>Acceptable</u> The proposed ceiling heights and overall arrangement and orientation of apartments is considered to be sufficient to satisfy Objective 4B-3.	
4C Ceiling Heights			
<u>Objective 4C-1</u> Ceiling height achieves sufficient natural ventilation and daylight access.	<b>Design Criteria</b> Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	<u>Complies</u> The proposed ceiling heights for the apartments are 2.7m for habitable rooms and 2.1m for non-habitable rooms.	
	<b>Minimum Ceiling Height (for Apartment and Mixed Use Buildings)</b>		
	Habitable rooms		2.7m
	Non-habitable		2.4m
	For 2 storey apartments		2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area
	Attic spaces		1.8m at edge of room with a 30 degree minimum ceiling slope
	If located in mixed use areas		3.3m for ground and first floor to promote future flexibility of use
	These minimums do not preclude higher ceilings if desired.		
	<b>Design Guidance</b> Ceiling height can accommodate use of ceiling fans for cooling and heat distribution.	<u>Acceptable</u> The proposed ceiling heights comply with the ADG’s Design Criteria (above).	

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<u>Objective 4C-2</u> Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.	A number of the following design solutions can be used: <ul style="list-style-type: none"><li>the hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, or double height spaces</li><li>well proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings</li><li>ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist</li></ul>	<u>Acceptable</u> The proposed ceiling heights comply with the ADG's Design Criteria (above).											
<u>Objective 4C-3</u> Ceiling heights contribute to the flexibility of building use over the life of the building.	Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses.	<u>Acceptable</u> The proposed ceiling heights comply with the ADG's Design Criteria (above).											
4D Apartment Size and Layout													
<u>Objective 4D-1</u> The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.	<b>Design Criteria</b> Apartments are required to have the following minimum internal areas:	<u>Complies</u> The minimum internal areas for the proposal are as follows: <ul style="list-style-type: none"><li>1 bedroom: 73m<sup>2</sup></li><li>2 bedroom: 80m<sup>2</sup></li></ul> Where additional bathrooms are included, apartment sizes are at least 5m <sup>2</sup> greater than those required in the ADG table opposite.											
	<table><tr><th>Apartment Type</th><th>Minimum Internal Area</th></tr><tr><td>Studio</td><td>35m<sup>2</sup></td></tr><tr><td>1 bedroom</td><td>50m<sup>2</sup></td></tr><tr><td>2 bedroom</td><td>70m<sup>2</sup></td></tr><tr><td>3 bedroom</td><td>90m<sup>2</sup></td></tr></table>		Apartment Type	Minimum Internal Area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	
	Apartment Type		Minimum Internal Area										
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	1 bedroom		50m <sup>2</sup>										
	2 bedroom	70m <sup>2</sup>											
3 bedroom	90m <sup>2</sup>												
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each.													
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.		<u>Complies</u> All habitable rooms are provided with windows in an external wall with minimum area of not less than 10% of the floor area, and complies with the ADG criteria.											



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	<b>Design Guidance</b> <i>Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).</i>	<u>Acceptable</u> The proposed apartment layouts are consistent with the ADG guidance.
	<i>A window should be visible from any point in a habitable room.</i>	<u>Acceptable</u> The proposed window locations are consistent with the ADG guidance.
	<i>Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits.</i>	<u>Not applicable</u> The proposed apartment layouts and room sizes are consistent with the ADG guidance.
<u>Objective 4D-2</u> Environmental performance of the apartment is maximised.	<b>Design Criteria</b> <i>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</i>	<u>Complies</u> The proposed apartment layouts are consistent with Figure 4D.3 of the ADG.
	<i>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</i>	<u>Complies</u> The proposed apartment layouts are consistent with Figure 4D.3 of the ADG, and do not exceed 8m.
	<b>Design Guidance</b> <i>Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths.</i>	<u>Acceptable</u> The proposed apartment layouts and room sizes are consistent with the ADG guidance.
	<i>All living areas and bedrooms should be located on the external face of the building.</i>	<u>Acceptable</u> The proposed apartment layouts are consistent with the ADG guidance.
	<i>Where possible:</i> <ul style="list-style-type: none"><li><i>bathrooms and laundries should have an external openable window</i></li><li><i>main living spaces should be oriented toward the primary outlook and aspect and away from noise sources</i></li></ul>	<u>Does not comply</u> It is not possible to orient all rooms away from traffic noise, however construction methods can mitigate noise impacts. Details of these methods will be required prior to the issue of a Construction Certificate to ensure compliance. The proposed apartment layouts are consistent with the ADG guidance.
<u>Objective 4D-3</u> Apartment layouts are designed to accommodate a variety of household activities and needs.	<b>Design Criteria</b> <i>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)</i>	<u>Complies</u> Master bedrooms equal or exceed 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> . The proposed bedroom sizes comply with the ADG criteria.
	<i>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</i>	<u>Complies</u> The proposed bedroom dimensions are minimum 3m x 3m excluding wardrobes.

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	<p><i>Living rooms or combined living/dining rooms have a minimum width of:</i></p> <ul style="list-style-type: none"> <li><i>3.6m for studio and 1 bedroom apartments</i></li> <li><i>4m for 2 and 3 bedroom apartments</i></li> </ul>	<p><u>Complies</u></p> <p>Living rooms exceed the minimum widths of 3.6m for 1 bedroom apartments and 4m for 2 bed apartments.</p> <p>The proposed room dimensions are consistent with the ADG criteria.</p>
	<p><b>Design Guidance</b></p> <p><i>Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas.</i></p>	<p><u>Complies</u></p> <p>The proposed apartment layouts are consistent with the ADG guidance.</p>
	<p><i>All bedrooms allow a minimum length of 1.5m for robes.</i></p>	<p><u>Acceptable</u></p> <p>The proposed bedroom dimensions are consistent with the ADG guidance.</p>
	<p><i>The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high.</i></p>	<p><u>Acceptable</u></p> <p>The proposed wardrobe dimensions are consistent with the ADG guidance.</p>
	<p><i>Apartment layouts allow flexibility over time, design solutions may include:</i></p> <ul style="list-style-type: none"> <li><i>dimensions that facilitate a variety of furniture arrangements and removal</i></li> <li><i>spaces for a range of activities and privacy levels between different spaces within the apartment</i></li> <li><i>dual master apartments</i></li> <li><i>dual key apartments</i></li> <li><i>room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1))</i></li> <li><i>efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms</i></li> </ul>	<p><u>Acceptable</u></p> <p>The proposed apartment layouts are consistent with the ADG guidance.</p>
	<p><i>Note: dual key apartments which are separate but on the same title are regarded as two sole occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments.</i></p>	-

4E Private Open Space and Balconies				
<u>Objective 4E-1</u> Apartments provide appropriately sized private open space and balconies to enhance residential amenity.	<b>Design Criteria</b> All apartments are required to have primary balconies as follows:		<u>Does not comply</u> The minimum private open spaces provided as balconies are as follows: <ul style="list-style-type: none"><li>Ap 4 - 2 bedroom: 9m<sup>2</sup></li><li>Ap 3 - 2 bedroom: 9m<sup>2</sup></li><li>Ap 2 - 1 bedroom: 9m<sup>2</sup></li><li>Ap 1 - 2 bedroom: 9m<sup>2</sup></li></ul> Apartment 2 complies. Apartments 4, 3 and 1 do not comply. Whilst Apartment 5 has ground level open space, the location of open space in the front setback, with a 1.2m high fence, cannot be defined as private open space. However, a terrace of 11m <sup>2</sup> is directly accessible to the east, and therefore complies with the ADG. Given the POS areas for Apartments 4, 3 and 2 are only 1m <sup>2</sup> short, and the fact that the development adjoins ESSO Park the variation is considered minor, and is supported.	
	<b>Dwelling Type</b>	<b>Minimum Area</b>		<b>Minimum Depth</b>
	Studio apartments	4m <sup>2</sup>		-
	1 bedroom apartments	8m <sup>2</sup>		2m
	2 bedroom apartments	10m <sup>2</sup>		2m
	3+ bedroom apartments	12m <sup>2</sup>		2.4m
	The minimum balcony depth to be counted as contributing to the balcony area is 1m.			
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m.		<u>Does not comply</u> Apartment 4 is to be provided with additional private open space to the east of the ground floor, as previously discussed.		
<b>Design Guidance</b> Increased communal open space should be provided where the number or size of balconies are reduced.		<u>Does not comply</u> The proposed balcony sizes for 3 apartments are below the ADG's guidance, and there is no communal open space. However, given the proximity to areas of public open space, the variation is acceptable.		
Storage areas on balconies is additional to the minimum balcony size.		<u>Not applicable</u>		
<u>Objective 4E-2</u> Primary private open space and balconies are appropriately located to enhance liveability for residents.	<b>Design Guidance</b> Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.		<u>Complies</u> All balconies adjoin living rooms, dining rooms or kitchens.	
	Private open spaces and balconies predominantly face north, east or west.		<u>Complies</u> The proposed balconies are configured to enable orientation or exposure to the west.	
	Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms.		<u>Acceptable</u> The proposed private open spaces are consistent with the ADG's guidance.	

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<p><b>Objective 4E-3</b> Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p>	<p><b>Design Guidance</b> Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred.</p>	<p><b>Does not comply</b> As previously discussed in the report, glass balustrading is not a common element within the HCA, and therefore an alternative material is required. A condition has been imposed to this effect.</p>
	<p>Full width full height glass balustrades alone are generally not desirable.</p>	<p><b>Complies</b> Glass balustrades will not be permitted.</p>
	<p>Projecting balconies should be integrated into the building design and the design of soffits considered.</p>	<p><b>Complies</b> Balconies are not permitted.</p>
	<p>Operable screens, shutters, hoods and pergolas are used to control sunlight and wind.</p>	<p><b>Complies</b> The balconies are shaded.</p>
	<p>Balustrades are set back from the building or balcony edge where overlooking or safety is an issue.</p>	<p><b>Complies</b> Overlooking and safety is not an issue.</p>
	<p>Downpipes and balcony drainage are integrated with the overall facade and building design.</p>	<p><b>Complies</b> The proposed façade designs are consistent with the ADG's guidance.</p>
	<p>Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.</p>	<p><b>Complies</b> The proposed placement of air-conditioning units is to the east, away from the frontages.</p>
	<p>Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design.</p>	<p><b>Complies</b> The placement of air-conditioning units is to the rear are consistent with the ADG's guidance.</p>
	<p>Ceilings of apartments below terraces should be insulated to avoid heat loss.</p>	<p><b>Complies</b> Ceilings will be insulated in accordance with the ADG's guidance.</p>
<p><b>Objective 4E-4</b> Private open space and balcony design maximises safety.</p>	<p><b>Design Guidance</b> Changes in ground levels or landscaping are minimised.</p>	<p><b>Complies</b> The proposed private open space areas are appropriate to maximise safety.</p>
	<p>Design and detailing of balconies avoids opportunities for climbing and falls.</p>	<p><b>Does not comply</b> As previously discussed, glass balustrading is to be replaced with powder coated aluminium fin balustrades in colour basalt, or similar.</p>

<i>4F Common Circulation Spaces</i>		
<p><b><u>Objective 4F-1</u></b> Common circulation spaces achieve good amenity and properly service the number of apartments.</p>	<p><b><u>Design Criteria</u></b> <i>The maximum number of apartments off a circulation core on a single level is eight.</i></p>	<p><b><u>Complies</u></b> There is a maximum of 3 apartments proposed to be located off one circulation core.</p>
	<p><i>For buildings of ten storeys and over, the maximum number of apartments sharing a single lift is 40.</i></p>	<p><b><u>Not applicable</u></b></p>
	<p><b><u>Design Guidance</u></b> <i>Greater than minimum requirements for corridor widths and/or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors.</i></p>	<p><b><u>Complies</u></b> The proposed design of common circulation spaces is consistent with the ADG's guidance.</p>
	<p><i>Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.</i></p>	<p><b><u>Complies</u></b> The proposed common circulation spaces are provided with daylight and natural ventilation where appropriate.</p>
	<p><i>Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors.</i></p>	<p><b><u>Complies</u></b> Windows are provided to the common circulation spaces in accordance with the ADG's guidance.</p>
	<p><i>Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include:</i></p> <ul style="list-style-type: none"> <li><i>a series of foyer areas with windows and spaces for seating</i></li> <li><i>wider areas at apartment entry doors and varied ceiling heights.</i></li> </ul>	<p><b><u>Complies</u></b> The proposed corridor dimensions and layouts are consistent with the ADG's guidance.</p>
	<p><i>Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments.</i></p>	<p><b><u>Acceptable</u></b> The proposed design of common circulation spaces is consistent with the ADG's guidance.</p>
	<p><i>Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including:</i></p> <ul style="list-style-type: none"> <li><i>sunlight and natural cross ventilation in apartments</i></li> <li><i>access to ample daylight and natural ventilation in common circulation spaces</i></li> <li><i>common areas for seating and gathering</i></li> </ul>	<p><b><u>Not applicable</u></b></p>

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	<ul style="list-style-type: none"> <li>generous corridors with greater than minimum ceiling heights</li> <li>other innovative design solutions that provide high levels of amenity.</li> </ul>	
	Where Design Criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.	<u>Not applicable</u>
	Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	<u>Complies</u> The proposed design of common circulation spaces is consistent with the ADG's guidance.
<u>Objective 4F-2</u> Common circulation spaces promote safety and provide for social interaction between residents.	<b>Design Guidance</b> Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines.	<u>Complies</u> The proposed design of common circulation spaces is consistent with the ADG's guidance.
	Tight corners and spaces are avoided.	<u>Complies</u> The proposed design of common circulation spaces is consistent with the ADG's guidance.
	Circulation spaces should be well lit at night.	<u>Acceptable</u> The proposed design of common circulation spaces is consistent with the ADG's guidance.
	Legible signage should be provided for apartment numbers, common areas and general wayfinding.	<u>Acceptable</u> The proposed design of common circulation spaces is consistent with the ADG's guidance.
	Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided.	<u>Not applicable</u>
	In larger developments, community rooms for activities such as owners corporation meetings or resident use should be provided and are ideally co-located with communal open space.	<u>Not applicable</u>
	Where external galleries are provided, they are more open than closed above the balustrade along their length.	<u>Not applicable</u>

4G Storage													
<u>Objective 4G-1</u> Adequate, well designed storage is provided in each apartment.	<b>Design Criteria</b> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	<u>Complies</u> The required minimum storage is provided to all apartments. At least 50% of storage is provided within each apartment, with 4m <sup>2</sup> of storage provided adjacent to car parking spaces.											
	<table><tr><th>Dwelling Type</th><th>Storage Size Volume</th></tr><tr><td>Studio apartments</td><td>4m<sup>3</sup></td></tr><tr><td>1 bedroom apartments</td><td>6m<sup>3</sup></td></tr><tr><td>2 bedroom apartments</td><td>8m<sup>3</sup></td></tr><tr><td>3+ bedroom apartments</td><td>10m<sup>3</sup></td></tr></table>		Dwelling Type	Storage Size Volume	Studio apartments	4m <sup>3</sup>	1 bedroom apartments	6m <sup>3</sup>	2 bedroom apartments	8m <sup>3</sup>	3+ bedroom apartments	10m <sup>3</sup>	
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	1 bedroom apartments		6m <sup>3</sup>										
	2 bedroom apartments		8m <sup>3</sup>										
	3+ bedroom apartments	10m <sup>3</sup>											
	At least 50% of the required storage is to be located within the apartment.												
<b>Design Guidance</b> Storage is accessible from either circulation or living areas.	<u>Complies</u> The proposed design of storage space is consistent with the ADG's guidance.												
Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.	<u>Not applicable</u>												
Left over space such as under stairs is used for storage.	<u>Complies</u>												
<u>Objective 4G-2</u> Additional storage is conveniently located, accessible and nominated for individual apartments.	<b>Design Guidance</b> Storage not located in apartments is secure and clearly allocated to specific apartments.	<u>Complies</u> Bicycle parking and individual storage is located adjacent to the undercover car parking area.											
	Storage is provided for larger and less frequently accessed items.	<u>Complies</u>											
	Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible.	<u>Complies</u>											
	If communal storage rooms are provided they should be accessible from common circulation areas of the building.	<u>Not applicable</u>											
	Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain.	<u>Complies</u>											

<b>4H Acoustic Privacy</b>		
<b>Objective 4H-1</b> <i>Noise transfer is minimised through the siting of buildings and building layout.</i>	<b>Design Guidance</b> <i>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also Section 2F Building Separation and Section 3F Visual Privacy).</i>	<u>Acceptable</u> The proposal achieves building separation in accordance with 2F and 3F.
	<i>Window and door openings are generally orientated away from noise sources.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guidance.
	<i>Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guidance.
	<i>Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guidance.
	<i>The number of party walls (walls shared with other apartments) are limited and are appropriately insulated</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guidance.
	<i>Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guidance.
<b>Objective 4H-2</b> <i>Noise impacts are mitigated within apartments through layout and acoustic treatments.</i>	<b>Design Guidance</b> <i>Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:</i> <ul style="list-style-type: none"> <li><i>rooms with similar noise requirements are grouped together</i></li> <li><i>doors separate different use zones</i></li> <li><i>wardrobes in bedrooms are co-located to act as sound buffers</i></li> </ul>	<u>Acceptable</u> The proposal is consistent with the ADG's guidance.
	<i>Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:</i> <ul style="list-style-type: none"> <li><i>double or acoustic glazing</i></li> <li><i>acoustic seals</i></li> <li><i>use of materials with low noise penetration properties</i></li> <li><i>continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements</i></li> </ul>	<u>Acceptable</u> The proposal is consistent with the ADG's guidance.
<b>4J Noise and Pollution</b>		



<p><u>Objective 4J-1</u> In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p>	<p><b>Design Guidance</b> To minimise impacts the following design solutions may be used:</p> <ul style="list-style-type: none"> <li>• physical separation between buildings and the noise or pollution source</li> <li>• residential uses are located perpendicular to the noise source and where possible buffered by other uses</li> <li>• non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces</li> <li>• non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources</li> <li>• buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer</li> <li>• where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable</li> <li>• landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry</li> </ul> <p>Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:</p> <ul style="list-style-type: none"> <li>• solar and daylight access</li> <li>• private open space and balconies</li> <li>• natural cross ventilation</li> </ul>	<p><u>Does not comply</u> The proposal fails to identify how it will mitigate against road noise. Details of the mitigation measures are required prior to the issue of the Construction Certificate.</p>
<p><u>Objective 4J-2</u> Appropriate noise shielding or attenuation techniques for the building design,</p>	<p><b>Design Guidance</b> Design solutions to mitigate noise include:</p> <ul style="list-style-type: none"> <li>• limiting the number and size of openings facing noise sources</li> </ul>	<p><u>Acceptable</u> Summer Street and Woodward Street are the primary frontages, and require appropriate activation through windows and openings.</p>

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construction and choice of materials are used to mitigate noise transmission.	<ul style="list-style-type: none"> <li>providing seals to prevent noise transfer through gaps</li> <li>using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</li> <li>using materials with mass and/or sound insulation or absorption properties eg, solid balcony balustrades, external screens and soffits</li> </ul>	An acoustic report is required to confirm the use of appropriate acoustic treatments too ensure noise transfer will be minimised to buildings within the site. A condition has been imposed to this effect.
<b>4K Apartment Mix</b>		
<b>Objective 4K-1</b> A range of apartment types and sizes is provided to cater for different household types now and into the future.	<b>Design Guidance</b> A variety of apartment types is provided.	<b>Acceptable</b> The proposal provides a relatively diverse apartment mix, comprising: <ul style="list-style-type: none"> <li>1 x one-bedroom apartments</li> <li>4 x two-bedroom apartments</li> </ul>
	The apartment mix is appropriate, taking into consideration: <ul style="list-style-type: none"> <li>the distance to public transport, employment and education centres</li> <li>the current market demands and projected future demographic trends</li> <li>the demand for social and affordable housing</li> <li>different cultural and socioeconomic groups</li> </ul>	<b>Acceptable</b> The apartment mix is consistent with the ADG's guideline.
	Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households.	<b>Acceptable</b> The apartment mix is consistent with the ADG's guideline
<b>Objective 4K-2</b> The apartment mix is distributed to suitable locations within the building.	<b>Design Guidance</b> Different apartment types are located to achieve successful facade composition and to optimise solar access.	<b>Acceptable</b> The apartment mix is consistent with the ADG's guideline.
	Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available.	<b>Acceptable</b> The apartment mix is consistent with the ADG's guideline.
<b>4L Ground Floor Apartments</b>		
<b>Objective 4L-1</b> Street frontage activity is maximised where ground floor apartments are located.	<b>Design Guidance</b> Direct street access should be provided to ground floor apartments.	<b>Complies</b>
	Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include: <ul style="list-style-type: none"> <li>both street, foyer and other</li> </ul>	<b>Complies</b>

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	<p><i>common internal circulation entrances to ground floor apartments</i></p> <ul style="list-style-type: none"> <li><i>private open space is next to the street</i></li> <li><i>doors and windows face the street</i></li> </ul>	
	<i>Retail or home office spaces should be located along street frontages.</i>	<u>Not applicable</u>
	<i>Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion.</i>	<u>Not applicable</u>
<p><u>Objective 4L-2</u> Design of ground floor apartments delivers amenity and safety for residents.</p>	<p><b>Design Guidance</b> Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:</p> <ul style="list-style-type: none"> <li><i>elevation of private gardens and terraces above the street level by 1-1.5m</i></li> <li><i>landscaping and private courtyards</i></li> <li><i>window sill heights that minimise sight lines into apartments</i></li> <li><i>integrating balustrades, safety bars or screens with the exterior design</i></li> </ul>	<p><u>Acceptable</u> The proposal is consistent with the ADG's guideline.</p>
	<p>Solar access should be maximised through:</p> <ul style="list-style-type: none"> <li><i>high ceilings and tall windows</i></li> <li><i>trees and shrubs that allow solar access in winter and shade in summer</i></li> </ul>	<p><u>Acceptable</u> The proposal is consistent with the ADG's guideline.</p>
<b>4M Facades</b>		
<p><u>Objective 4M-1</u> Building facades provide visual interest along the street while respecting the character of the local area.</p>	<p><b>Design Guidance</b> Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> <li><i>a composition of varied building elements</i></li> <li><i>a defined base, middle and top of buildings</i></li> <li><i>revealing and concealing certain elements</i></li> <li><i>changes in texture, material, detail and colour to modify the prominence of elements</i></li> </ul>	<p><u>Acceptable</u> The proposal is consistent with the ADG's guideline. The proposed building façades incorporate:</p> <ul style="list-style-type: none"> <li><i>A clearly defined base, middle and top for the RFB.</i></li> <li><i>A varied yet unified composition of forms and elements, enabling suitable opportunities for street address while ensuring upper floors do not overwhelm or dominate the streetscape at ground level.</i></li> <li><i>An accompanying well-arranged diversity and composition of materials, colours and finishes that ensure an appropriate degree of</i></li> </ul>

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		visual richness while maintaining compatibility with those observed in the surrounding streetscape.
	<i>Building services should be integrated within the overall facade.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
	<i>Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include:</i> <ul style="list-style-type: none"> <li>• well composed horizontal and vertical elements</li> <li>• variation in floor heights to enhance the human scale</li> <li>• elements that are proportional and arranged in patterns</li> <li>• public artwork or treatments to exterior blank walls</li> <li>• grouping of floors or elements such as balconies and windows on taller buildings</li> </ul>	<u>Does not comply</u> The blank walls require transparent elements to break the bulk and provide a more appropriate response to the heritage context. Modification is required, as previously discussed.
	<i>Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
	<i>Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
<u>Objective 4M-2</u> <i>Building functions are expressed by the façade.</i>	<b>Design Guidance</b> <i>Building entries should be clearly defined.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
	<i>Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
	<i>The apartment layout should be expressed externally through facade features such as party walls and floor slabs.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
<b>4N Roof Design</b>		
<u>Objective 4N-1</u> <i>Roof treatments are integrated into the building design and positively respond to the street.</i>	<b>Design Guidance</b> <i>Roof design relates to the street. Design solutions may include:</i> <ul style="list-style-type: none"> <li>• special roof features and strong corners</li> <li>• use of skillion or very low pitch hipped roofs</li> <li>• breaking down the massing of the</li> </ul>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline. The proposed roof design incorporates a contemporary take on a gable roof, protruding dormers to break the massing, and materials to complement the heritage context of the setting.

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	<p>roof by using smaller elements to avoid bulk</p> <ul style="list-style-type: none"> <li>• using materials or a pitched form complementary to adjacent buildings</li> </ul>	
	<p>Roof treatments should be integrated with the building design. Design solutions may include:</p> <ul style="list-style-type: none"> <li>• roof design proportionate to the overall building size, scale and form</li> <li>• roof materials compliment the building</li> <li>• service elements are integrated</li> </ul>	<p><u>Acceptable</u></p> <p>The proposal is consistent with the ADG's guideline.</p>
<p><u>Objective 4N-2</u></p> <p>Opportunities to use roof space for residential accommodation and open space are maximised.</p>	<p><b>Design Guidance</b></p> <p>Habitable roof space should be provided with good levels of amenity. Design solutions may include:</p> <ul style="list-style-type: none"> <li>• penthouse apartments</li> <li>• dormer or clerestory windows</li> <li>• openable skylights</li> </ul>	<p><u>Acceptable</u></p> <p>The proposal is consistent with the ADG's guideline. Dormers will break the massing of the roof when viewed from the east.</p>
	<p>Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations.</p>	<p><u>Not applicable</u></p>
<p><u>Objective 4N-3</u></p> <p>Roof design incorporates sustainability features.</p>	<p><b>Design Guidance</b></p> <p>Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include:</p> <ul style="list-style-type: none"> <li>• the roof lifts to the north</li> <li>• eaves and overhangs shade walls and windows from summer sun</li> </ul>	<p><u>Acceptable</u></p> <p>The proposal is consistent with the ADG's guideline.</p>
	<p>Skylights and ventilation systems should be integrated into the roof design.</p>	<p><u>Not applicable</u></p>
<b>40 Landscape Design</b>		
<p><u>Objective 40-1</u></p> <p>Landscape design is viable and sustainable.</p>	<p><b>Design Guidance</b></p> <p>Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:</p> <ul style="list-style-type: none"> <li>• diverse and appropriate planting</li> <li>• bio-filtration gardens</li> <li>• appropriately planted shading trees</li> <li>• areas for residents to plant vegetables and herbs</li> <li>• composting</li> <li>• green roofs or walls</li> </ul>	<p><u>Does not comply</u></p> <p>Landscape concept plans have been submitted as part of the application, however insufficient detail exists to determine if the proposed landscaping will enhance the development. It is recommended that a condition of consent be imposed requiring that a final landscape design demonstrating compliance with the ADG's requirements be submitted for Council's approval prior to the issue of any Construction Certificate.</p>
	<p>Ongoing maintenance plans should be prepared.</p>	<p><u>Does not comply</u></p> <p>A Maintenance Schedule has not been</p>

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		included in the submitted landscape concept plans. It is recommended that a condition of consent be imposed requiring that a final landscape design demonstrating compliance with the ADG's requirements be submitted for Council's approval prior to the issue of any Construction Certificate.								
	<p>Microclimate is enhanced by:</p> <ul style="list-style-type: none"><li>• appropriately scaled trees near the eastern and western elevations for shade</li><li>• a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter</li><li>• shade structures such as pergolas for balconies and courtyards</li></ul>	<p><u>Does not comply</u> As per above.</p>								
	<p>Tree and shrub selection considers size at maturity and the potential for roots to compete (see Table below).</p> <table><tr><th>Site Area</th><th>Recommended Tree Planting</th></tr><tr><td>Up to 850m<sup>2</sup></td><td>medium tree per 50m<sup>2</sup> of deep soil zone</td></tr><tr><td>850 - 1,500m<sup>2</sup></td><td>1 large tree or 2 medium trees per 90m<sup>2</sup> of deep soil zone</td></tr><tr><td>Greater than 1,500m<sup>2</sup></td><td>1 large tree or 2 medium trees per 80m<sup>2</sup> of deep soil zone</td></tr></table>	Site Area	Recommended Tree Planting	Up to 850m <sup>2</sup>	medium tree per 50m <sup>2</sup> of deep soil zone	850 - 1,500m <sup>2</sup>	1 large tree or 2 medium trees per 90m <sup>2</sup> of deep soil zone	Greater than 1,500m <sup>2</sup>	1 large tree or 2 medium trees per 80m <sup>2</sup> of deep soil zone	<p><u>Does not comply</u> As per above. It is recommended that a condition of consent be imposed requiring that a final landscape design be submitted for Council's approval prior to the issue of any Construction Certificate.</p>
Site Area	Recommended Tree Planting									
Up to 850m <sup>2</sup>	medium tree per 50m <sup>2</sup> of deep soil zone									
850 - 1,500m <sup>2</sup>	1 large tree or 2 medium trees per 90m <sup>2</sup> of deep soil zone									
Greater than 1,500m <sup>2</sup>	1 large tree or 2 medium trees per 80m <sup>2</sup> of deep soil zone									
<p><u>Objective 40-2</u> Landscape design contributes to the streetscape and amenity.</p>	<p><b>Design Guidance</b> Landscape design responds to the existing site conditions including:</p> <ul style="list-style-type: none"><li>• changes of levels</li><li>• views</li><li>• significant landscape features including trees and rock outcrops</li></ul>	<p><u>Does not comply</u> As per above.</p>								
	<p>Significant landscape features should be protected by:</p> <ul style="list-style-type: none"><li>• tree protection zones</li><li>• appropriate signage and fencing during construction</li></ul>	<p><u>Acceptable</u> Conditions have been imposed to protect the trees in Esso Park.</p>								
	<p>Plants selected should be endemic to the region and reflect the local ecology.</p>	<p><u>Does not comply</u> As per above.</p>								

4P Planting on Structures					
<b>Objective 4P-1</b> <i>Appropriate soil profiles are provided.</i>	<b>Design Guidance</b> <i>Structures are reinforced for additional saturated soil weight.</i>				<b>Not applicable</b> No structures are proposed.
	<i>Soil volume is appropriate for plant growth, considerations include:</i> <ul style="list-style-type: none"> <li><i>modifying depths and widths according to the planting mix and irrigation frequency</i></li> <li><i>free draining and long soil life span</i></li> <li><i>tree anchorage</i></li> </ul>				<b>Acceptable</b> The proposal is consistent with the ADG's guideline.
	<i>Minimum soil standards for plant sizes should be provided in accordance with the Table below.</i>				<b>Does not comply</b> The development requires the imposition of a condition requiring a landscape design demonstrating consistency with the ADG's requirements be submitted for Council's approval prior to the issue of any Construction Certificate.
	<b>Plant Type</b>	<b>Definition</b>	<b>Soil Volume</b>	<b>Soil Depth</b>	
	Large trees	12-18m high, up to 16m crown spread at maturity	150m <sup>3</sup>	1,200 mm	
	Medium trees	8-12m high, up to 8m crown spread at maturity	35m <sup>3</sup>	1,000 mm	
	Small trees	6-8m high, up to 4m crown spread at maturity	9m <sup>3</sup>	800m m	
	Shrubs	-	-	500-600m m	
	Ground cover	-	-	300-450m m	
	Turf	-	-	200m m	
<b>Objective 4P-2</b> <i>Plant growth is optimised with appropriate selection and maintenance.</i>	<b>Design Guidance</b> <i>Plants are suited to site conditions, considerations include:</i> <ul style="list-style-type: none"> <li><i>drought and wind tolerance</i></li> <li><i>seasonal changes in solar access</i></li> <li><i>modified substrate depths for a diverse range of plants</i></li> <li><i>plant longevity</i></li> </ul>				<b>Does not comply</b> The development requires the imposition of a condition requiring that a final landscape design demonstrating consistency with the ADG's requirements be submitted for Council's approval prior to the issue of any Construction Certificate.
	<i>A landscape maintenance plan is prepared.</i>				<b>Does not comply</b> The development requires the imposition of a condition requiring a maintenance plan demonstrating consistency with the ADG's requirements be submitted for

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		Council's approval prior to the issue of any Construction Certificate.
	<p><i>Irrigation and drainage systems respond to:</i></p> <ul style="list-style-type: none"> <li>• <i>changing site conditions</i></li> <li>• <i>soil profile and the planting regime</i></li> <li>• <i>whether rainwater, stormwater or recycled grey water is used</i></li> </ul>	<p><u>Does not comply</u></p> <p>Irrigation and drainage systems have not been appropriately identified. A condition of consent will require this, as per above.</p>
<p><u>Objective 4P-3</u></p> <p><i>Planting on structures contributes to the quality and amenity of communal and public open spaces.</i></p>	<p><b>Design Guidance</b></p> <p><i>Building design incorporates opportunities for planting on structures. Design solutions may include:</i></p> <ul style="list-style-type: none"> <li>• <i>green walls with specialised lighting for indoor green walls</i></li> <li>• <i>wall design that incorporates planting</i></li> <li>• <i>green roofs, particularly where roofs are visible from the public domain</i></li> <li>• <i>planter boxes</i></li> </ul> <p><i>Note: structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time.</i></p>	<p><u>Not applicable</u></p>
<b>4Q Universal Design</b>		
<p><u>Objective 4Q-1</u></p> <p><i>Universal design features are included in apartment design to promote flexible housing for all community members.</i></p>	<p><b>Design Guidance</b></p> <p><i>Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features.</i></p>	<p><u>Does not comply</u></p> <p>Whilst the original plans achieved this objective, modifications resulting from Council requests made compliance no longer viable. The application supports their variation based on good dwelling diversity and the predominance of single storey dwellings across the city already. Variation is supported in this instance.</p>
<p><u>Objective 4Q-2</u></p> <p><i>A variety of apartments with adaptable designs are provided.</i></p>	<p><b>Design Guidance</b></p> <p><i>Adaptable housing should be provided in accordance with the relevant Council Policy.</i></p>	<p><u>Not applicable</u></p> <p>Council does not have an adaptable design policy.</p>
	<p><i>Design solutions for adaptable apartments include:</i></p> <ul style="list-style-type: none"> <li>• <i>convenient access to communal and public areas</i></li> <li>• <i>high level of solar access</i></li> <li>• <i>minimal structural change and residential amenity loss when adapted</i></li> <li>• <i>larger car parking spaces for accessibility</i></li> <li>• <i>parking titled separately from apartments or shared car parking</i></li> </ul>	<p><u>Not applicable</u></p> <p>As above.</p>



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	<i>arrangements</i>	
<b><u>Objective 4Q-3</u></b> <i>Apartment layouts are flexible and accommodate a range of lifestyle needs.</i>	<b><u>Design Guidance</u></b> <i>Apartment design incorporates flexible design solutions which may include:</i> <ul style="list-style-type: none"> <li>• rooms with multiple functions</li> <li>• dual master bedroom apartments with separate bathrooms</li> <li>• larger apartments with various living space options</li> <li>• open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom</li> </ul>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
<b>4R Adaptive Reuse</b>		
<b><u>Objective 4R-1</u></b> <i>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.</i>	<b><u>Design Guidance</u></b> <i>Design solutions may include:</i> <ul style="list-style-type: none"> <li>• new elements to align with the existing building</li> <li>• additions that complement the existing character, siting, scale, proportion, pattern, form and detailing</li> <li>• use of contemporary and complementary materials, finishes, textures and colours</li> </ul>	<u>Not applicable</u>
	<i>Additions to heritage items should be clearly identifiable from the original building.</i>	<u>Not applicable</u>
	<i>New additions allow for the interpretation and future evolution of the building.</i>	<u>Not applicable</u>
<b><u>Objective 4R-2</u></b> <i>Adapted buildings provide residential amenity while not precluding future adaptive reuse.</i>	<b><u>Design Guidance</u></b> <i>Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved. Design solutions may include:</i> <ul style="list-style-type: none"> <li>• generously sized voids in deeper buildings</li> <li>• alternative apartment types when orientation is poor</li> <li>• using additions to expand the existing building envelope</li> </ul>	<u>Not applicable</u>
	<i>Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered in the following areas:</i> <ul style="list-style-type: none"> <li>• where there are existing higher</li> </ul>	<u>Not applicable</u>

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	<p><i>ceilings, depths of habitable rooms could increase subject to demonstrating access to natural ventilation, cross ventilation (when applicable) and solar and daylight access (see also Sections 4A Solar and Daylight Access and 4B Natural Ventilation)</i></p> <ul style="list-style-type: none"> <li><i>alternatives to providing deep soil where less than the minimum requirement is currently available on the site</i></li> <li><i>building and visual separation - subject to demonstrating alternative design approaches to achieving privacy</i></li> <li><i>common circulation</i></li> <li><i>car parking</i></li> <li><i>alternative approaches to private open space and balconies</i></li> </ul>	
<b>4S Mixed Use</b>		
<b><u>Objective 4S-1</u></b> <i>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</i>	<b><u>Design Guidance</u></b> <i>Mixed use development should be concentrated around public transport and centres.</i>	<u>Not applicable</u>
	<i>Mixed use developments positively contribute to the public domain. Design solutions may include:</i> <ul style="list-style-type: none"> <li><i>development addresses the street</i></li> <li><i>active frontages are provided</i></li> <li><i>diverse activities and uses</i></li> <li><i>avoiding blank walls at the ground level</i></li> <li><i>live/work apartments on the ground floor level, rather than commercial</i></li> </ul>	<u>Not applicable</u>
<b><u>Objective 4S-2</u></b> <i>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.</i>	<b><u>Design Guidance</u></b> <i>Residential circulation areas should be clearly defined. Design solutions may include:</i> <ul style="list-style-type: none"> <li><i>residential entries are separated from commercial entries and directly accessible from the street</i></li> <li><i>commercial service areas are separated from residential components</i></li> <li><i>residential car parking and communal facilities are separated or secured</i></li> <li><i>security at entries and safe pedestrian routes are provided</i></li> </ul>	<u>Not applicable</u>

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	<ul style="list-style-type: none"> <li>concealment opportunities are avoided</li> </ul>	
	Landscaped communal open space should be provided at podium or roof levels.	<u>Does not comply</u> Landscaped communal open space has not been provided, as previously addressed.
<b>4T Awnings and Signage</b>		
<b>Objective 4T-1</b> Awnings are well located and complement and integrate with the building design.	<b>Design Guidance</b> Awnings should be located along streets with high pedestrian activity and active frontages.	<u>Does not comply</u> Awnings are not required along street frontages for this locality.
	A number of the following design solutions are used: <ul style="list-style-type: none"> <li>continuous awnings are maintained and provided in areas with an existing pattern</li> <li>height, depth, material and form complements the existing street character</li> <li>protection from the sun and rain is provided</li> <li>awnings are wrapped around the secondary frontages of corner sites</li> <li>awnings are retractable in areas without an established pattern</li> </ul>	<u>Not applicable</u>
	Awnings should be located over building entries for building address and public domain amenity.	<u>Acceptable</u> Awnings are located over building entries.
	Awnings relate to residential windows, balconies, street tree planting, power poles and street infrastructure.	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
	Gutters and down pipes should be integrated and concealed.	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
	Lighting under awnings should be provided for pedestrian safety.	<u>Does not comply</u> A lighting plan for access and security is required to be submitted, as previously discussed.
<b>Objective 4T-2</b> Signage responds to the context and desired streetscape character.	<b>Design Guidance</b> Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development.	<u>Acceptable</u> Appropriate signage shall be erected on street frontages and mail boxes. A condition of consent will be imposed to this effect.
	Legible and discrete way finding should be provided for larger developments.	<u>Not applicable</u>
	Signage is limited to being on and below awnings and a single facade sign on the primary street frontage.	<u>Acceptable</u> This will be conditioned.

<b>4U Energy Efficiency</b>		
<b>Objective 4U-1</b> <i>Development incorporates passive environmental design.</i>	<b>Design Guidance</b> <i>Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access).</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
	<i>Well located, screened outdoor areas should be provided for clothes drying.</i>	<u>Does not comply</u> Clothes drying will be required to be undertaken on the balconies, or internally. This is a minor departure.
<b>Objective 4U-2</b> <i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</i>	<b>Design Guidance</b> <i>A number of the following design solutions are used:</i> <ul style="list-style-type: none"> <li><i>the use of smart glass or other technologies on north and west elevations</i></li> <li><i>thermal mass in the floors and walls of north facing rooms is maximised</i></li> <li><i>polished concrete floors, tiles or timber rather than carpet</i></li> <li><i>insulated roofs, walls and floors and seals on window and door openings</i></li> <li><i>overhangs and shading devices such as awnings, blinds and screens</i></li> </ul>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
	<i>Provision of consolidated heating and cooling infrastructure should be located in a centralised location (eg, the basement).</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
<b>Objective 4U-3</b> <i>Adequate natural ventilation minimises the need for mechanical ventilation.</i>	<b>Design Guidance</b> <i>A number of the following design solutions are used:</i> <ul style="list-style-type: none"> <li><i>rooms with similar usage are grouped together</i></li> <li><i>natural cross ventilation for apartments is optimised</i></li> <li><i>natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible</i></li> </ul>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
<b>4V Water Management and Conservation</b>		
<b>Objective 4V-1</b> <i>Potable water use is minimised.</i>	<b>Design Guidance</b> <i>Water efficient fittings, appliances and wastewater reuse should be incorporated.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline. A BASIX Certificate and Assessment Report has been provided which confirms that appropriate water management conservation measures will be implemented.
	<i>Apartments should be individually metered.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.

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	<i>Rainwater should be collected, stored and reused onsite.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
	<i>Drought tolerant, low water use plants should be used within landscaped areas.</i>	<u>Complies</u> This requirement will be conditioned to inform the required Landscaping Plan.
<u>Objective 4V-2</u> <i>Urban stormwater is treated onsite before being discharged to receiving waters.</i>	<b>Design Guidance</b> <i>Water sensitive urban design systems are designed by a suitably qualified professional.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline. Suitable WSUD (bio-retention facilities) are incorporated into the proposed landscape design.
	<i>A number of the following design solutions are used:</i> <ul style="list-style-type: none"><li><i>runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation</i></li><li><i>porous and open paving materials is maximised</i></li><li><i>onsite stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits</i></li></ul>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
<u>Objective 4V-3</u> <i>Flood management systems are integrated into site design.</i>	<b>Design Guidance</b> <i>Detention tanks should be located under paved areas, driveways or in basement car parks.</i>	<u>Acceptable</u> Detention tanks can be considered at Construction Certificate stage.
	<i>On large sites parks or open spaces are designed to provide temporary onsite detention basins.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
<b>4W Waste Management</b>		
<u>Objective 4W-1</u> <i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</i>	<b>Design Guidance</b> <i>Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline. Waste storage is contained on the ground floor and is screened from the streetscape. A total of 22 sulo bins can be stored within the bin room.
	<i>Waste and recycling storage areas should be well ventilated.</i>	<u>Does not comply</u> Ventilation of the bin storage area is to be provided. A condition has been attached to this effect.
	<i>Circulation design allows bins to be easily manoeuvred between storage and collection points.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
	<i>Temporary storage should be provided for large bulk items such as mattresses.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.
	<i>A waste management plan should be prepared.</i>	<u>Acceptable</u> The proposal is consistent with the ADG's guideline.

2.2 Development Application DA 265/2022(1) - 1 Summer Street and 160 Woodward Street

<p><b>Objective 4W-2</b> Domestic waste is minimised by providing safe and convenient source separation and recycling.</p>	<p><b>Design Guidance</b> All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling.</p>	<p><u>Acceptable</u> The proposal is consistent with the ADG's guideline.</p>
	<p>Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core.</p>	<p><u>Acceptable</u> Communal waste and recycling is available for the RFB.</p>
	<p>For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses.</p>	<p><u>Not applicable</u></p>
	<p>Alternative waste disposal methods such as composting should be provided.</p>	<p><u>Acceptable</u> The proposal is consistent with the ADG's guideline.</p>
<b>4X Building Maintenance</b>		
<p><b>Objective 4X-1</b> Building design detail provides protection from weathering.</p>	<p><b>Design Guidance</b> A number of the following design solutions are used:</p> <ul style="list-style-type: none"> <li>• roof overhangs to protect walls</li> <li>• hoods over windows and doors to protect openings</li> <li>• detailing horizontal edges with drip lines to avoid staining of surfaces</li> <li>• methods to eliminate or reduce planter box leaching</li> <li>• appropriate design and material selection for hostile locations</li> </ul>	<p><u>Acceptable</u> The proposal is consistent with the ADG's guideline.</p>
<p><b>Objective 4X-2</b> Systems and access enable ease of maintenance.</p>	<p><b>Design Guidance</b> Window design enables cleaning from the inside of the building.</p>	<p><u>Acceptable</u> The proposal is consistent with the ADG's guideline.</p>
	<p>Building maintenance systems should be incorporated and integrated into the design of the building form, roof and facade.</p>	<p><u>Acceptable</u> The proposal is consistent with the ADG's guideline.</p>
	<p>Design solutions do not require external scaffolding for maintenance access.</p>	<p><u>Acceptable</u> The proposal is consistent with the ADG's guideline.</p>
	<p>Manually operated systems such as blinds, sunshades and curtains are used in preference to mechanical systems.</p>	<p><u>Acceptable</u> The proposal is consistent with the ADG's guideline.</p>
	<p>Centralised maintenance, services and storage should be provided for communal open space areas within the building.</p>	<p><u>Acceptable</u> The proposal is consistent with the ADG's guideline.</p>
<p><b>Objective 4X-3</b> Material selection reduces ongoing maintenance costs.</p>	<p><b>Design Guidance</b> A number of the following design solutions are used:</p> <ul style="list-style-type: none"> <li>• sensors to control artificial lighting in common circulation and spaces</li> </ul>	<p><u>Acceptable</u> The proposal is consistent with the ADG's guideline.</p>

2.2 Development Application DA 265/2022(1) - 1 Summer Street and 160 Woodward Street

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	<ul style="list-style-type: none"><li>• <i>natural materials that weather well and improve with time such as face brickwork</i></li><li>• <i>easily cleaned surfaces that are graffiti resistant</i></li><li>• <i>robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors</i></li></ul>	
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**ATTACHMENTS**

- 1 Notice of Approval, D23/19306[↓](#)
- 2 Plans, D23/16751[↓](#)
- 3 Submissions (redacted), D22/63529[↓](#)

	<p style="text-align: center;"><b>ORANGE CITY COUNCIL</b></p> <p style="text-align: center;">Development Application No <b>DA 265/2022(1)</b></p> <p>NA23/147 <span style="float: right;">Container PR27634</span></p>
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## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

### Development Application

Applicant Name: Lenco Projects  
 Applicant Address: PO Box 5009  
 ORANGE NSW 2800  
 Owner's Name: Shale Developments 22 Pty Ltd  
 Land to Be Developed: Lots 11 and 12 DP 1228107  
 1 Summer Street and 160 Woodward Street, Orange  
 Proposed Development: Residential Flat Building (five units), Multi-Dwelling Housing (six dwellings)  
 and Subdivision (consolidation and eight lot Community title, five lot Strata title)

### Building Code of Australia building classification:

Class TBC

### Determination made under Section 4.16

Made On: 4 April 2023  
 Determination: **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**

**Consent to Operate From:** 5 April 2023  
**Consent to Lapse On:** 5 April 2028

### Terms of Approval

The reasons for the imposition of conditions are:

- (1) To ensure a quality urban design for the development which complements the surrounding environment.
- (2) To maintain neighbourhood amenity and character.
- (3) To ensure compliance with relevant statutory requirements.
- (4) To provide adequate public health and safety measures.
- (5) Because the development will require the provision of, or increase the demand for, public amenities and services.
- (6) To ensure the utility services are available to the site and adequate for the development.
- (7) To prevent the proposed development having a detrimental effect on adjoining land uses.
- (8) To minimise the impact of development on the environment.

### Conditions

- (1) The development must be carried out in accordance with:
  - (a) **Plans numbered Gardiner Wetherill Associates, project 21090, drawings DA002 rev D, DA003 rev C, DA004 rev C, DA005 rev C, DA006 rev A, DA007 rev A, DA010 rev C, DA011A rev A, DA011 rev C, DA012 rev A (10 sheets)**  
**Sala4D Landscape Architect, L-DA-01 A, L-DA-02 A (2 sheets)**  
**Craig Jaques and Associates 4166/23 Strata subdivision and 4166/23 Community title subdivision (2 sheets)**
  - (b) statements of environmental effects or other similar associated documents that form part of the approval

**as amended in accordance with any conditions of this consent.**



**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 265/2022(1)**

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2

**Conditions (cont)****PREScribed CONDITIONS**

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- (2) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (3) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.
- (4) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of the Act, evidence that such a contract of insurance is in force is to be provided to the Principal Certifying Authority before any building work authorised to be carried out by the consent commences.
- (5) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
    - (i) the name and the licence number of the principal contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
  - (b) in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- If arrangements for doing the residential building work are changed while the work is in progress so that the information under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the council written notice of the updated information.
- (6) Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- Note: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

**STAGE 1 - SUBDIVISION (CONSOLIDATION)****PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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- (7) Prior to a Construction Certificate being issued, engineering plans for the servicing of the proposed consolidated allotment by a single sewer junction are to be submitted to and approved by Orange City Council. The 150mm-diameter sewer junction is to be located in a position and at a depth whereby the entire allotment can be sewered. Any existing redundant sewer connection(s) shall be capped off to Orange City Council requirements.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 265/2022(1)**

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**Conditions (cont)****Prior to the issue of a construction certificate (cont)**

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- (8) 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.

**PRIOR TO WORKS COMMENCING**

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- (9) An application for a Subdivision Works Certificate is required to be submitted to, and a Certificate issued by Council/Accredited Certifier prior to any excavation or works being carried out onsite.

**DURING CONSTRUCTION/SITEWORKS**

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- (10) All construction/demolition work on the site is to be carried out between the hours of 7.00am and 6.00pm Monday to Friday inclusive, and 8.00am to 1.00pm on Saturdays. No construction/demolition work is permitted to be carried out on Sundays or Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
- (11) All materials on site or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- (12) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (13) The provisions and requirements of the Orange City Council Development and Subdivision Code are to be applied to this application and all work constructed within the development is to be in accordance with that Code.
- The developer is to be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing the proposed development from Council's existing infrastructure. The developer is to be responsible for gaining access over adjoining land for services where necessary and easements are to be created about all water, sewer and drainage mains within and outside the lots they serve.
- (14) The three (3) existing kerb and gutter laybacks and footpath crossings on the Woodward Street frontage that are not proposed to be used shall be replaced with standard concrete kerb and gutter and the concrete footpath reinstated to the requirements of the Orange City Council Development and Subdivision Code and Road Opening Permit.
- (15) 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 on site 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 the Director Development Services is obtained in writing.

**PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

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- (16) Application shall be made for a Subdivision Certificate under Section 6.3(1)(d) of the Act.
- (17) Application is to be made to Telstra/NBN for infrastructure to be made available to each individual lot within the development. Either a Telecommunications Infrastructure Provisioning Confirmation or Certificate of Practical Completion is to be submitted to the Principal Certifying Authority confirming that the specified lots have been declared ready for service prior to the issue of a Subdivision Certificate.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 265/2022(1)**

4

**Conditions (cont)****Prior to the issue of a subdivision certificate (cont)**

- (18) A Notice of Arrangement from Essential Energy stating arrangements have been made for the provision of electricity supply to the development, is to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.
- (19) A Restriction-as-to-User under section 88B of the *NSW Conveyancing Act* is to be registered on the Deed of Title on the consolidated lot where vehicular access is to be denied to Summer Street.
- (20) All services are to be contained within the allotment that they serve. A Statement of Compliance, from a Registered Surveyor, is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.
- (21) Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate stating that all works relating to connection of the development to Council assets, works on public land, works on public roads, stormwater, sewer and water reticulation mains and footpaths have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions, and that Council will take ownership of the infrastructure assets.
- (22) All of the foregoing 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 work required by the foregoing conditions is to be completed prior to the issuing of an Occupation or Subdivision Certificate, unless stated otherwise.

**STAGE 2 - CONSTRUCTION OF MULTI DWELLING HOUSING (SIX), RESIDENTIAL FLAT BUILDING (FIVE FLATS), AND ASSOCIATED WORKS****PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

- (23) The payment of \$98,520.79 is to be made to Council in accordance with Section 7.11 of the Act and the Orange Development Contributions Plan 2017 (remainder of the LGA) towards the provision of the following public facilities:

Open Space and Recreation	1 x one bed dwellings @ \$1,951.35 6 x two bedroom dwellings @ \$2,641.00 4 x three bedroom dwellings @ \$4,626.04	36,301.51
Community and Cultural	1 x one bed dwellings @ \$565.84 6 x two bedroom dwellings @ \$765.89 4 x three bedroom dwellings @ \$1341.53	10,527.33
Roads and Traffic Management	1 x one bed dwellings @ \$2873.47 6 x two bedroom dwellings @ \$3591.89 4 x three bedroom dwellings @ \$6106.21	48,849.65
Plan Preparation & Administration	1 x one bed dwellings @ \$152.80 6 x two bedroom dwellings @ \$206.79 4 x three bedroom dwellings @ \$362.19	2,842.30
<b>TOTAL:</b>		<b>\$98,520.79</b>

A credit of 1 x 3 bed dwelling is applicable to each site, which will be deducted from the final amount at the time of payment. The contribution will be indexed quarterly in accordance with the Orange Development Contributions Plan 2017. This Plan can be inspected at the Orange Civic Centre, Byng Street, Orange.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 265/2022(1)**

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**Conditions (cont)****Prior to the issue of a construction certificate (cont)**

- (24) Prior to the issue of any construction certificate, revised architectural drawings are to be submitted for the approval of Council's Manager Development Assessments detailing appropriate materials and treatment to the external appearance of the ground floor western wall below Apartments 1, 2 and 3 and the western blank wall of the garage for TH1 in order to facilitate an appropriate public domain interface and visual presentation to Woodward Street. The treatment shall incorporate the following:
- a) Solid walls limited to 1.2m in height above ground level,
  - b) Walls above 1.2m in height to be at least 50% composed of visually permeable materials and treatments extending to ceiling heights.
- (25) A detailed plan showing landscaping of the site, a planting schedule, and maintenance program shall be submitted to and approved by Council's Manager Development Assessments **prior to the issue of a Construction Certificate**. Landscaping shall be provided as follows:
- a) The courtyards of the townhouses shall be landscaped with tall shade loving shrubs, medium shrubs and groundcovers.
  - b) A construction note that no changes in soil level is permitted between the townhouse and the northern boundary (except for the laying of paving) shall be included on the landscape plan.
  - c) The redundant concrete on Council's footpath reserve (excluding the footpath) shall be removed. Street trees and turf shall be installed along the Woodward Street frontage. Species are to be determined in consultation with Council's Manager City Presentation, and shall be a minimum 45 litre containerised stock.
  - d) Landscaping of the street frontages behind the front boundary line shall be in keeping with the character of the area, and shall enhance the development with diverse planting.
  - e) An area of private open space is to be provided to the east of Apartment 4. This area shall be approximately 7m x 5m, and shall include a medium height tree, privacy fencing, and pedestrian access to Apartment 5.
  - f) Drought tolerant, low water use plants are to be specified throughout the design, in accordance with the NSW Apartment Design Guidelines.
  - g) Landscaping of the eastern and southern dividing fence of a suitable height, width and species, in order to screen the development from eastern neighbours.
  - h) Internal paving specifications for traffic calming.
  - i) Details of the irrigation and drainage systems.
- (26) A lighting plan is to be submitted and approved prior to the issue of a Construction Certificate, indicating appropriate lighting for access and security of the development.
- (27) An amended schedule of finishes shall be submitted to Council for approval, as follows:
- a) Roofing shall comprise Lysaght Zenith Enseam profile, in colour Windspray. All flashings, downpipes, gutters and roller doors shall be coloured Windspray.
  - b) Glass balustrading is not permitted. The balustrading shall be replaced with powder coated aluminium fin balustrades in Basalt or similar colour.
  - c) The shading system louvres shall be finished in an earth-grey colour such as Dulux Pottery.
  - d) The brick nominated for the attached dwellings (townhouses) shall be PGH Face bricks Dry Pressed Architectural in Bennelong Blue, with dark mortar joint and flush finish, where brick is indicated on the plans.
  - e) The brick nominated for the residential flat building shall be PGH in Macquarie Blend, with dark mortar joint and flush finish, where brick is indicated on the plans.
  - f) Hardboard Weathertex Selflok Millwood smooth profile in 300mm shall clad the upper level and gables where shown on the plans, coloured Dulux "Buff It" for the residential flat building, and Dulux "Natural Stone" for the attached dwellings (townhouses).

(Condition (27) continued over page)

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 265/2022(1)**

6

**Conditions (cont)****Prior to the issue of a construction certificate (cont)**

(27) (cont)

- g) Aluminium timber finish battens in 'Bushwood' and 'Chestnut' shall be used for the residential flat building.
- h) Door and window framing shall be undertaken in a charcoal colour.
- i) Confirmation of the finished colour of the compressed fibre cement panels shall be submitted to Council for approval.
- j) Confirmation of the finish of the 1.2m high front fence to Summer Street shall be submitted to Council for approval.
- k) Confirmation of the material of the doors to the bin room shall be submitted to Council for approval. The doors should positively add to the visual interest of the northern wall, when viewed from Woodward Street.

(28) Noise mitigation measures in the form of double glazed glass and wall insulation to street frontages so as to reduce the impact of road noise upon occupants shall be submitted to Council for approval prior to the issue of the Construction Certificate.

(29) Details of privacy screening to eastern habitable rooms of the first and second floor of the residential flat building is to be submitted to Council for approval, prior to the issue of the Construction Certificate. The screening shall be designed to prevent direct overlooking of the adjoining residential property including private open space areas.

(30) A replacement tree (maple) of 75L container size shall be provided to the owner of 5 Summer Street, prior to the issue of the Construction Certificate. Written evidence of receipt of this tree, is to be provided to the Certifier.

(31) An approval under Section 68 of the *Local Government Act* is to be sought from Orange City Council, as the Water and Sewer Authority, for water, sewer and stormwater connection. No plumbing and drainage is to commence until approval is granted.

(32) The applicant is to submit a waste management plan that describes the nature of wastes to be removed, the wastes to be recycled and the destination of all wastes. All wastes from the demolition and construction phases of this project are to be deposited at a licensed or approved waste disposal site.

(33) Prior to the issue of a Construction Certificate, evidence shall be submitted to the Certifier of the lodgement of plans with Land & Property Information to consolidate Lots 11 and 12 of DP 1228107 into one parcel.

(34) Engineering plans providing complete details of the proposed water, sewer and stormwater service connections are to be submitted to Orange City Council upon application for a Construction Certificate.

Internal sewer lines servicing the development from the approved sewer connection point shall be constructed as private sewer mains constructed to Australian Standard AS/NZS 3500.

A single common water meter shall be located in the common property lot. The size of the common water meter shall be determined by a practicing engineer. Internal water mains servicing each dwelling from the common water meter shall be constructed as private water mains constructed to Australian Standard AS/NZS 3500.

Individual lots and the common property lot shall be provided with interlot stormwater drainage. A grated concrete stormwater pit is to be constructed within each lot. Internal stormwater lines servicing the development from the existing stormwater pit shall be constructed as private stormwater mains constructed to Australian Standard AS/NZS 3500.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 265/2022(1)**

7

**Conditions (cont)****Prior to the issue of a construction certificate (cont)**

- (35) A water and soil erosion control plan is to be submitted to Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) for approval prior to the issuing of a Construction 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.

- (36) The development's stormwater design is to include stormwater detention within the development, designed to limit peak outflows from the land to the pre-existing natural outflows up to the 100 year ARI frequency, with sufficient allowance in overflow spillway design capacity to safely pass flows of lower frequency (that is, a rarer event) without damage to downstream developments.

The design of the detention storage is to be undertaken using the ILSAX/DRAINS rainfall-runoff hydrologic model or an approved equivalent capable of assessing runoff volumes and their temporal distribution as well as peak flow rates. The model is to be used to calculate the flow rates for the existing and post-development conditions. The developed flows are to be routed through the proposed storage within the model so that the outflows obtained are no greater than the flows obtained for the pre-existing natural flows. A report detailing the results of the analysis, which includes:

- catchment plan showing sub-catchments under existing and developed conditions;
- schematic diagram of the catchment model showing sub areas and linkages;
- tabulation detailing the elevation, storage volume and discharge relationships; and
- tabulation for the range of frequencies analysed, the inflows, outflows and peak storage levels for both existing and developed conditions;

together with copies of the data files for the model and engineering design plans of the required drainage system are to be submitted to Orange City Council for approval prior to the issue of a Construction Certificate.

The existing site is considered 100% pervious for the purposes of stormwater detention calculations.

- (37) Plans providing complete details of the proposed car parking and manoeuvring areas are to be submitted to the Principal Certifier for approval upon application for a Construction Certificate. These plans are to provide details of levels, cross falls of all pavements, proposed sealing materials, line marking, signage and proposed drainage works and are to be in accordance with Orange City Council Development and Subdivision Code and AS/NZS 2890.1 Off-street car parking.

- (38) **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 water supply headworks, sewerage headworks and stormwater for 1 x one bedroom dwelling, 6 x two bedroom dwellings, and 4 x three bedroom dwellings (the existing allotments have a credit for 2 x three bedroom dwellings which will be applied at the time of payment). A Certificate of Compliance, from Orange City Council in accordance with the *Water Management Act 2000*, will be issued upon payment of the contributions.

This Certificate of Compliance is to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

- (39) All stormwater from the site is to be collected and piped to the existing stormwater kerb inlet pit located in Woodward Street. Prior to issuing a Construction Certificate, engineering plans for this drainage system shall be submitted to and approved by Orange City Council.

- (40) 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.

**PRIOR TO WORKS COMMENCING**

- (41) Where any existing fencing at the perimeter of the site needs to be removed, or is of a type which does not ensure the occupants of any adjoining residence adequate privacy, new fencing of the type shown on the approved development application plans, or as referred to elsewhere in this Notice, shall be erected **prior to any building or construction work** being carried out upon this development.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 265/2022(1)**

8

**Conditions (cont)**

**Prior to works commencing (cont)**

- (42) A Construction Certificate application is required to be submitted to, and issued by Council/Accredited Certifier prior to any excavation or building works being carried out onsite.
- (43) 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.
- (44) Soil erosion control measures shall be implemented on the site.
- (45) A dilapidation report prepared by a suitably qualified engineer is to be submitted to Council addressing the current condition of the buildings that are adjoining the development site.

**DURING CONSTRUCTION/SITEWORKS**

- (46) If Aboriginal objects, relics, or other historical items or the like are located during development works, all works in the area of the identified object, relic or item shall cease, and the NSW Office of Environment and Heritage (OEH), and representatives from the Orange Local Aboriginal Land Council shall be notified. Where required, further archaeological investigation shall be undertaken. Development works in the area of the find(s) may recommence if and when outlined by the management strategy, developed in consultation with and approved by the OEH.
- (47) No part of the eastern storage shed shall overhang 7 Summer Street or 23 Hamer Street.
- (48) Under no condition shall the developer be permitted to access the construction site across ESSO Park. No materials, construction vehicles or stockpiles are permitted within ESSO Park.
- (49) Any tree roots equal to or greater than 20mm in diameter encountered whilst trenching for services along the northern boundary shall be cleanly severed using appropriate tools (eg loppers, or chainsaw) as per AS4373-2007 Pruning of amenity trees.
- (50) No works (including the identification of drainage lines) shall be carried out in Esso Park without the presence and approval of Council's City Presentation Manager.
- (51) Tree pruning of trees in Esso Park shall be undertaken by a Level 5 AQF arborist to AS4373 – 2007 Pruning of amenity trees and under the supervision of Council's Manager City Presentation.
- (52) There shall be no change in ground level between the attached dwellings (townhouses) and the northern boundary.
- (53) Fencing shall be installed as follows:
  - The eastern and southern boundaries must be a solid lapped and capped timber fence at 1.8m in height, measured from natural ground level.
  - Northern boundary adjacent to Esso Park must be a 1.5 m high boundary fence comprising a 600mm high brick plinth and brick pillars with vertical timber picket infill that is stepped down the site to maintain the approximate height.
  - Street frontage to Apartment 5 must be 1.2m high brick pillars with hedging behind.
  - Woodward Street frontage of Townhouse TH01 must be 1.2m high with brick base and infill timber or railings.
  - Each attached dwelling must have 1.8m high privacy fencing between each yard in Lysaght slat screen.
  - The ground level private open space to the east of Apartment 4 must be enclosed with a 1.8m high timber paling privacy fence.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 265/2022(1)**

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**Conditions (cont)****During construction/siteworks (cont)**

- (54) Ventilation of the bin room shall be provided during construction. No changes to the Woodward Street frontage as a result of ventilation is permitted.
- (55) All construction/demolition work on the site is to be carried out between the hours of 7.00am and 6.00pm Monday to Friday inclusive, and 8.00am to 1.00pm on Saturdays. No construction/demolition work is permitted to be carried out on Sundays or Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
- (56) A Registered Surveyor's certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority prior to the pouring of the slab or footings.
- (57) All construction works are to be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.
- (58) All materials on site or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- (59) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (60) The provisions and requirements of the Orange City Council Development and Subdivision Code are to be applied to this application and all work constructed within the development is to be in accordance with that Code.
- The developer is to be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing the development from Council's existing infrastructure. The developer is to be responsible for gaining access over adjoining land for services where necessary and easements are to be created about all water, sewer and drainage mains within and outside the lots they serve.
- (61) All driveway and parking areas are to be sealed with bitumen, hot mix or concrete and are to be designed for all expected loading conditions (provided however that the minimum pavement depth for gravel and flush seal roadways is 200mm) and be in accordance with the Orange City Council Development and Subdivision Code.
- (62) A 6.0m wide heavy-duty concrete kerb and gutter layback and footpath crossing is 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.
- (63) The three (3) existing kerb and gutter laybacks and footpath crossings on the Woodward Street frontage that are not proposed to be used shall be replaced with standard concrete kerb and gutter and the concrete footpath reinstated to the requirements of the Orange City Council Development and Subdivision Code and Road Opening Permit.
- The existing bitumen footpath on the Summer Street frontage shall be removed and replaced with a 1.5m wide concrete footpath and the adjacent footpath area reinstated to the requirements of the Orange City Council Development and Subdivision Code and Road Opening Permit.
- (64) The existing water service and sewer junction, where they are not proposed to be used as part of this development, are to be sealed off at their respective Council mains.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

- (65) A total of 16 off-street car parking spaces shall be provided upon the site in accordance with the approved plans, the provisions of Development Control Plan 2004, and be constructed in accordance with the requirements of Council's Development and Subdivision Code **prior to the issue of an Occupation Certificate**.



**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 265/2022(1)**

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**Conditions (cont)**

<b>Prior to the issue of an occupation certificate (cont)</b>
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- (66) The applicant shall enter into a private service agreement with Council and/or the waste contractor, with waste management undertaken as follows:
- Red and yellow bins shall be serviced onsite utilising a compact garbage truck (8m long), required to enter and leave the site in a forward direction;
  - Green bins will be serviced kerb-side;
  - Bin numbers will be reduced from eleven to nine general waste, nine recycling and green waste bins (total of 22 x 240L sulo bins);
  - Wide doors to be provided on the northern side of the bin room;
  - Ventilation to be included into the bin room;
  - Driveway to be engineered to account for 16 tonne truck (GCM); and
  - Bins expected to be serviced between 6 and 8am.
- (67) Landscaping shall be installed in accordance with the approved plans prior to the issue of the Occupation Certificate, and shall be permanently maintained to the satisfaction of Council.
- (68) Street numbering adjacent to street entrances, and numbering of letter boxes, shall be carried out prior to the issue of the Occupation Certificate
- (69) No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.
- (70) The owner of the building/s must cause the Council to be given a Final Fire Safety Certificate on completion of the building in relation to essential fire or other safety measures included in the schedule attached to this approval.
- (71) Where Orange City Council is not the Principal Certifying Authority, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Orange City Council and a Final Notice of Inspection issued, prior to the issue of a final Occupation Certificate.
- (72) Prior to the issue of an Occupation Certificate, evidence shall be submitted to the Certifier of the registration of plans with Land and Property information for the consolidation of Lots 11 and 12 of DP 1228107.
- (73) A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater detention basin complies with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.
- (74) 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, and that Council will take ownership of the infrastructure assets.
- (75) A Road Opening Permit Certificate of Compliance is to be issued for the works by Council prior to any Occupation/Final Certificate being issued for the development.
- (76) All of the foregoing 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 work required by the foregoing conditions is to be completed prior to the issuing of an Occupation or Subdivision Certificate, unless stated otherwise.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 265/2022(1)**

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**Conditions (cont)****MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT**

- (77) 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 *Environmental Planning and Assessment Regulation 2000*.

**STAGE 3 - SUBDIVISION (EIGHT LOT COMMUNITY TITLE AND FIVE LOT STRATA TITLE)****DURING CONSTRUCTION/SITEWORKS**

- (78) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.

**PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

- (79) Prior to the issue of a Subdivision Certificate, the applicant is to provide a written statement that the building complies with the Building Code of Australia with regard to fire separation and early warning systems.
- (80) Prior to the issuing of the Subdivision Certificate, a Surveyor's Certificate or written statement is to be provided to the Principal Certifying Authority, stating that the buildings comply in respect to the distances of walls from boundaries.
- (81) Application shall be made for a Subdivision Certificate under Section 6.3(1)(d) of the Act.
- (82) Prior to the issue of a subdivision certificate evidence shall be provided of the payment of water and sewer headworks charges and s711 contributions for the multi-dwelling development.
- (83) Application is to be made to Telstra/NBN for infrastructure to be made available to each individual lot within the development. Either a Telecommunications Infrastructure Provisioning Confirmation or Certificate of Practical Completion is to be submitted to the Principal Certifying Authority confirming that the specified lots have been declared ready for service prior to the issue of a Subdivision Certificate.
- (84) A Notice of Arrangement from Essential Energy stating arrangements have been made for the provision of electricity supply to the development, is to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.
- (85) All services are to be contained within the allotment that they serve. A Statement of Compliance, from a Registered Surveyor, is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.
- (86) A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater detention basin complies with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.
- (87) Prior to the issue of a Subdivision Certificate the following conditions 'a' to 'f' must be included in the Community Title Management statement:
- a. water and sewer mains constructed as private services by the developer must accord with at least the National Plumbing Code standards; and
  - b. Orange City Council makes no representation that the private water and sewer related services provided to the development are suitable; and

(Condition (87) continued over page)

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 265/2022(1)**

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**Conditions (cont)****Prior to the issue of a subdivision certificate (cont)**

- (87) (cont)
- c. if a request is made at any time in the future by the developer or future owner to Orange City Council to extend the private services for any reason, then such extension shall be at Orange City Council standards including appropriate easements and must be constructed, funded and transferred by the applicant; and
  - d. Orange City Council will not provide maintenance services to the private services; and
  - e. Domestic/recycling and green waste management shall be undertaken in accordance with the requirements of Condition 66 of the development consent
  - f. clauses a-e shall not be deleted, varied or modified without the written consent of Orange City Council.
- (88) Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate stating that all works relating to connection of the development to Council assets, works on public land, works on public roads, stormwater, sewer and water reticulation mains and footpaths have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions.
- (89) All of the foregoing 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 work required by the foregoing conditions is to be completed prior to the issuing of an Occupation or Subdivision Certificate, unless stated otherwise.

**ESSENTIAL ENERGY TERMS OF APPROVAL**

1. As part of the subdivision, an easement is created for any existing electrical infrastructure. The easement is to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision;
2. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
4. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions;
5. In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*;
6. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW);
7. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice - Work near Overhead Power Lines* and *Code of Practice - Work near Underground Assets*.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 265/2022(1)**

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**Conditions (cont)****TRANSPORT FOR NSW TERMS OF APPROVAL**

1. Prior to issuance of any Occupation Certificate for the subject development all access and road works are to be completed.
2. No vehicular access to or from Summer Street is permitted
3. The access driveway to Woodward Street is to be located and constructed generally in accordance with Garnder Wetherill Associates Site Plan 21090-DA001 Rev.A and Burke Engineering Services Stormwater Plan J 3545 C01 Rev.E
4. The access driveway is to be constructed to ensure the provision of Safe Intersection Sight Distance (SISD) requirements assessed in accordance with Section 3.2 of Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections and relevant TfNSW supplements is provided and maintained at the intersection of the driveway with Woodward Street.
5. Any landscaping, fencing and signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site to minimise conflict in accordance with Austroads SISD and AS2890.1-2004 "Off-street car parking".
6. Any landscaping, fencing and signage to be provided within the site or along the boundary with any adjoining road reserve at the intersection of Summer and Woodward Streets is to be designed and maintained to ensure visibility at the intersection is not reduced.
7. The access driveway and layback are to be constructed in accordance with Orange City Council Engineering standards, match existing road levels and not alter or interfere with existing road drainage.
8. Size "A" "Left Only" (r2-14) signs are to be erected on the land on each side of the driveway to Woodward Street. The signs are to face the site to advise motorists that all egress from the site is left turn only.
9. All driveways shall be sealed from the edge of seal of the carriageway to the property boundary.
10. Any redundant vehicular layback is to be removed and replaced with kerb and gutter. Kerb and gutter is to be constructed of concrete, match existing road and footpath levels and not interfere with existing road drainage.
11. The road, its appurtenances and the remainder of the road reserve is to be restored and kept restored to a condition at least equal to that applying before any work is commenced. OFFICIAL
12. Vehicles are to enter and exit the site from/to Woodward Street in a forward direction. Vehicular access is restricted to left in only and egress left out only.
13. Prior to the commencement of construction works a Traffic Management Plan (TMP) is to be prepared in consultation with Orange City Council. The TMP is to demonstrate that the construction works and delivery of construction materials to the site will not adversely impact the safety and efficiency of the Mitchell Highway. The TMP is to be reviewed and updated in response to any changes in operating conditions. A copy of the TMP is to be provided to contractors and employees as a part of the site induction and a copy made available to TfNSW on request.
14. Prior to the commencement of construction work impacting traffic on Woodward and/or Summer Streets, the proponent is to contact the TfNSW Road Access Unit at [road.access@transport.nsw.gov.au](mailto:road.access@transport.nsw.gov.au) to determine if a road occupancy licence (ROL) is required. In the event an ROL is required provide the consent number in the road occupancy licence application. Please note that up to 10 working days is required for Road Occupancy Licence applications to be assessed and processed. <https://roads.waterways.transport.nsw.gov.au/business-industry/road-occupancy-licence/index.html>

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 265/2022(1)**

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**Other Approvals**

- (1) *Local Government Act 1993* approvals granted under Section 68.

Nil

- (2) General terms of other approvals integrated as part of this consent.

Nil

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**Right of Appeal**

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.

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***Disability Discrimination Act 1992:***

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act* currently available in Australia.

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**Disclaimer - S88B of the Conveyancing Act 1919 - Restrictions on the Use of Land:**

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

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**Signed:**

On behalf of the consent authority **ORANGE CITY COUNCIL**

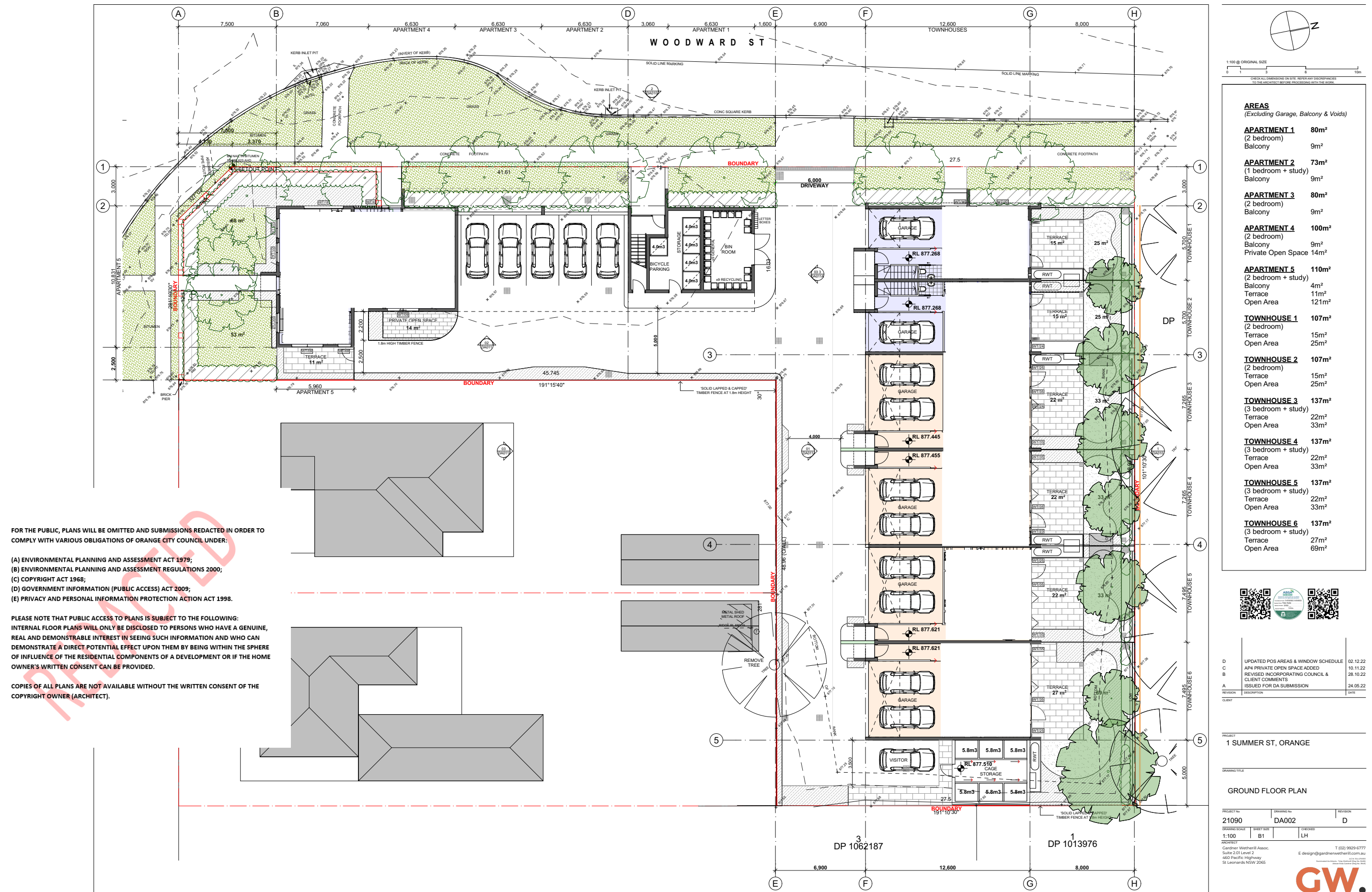
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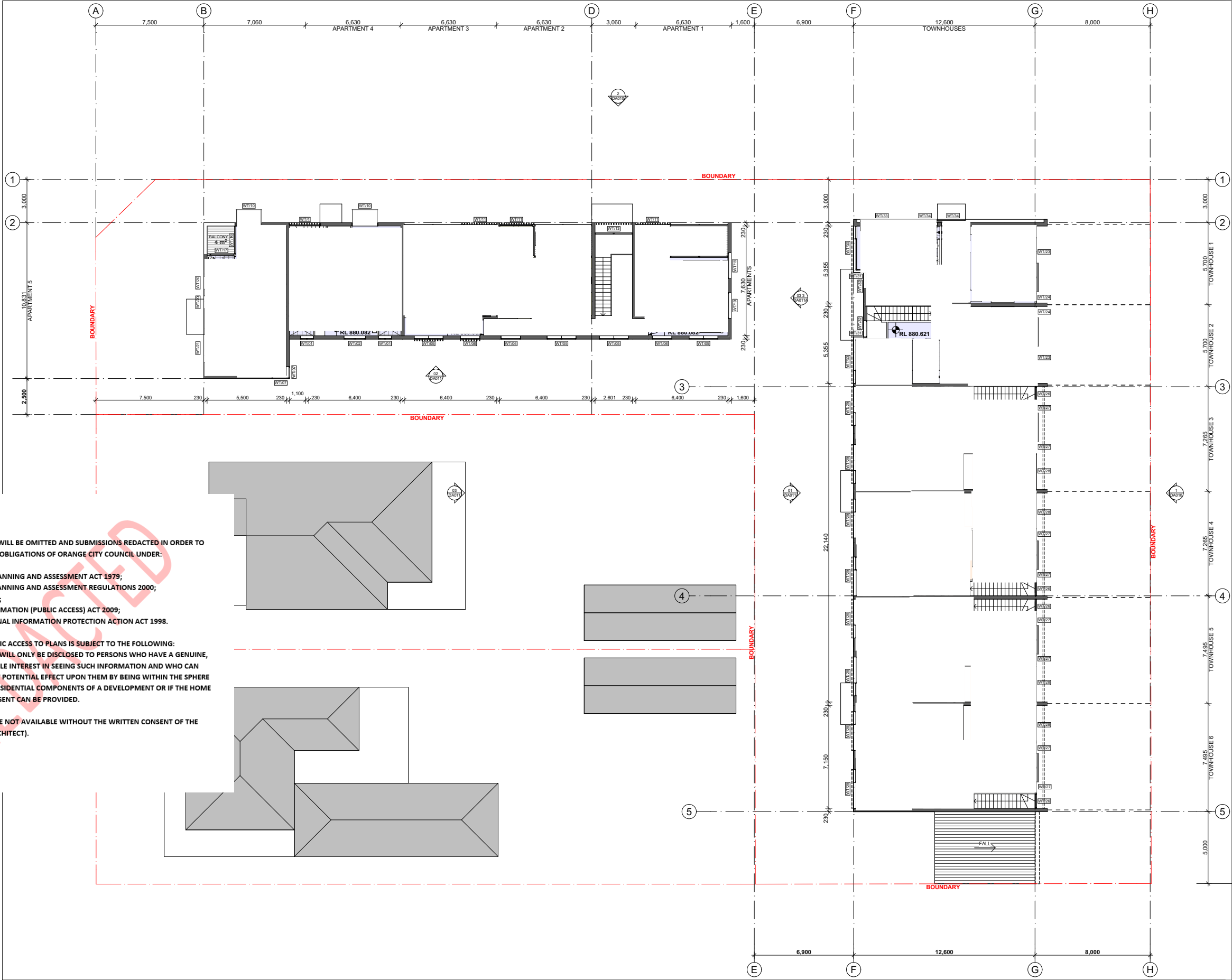
PAUL JOHNSTON - MANAGER DEVELOPMENT ASSESSMENTS

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**Date:**

5 April 2023





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;
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CHECK ALL DIMENSIONS ON SITE. REFER ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.

AREAS (Excluding Garage, Balcony & Voids)	
<b>APARTMENT 1</b> (2 bedroom) Balcony	80m <sup>2</sup> 9m <sup>2</sup>
<b>APARTMENT 2</b> (1 bedroom + study) Balcony	73m <sup>2</sup> 9m <sup>2</sup>
<b>APARTMENT 3</b> (2 bedroom) Balcony	80m <sup>2</sup> 9m <sup>2</sup>
<b>APARTMENT 4</b> (2 bedroom) Balcony Private Open Space	100m <sup>2</sup> 9m <sup>2</sup> 14m <sup>2</sup>
<b>APARTMENT 5</b> (2 bedroom + study) Balcony Terrace Open Area	110m <sup>2</sup> 4m <sup>2</sup> 11m <sup>2</sup> 121m <sup>2</sup>
<b>TOWNHOUSE 1</b> (2 bedroom) Terrace Open Area	107m <sup>2</sup> 15m <sup>2</sup> 25m <sup>2</sup>
<b>TOWNHOUSE 2</b> (2 bedroom) Terrace Open Area	107m <sup>2</sup> 15m <sup>2</sup> 25m <sup>2</sup>
<b>TOWNHOUSE 3</b> (3 bedroom + study) Terrace Open Area	137m <sup>2</sup> 22m <sup>2</sup> 33m <sup>2</sup>
<b>TOWNHOUSE 4</b> (3 bedroom + study) Terrace Open Area	137m <sup>2</sup> 22m <sup>2</sup> 33m <sup>2</sup>
<b>TOWNHOUSE 5</b> (3 bedroom + study) Terrace Open Area	137m <sup>2</sup> 22m <sup>2</sup> 33m <sup>2</sup>
<b>TOWNHOUSE 6</b> (3 bedroom + study) Terrace Open Area	137m <sup>2</sup> 27m <sup>2</sup> 69m <sup>2</sup>

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B	REVISED INCORPORATING COUNCIL & CLIENT COMMENTS	28.10.22															
A	ISSUED FOR DA SUBMISSION	24.06.22															
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CLIENT																	

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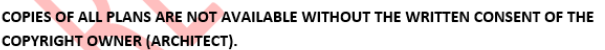
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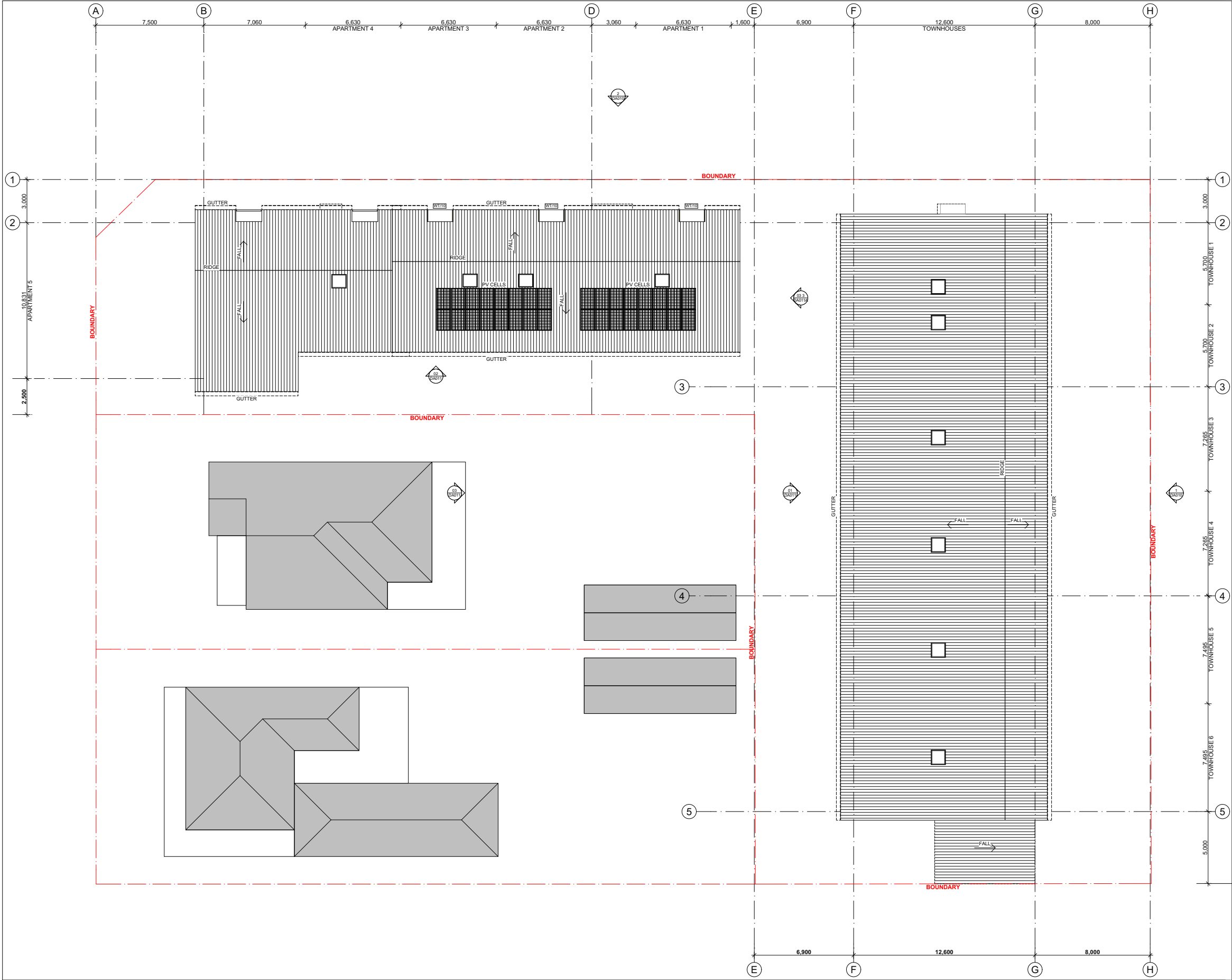
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T (02) 9929 6777 E design@gardnerwetherill.com.au Gardner Wetherill Assoc. Pty Ltd ABN 62 629 629 629		





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AREAS  
(Excluding Garage, Balcony & Voids)

APARTMENT 1  
(2 bedroom)  
Balcony

80m<sup>2</sup>  
9m<sup>2</sup>

APARTMENT 2  
(1 bedroom + study)  
Balcony

73m<sup>2</sup>  
9m<sup>2</sup>

APARTMENT 3  
(2 bedroom)  
Balcony

80m<sup>2</sup>  
9m<sup>2</sup>

APARTMENT 4  
(2 bedroom)  
Balcony  
Private Open Space

100m<sup>2</sup>  
9m<sup>2</sup>  
14m<sup>2</sup>

APARTMENT 5  
(2 bedroom + study)  
Balcony  
Terrace  
Open Area

110m<sup>2</sup>  
4m<sup>2</sup>  
11m<sup>2</sup>  
121m<sup>2</sup>

TOWNHOUSE 1  
(2 bedroom)  
Terrace  
Open Area

107m<sup>2</sup>  
15m<sup>2</sup>  
25m<sup>2</sup>

TOWNHOUSE 2  
(2 bedroom)  
Terrace  
Open Area

107m<sup>2</sup>  
15m<sup>2</sup>  
25m<sup>2</sup>

TOWNHOUSE 3  
(3 bedroom + study)  
Terrace  
Open Area

137m<sup>2</sup>  
22m<sup>2</sup>  
33m<sup>2</sup>

TOWNHOUSE 4  
(3 bedroom + study)  
Terrace  
Open Area

137m<sup>2</sup>  
22m<sup>2</sup>  
33m<sup>2</sup>

TOWNHOUSE 5  
(3 bedroom + study)  
Terrace  
Open Area

137m<sup>2</sup>  
22m<sup>2</sup>  
33m<sup>2</sup>

TOWNHOUSE 6  
(3 bedroom + study)  
Terrace  
Open Area

137m<sup>2</sup>  
27m<sup>2</sup>  
69m<sup>2</sup>

C	AP4 PRIVATE OPEN SPACE ADDED	10.11.22
B	REVISED INCORPORATING COUNCIL & CLIENT COMMENTS	28.10.22
A	ISSUED FOR DA SUBMISSION	24.06.22
REVISION	DESCRIPTION	DATE
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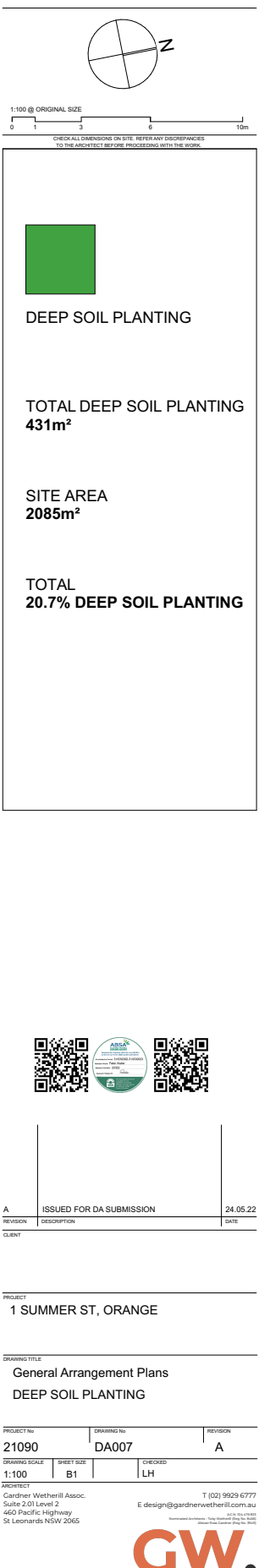
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General Arrangement Plans  
ROOF PLAN

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ARCHITECT	Gardner Wetherill Assoc. Suite 2.01 Level 2 460 Pacific Highway St Leonards NSW 2065	T (02) 9929 6777 E design@gardnerwetherill.com.au 460 Pacific Highway St Leonards NSW 2065

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EXTERNAL FINISHES (Refer External Finishes Schedule & Materials Board)	
MRF	METAL ROOF SHEETING
HC	HARDWOOD HORIZONTAL CLADDING (300mm wide)
VB	VERTICAL ALUMINIUM BATTENS
BWK1	FACEBRICK
RS	ROLLER SHUTTER
SCD	SOLID CORE ENTRY DOORS
GB	GLASS BALUSTRADE
LVR1	HORIZONTAL FIXED ALUMINIUM LOUVRES
GLZ1	ALUMINIUM FRAMED WINDOWS
GLZ2	ALUMINIUM FRAMED DOORS
VGC	WEATHERTEX VERTICAL GABLE CLADDING (300mm wide)
CFC	COMPRESSED FIBRE CEMENT



C	AP4 PRIVATE OPEN SPACE ADDED	10.11.22
B	REVISED INCORPORATING COUNCIL & CLIENT COMMENTS	28.10.22
A	ISSUED FOR DA SUBMISSION	24.05.22
REVISION	DESCRIPTION	DATE

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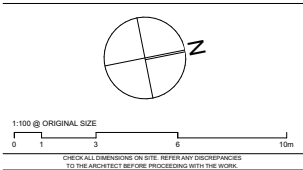
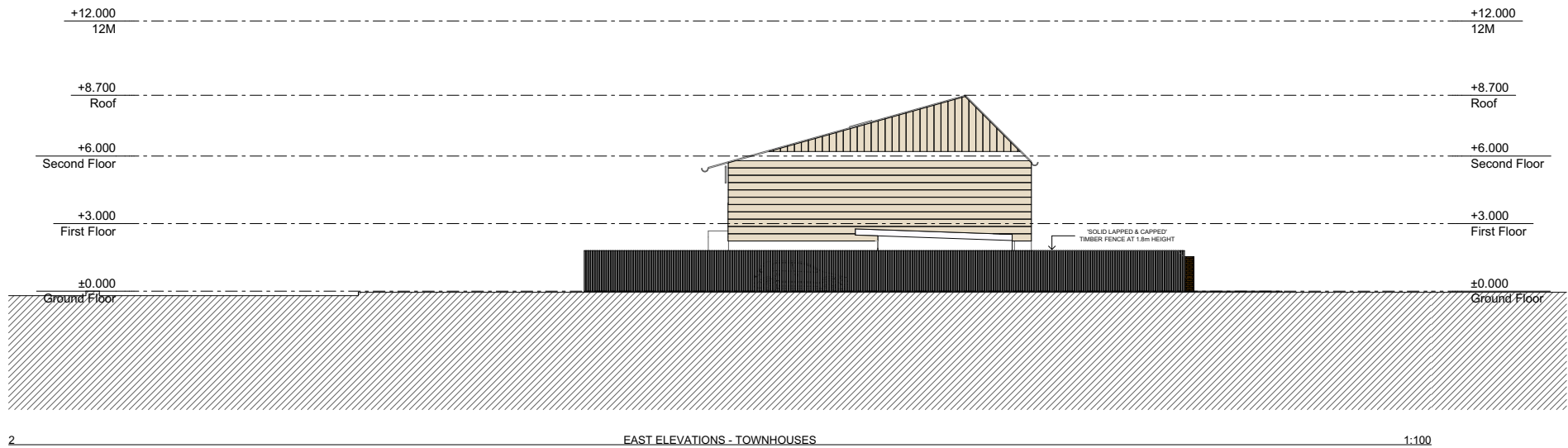
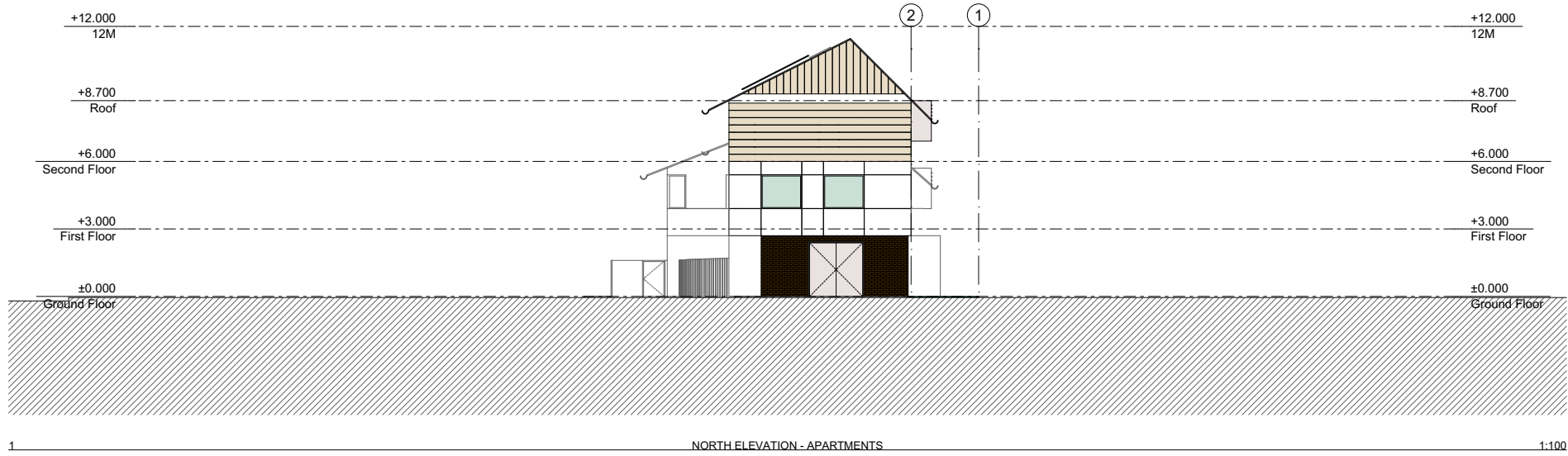
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T (02) 9929 6777 E design@gardnerwetherill.com.au 460 Pacific Highway St Leonards NSW 2065		







A	REVISED INCORPORATING COUNCIL & CLIENT COMMENTS	28.10.22
REVISION	DESCRIPTION	DATE
CLIENT		

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1 SUMMER ST, ORANGE

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Suite 2.01 Level 2	460 Pacific Highway	
St Leonards NSW 2065	St Leonards NSW 2065	





1:100 @ ORIGINAL SIZE  
0 1 2 3 4 5 6 7 8 9 10m

EXTERNAL FINISHES  
(Refer External Finishes Schedule & Materials Board)

MRF	METAL ROOF SHEETING
HC	HARDWOOD HORIZONTAL CLADDING (300mm wide)
VB	VERTICAL ALUMINIUM BATTENS
BWK1	FACEBRICK
RS	ROLLER SHUTTER
SCD	SOLID CORE ENTRY DOORS
GB	GLASS BALUSTRADE
LVR1	HORIZONTAL FIXED ALUMINIUM LOUVRES
GLZ1	ALUMINIUM FRAMED WINDOWS
GLZ2	ALUMINIUM FRAMED DOORS
VGC	WEATHERTEX VERTICAL GABLE CLADDING (300mm wide)
CFC	COMPRESSED FIBRE CEMENT



C	AP4 PRIVATE OPEN SPACE ADDED	10.11.22
B	REVISED INCORPORATING COUNCIL & CLIENT COMMENTS	28.10.22
A	ISSUED FOR DA SUBMISSION	24.05.22
REVISION	DESCRIPTION	DATE
CLIENT		

PROJECT  
1 SUMMER ST, ORANGE

DRAWING TITLE

ELEVATIONS & SECTIONS - SHEET 2

PROJECT No	DRAWING No	REVISION
21090	DA011	C
DRAWING SCALE	SHEET SIZE	CHECKED
1:100	B1	LH

ARCHITECT  
Gardner Wetherill Assoc.  
Suite 2.01 Level 2  
460 Pacific Highway  
St Leonards NSW 2065



CHECK ALL DIMENSIONS ON SITE. REFER ANY DISCREPANCIES  
TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.



A	ISSUED FOR DA SUBMISSION	24.06.22
REVISION	DESCRIPTION	DATE
CLIENT		

PROJECT  
1 SUMMER ST, ORANGE

DRAWING TITLE  
PERSPECTIVES - STREETScape

PROJECT No	DRAWING No	REVISION
21090	DA012	A
DRAWING SCALE	SHEET SIZE	CHECKED
NTS	70, 1:144.171	LH
ARCHITECT	T (02) 9929 6777 Gardner Wetherill Assoc. Suite 2.01 Level 2 460 Pacific Highway St Leonards NSW 2065	
	E design@gardnerwetherill.com.au www.gardnerwetherill.com.au	









sala4D

landscape architecture · urban design

LANDSCAPE ARCHITECT

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KEY PLAN

DATE	DESCRIPTION	REV
00/00/00	XXX	A
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-

REVISIONS

Lenco Projects

CLIENT

Gardner Wetherill

ARCHITECT

1 Summer Street

Orange NSW 2800

PROJECT

DEVELOPMENT  
APPLICATION

PURPOSE OF DRAWING

Landscape Plan

DRAWING TITLE



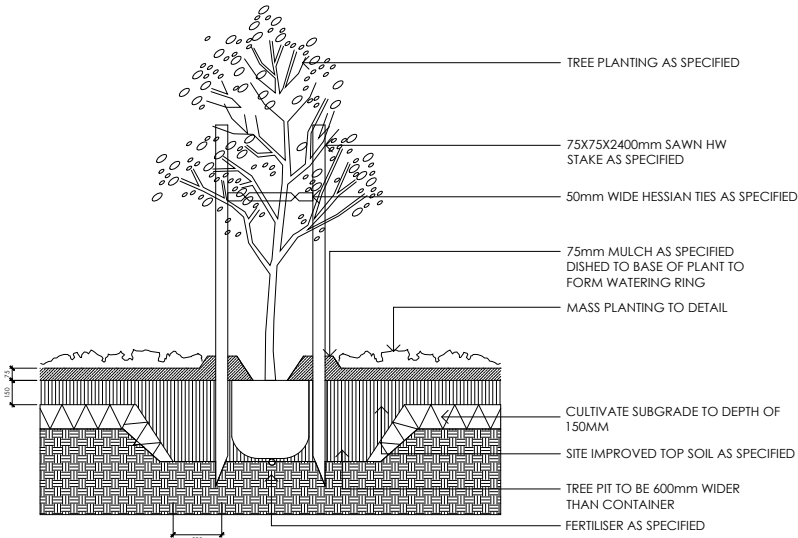
NORTH    SCALE BAR

SCALE	AS SHOWN @ A1	DRAWN BY	QL
DATE	20/01/2023	CHECKED BY	SA
JOB NO.	20070	APPROVED BY	SA
DRAWING NO.	REVISION		

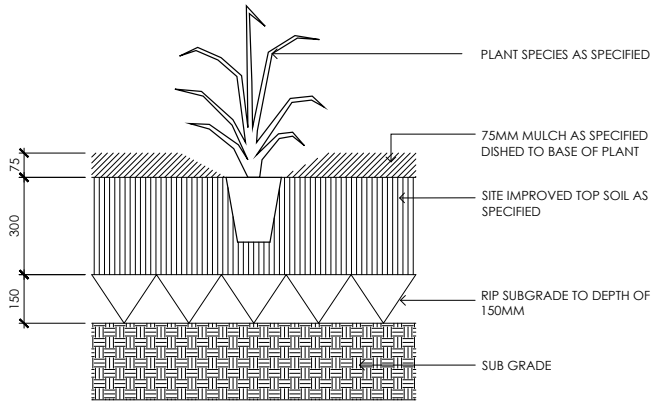
L-DA-02

A

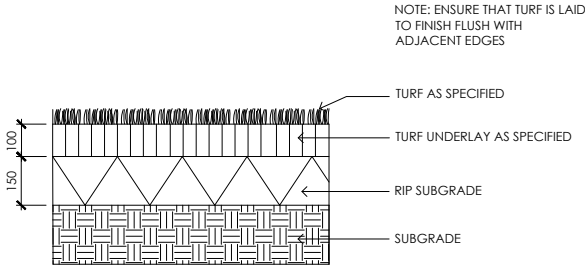
DRAWING INFORMATION



1 TREE PLANTING DETAIL  
SCALE 1:20



1 MASS PLANTING DETAIL  
SCALE 1:10



1 AMENITY GRASS DETAIL  
SCALE 1:10



Cersis canadensis 'Forest Pansy'



Fraxinus aurea



Prunus lusitanica



Fence1



Fence2



Liriope muscari



Aspidistra eliator



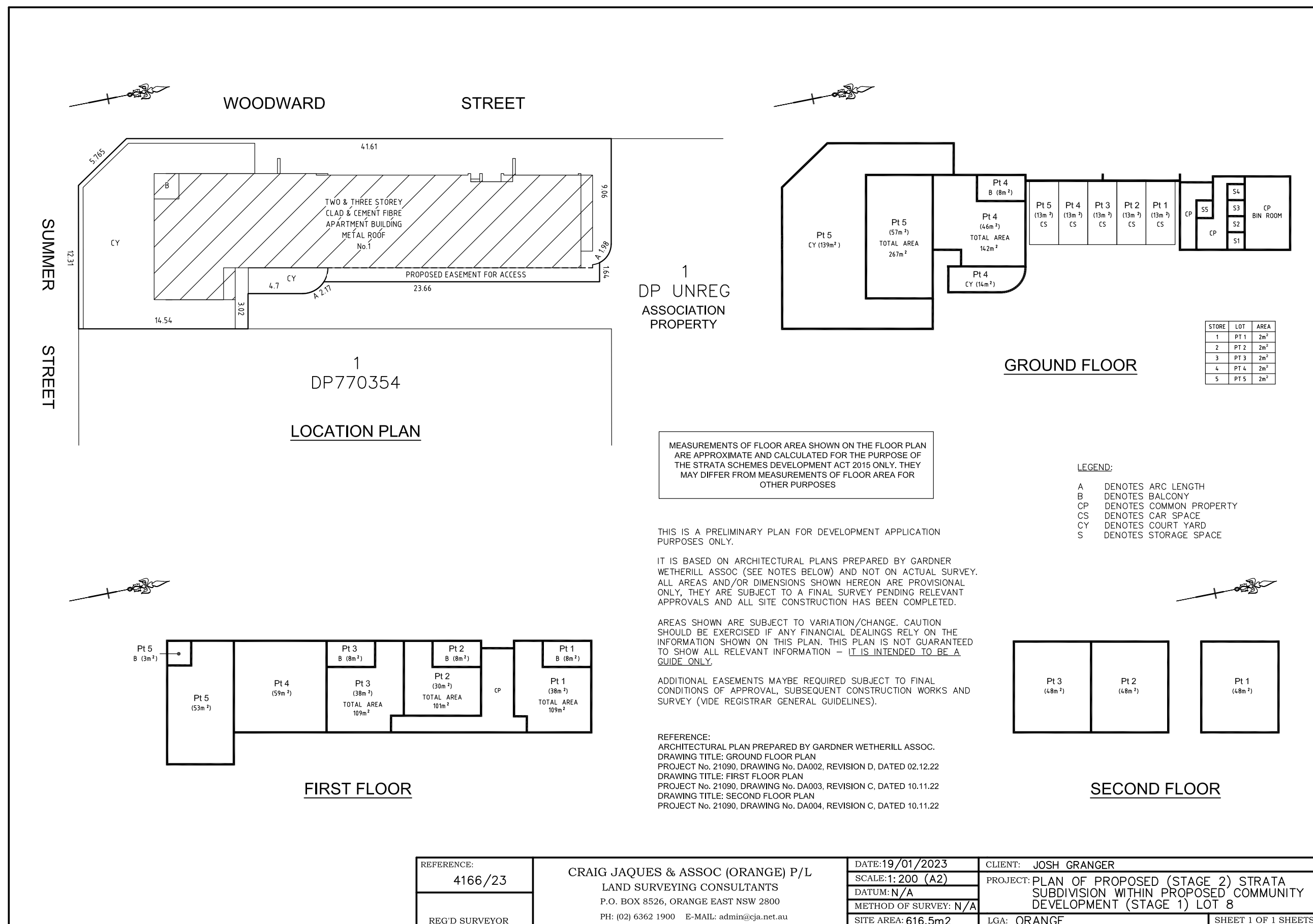
Lavandula angustifolia

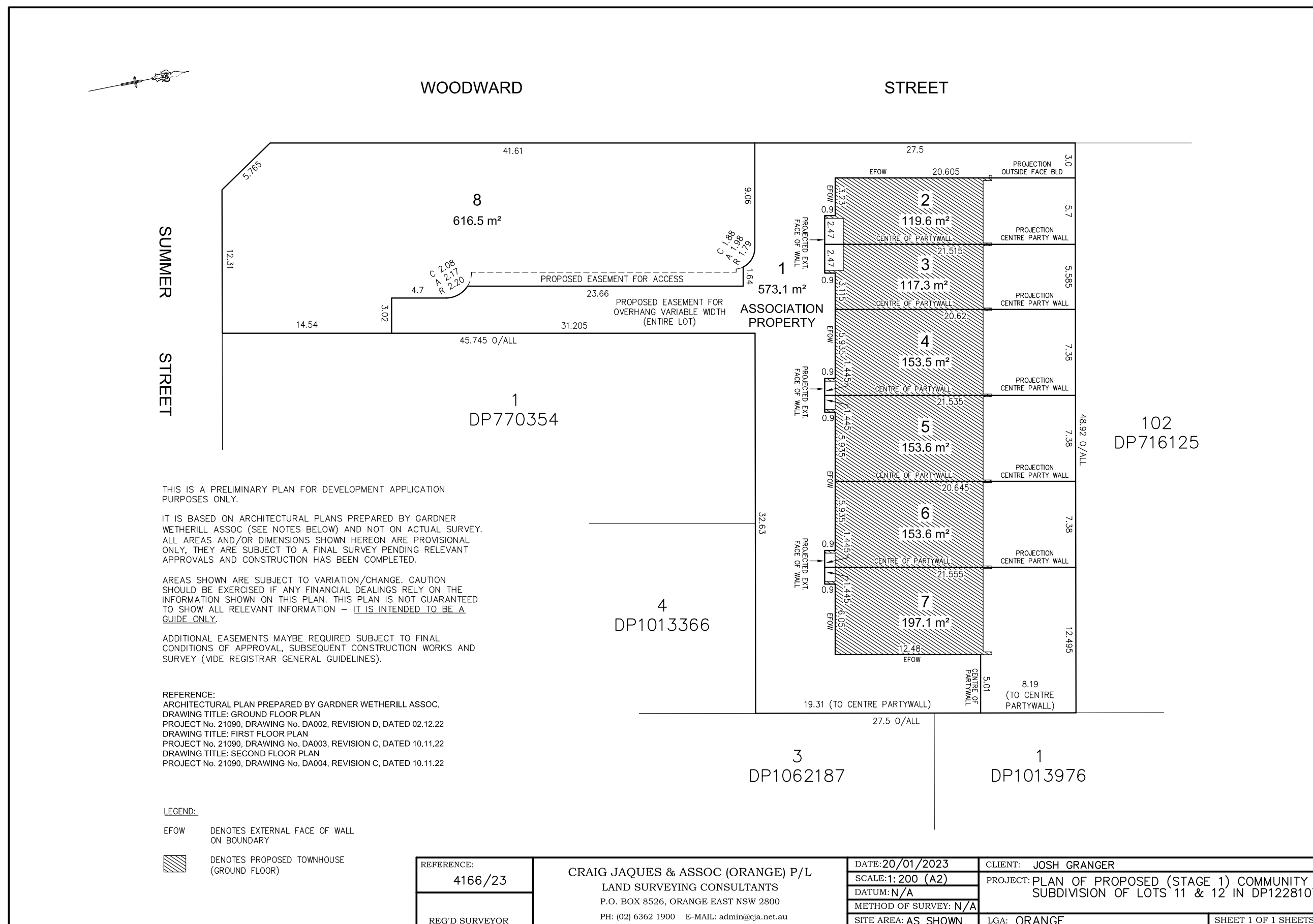


Rhaphiolepis indica

Code	Botanic Name	Common Name	Native	Pot Size	Tube	140mm	200mm	300mm	25L	75L	100L	200L	400L	Mature Height	Mature Spread	Spacing
GROUND COVER																
Bec	Bergenia cordifolia	Bergenia				X								0.3m	0.5m	0.25m
Dir	Dichondra repens	Kidney Weed	X	X										0.1m	0.3m	0.25m
Juc	Juniperus conferta	Shore Juniper												0.3m	3m	0.9m
Loc PG	Loropetalum chinense 'Plum Gorgeous'	Loropetalum					X							0.3-1.5m	2m	2m
Rhs	Rhagodia spinescens	Aussie Flat Bush	X		X									0.4m	1.0m	0.5m
Wef M	Westringia fruticosa 'Mundi'	Coastal Rosemary												0.4-0.5m	1.5m	
Lim	Liriope muscari	Liriope: Evergreen Giant			X									0.4m	0.6m	0.3m
FEATURE PLANT																
Pht BW	Phormium tenax 'Bronze Warrior'	New Zealand Flax				X								1.5m	1.5m	As shown
SHRUB																
Acm	Acanthus mollis	Oyster Plant					X							0.6m		0.6m
Auj	Aucuba japonica	Gold Dust Tree												2m	1.5m	
Ase	Aspidistra eliator	Bar-room Plant												0.5-1.2m	1.5m	
Hym AP	Hydrangea macrophylla 'Agnes Pavell'	Hydrangea					X							1.5m	1.5m	As shown
Laa A	Lavandula angustifolia 'Alba'	White English Lavender			X									1m	1m	As shown
Rai OP	Rhaphiolepis indica 'Oriental Pearl'	Oriental Pearl Indian Hawthorn				X								0.8m	1m	0.6m
Spc	Spiraea chinensis	Double white may												1.5m	0.05m	
TREE																
Cec FP	Cersis canadensis 'Forest Pansy'	Forest Pansy								X				5m	5m	
Fra	Fraxinus excelsior 'Aurea'	Golden Ash												7m	7m	As shown
Cof	Cornus florida	Dogwood												10m	4.5m	
Prs K	Prunus serrulata 'Kanzan'	Kanzan Cherry										X		6m	8m	As shown
HEDGE																
CusLG	Cupressus sempervirens Leightons Green	Leightons Green Cypress						X								
Prh	Prunus lusitanica	Evergreen prunus												6-9m	1.5-3m	
Rain Garden																
Mel CT	Melaleuca linariifolia 'Claret Tops'	Honey Myrtle	X		X									1.5m	1m	As shown
Caa	Carex appressa	Tall Sedge	X	X										1m	1m	0.5m

1 PLANT SCHEDULE





## Submission 1

**From:**  
**Sent:** Sunday, 18 September 2022 5:16 PM  
**To:** Orange City Council  
**Cc:** Telstra BigPond Members  
**Subject:** Submission - DA265/2022(1) - PR27634 - 1 SummerStreet Orange NSW and 160 Woodward Road Orange NSW

Dear Sir / Madam,

Please find my submission below.

Submission - DA 265/2022(1) - PR27634. - Lot 11 DP 1228107 and Lot 12 DP 1228107 - 1 Summer Street Orange NSW and 160 Woodward Street Orange NSW.

Nmae:

Address:

Phone:

Email:

I wish to submit the following comments / objection - DA 265/2022(1) - PR27634 - 1 Summer Street Orange NSW and 160 Woodward Street Orange NSW.

I purchased \_\_\_\_\_ and live at the address, the developer Lenco Projects intends to build two storey town houses on the land \_\_\_\_\_ and a block of three storey units at 1 Summer Street Orange. I feel this will significantly impact on my ability to enjoy my home, taking away my privacy, affecting my quality of life and have the following concerns:

- Privacy - My privacy will be drastically impacted by the development, the two storey town houses being built \_\_\_\_\_ will be looking into \_\_\_\_\_ and the three storey unit complex being built at 1 Summer Street Orange will also be looking \_\_\_\_\_. Could this be remedied by the developer putting in privacy screens on the windows? (An example of this is in the early 1990s I lived at \_\_\_\_\_ in a three story block of units and my neighbours lived in residential houses, I was able to look into my neighbours' backyards from my lounge room and bedroom windows).
- Parking issue - The development has allocated 18 spaces for car parking. This is not adequate therefore the owners / occupiers / visitor would need to park on the street. There is limited parking in Woodward Street and in Summer Street, there has been a number of times I have been unable to park in front of my house at \_\_\_\_\_. If the parking issue is not addressed it will result in serious congestion in the surrounding streets, causing chaotic traffic conditions for residence, school students and their parents and may increase the risk of accidents. It will also greatly reduce the ability of the existing residence to park near their properties. I feel the developer needs to allocate more parking spaces in the development.
- Tree in my backyard on the boundary - The developer has indicated in the DA application that they wish to remove the large tree in my backyard, the developer can do this at their own expense, however if the tree is removed I would like the tree to be replaced with a **reasonably developed tree** in my backyard or Esso Park.
- Shadowing over of my backyard - I also have an issue with shadowing as the planned buildings will overshadow my property in two directions, from the two storey development being built in behind my property and the blocking of the sun in the afternoon from the three storey units being built at 1 Summer Street.

- Access to the properties being built at 1 Summer Street and 160 Woodward Street. The plan does not include sufficient access for the large number of proposed residences to enter and exit the development and will cause unreasonable traffic in Woodward Street and may increase the risk of accidents.

Given the number of impacts I have outlined in the above submission, I request that weight be given to this submission during the assessment of this development application.

**I also request that my personal details are redacted when provided to all requestd parties including council, the developer and media.**

Regards



## Submission 2

**From:**  
**Sent:** Monday, 19 September 2022 9:22 AM  
**To:** Orange City Council  
**Subject:** Development Application DA 265/2022(1)-PR27634 - 1 Summer Street and 160 Woodward Street, Orange NSW 2800

**Attention Mr Paul Johnston – Manager Development Assessments**

Dear Sir

My name is \_\_\_\_\_ owner of the property \_\_\_\_\_ Orange.

On the 2/9/22 I received your letter concerning a proposed development as shown above and I now wish to provide my **strong objection** to the development.

As a close neighbour I will be impacted by the development and I feel it should be substantially modified.

In my opinion it is a complete **over development** of a very small area and will remove the residential nature of the entire surroundings.

How can a multi storey development with four by three bedroom townhouses, two, two bedroom town houses with five other apartments be not seen as an **over development**.

The structures are also not in sympathy with the surrounding homes.

Also a concern is the number of car parking facilities both within the development and surrounding streets. At the moment parking is at premium due to the students at Orange High School and on most school days there are strictly limited spaces available on the surrounding Byng Street and Hamer Street.

In the current environment where residential conditions apply a home which has 2-3 bedrooms it is highly likely the Owner have more than 1 vehicle and with surrounding streets already saturated with students vehicles parking problems can be expected. Even now students are parking the entire day in Hamer Street which is barely wide enough for each way traffic.

In addition the only vehicular ingress and egress is by a single driveway onto an **extremely busy** highway (being Woodward Street), so another traffic congestion.

Another of my concern is the **erosion of privacy** to adjoining owners whereby the proposed development with 2-3 stories in height overlooks private back yards.

Regards

## Submission 3

17/09/22

David Waddell

Chief Executive Officer

Orange Council

**DA 265/2022(1) - PR27634 - 1 SUMMER STREET ORANGE AND 160 WOODWARD STREET, ORANGE**

To David,

I am responding to a notice of Development Application of 1 Summer St and 160 Woodward St Orange, received via mail, dated 30/08/22. I am the owner of \_\_\_\_\_ and I strongly object to the development proposed by Lenco Projects.

The grounds on which my objection is based includes (but not limited to) the following:

1. The design is not in keeping with its surroundings of residential houses of Summer St and nearby streets. The development is defined as Medium Density Housing, which is not represented in the immediate surrounding areas. R3 is not consistent with Zone R1 General Residential.
2. The development exceeds the height, mass, and visual bulk guidelines, including setbacks are not adequately considered for a major intersection of Woodward and Summer St. Compliance with SEPP and DCP for visual Bulk and neighbourhood character have not been achieved (reference 6.5.2 and 6.5.3)
3. The design represents no Heritage principles or attributes and to reference compliance is an insult on its definition. The material selection is light weight and cheap. This is the entrance gateway to the town, in which the two storey Bowen Terraces frame the East side. To reference this proposal is trying to create its own sense of gateway, is a failure. Two storey terraces in an "L" shape would be more appropriate to the location, with more focus on heritage character. Development Application DA 98/2022(1) – Dalton St façade hits the mark better than this proposal.
4. The development does not comply with the recommendation from Envirowest Consulting Pty Ltd for future land use.
5. The roof line does not complement neighbouring character. It is merely trying to comply with a height envelope, in which it hasn't achieved either. With an almost 12m apex, it could be considered nearly a 4-storey impact.

DA 265/2022(1) - PR27634

6. Overshadowing to 3 & 5 Summer St is severe but also a major imposition to and 23 Hamer St.
7. Privacy from the south windows of the town houses will look into the yards of number 3,5 & 7 Summer St.
8. Glass balustrading on Woodward St boundary is not providing any screening from looking into apartments or again detracting from the street scape.
9. Only 2 visitor parks will see spill onto public road which is already suffering from the school pick up on weekday afternoons.
10. Fencing has been stated as leaving the existing in place, yet the drawing depicts a solid wall on part of the boundary of 7 Summer St and 23 Hamer St. Can the developer advise what their intent is here?
11. Visitor bay to east side of terraces – not GPT designed to deal with car washing and bin washing as stated as their functional use.
12. Turning radius of garbage truck will block all access to enter or exit the development when attending to rubbish removal and also likely to clash with the building in doing so.
13. The photo along Summer St depicting a 3-storey development will not be visible has not considered that the trees are deciduous, and the visual amenity will be vastly different in winter months.
14. Exiting the development will be into a lane dedicated to turn left into Summer St. This is prone to create accidents when cars attempt to cross multiple lanes before reaching the roundabout.
15. As Orange Council is the owner of 1 Summer St, can you disclose the sales details of this parcel of land with the proposed developer.

Please don't get me wrong, I'm not against developing the site. I believe the proposal does not hit the mark on a number of aspects highlighted above and certainly does not comply with the guidelines framing the area. Upon review of the immediate area for some two blocks around this development site, there are no two storey buildings, let alone three as proposed by this development application. To allow this development to proceed under this current proposal would be negligent of Orange Council and a decision that would later be regretted.

I note that the developer has not made any attempt to consult with me, as they have done with all other neighbours adjoining the proposal site.

Should Council or the Developer wish to discuss any matters further, please contact me on my mobile or email at any time.

Respectfully,



Submission 4

**DA 265/2022(1) – PR27634**

The below is an outline of objections to the proposed development with suggested changes required.

**1 Summer Street and 160 Woodward Street, Orange**

Objections / suggestions.

1. A set of 3-storey modern flats in a heritage area will detract from the ambience of the area and has the potential to lower house prices in the general vicinity of the development. The image below shows the magnitude of the development compared to existing houses, and even with only a 2-storey section directly on Summer street the 3-storey section will still be part of the street scape and be an intrusive addition to the neighbourhood. It is requested the development be reduced to 2-storeys at a maximum.



Image of the summer street Elevation

2. The development has long expanses of a plain roof line only broken up by one gable on the Summer street elevation and square dormer windows in the 3-storey apartments along Woodward. No attempt has been made on the 2-storey townhouses to remove the plain look of the roof line. These roof lines will give the buildings an industrial look in a residential area and it recommended the inclusion of pitched area, gables and valleys be used in keeping with existing residential buildings.



Image along Woodward street.

3. The Style and look of the development mimics medium density housing unit blocks found in built up areas of major cities with no significant heritage significance. As this development sits within a heritage area, we believe it doesn't fit with the general ambience of the surrounding area and requires redesign in its street view and scale.
4. The townhouse development on 160 Woodward shows a roofed construction on our boundary line with our fence removed at this location. Council previously had a minimum facia offset to for permanent structures that needs to be implemented here. The 2-storey plain wall that will now be the view over our rear fence and shadow our yard will now require screening which will be difficult and high.



Image showing the boundary line between 160 Woodward and 23 Hamer street.

Proposed Building features that are not in keeping with the general look of the area.

Generally, the California bungalow style single level residential houses are the most prevalent in the area and have distinct features that this development has failed to include. Items listed below are

1. Modern Half circle gutters are planned to be used rather than the traditional quad / square gutter. These gutters are modern and industrial and should ne changed to a more traditional shape.
2. Modern open edge facia exposing the roof iron is depicted rather than a deep facia board in keeping with the surrounding architecture commonly seen on the houses in the area.
3. Roof line of the apartments and townhouse have an offset ridge that removes any attempt to reiterate the look of a Californian bungalow. Gable ends and pitched roofs noted in the Architects-design-statement (*the intent of the architectural design to reiterate the local theme of pitched roofs with gable end facades addressing both streets, but replicated in a more contemporary manner,*) is an attempt to blend the building in, but the offset ridge is not in keeping with surrounding residences and not a traditional roof line.

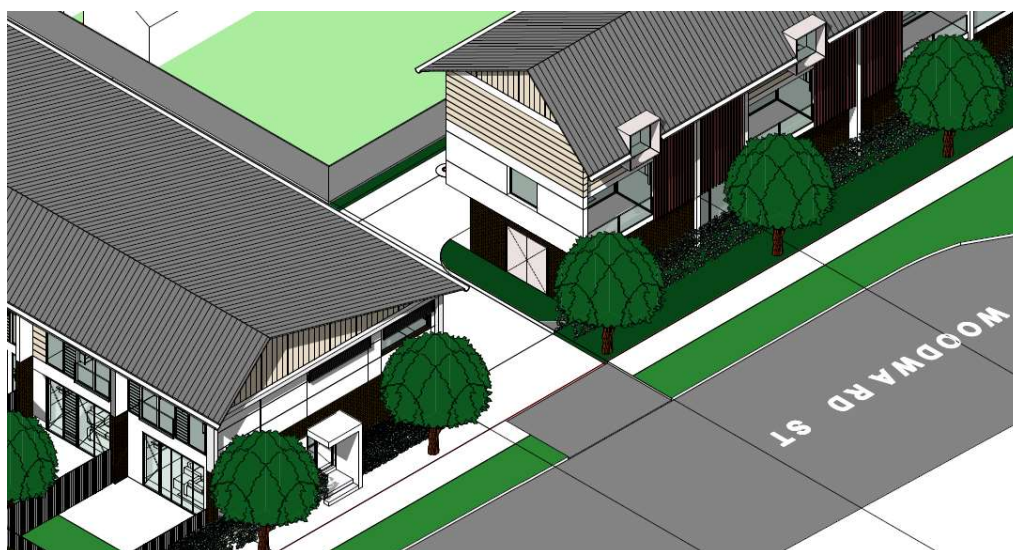


Image showing the offset ridge.

We are happy to discuss the above objections and suggestions with the developer at any time if required.

These are our personal views but are also the views shared by the greater percentage of the residence in the nationhood.

## Submission 5

Dear Sir / Madam,

Please find my submission below.

Submission - DA 265/2022(1) - PR27634. - Lot 11 DP 1228107 and Lot 12 DP 1228107 - 1 Summer Street Orange NSW and 160 Woodward Street Orange NSW.

Name:

Address:

Phone:

Email:

I wish to submit the following comments / objection - DA 265/2022(1) - PR27634 - 1 Summer Street Orange NSW and 160 Woodward Street Orange NSW.

I purchased [redacted] and live at the address, the developer Lenco Projects intends to build two storey town houses on the land [redacted] and a block of three storey units at 1 Summer Street Orange. I feel this will significantly impact on my ability to enjoy my home, taking away my privacy, affecting my quality of life and have the following concerns:

- Privacy - My privacy will be drastically impacted by the development; the two storey town houses being built [redacted] will be looking into [redacted] and the three-storey unit complex being built at 1 Summer Street Orange will also be looking [redacted]. Could this be remedied by the developer putting in privacy screens on the windows? (An example of this is in the early 1990s I lived at [redacted] in a three-story block of units and my neighbours lived in residential houses, I was able to look into my neighbours' backyards from my lounge room and bedroom windows).
- Parking issue - The development has allocated 18 spaces for car parking. This is not adequate therefore the owners / occupiers / visitor would need to park on the street. There is limited parking in Woodward Street and in Summer Street, there has been a number of times I have been unable to park in front of my house at [redacted]. If the parking issue is not addressed it will result in serious congestion in the surrounding streets, causing chaotic traffic conditions for residence, school students and their parents and may increase the risk of accidents. It will also greatly reduce the ability of the existing residence to park near their properties. I feel the developer needs to allocate more parking spaces in the development.
- Tree in my backyard on the boundary - The developer has indicated in the DA application that they wish to remove the large tree in my backyard, the developer can do this at their own expense, however if the tree is removed I would like the tree to be replaced with a **reasonably developed tree** in my backyard or Esso Park.
- Shadowing over of my backyard - I also have an issue with shadowing as the planned buildings will overshadow my property in two directions, from the two-storey development being built in behind my property and the blocking of the sun in the afternoon from the three storey units being built at 1 Summer Street.
- Access to the properties being built at 1 Summer Street and 160 Woodward Street. The plan does not include sufficient access for the large number of proposed residences to enter and exit the development and will cause unreasonable traffic in Woodward Street and may increase the risk of accidents.

Given the number of impacts I have outlined in the above submission, I request that weight be given to this submission during the assessment of this development application.

**I also request that my personal details are redacted when provided to all requestd parties including council, the developer and media.**



**2.3 DEVELOPMENT APPLICATION DA 128/2022(1) - 56 WISE ROAD, SPRINGSIDE**

RECORD NUMBER: 2023/256

AUTHOR: Sophie Currenti, Town Planner

**EXECUTIVE SUMMARY**

Application lodged	20 April 2022
Applicant/s	Mr B Cooper
Owner/s	Mr BC and Mrs AE Cooper
Land description	Lot 511 DP 713661 - 56 Wise Road, Springside
Proposed land use	Dual Occupancy (one additional dwelling - detached)
Value of proposed development	\$630,000

Council's consent is sought for the construction of a rural detached dual occupancy (one additional dwelling) at Lot 511 DP 713661 - 56 Wise Road, Springside. The land is zoned C3 Environmental Management. The lot has an area of 14.87ha.

The proposed dual occupancy will comprise the existing farm cottage and a proposed new dwelling located towards the western section of the subject land. The proposed dwelling is proposed to be sited approximately 270m from the existing cottage (see attached plans).

A key consideration for this application relates to the siting of the proposed dual occupancy. Dwellings in rural dual occupancies are required under Council's DCP to either be attached or to be located in "close proximity" to each other. Council's controls do not provide a standard distance for what constitutes "close proximity", rather it applies the principle that rural buildings should be clustered to reflect the traditional rural landscape character where groups of buildings are set amongst rural open spaces with the form of building clusters being dependant on the particular rural character of the locality.

The applicant has requested that Council consider a departure from the DCP requirements with regards to the location of the new dwelling in proximity to the existing dwelling onsite. The applicant submits that the ability to locate the new dwelling in close proximity to the existing dwelling is limited by a number of factors including topography, drainage lines, the agricultural capability of the various parts of this site and surrounding land use patterns.

The proposed development is neighbour notified development pursuant to Council's Community Participation Plan 2019 and Schedule 1 of the *Environmental Planning and Assessment Act 1979*. At the completion of the notification period, no submissions had been received. Three submissions were, however, received outside of the exhibition period in support of the proposal.

As outlined in this report, the proposed development is considered to reasonably satisfy the Local and State planning controls that apply to the subject land and particular landuse. Impacts of the development will be within acceptable limit, subject to mitigation conditions. Approval of the application is recommended.





Figure 1 - aerial view of subject site

### 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 COMMENTS

Council's consent is sought for the construction of a rural detached dual occupancy (one additional dwelling) at Lot 511 DP 713661 - 56 Wise Road, Springside. The land is zoned C3 Environmental Management and has an area of 14.87ha.

A key consideration for this application relates to the siting of the proposed dual occupancy. Dwellings in rural dual occupancies are required under Council's DCP to either be attached or to be located in "close proximity" to each other, meaning that that rural buildings should be clustered where appropriate to reflect the traditional rural landscape character where groups of buildings are set amongst rural open spaces.



The proposed dual occupancy is proposed to be positioned 270m away from the existing dwelling and associated outbuildings. The applicant was requested to consider possible alternatives to the positioning of the building in closer proximity to the existing infrastructure, including the possibility of the development being amended to be a replacement dwelling.

The applicant has indicated that there is no proposal to demolish the existing dwelling at this time and has requested a departure to the DCP control in this case for various reasons that have been discussed in the body of this report. Whilst Council staff would not ordinarily support the positioning of a rural dual occupancy in a manner that provides for a separation of buildings in the rural landscape, the proposed location of the development in this case is considered to be acceptable taking into account topography, drainage lines, the agricultural capability of the various parts of this site and surrounding land use patterns.

The proposed dual occupancy is unlikely to impose on any of the adjoining properties through loss of views or privacy. The subject site is well hidden down a laneway that cannot be seen from Giles Road or Cadia Road further east. The proposed dwelling location will mean that it will not be seen from any surrounding properties given the substantial existing vegetation buffer. It is noted that letters of support to the application have been submitted for Council's consideration.

It is recommended that Council supports the variation and consents to the development subject to the attached Notice of Determination.

#### **LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan Strategy "10.1. 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 consents to development application DA 128/2022(1) for *Dual Occupancy (one additional dwelling - detached)* at Lot 511 DP 713661 - 56 Wise Road, Springside pursuant to the conditions of consent in the attached Notice of Approval.**

#### **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 APPLICATION / PROPOSAL

The proposal involves the construction of a detached rural dual occupancy (one additional dwelling) at 56 Wise Road, Springside.

As shown on the submitted plans the proposed dual occupancy will utilise existing structures being the existing farm cottage and a proposed new dwelling toward the rear western section of the land. The existing cottage is relatively compact at approx. 100sqm. The proposal relates to a larger dwelling with various living areas, bedrooms and bathrooms with an attached garage.

Suitable investigation for contamination and effluent waste soil reports have been undertaken and provided as part of the application.



**Figure 2 - proposed site plan**



Figure 3 - floor plan of proposed additional dwelling

## MATTERS FOR CONSIDERATION

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

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

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

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

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

### Summary

The site does not occur within land mapped on the Biodiversity Values Map and no clearing/disturbance is proposed. As the proposal does not trigger any of the four requirements for insertion into the BOS, a Biodiversity Development Assessment Report is not required to be lodged.

**Section 4.15**

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

**PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)****Orange Local Environmental Plan 2011****Part 1 - Preliminary****Clause 1.2 - Aims of Plan**

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

- (a) *to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,*
- (b) *to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,*
- (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 be generally consistent with the aims of the plan. With specific regard to Item (d) it is preferable that rural dual occupancies are designed in a manner so that they are clustered to reflect the traditional rural landscape character where groups of buildings are set amongst rural open spaces. This is partly to also ensure that valuable arable land elsewhere on a particular property or on adjoining land is not impacted by the positioning of a further building.

The applicant has requested that Council give consideration to the positioning of the building in a manner that is separated from the existing infrastructure, and in this case siting a number of reasons as to why it is difficult to locate the building in close proximity. These matters have been addressed elsewhere in 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:	<b>C3 Environmental Management</b>
Lot Size Map:	<b>Minimum Lot Size 100ha</b>
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:	<b>Groundwater vulnerable</b>
Drinking Water Catchment Map:	<b>Within the drinking water catchment</b>
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Flood Planning Map:	Not within a flood planning area

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

**Clause 1.9A - Suspension of Covenants, Agreements and Instruments**

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

- (a) *to a covenant imposed by the Council or that the Council requires to be imposed, or*
- (b) *to any relevant instrument under Section 13.4 of the Crown Land Management Act 2016, or*
- (c) *to any conservation agreement under the National Parks and Wildlife Act 1974, or*
- (d) *to any Trust agreement under the Nature Conservation Trust Act 2001, or*
- (e) *to any property vegetation plan under the Native Vegetation Act 2003, or*
- (f) *to any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995, or*
- (g) *to any planning agreement under Subdivision 2 of Division 7.1 of the Environmental Planning and Assessment Act 1979.*

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

**Part 2 - Permitted or Prohibited Development****Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table**

The subject site is located within the C3 Environmental Management zone. The proposed development is defined as a *dual occupancy (one additional dwelling - detached)* under OLEP 2011 and is permitted with consent for this zone. This application is seeking consent.

**Clause 2.3** of LEP 2011 references the Land Use Table and Objectives for each zone in LEP 2011. These objectives for land zoned C3 Environmental Management are as follows:

**1 - Objectives of the C3 Environmental Management Zone**

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

In addressing the above criteria, it is noted the proposal will adopt measures to maintain water quality within the City's drinking water catchment. The proposal however has the potential to alter the rural and primary production function of the area by being positioned away from other existing infrastructure on the land. It should be acknowledged that with every dwelling that is approved in a rural environment it has the potential to impact upon the ability to use the immediate space around that dwelling for further agricultural purposes hence the need to consider its positioning in the context of its surrounds. Whilst the proposal has been positioned in a manner to introduce a new impact it has been argued that its positioning will not significantly intrude on existing rural activities within or around the subject land. Given the size of the subject parcel, the activities being carried out within and the proximity of other dwellings in this locality the impact is considered to be fairly minor in this case. Council is in receipt of three submissions indicating support to the positioning of the building.

**Part 3 - Exempt and Complying Development**

The application is not exempt or complying development.

**Part 4 - Principal Development Standards**

**Clause 4.1 - Minimum Subdivision Lot Size**

This clause requires the subdivision of land to be equal to or greater than the size nominated for the land under the Minimum Lot Size Map. In relation to this site, the map nominates a minimum lot size of 100ha. No subdivision is proposed within this application.

**Part 5 - Miscellaneous Provisions**

**Clause 5.16 - Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones**

For dwellings within the RU1 Primary Production and C3 Environmental Management zones, Clause 5.16 of the LEP provides the following matters to be considered:

- a) the existing uses and approved uses of land in the vicinity of the development,*
- b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*

- c) whether or not the development is likely to be incompatible with a use referred to in Paragraph (a) or (b),*
- d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in Paragraph (c).*

In consideration of the above, the following assessment is provided:

- There are no activities or processes associated with the additional dwelling that would unreasonably interfere with the amenity of the area in terms of noise, dust, odour, or waste.
- The proposed additional dwelling will be located in an area that minimises the potential impact on productive areas of the property noting that the baseline level of primary production occurring from the land is somewhat low due to the land size and is generally limited to grazing activities and the truffle orchard. Notwithstanding the above, it is recognised that the additional dwelling is not located in close proximity to the existing dwelling on the land and the impacts associated with this variation have been assessed under the DCP.
- The rural character of the area has been recognised in the architectural design. The proposed dwelling is considered to be appropriate in terms of form, scale, and finish to ensure that the rural amenity of the area is maintained.
- The development has been designed so as to integrate with the ongoing agricultural use within the subject land and adjoining lands.

#### **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 7.1 - Earthworks**

The earthworks proposed in the application are limited to the extent of site levelling required for the proposed dwelling building pad, installation of septic and drainage. 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.

The extent of the earthworks will not materially affect the potential future use or redevelopment of the site that may occur at the end of the proposed development's lifespan. The site is not known to be contaminated, nor is the site 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. Conditions are imposed that require sediment control measures to be implemented onsite prior to works commencing and that unexpected finds protocol is implemented during works.

##### **Clause 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. An onsite sewerage management system is required for the proposed development.

Onsite sewerage management systems have the potential to lead to groundwater contamination and impact on groundwater dependent ecosystems if not managed or maintained correctly. The applicant has submitted an onsite effluent management study to support the proposal. The report verifies that there is a suitable area available on the subject site for the additional subsurface irrigation to support the additional dwelling. The system will be subject to an approval and regular reporting under the Local Government Act and thus risks to groundwater contamination is considered minimal.

There are no other aspects of the proposal that involve the discharge of toxic or noxious substances and is therefore unlikely to contaminate the groundwater or related ecosystems. Lastly, the proposal does not involve extraction of groundwater and will therefore not contribute to groundwater depletion.

#### **Clause 7.7 - Drinking Water Catchments**

The proposed development is unlikely to impact on the quality and quantity of water entering the drinking water catchment. The subject land does not contain a mapped significant or sensitive waterway. All wastewater from the dwelling will be treated by a modern onsite sewerage management system and stormwater runoff from the development will also be managed appropriately via onsite detention through rainwater tanks. It is therefore considered that there will be minimal impact on the drinking water catchment.

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

The site is not connected to any reticulated services and thus the development will need to be supported by onsite water and sewer systems. An on-site effluent disposal report has been submitted with the application and it indicates that on-site effluent disposal can be achieved successfully on the site with two treatment system options provided. Vehicle access to the site is existing however will require upgrading to reach the site of the dwelling. Telecommunication and electricity services are available for connection, subject to the relevant authority's requirements. In this regard, all essential services are either available or can be made available to the land to facilitate the proposed development.

### **STATE ENVIRONMENTAL PLANNING POLICIES**

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable. Pursuant to Clause 4.6 *Contamination and remediation to be considered in determining development application*:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*



In terms of potential soil contamination, a preliminary assessment was undertaken which confirmed that the development site is suitable for the proposed residential land use. The preliminary contamination investigation concludes that the property does not require further investigation and is suitable for the proposed land use.

Council's EHO has advised that no further soil testing or assessment pertaining to potential site contamination is required and that the site is considered suitable for the proposed development.

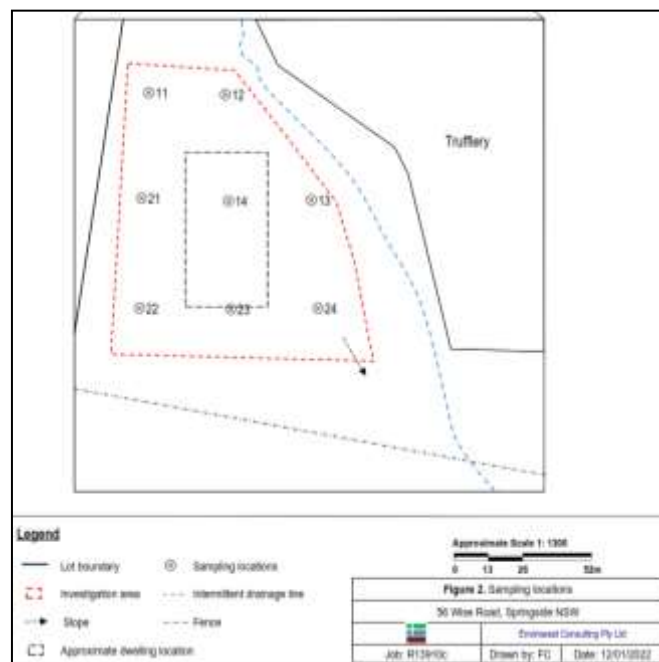


Figure 4 - excerpt from Preliminary Contamination Investigation (Envirowest)

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

No draft EPI's relate to the subject site or the proposed development.

#### DESIGNATED DEVELOPMENT

The proposed development is not designated development.

#### INTEGRATED DEVELOPMENT

The proposed development is not integrated development.

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

##### Orange Development Control Plan 2004

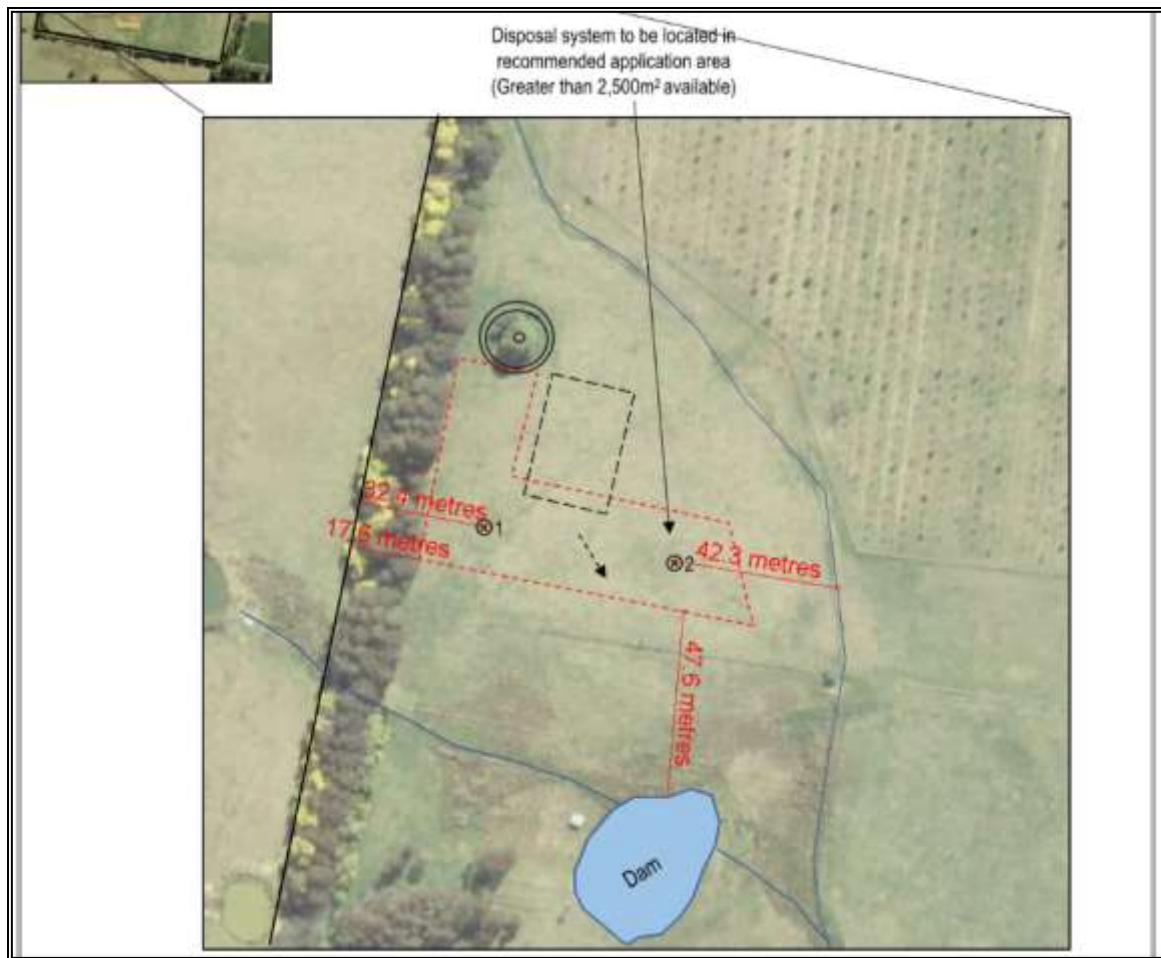
*Orange DCP 2004-06 - Rural Development* is relevant to this proposal. The provisions of Section 6.10 Rural Dwellings and Section 6.11 for Rural Dual Occupancies are considered below.

**Chapter 6 - Rural Development (Rural Dwellings)****PO 6.10-2 PLANNING OUTCOMES FOR RURAL DWELLING HOUSES**

- 1 The dwelling house complies with Council's *Energy Smart Homes Code*.
- 2 The dwelling house is sited on land identified as being suitable for construction and free from contamination, flooding and bushfire risk.
- 3 Privacy and views of neighbouring houses are retained.
- 4 A suitable area is available for perpetual on-site disposal of wastes.
- 5 Substantial remnant vegetation is protected from disturbance.
- 6 An adequate water supply is provided.
- 7 All-weather access to a public road is provided.
- 8 Entry gateways are set back sufficiently from the front boundary to allow vehicles to pull up off the public road carriageway.
- 9 A buffer area is established in the vicinity of agricultural operations.
- 10 Outbuildings are located in proximity of and to the rear of the main dwelling house when viewed from the nearest road.

In consideration to the above matters:

1. A BASIX Certificate has been submitted in support of the application which demonstrates compliance with relevant targets.
2. The site is not subject to known technological or natural hazards. The proposed site is not subject to flooding or bushfire risk. Access arrangements to the site are appropriate.
3. The proposed dwelling is unlikely to impose on any of the adjoining properties through loss of views or privacy. The proposed dwelling is located approximately 345m from the adjoining dwelling located on Lot 510 DP 713661 (to the northeast) and 337m from the adjoining dwelling on Lot 128 DP 854882 (to the west). The owners of the adjoining properties (being the three adjoining lots to the east) have submitted a letter outlining no objections to the siting of the development. It is considered that any visual or privacy impacts are diminished through these significant distances and intervening elements such as vegetation/buffer trees and farm buildings or other infrastructure.
4. The provided Onsite Effluent Management Study prepared by Envirowest Consulting Pty Ltd addresses that there is a suitable area available on the subject site for the recommended treatment system (absorption trench or subsurface irrigation area) to support the additional dwelling.



**Figure 5 - excerpt from Onsite Effluent Management Study (Envirowest)**

5. No native vegetation will be disturbed as a result of the proposed development.
6. The property will be required to have sufficient onsite water supply/storage. A 100,000L rainwater tank has been provided in accordance with requirements.
7. A new all-weather standard (gravel) driveway will be provided from the public road to the new dwelling. This access arrangement has been shown on the supporting figures. This proposed access arrangement will also be utilised to access the truffle orchard and be utilised for any proposed stock management. The access arrangement is considered appropriate.
8. The entry gateway to the property is considered acceptable and compliant.
9. The proposed dwelling is considered to be well removed from where agricultural activities that are undertaken on the subject land and a reasonable distance to boundaries of adjoining properties. The proposed dwelling will be located nearby an existing truffle orchard. Given the low intensity nature of a truffle orchard, this location is considered acceptable and will not have any impact upon the productivity or yield of the orchard. The proposal is considered satisfactory in terms of this planning outcome.
10. No outbuildings are proposed within this application. Additionally, given the distance to boundaries and site characteristics i.e., the significant tree buffer on property boundaries there is not expected to be any visual impacts when viewed from the road.



Figure 6 - detailed site plan

## Chapter 6 - Rural Development (Rural Dual Occupancy)

The DCP lists the following Planning Outcomes for Rural Dual Occupancies:

PO 6.11-1 PLANNING OUTCOMES FOR RURAL DUAL OCCUPANCIES	
1	Both dwellings achieve the planning outcomes for rural dwellings outlined in section 6.10.
2	Both dwellings are located on the same lot and in close proximity to provide a rural character where dwellings form part of a discrete cluster of buildings in a rural setting.
3	On-site sewage management systems adequately provide for 2 dwellings.
4	Detached dwellings are designed to complement each other in scale and form (both dwellings do not have to be the same but do need to appear as a group).

1. As assessed above, the proposed dwelling has been assessed against section 6.10 and is considered to be compliant with those planning outcomes within. The existing dwelling is well established and is not subject to the planning outcomes.
2. In consideration of this planning outcome, both dwellings are located on the same lot. Notwithstanding, the applicant has requested that Council consider a departure from the DCP requirements with regards to the location of the new dwelling in proximity to the existing dwelling onsite. The applicant submits that the ability to locate the new dwelling in close proximity to the existing dwelling is limited by the following factors:
  - Topography limitations and existing water paths/natural drainage channels.



- Existing vegetation around existing dwelling and outbuildings - the area around the vicinity of the existing dwelling may represent a reasonable site for the establishment of an additional dwelling, however, would create some congestion around the existing dwelling and disturb established landscaping and other productive grazing land on the property. Part of this area is also used as an effluent irrigation area for the existing dwelling.
- Privacy impacts upon adjoining properties.
- Future agricultural productivity of truffle orchard and grazing land.

Council, in determining this proposal, is required to assess the development upon its merits. Despite the fact that the proposed dwelling is located approximately 270m from the existing dwelling, a site inspection confirms that the proposed location of the development in proximity to the adjoining dwelling is suitable taking into account topography, drainage and surrounding land use patterns. The surrounding development is characterised by dwelling houses on varying lot size, with the proposed development representing a continuation of this pattern of development.

The dwelling is unlikely to impose on any of the adjoining properties through loss of views or privacy. The subject site is well hidden down a laneway that cannot be seen from Giles Road or Cadia Road further east. The proposed dwelling location will mean that it will not be seen from any surrounding properties given the substantial existing vegetation buffer. The applicant has adequately demonstrated that the proposed location of the dual occupancy will not significantly impact upon the drinking water catchment area under the provisions of the LEP. The applicant has adequately demonstrated that the location of the additional dwelling does not require an unreasonable extension of services or access. The design and siting of the building is therefore considered to be acceptable in this instance.

In relation to the impacts upon the agricultural productivity of the land, the figures attached to this assessment identify that the proposed additional dwelling will be located in an area that minimises the potential impact on productive areas of the property noting that the baseline level of primary production occurring from the land is somewhat low due to the land size and is generally limited to grazing activities and the truffle orchard. Figures 6, 7 and 9 identify potential area for the existing truffle orchard to be expanded, highlighting that the proposed dwelling's location will not hinder the potential expansion.

However, should Council be of the view that the development does not necessarily meet the relevant planning outcomes for rural dual occupancy development in terms of the buildings being in close proximity to each other, then it would be necessary for Council to require the applicant to formally amend and or withdraw the proposal.

3. The submitted effluent assessment by Envirowest Consulting confirms that there is a suitable area available on the subject site for the recommended treatment system (absorption trench or subsurface irrigation area) to support the additional dwelling. The Envirowest assessment report ensures that the proposed dwelling will be adequately serviced with an enviro-cycle system with sufficient capacity. The existing dwelling is modest in size and waste output and has utilised a standard septic system for many years with no adverse impact or evidence of effluent leaving the site, septic tank or trenches.

4. Notwithstanding the departure above, the existing dwelling and outbuildings are clustered together. The rural character of the area has been recognised in the architectural design. The proposed dwelling is considered to be appropriate in terms of form, scale, and finish to ensure that the rural amenity of the area is maintained. The proposed similar cladding materials, Colorbond roof materials and wall heights will ensure a rural context to both dwellings.

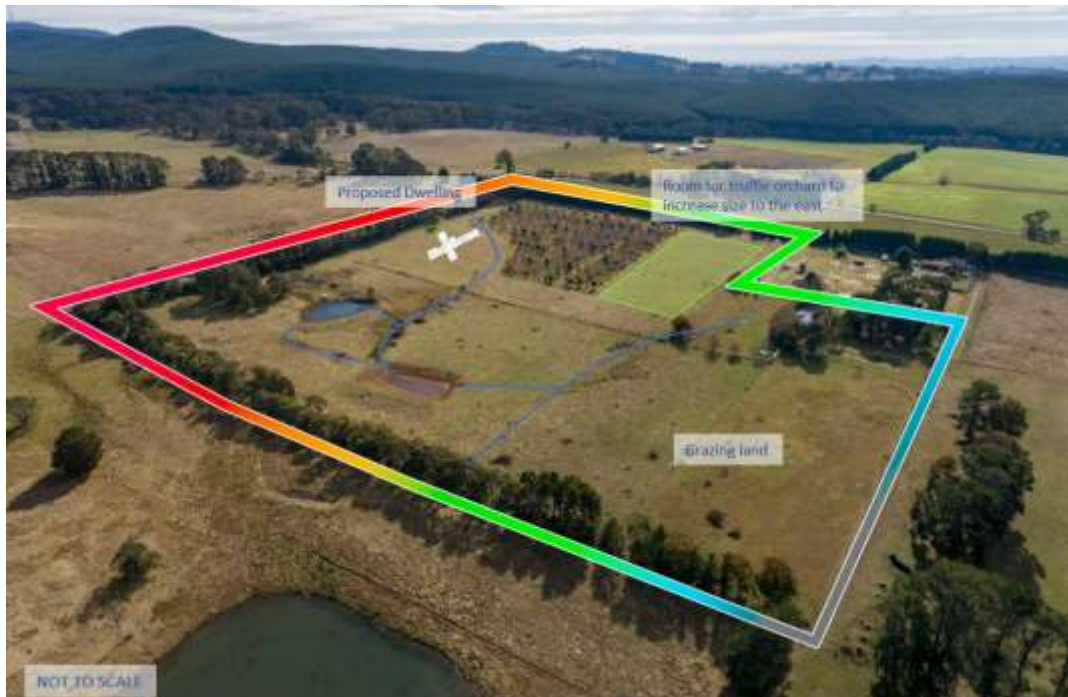


Figure 6 - detailed aerial view of subject site



Figure 7 - aerial view of subject truffle orchard



Figure 8 - perspective view of subject site (looking North)



Figure 9 - perspective view of subject site (looking East)

## DEVELOPMENT CONTRIBUTIONS PLAN 2017

Development contributions are applicable to the proposed development (one additional dwelling) pursuant to Orange Development Contributions Plan 2017 (Remainder of LGA), as follows:

Open Space and Recreation	1 additional 3+ bedroom dwelling @ 4,626.04	4,626.04
Community and Cultural	1 additional 3+ bedroom dwelling @ 1,341.53	1,341.53
Roads and Traffic Management	-	-
Local Area Facilities	-	-
Plan Preparation and Administration	1 additional 3+ bedroom dwelling @ \$362.19	362.19
<b>TOTAL:</b>		<b>\$6,329.76</b>

Conditions are recommended requiring payment of contributions prior to issue of a Construction Certificate.

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

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

The proposal does not involve the demolition of a building.

##### **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 which demonstrates compliance with relevant targets.

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

The likely impacts of the development have largely been considered foregoing assessment. The proposal demonstrates consistency with zone objectives, relevant LEP provisions, DCP controls and relevant state environmental planning policies. The proposal is therefore unlikely to generate any impact that would adversely affect the quality of the environment of the locality subject to compliance with conditions of development consent.

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

The site is considered suitable for the erection of an additional dwelling. The main constraints affecting the site are water catchment and groundwater. These have all been considered. Whilst the site is constrained by these matters, it is possible to erect a dwelling that will not have a significant impact as demonstrated in the foregoing assessment report. The DCP planning outcomes for rural dual occupancy encourage new buildings to be sited in close proximity to existing buildings. While the applicant has acknowledged that this cannot be achieved in relation to the existing dwelling on the subject land (due to previously discussed constraints) the proposed new dwelling has been sited in an appropriate location. This is reasonable given the circumstances of the subject land. The site is therefore considered to be acceptable in this instance.



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

The proposed development is defined as notified development under the provisions of the CPP, and as formal notification of the application was provided to adjoining property owners. No submissions were received during the formal notification period. Outside of the notification period, three written submissions were received in support of the application from adjoining neighbours.

**PUBLIC INTEREST s4.15(1)(e)**

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts. The proposal is not inconsistent with any relevant policy statements, planning studies, guidelines etc that have not been considered in this assessment.

**SUMMARY**


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

**COMMENTS**

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

**ATTACHMENTS**

- 1 Notice of Approval, D23/19432 [↓](#)
- 2 Plans, D23/15000 [↓](#)
- 3 Submissions (redacted), D23/15041 [↓](#)

	<b>ORANGE CITY COUNCIL</b> Development Application No <b>DA 128/2022(1)</b> NA23/121 Container PR13640
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## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

### Development Application

Applicant Name: Mr B Cooper  
Applicant Address: C/- Saunders & Staniforth  
2 204-206 Lords Place  
ORANGE NSW 2800  
Owner's Name: Mr BC and Mrs AE Cooper  
Land to Be Developed: Lot 511 DP 713661 - 56 Wise Road, Orange  
Proposed Development: Dual Occupancy (one additional dwelling - detached)

### Building Code of Australia building classification:

Class to be determined by Certifier

### Determination made under Section 4.16

Made On: 4 April 2023  
Determination: **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**

**Consent to Operate From:** 5 April 2023  
**Consent to Lapse On:** 5 April 2028

### Terms of Approval

The reasons for the imposition of conditions are:

- (1) To ensure a quality urban design for the development which complements the surrounding environment.
- (2) To maintain neighbourhood amenity and character.
- (3) To ensure compliance with relevant statutory requirements.
- (4) To ensure the utility services are available to the site and adequate for the development.
- (5) To prevent the proposed development having a detrimental effect on adjoining land uses.

### Conditions

- (1) The development must be carried out in accordance with:
    - (a) **Plans numbered 1-4 by Future Build (Job 21-016, Revision D) dated 16.03.2022 (4 sheets)**
    - (b) statements of environmental effects or other similar associated documents that form part of the approval
- as amended in accordance with any conditions of this consent.**

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA128/2022(1)**

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**Conditions (cont)****PRESCRIBED CONDITIONS**

- (2) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (3) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- showing the name, address and telephone number of the principal certifying authority for the work, and
  - showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.
- (4) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of the Act, evidence that such a contract of insurance is in force is to be provided to the Principal Certifying Authority before any building work authorised to be carried out by the consent commences.
- (5) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- in the case of work for which a principal contractor is required to be appointed:
    - the name and the licence number of the principal contractor, and
    - the name of the insurer by which the work is insured under Part 6 of that Act,
  - in the case of work to be done by an owner-builder:
    - the name of the owner-builder, and
    - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

- (6) An approval under Section 68 of the *Local Government Act* is to be sought from Orange City Council, as the Water and Sewer Authority, for alterations to water and sewer. No plumbing and drainage is to commence until approval is granted.
- (7) The payment of **\$6,329.76** is to be made to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Orange Development Contributions Plan 2017 (Remainder of LGA) towards the provision of the following public facilities:

Open Space and Recreation	1 additional 3+ bedroom dwelling @ 4,626.04	4,626.04
Community and Cultural	1 additional 3+ bedroom dwelling @ 1,341.53	1,341.53
Roads and Traffic Management	-	-
Local Area Facilities	-	-
Plan Preparation and Administration	1 additional 3+ bedroom dwelling @ \$362.19	362.19
<b>TOTAL:</b>		<b>\$6,329.76</b>

The contribution will be indexed quarterly in accordance with the Orange Development Contributions Plan 2017 (Remainder of LGA). This Plan can be inspected at the Orange Civic Centre, Byng Street, Orange.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA128/2022(1)**

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**Conditions (cont)****PRIOR TO WORKS COMMENCING**

- (8) 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.
- (9) Soil erosion control measures shall be implemented on the site.
- (10) A Construction Certificate application is required to be submitted to, and issued by Council/Accredited Certifier prior to any excavation or building works being carried out onsite.

**DURING CONSTRUCTION/SITEWORKS**

- (11) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (12) All construction/demolition work on the site is to be carried out between the hours of 7.00am and 6.00pm Monday to Friday inclusive, and 8.00am to 1.00pm on Saturdays. No construction/demolition work is permitted to be carried out on Sundays or Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
- (13) A Registered Surveyor's certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority.
- (14) All construction works are to be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.
- (15) All materials on site or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- (16) 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 on the site must cease immediately. The beneficiary of the consent must discuss with Council the appropriate process that should be followed therein. Works on site must not resume unless the express permission of the Director Development Services is obtained in writing.
- (17) A gravel access road is to be constructed from the existing driveway to the proposed dwelling. Construction work is to be in accordance with the Orange City Council Development and Subdivision Code.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

- (18) No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.
- (19) Finished ground levels are to be graded away from the buildings and adjoining properties and must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to the stormwater drainage system.
- (20) Where Orange City Council is not the Principal Certifying Authority, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Orange City Council and a Final Notice of Inspection issued, prior to the issue of a final Occupation Certificate.
- (21) 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.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA128/2022(1)**

---

4

**Conditions (cont)**

<b>Prior to the issue of an occupation certificate (cont)</b>
---

- (22) All of the foregoing 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 work required by the foregoing conditions is to be completed prior to the issuing of an Occupation Certificate, unless stated otherwise.

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**Other Approvals**

- (1) *Local Government Act 1993* approvals granted under Section 68.

Nil

- (2) General terms of other approvals integrated as part of this consent.

Nil

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**Right of Appeal**

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.

---

***Disability Discrimination Act 1992:***

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act* currently available in Australia.

---

**Disclaimer - S88B of the Conveyancing Act 1919 - Restrictions on the Use of Land:**

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

---

**Signed:**

On behalf of the consent authority **ORANGE CITY COUNCIL**

**Signature:****Name:**

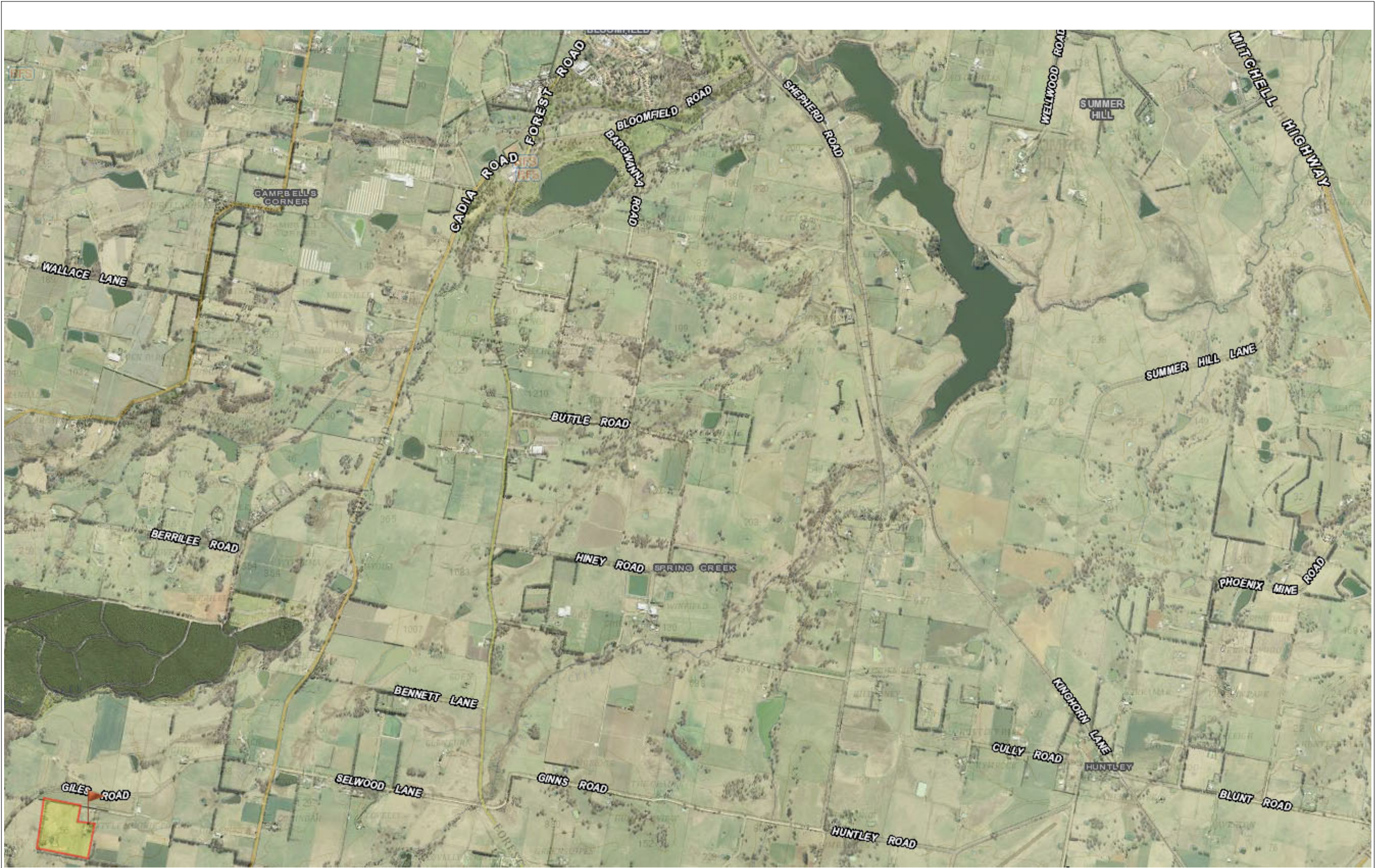
PAUL JOHNSTON - MANAGER DEVELOPMENT ASSESSMENTS

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**Date:**

5 April 2023





PROPOSED NEW DWELLING AND DUAL OCCUPANCY  
For: B and A Cooper  
At: 56 Wise Road Springside

Locality Plan  
©COPYRIGHT - FUTURE BUILD CONSTRUCTION PROPERTY DEVELOPMENT PTY LTD

Date:	Scale:	Revision	Drawing #
15/02/2022	Job: 21 - 016	D	1





X 10.0 - nominates existing ground levels



PROPOSED NEW DWELLING AND DUAL OCCUPANCY  
For: B and A Cooper  
At: 56 Wise Road Springside

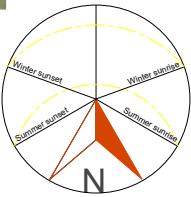
Site Plan  
©COPYRIGHT - FUTURE BUILD CONSTRUCTION PROPERTY DEVELOPMENT Pty Ltd

Date:  
16/03/2022

Scale: 1 : 1500 (A2)  
Job: 21 - 016

Revision  
D

Drawing #  
4

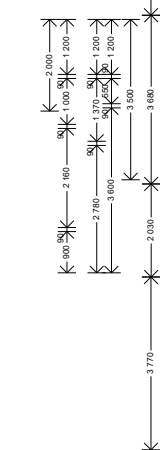


Technical drawing of a mechanical part with dimensions:

- Top dimension: 8 170
- Bottom dimension: 3 410
- Bottom dimension: 900
- Bottom dimension: 90

(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.

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



A circular sector is shown with a red shaded area. A dashed yellow arc is drawn within the sector. The sector is defined by two radii and an arc. The red shaded area is a smaller sector within the larger one. The dashed yellow arc is concentric with the outer arc.





PROPOSED NEW DWELLING AND DUAL OCCUPANCY  
For: B and A Cooper  
At: 56 Wise Road Springside

Elevations  
©COPYRIGHT - FUTURE BUILD CONSTRUCTION PROPERTY DEVELOPMENT Pty Ltd

Date:  
15/02/2022

Scale: 1 : 100  
Job: 21 - 016

Revision  
D

Drawing #  
3

Select colorbond custom orb roof sheeting 25 degree pitch  
Select aluminium framed windows  
Select colorbond panelift door  
Select face brickwork

**Submission 1**

**From:**  
**Sent:** Monday, 16 January 2023 8:10 AM  
**To:** Orange City Council  
**Subject:** Development Application 128/2022 (1) – 56 Wise Road, Springside

Dear Council planners,

I write to you regarding DA 128/2022. We understand that Council has raised concerns regarding the location of a proposed dwelling on the property.

We have reviewed the plans and discussed them with the owner in detail, in order to properly understand the impact on ourselves as neighbours. Especially as we are arguably among those most potentially impacted by the proposed construction.

We understand Council has discussed various locations for the new dwelling, and suggested it should be located closer to the eastern side of the property, in order to cluster buildings together.

While we do, in principle, support the intent of clustering, we believe that where the wording of development controls is flexible, as it very much is in this case, council should err toward supporting the spirit of the controls. Namely, the clear intent of clustering is to minimise the development's physical footprint and reduce any associated impacts on amenity and the surrounding landscape.

Having reviewed the plans, we very strongly believe that the proposed buildings on the lot satisfy the intention of the DCP. Locating the new building to the west of the lot, near the existing truffle orchard, will blend the new structure with the existing landscape, and fit well with the general character of the local area. Further, we note that the total scale of the build would be unaltered, whether the buildings are clustered or not, and the impacts on environment and potential land use also remains identical whether the buildings are clustered or separated. The only difference is whether the appearance from a distance is either an unsightly aggregate of buildings, or a well integrated, aesthetically pleasing, and environmentally sensitive proposal, such as the plans that we have reviewed.

In the alternative, if Council maintains their objections, and forces the new building to be in close proximity to the existing structures, the concentration of buildings would adversely affect our rural views. To apply a conservative interpretation of the DCP in this case would be very much to violate its spirit.

In short, we are firmly of the opinion that the intent of building clustering, specifically preservation of rural character, is better met by the proposed design, with the new building comfortably situated to the western area of the property, rather than aggregated with the existing structures, and we are in total support of the proposal as submitted.

**Submission 2**

The CEO  
Orange City Council  
PO Box 35  
ORANGE NSW 2800

Development Application 128/2022 (1) – 56 Wise Road, Springside

We refer to the proposal for a dual occupancy dwelling upon 56 Wise Road.

We understand Council has discussed various locations for the new dwelling closer to the eastern side of the property to cluster buildings together.

For reasons of privacy and separation we support the proposed location as proposed closer to the western side of the property near the truffle orchard.

To locate the new dwelling on the southern side of existing buildings will create concerns regarding spraying from our property and has no buffer in this area. The western side with existing buffers is preferred.

Yours faithfully

**Submission 3**January 16<sup>th</sup> 2023

The CEO  
Orange City Council  
PO Box 35  
ORANGE NSW 2800

Development Application 128/2022 (1) – 56 Wise Road, Springside

We refer to the proposal for a dual occupancy dwelling upon 56 Wise Road.

We understand Council has discussed various locations for the new dwelling closer to the eastern side of the property to cluster buildings together.

For reasons of privacy and separation we support the proposed location closer to the western side of the property near the truffle orchard.

To locate the new dwelling on the eastern side will adversely affect our rural views and privacy and the general character of our rural setting.

Please contact me if you wish to discuss further

Yours faithfully

**2.4 DEVELOPMENT APPLICATION DA 252/2022(1) - 52 LEEWOOD DRIVE**

RECORD NUMBER: 2023/366

AUTHOR: Sophie Currenti, Town Planner

**EXECUTIVE SUMMARY**

Application lodged	4 August 2022
Applicant/s	Reece Australia Pty Ltd
Owner/s	Reece Australia Pty Ltd
Land description	Lot 101 DP 1111123 - 52 Leewood Drive, Orange
Proposed land use	Hardware and Building Supplies, and Business Identification Signage
Value of proposed development	\$3,400,000.00

Council's consent is sought for the construction of a hardware and buildings supplies premises with associated parking areas, vehicle manoeuvring space, external storage and business identification signage at 52 Leewood Drive, Orange - Lot 101 DP 1111123.

The subject site is currently vacant with a total area of approximately 8,956m<sup>2</sup>, comprising of open grassed area, vegetated with numerous large trees at the site's peripheries (Council reserve known as Leewood Park). Two easements to allow for water and sewerage drainage are located on the site, traversing the centre of the site (10m wide) in a northwest to southwest direction.

The proposal can be summarised as follows:

- The hardware and building supplies store will be used for the purpose of civil and heating, ventilation and air conditioning (HVAC) products.
- The building will be located within the subject property, abutting the stormwater and sewer easement onsite, with two partial mezzanine levels used for storage. The building is proposed to have an area of 1,199m<sup>2</sup>.
- Provision of hardstand areas to accommodate customer parking spaces, loading/unloading zones, external storage and vehicle manoeuvring areas throughout the site.
- On the ground floor, the building will consist of three main areas; being a warehouse area, a HVAC trade area, and a civil trade area.
- A primary mezzanine located above the main trade areas to be used for storage.
- A secondary mezzanine located above the ducting bay area, to be used for storage.
- Two driveway crossovers to allow for truck and car entry and exit points into the site.
- Provision of signage, landscaping and security fencing.

As outlined in this report, the proposed development is considered to reasonably satisfy the Local and State planning controls that apply to the subject land and particular landuse. Impacts of the development will be within acceptable limit, subject to mitigation conditions. Approval 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 proposal involves the construction of a hardware and buildings supplies premises with associated parking areas, vehicle manoeuvring space, external storage and business identification signage at 52 Leewood Drive, Orange. The subject site is currently an open grassed area, vegetated with numerous large trees at the site's peripheries (Council reserve known as Leewood Park).

The design of the proposed building reflects typical industrial development and has been designed to accommodate two easements for water and sewerage drainage which traverse the centre of the site (10m wide) in a northwest to southwest direction. Notwithstanding the peculiar shape of the site, it is considered that the building fits within the existing streetscape and character. The surrounding park and trees will also assist with the integration of the development in the streetscape. Matters in relation to vegetation management both within and adjacent to the site have been addressed by recommended conditions of consent.

This matter has been referred to the Planning Development Committee for determination in accordance with Council's adopted Declaration of Planning and Development Assessment Procedures and Protocols being development that exceeds a capital investment value of \$2.5 million. It is recommended that the application be approved subject to the adoption of the recommended Notice of Determination.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan Strategy "10.1. 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 consents to development application DA 252/2022(1) for *Hardware and Building Supplies, and Business Identification Signage* at Lot 101 DP 1111123 - 52 Leewood Drive, Orange pursuant to the conditions of consent in the attached Notice of Approval.**

**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 the construction of a hardware and buildings supplies premises with associated parking areas, vehicle manoeuvring space, external storage and business identification signage.

The proposal is as follows:

- The hardware and building supplies store will be used for the purpose of civil and heating, ventilation and air conditioning (HVAC) products.
- The building will be located within the subject property, abutting the stormwater and sewer easement onsite, with two partial mezzanine levels used for storage. The building is proposed to have an area of 1,199m<sup>2</sup>.
- Provision of hardstand areas to accommodate customer parking spaces, loading/unloading zones, external storage and vehicle manoeuvring areas throughout the site.
- On the ground floor, the building will consist of three main areas:
  - a warehouse area (852m<sup>2</sup>)
  - a HVAC trade area (158m<sup>2</sup>)
  - a civil trade area (124m<sup>2</sup>).
- A primary mezzanine located above the main trade areas with an area of 139.35m<sup>2</sup> to be used for storage.
- A secondary mezzanine located above the ducting bay area, to be used for storage with an area of 94.45m<sup>2</sup>.
- Two driveway crossovers to allow for truck and car entry and exit points into the site.
- Provision of signage.
- Provision of landscaping.

**Signage**

The proposal seeks approval for four business identification signs for Reece. Three signs will consist of wall signs on the building facades and one sign will consist of a pylon sign.

The wall signs will consist of the same colour scheme and similar dimensions. Signage will feature on the north, east and west building face, and features the Reece logo (in dark blue on a white backdrop) with a blue and red rectangle features next to the main logo, identifying the purpose for 'HVAC' and 'Civil' products. The two main signs consist of a height of 1.5m and a width of 9.2m. Each sign is mounted at a height of 6.10m above ground level. A 6m tall pylon sign with a width of 2.8m is proposed alongside the development. The sign will be coloured grey and located next to the customer driveway entrance. The sign will contain an illuminated Reece (only letters) logo.

**Site Access**

The proposal will have two driveway crossovers to provide entry/exit points for truck deliveries and customers. Customer entry/exit will only be through the northern access point. The carpark is designed with sufficient circulation areas to enable vehicles to enter and exit the site in a forward direction. There will also be space for trailer parking. Sixteen (16) total parking spaces are allocated for the proposal. As pedestrians are not expected to access the site, there is no access to the site via a pedestrian footpath on Leewood Drive or Elsham Avenue.



### Hours of Operation

A total of eight staff will be onsite at any one time. The proposal seeks approval for the following operating hours:

- HVAC store operations:
  - Monday to Friday 7am - 5pm
  - Saturdays 8am - 12pm
- Civil aspect of the store operates 6.30am - 5pm Monday to Friday.



Figure 2 - proposed site plan



Figure 3 - proposed building

#### MATTERS FOR CONSIDERATION

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

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

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

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

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

#### **Summary**

The site does not occur within land mapped on the Biodiversity Values Map and no clearing/disturbance is proposed. As the proposal does not trigger any of the four requirements for insertion into the BOS, a Biodiversity Development Assessment Report is not required to be lodged with the application for development consent. The Arborist Impact Assessment undertaken for the proposal/subject site does not identify any trees or vegetation as containing ecological significance. No other comments are warranted under this section.

**Section 4.15**

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

**PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)****Orange Local Environmental Plan 2011****Part 1 - Preliminary****Clause 1.2 - Aims of Plan**

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

- (a) *to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,*
- (b) *to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,*
- (f) *to recognise and manage valued environmental heritage, landscape and scenic features of Orange.*

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

**Clause 1.6 - Consent Authority**

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

**Clause 1.7 - Mapping**

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

Land Zoning Map:	<b>Land zoned IN1 General Residential</b>
Lot Size Map:	<b>Minimum Lot Size 3000m<sup>2</sup></b>
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:	<b>Groundwater vulnerable</b>
Drinking Water Catchment Map:	Not within the drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Flood Planning Map:	<b>Within a flood planning area</b>

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

**Clause 1.9A - Suspension of Covenants, Agreements and Instruments**

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

- (a) *to a covenant imposed by the Council or that the Council requires to be imposed, or*
- (b) *to any relevant instrument under Section 13.4 of the Crown Land Management Act 2016, or*
- (c) *to any conservation agreement under the National Parks and Wildlife Act 1974, or*
- (d) *to any Trust agreement under the Nature Conservation Trust Act 2001, or*
- (e) *to any property vegetation plan under the Native Vegetation Act 2003, or*
- (f) *to any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995, or*
- (g) *to any planning agreement under Subdivision 2 of Division 7.1 of the Environmental Planning and Assessment Act 1979.*

Two easements to allow for water and sewerage drainage are located on the site, traversing the centre of the site (10m wide) in a northwest to southwest direction. The easement relates to the adjoining property at Lot 100 DP 1111123 which is used for the purpose of Leewood Park. The site is no longer part of Leewood Park. The site contains a restriction which relates to overland stormwater flow. One of the terms of the restriction is that the aforementioned easement is required to contain an overland flow path that is capable of passing 4.4m<sup>3</sup> of stormwater per second. The submitted plans indicate that no buildings will encroach upon the easement. Council's Technical Services Department have advised of no objections to the proposed development. Conditions of consent have been included to address stormwater issues.

**Part 2 - Permitted or Prohibited Development****Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table**

The subject site is located within the IN1 General Industrial zone. The proposed development is defined as a *hardware and building supplies premises* and *business identification signage* under OLEP 2011 and is permitted with consent for this zone. This application is seeking consent.

***hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.*

**Clause 2.3** of LEP 2011 references the Land Use Table and Objectives for each zone in LEP 2011. These objectives for land zoned IN1 General Industrial are as follows:

**1 - Objectives of the IN1 General Industrial Zone**

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To ensure development along the Southern Link Road has an alternative access.*

The proposal meets the objectives of the zone as it provides employment opportunities through the construction of the development and the ongoing use of the premise within the Leewood Industrial Estate, and the broader Orange LGA. The proposal will not result in any adverse impacts on other land uses. As such, the proposal achieves the objectives of the zone.

### **Part 3 - Exempt and Complying Development**

The application is not exempt or complying development.

### **Part 4 - Principal Development Standards**

#### **Clause 4.1 - Minimum Subdivision Lot Size**

This clause requires the subdivision of land to be equal to or greater than the size nominated for the land under the Minimum Lot Size Map. In relation to this site, the map nominates a minimum lot size of 3000m<sup>2</sup>. No subdivision is proposed within this application.

### **Part 5 - Miscellaneous Provisions**

Not relevant to the application.

### **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**

The following provisions of the Part 7 have been especially considered in the assessment of the proposal:

- **Clause 7.1 - Earthworks** - This clause establishes a range of matters that must be considered prior to granting development consent for any application involving earthworks. The earthworks proposed in the application are limited to the extent of minimal cutting and filling required for the proposed building. 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. The site is not known to be contaminated nor is it known to contain any Aboriginal, European or Archaeological relics. The earthworks will be appropriately supported onsite and the change in ground level is not substantial. The effect on the amenity of adjoining properties is considered to be minor. 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.
- **Clause 7.2A - Floodplain Risk Management** - The site has been mapped as land between the flood planning level and the level of the probable maximum flood and is classified as *industries* as per Clause 7.2A(3)(o). The development is considered to not affect the safe occupation of, and evacuation from, the development in flood events exceeding the flood planning level. The proposed development is unlikely to change flooding regimes on or off the site and would be unlikely to cause or contribute to erosion, siltation or reduce riparian vegetation, and is therefore unlikely to create a cost burden on the community or neighbours.

- **Clause 7.3 - Stormwater Management** - The objective of this clause is to minimise the impacts of urban stormwater on the land to which the development applies and on adjoining downstream properties, native bushland and receiving waters. This clause applies to all industrial, commercial and residential zones. The site contains a restriction which relates to overland stormwater flow. One of the terms of the restriction is that the aforementioned easement is required to contain an overland flow path that is capable of passing 4.4m<sup>3</sup> of stormwater per second. The proposed plans indicate that no buildings will encroach upon this created easement. In consideration of this clause, the proposed stormwater drainage measures will satisfy Council's normal requirements. Council's Technical Services Department have advised of no objections.
- **Clause 7.6 - Groundwater Vulnerability** - The site has been mapped as being groundwater vulnerable. 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.
- **Clause 7.11 - Essential Services** - Based on the proposed servicing arrangements outlined in the foregoing report, the proposal will satisfy this clause. The subject lot is serviced with town water, reticulated sewage, stormwater drainage, electricity, and suitable access in accordance with Council requirements.

#### STATE ENVIRONMENTAL PLANNING POLICIES

- **SEPP (Resilience and Hazards) 2021** - Pursuant to Clause 4.6, a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out.

The subject land is presently vacant and is not known to have been used for a purpose listed in Table 1 of Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land.

The land has remained vacant since a subdivision which was completed in 2007. Prior to that the land was used for the purposes of a Council Reserve. Council would not have allowed the creation of the subject land by subdivision without having been first satisfied that it met the requirements of the then in force State Environmental Planning Policy 55 - Remediation of Land. Given the proposed industrial use within an industrial zone, there are no concerns in relation to potential contamination. On the basis of this preliminary information, Council do not require soil testing or further investigation.

- **SEPP (Biodiversity and Conservation) 2021** - *Chapter 2 Vegetation in non-rural areas* is relevant and states that a person must not clear non-exempt vegetation in any applicable area without the authority conferred by a permit granted by the Council. Pursuant to Part 2.1, Section 2.3 of the SEPP, the subject site is located within an applicable area as it is within the IN1 General Industrial zone.

An Arborist Impact Assessment forms part of this DA in order to provide an assessment of trees that are proposed for removal, as well as an assessment of the impacts on vegetation that is proposed to be retained.

The proposal seeks to remove and replenish 26 trees, remove ten exempt trees and retain 42 trees as outlined within the Arborist Impact Assessment. The land is not identified as containing vegetation of biodiversity values. As such, the aims of the policy are considered to be satisfied and this application permits to the proposed tree removal.

- **SEPP (Industry and Employment) 2021** - Chapter 3 of IE SEPP applies to the application as the proposal seeks approval for four business identification signs (three wall signs on the building facades and one pylon sign). The proposal satisfies the objectives of this chapter by ensuring that the signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of a high-quality having regard to both design and finishes.

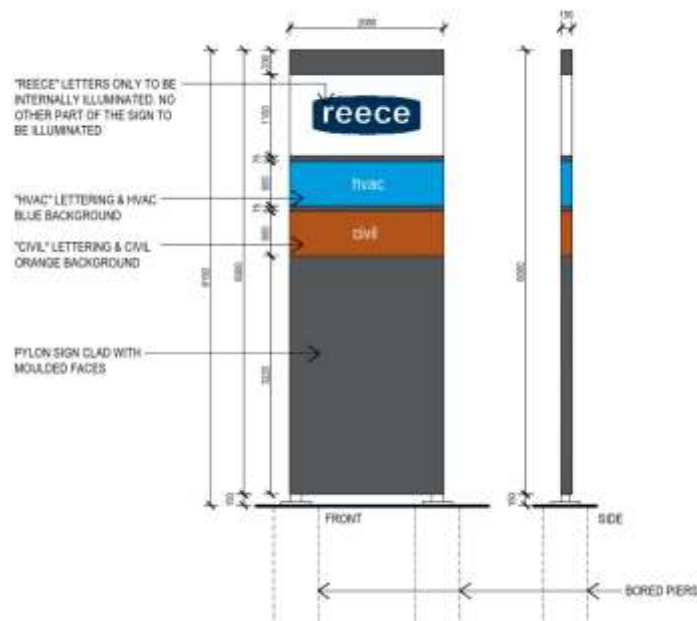


Figure 4 - proposed pylon sign

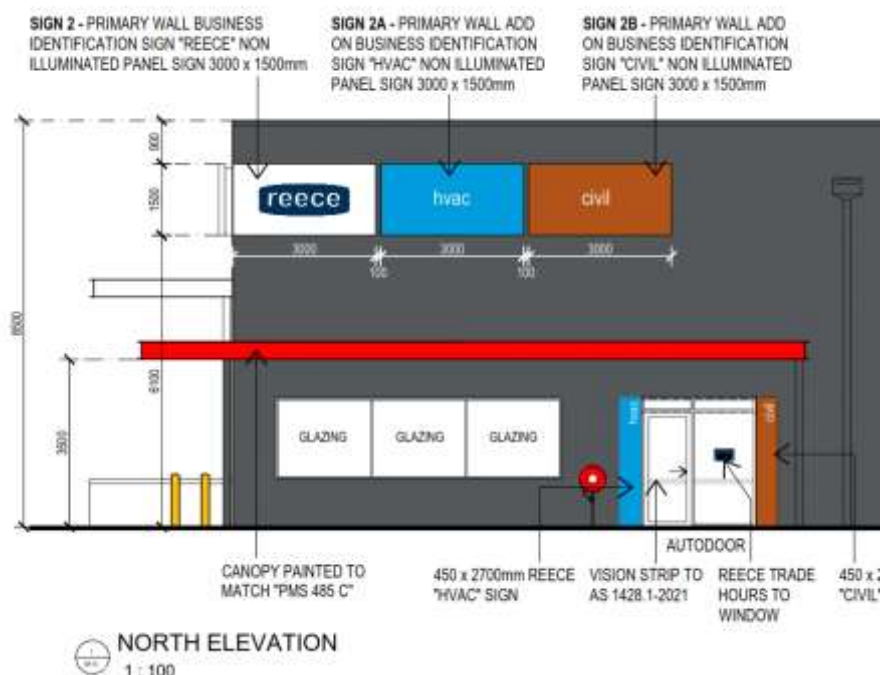


Figure 5 - proposed wall sign

Schedule 5 of the IE SEPP provides assessment criteria for the provision of new signage, which is considered below:

### **1 - Character of the Area**

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

The signage is compatible with the existing character of the locality and is consistent with the type of signage found along Leewood Drive and other surrounding streets. The subject site is located amongst industrial buildings, with associated business identification, window and street signage. Accordingly, the proposal maintains the existing character and is therefore considered compatible.

### **2 - Special Areas**

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The signs are not located within an area that is environmentally sensitive, nor contains important heritage items, rural landscapes or residential areas.

### **3 - Views and Vistas**

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

The proposed signage will not obscure or compromise any important views. It is of an appropriate scale and location which will not dominate the skyline. It won't obscure any future signage and will respect the viewing rights of other advertisers in close proximity. The signs located on three sides of the building (north, east and south) are mounted at a height of 6.1m. A 6.15m pylon sign is proposed at the customer driveway entrance and will not impact upon views.

### **4 - Streetscape, Setting or Landscape**

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*



The proportion and form of the proposed signage is appropriately scaled to its respective building. The signage is of quality design and finish that will not negatively impact the streetscape amenity of the locality nor create clutter. The proposed signage does not protrude above the building or any associated structures, nor will it affect nearby vegetation.

### **5 - Site and Building**

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The scale, proportion and form of the proposed signage is considered appropriate given the size of the building and its facades. The signage has been designed to be consistent with surrounding developments.

### **6 - Associated Devices and Logos With Advertisements and Advertising Structures**

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

Signage will be directly mounted onto the building. Lighting and logos will be visible on the 6m pylon outside of the premises.

### **7 - Illumination**

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

No illumination is proposed to the wall signs, however the Reece logo on the pylon sign will be illuminated. As the illumination is limited to an area of 1.04m x 2.08m and a height of 4.2m (being the Reece letters of the logo only), the proposed sign is not considered to result in unacceptable glare nor affect the safety of pedestrians, vehicles or aircraft. The site is located within an industrial area and therefore the illumination of the sign will not impact upon the amenity of nearby development. The intensity of the illumination cannot be adjusted, and there is no proposed curfew for the illumination.

### **8 - Safety**

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

The signage is not considered to have any adverse impact upon the safety for any public road. The signage is not considered to have any adverse impact upon the safety of any pedestrians or bicyclists. The signage is not considered to have any adverse impact upon the safety for pedestrians.

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

There are no draft EPIs that relate to the subject site or proposed development.

**DESIGNATED DEVELOPMENT**

The proposed development is not designated development.

**INTEGRATED DEVELOPMENT**

The proposed development is not integrated development.

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

**Orange Development Control Plan 2004**

The relevant chapters of the DCP 2004 that apply to the subject land have been assessed below.

Chapter 9 - Development in the Industry and Employment Zone - Industrial Site Development

**PO 9.3-1 PLANNING OUTCOMES – INDUSTRIAL-SITE DEVELOPMENT**

- 1 Buildings are set back a minimum of 10 metres from front boundaries (5 metres to a secondary boundary on a corner lot) for lots greater than 1,000m<sup>2</sup> or 5 metres for lots less than 1,000m<sup>2</sup> or otherwise to a setback consistent with existing setbacks in established areas. A 10m setback applies to lots that have frontage to Clergate Road.
- 2 Buildings cover up to 50% of the site area (excluding the area of accessways for battleaxe lots).
- 3 Landscaping is provided along boundaries fronting roads including trees with an expected mature height at least comparable to the height of buildings on the site. All sites contain an element of landscaping. Landscaping provided is of a bulk, scale and height relative to buildings nearest the front property boundary so as to provide beautification and visual relief to the built form proposed or existing on the site. The depth of the landscape bed at the site frontage is sufficient to accommodate the spread of plantings that meet the abovementioned outcomes but, where practicable, a minimum depth of 3.5m is provided. Plantings are designed to provide shade for parking areas, to break up large areas of bitumen, to enhance building preservation and to screen against noise.
- 4 Architectural features are provided to the front building façade to provide relief using such elements as verandahs, display windows, indented walls, etc.
- 5 External materials consist of non reflective materials.
- 6 Adequate parking and on-site manoeuvring is provided.
- 7 Advertising involves business-identification signs within the front façade and/or by a pole sign comparable to the relative height to the main building on the site.
- 8 Security fencing is located or designed in a manner that does not dominate the visual setting of the area.

1. The proposed building is set back 7.025m from the northern boundary. Whilst not compliant with the 10m front setback requirement, a Council Reserve is situated between parts of the northern and southern boundary, and the entire western boundary.

The proposed building is set back 30.995m from the Northern Leewood Drive kerb. Given the Council Reserve provides substantial landscaped areas between the road and subject site north, south and west boundaries, the proposed 7.025m setback and building location is considered to be a satisfactory outcome. Further, given that this land is suitably landscaped and with appropriate colours and materials used on the building, the impacts on the streetscape are considered minimal. The non-compliance with the setback control is considered acceptable.

2. The proposed building will cover an area of 1,199m<sup>2</sup>, which represents a site coverage of 13.3%, therefore complies with the maximum 50% control.
3. The subject site is provided with three frontages to Leewood Park which provides a landscape buffer between the site and the street. The landscape buffer is considered to provide some visual relief from the proposed building. The proposal also includes a 10m landscaped setback to the sites eastern boundary which retains existing trees onsite, including new plantings. The proposal is provided with generous amounts of planting to accommodate the proposed building ensure the built form will not be out of character from the streetscape. Further landscaping (screening planting) has been implemented along the property boundaries to soften the impact of security fencing and onsite storage.

Due to the removal of a number of trees, an Arborist Impact Assessment was submitted with the application in order to provide an assessment of trees that are proposed for removal, as well as an assessment of the impacts on vegetation that is proposed to be retained. The proposal seeks to remove and replenish 26 trees, remove ten exempt trees and retain a further 42 trees as outlined within the Arborist Impact Assessment. Due to this, the proposed landscaping plan was referred to Councils Manager City Presentation for comment where he endorsed the proposed removal and retention. The following comments were made and have been conditioned accordingly:

- *Prior to site establishment, earthworks and construction activities tree protection shall be erected around all trees, both on the subject site and within the public reserve, in accordance with the McArdle's Arboricultural Consultancy Arborist Impact Assessment 17 May 2022.*
- *Of the trees to be removed, those with habitat potential, ie containing splits, cavities, hollows and decay shall have their barrels and logs (at maximum retained lengths) transported to a nearby Council bushland reserve for habitat restoration works. Trees worthy of habitat relocation shall be identified in consultation with Council's Manager City Presentation. Delivery location shall be identified in consultation with Council Manager City Presentation and be within a 1.5-kilometre radius of the development site.*
- *Habitat trees shall be checked and inspected by a qualified ecologist prior to removal to ensure that native fauna is unharmed and where necessary relocated.*



Figure 6 - proposed landscaping plan

4. The design of the proposed building reflects typical industrial development. Notwithstanding the peculiar subject site, it is considered that the building fits within the existing streetscape and character. The surrounding park and trees will also minimise the developments visibility from the streetscape. The proposal seeks to provide a modern building that will be finished in *Wattyl Cumberland* paint. The building is articulated through the use of red coloured canopies, corner business signage and glazing at the customer entry interface. The wrap around customer entrance canopy is suitably scaled to humans, whereas the delivery and dispatch canopies are suitably scaled to trucks, adding to the articulation of the building. These elements, including the proposed signage, provide visual interest and create a customer entrance that presents well to the entrance of the site. The building as proposed is considered to provide a modern building that will complement the locality.
5. The external materials used will be painted in a non-reflective material. The proposed building will be finished in *Wattyl Cumberland* paint.
6. In regard to onsite manoeuvring, all loading and unloading will be carried out within the property, sufficient manoeuvring areas have been provided and will allow for uninterrupted access for customers and delivery trucks. In regard to car parking, typically the applicable rate for a *hardware and building supplies premises* would be similar to that of *bulk retail* being one space per 50m<sup>2</sup> of gross floor area (GFA). Given the design of this development, with only a portion of the building providing bulk retail, and the rest being used as a warehouse (not being publicly accessible), it is acceptable to apply two different rates accordingly:
  - Bulk retail = one space per 50m<sup>2</sup> GFA
  - Industries/warehouses = one space per 100m<sup>2</sup> GFA or one space per two employees, whichever is greater.



## 2.4 Development Application DA 252/2022(1) - 52 Leewood Drive

Based upon the retail trade area of 339m<sup>2</sup>, 6.78 (7) spaces are required. Based upon the 1049m<sup>2</sup> of warehouse area, 10.49 (10) spaces are required. The development provides 17 car parking spaces (including one disability car park and one trailer car parking spaces), therefore complying with the required rate.

7. The advertising proposed within this application involves four business identification signs for Reece. Three signs will consist of wall signs on three of the building facades and one sign will consist of a pylon sign. As assessed under Chapter 3 of IE SEPP, the proposed signage is acceptable and compliant.
8. The proposed fencing being of typical industrial steel palisade style (2100mm high) is designed using the appropriate materials that do not dominate the visual setting. All fencing will be set back from the street with landscapes zones resulting in a softened visual impact on street frontages. The site's proximity to Council's reserve means the security fencing proposed will be visually obscured by the existing vegetation.

### Chapter 9 - Development in the Industry and Employment Zone - Retailing in Industrial Areas

#### **PO 9.5-1 PLANNING OUTCOMES – RETAILING IN INDUSTRIAL AREAS**

- 1 Applications clearly demonstrate that the retailing does not prejudice the viability or function of zoned business areas or that the retailing is ancillary to a use permitted in the zone.

1. The application with the proposed hardware and building supplies premises has demonstrated that the retailing component will not prejudice the viability or function of zoned business areas. The retailing proposed is ancillary to the proposed use.

### Chapter 14 - Advertising

#### **PO 14.2-1 PLANNING OUTCOMES – ADVERTISEMENTS**

- 1 The location, size, colour and design of advertisement complement the character of the locality.
- 2 Advertisements on buildings fit within the envelope of the building.
- 3 Free-standing pole or pylon signs relate to the height of associated buildings in business and industrial areas.
- 4 Free-standing signs in residential areas are at a personal scale (ie, about 2-metres high or less) within a landscaped setting.

1. As assessed under Schedule 5 of the SEPP (Industry and Employment) 2021, the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of a high-quality having regard to both design and finishes.
2. The proposed business identification signage is located on the proposed building therefore within the envelope.
3. The proposed free standing pylon sign with a proposed height of 6m relates well to the proposed building not being greater than its proposed height or affecting any adjoining premises.
4. Not relevant to the application.

**PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)****Demolition of a Building (clause 92)**

The proposal does not involve the demolition of a building.

**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)**

BASIX is not applicable to the proposed development.

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

The potential for traffic impacts relates mainly to the capacity of the local road network to accommodate an increase in traffic levels and the ability for vehicles to enter, exit and use the site without disruption to traffic flow along Leewood Drive. The proposed development is not defined as traffic generating development under the SEPP (Transport and Infrastructure). All loading and unloading will be carried out within the property, sufficient manoeuvring areas have been provided and will allow for uninterrupted access for customers and delivery trucks. Council's Technical Services Department have advised of no objections to the proposed access arrangements. The proposed impacts upon traffic as assessed within this report are considered acceptable.

**Visual Amenity**

The visual impact of the development is considered satisfactory. As assessed under the DCP, the proposed development provides a building that is commensurate with modern industrial development. The external finishes are non-reflective, and the proposed colour scheme comprises relatively subdued urban tones. The building is of appropriate bulk and scale considering its locality and surrounding open land. Given the existing landscaping surrounding the site and further landscaping proposed, both soften the visual impact of the building and contributes to the appearance of the site in general.

**Noise**

Generally, the ambient noise levels of the locality would be typical of an industrial situation. Sources of background noise can be mostly attributed to traffic along the road network and from activity on other industrial sites within the precinct. There is a generous separation and intervening business development between the boundary of the site and the nearest dwellings and residential neighbourhoods. The entry and exit of vehicles associated with the site would not generate unreasonable noise and would not be out of character with other activities that occur in the broader precinct, with the core operating hours are during the daytime period when background noise levels are typically higher.

**Water Quality**

The proposed uses do not involve any activities that would threaten surface or groundwater quality. The development will be connected to the existing stormwater system in accordance with Council's normal requirements.

**Air Quality**

The proposed development does not involve any processes or activities that would affect the neighbourhood in terms of dust, odour or other atmospheric discharges in the long term. The active vehicle areas will be sealed (concrete surface) thus removing any potential for raised dust.

**Waste Management**

A Waste Management Plan was submitted with the development application by Frater Consulting Services dated 25 July 2022. Due to the nature of the proposed use, it is expected that the generation of garbage and recycling will be modest. An onsite bin enclosure has been included in the proposed development and has a 5m length and 2.19m height. A condition of consent has been included to ensure the proposed development is carried out in accordance with the waste management plan provided.

**Social and Economic Impacts**

The proposed development has the potential to generate positive social and economic effects. The proposed development provides a new premises that has the potential to contribute to economic activity in the city. It also has the potential to increase expenditure in Orange due to operational spending, construction spending and then may create additional employment opportunities.

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

The site is considered suitable for the following reasons:

- The proposal is permitted on the subject land zoning.
- The site has frontage and access to a public road.
- The site topography will not constrain the proposal.
- The local road network has sufficient capacity to accommodate additional traffic volumes associated with the development.
- There is no known contamination on the land.
- All utility services are or can be available and adequate.
- The site is not subject to natural hazards.
- The land has no particular environmental and conservation values.

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

The proposed development is not defined as advertised development under the provisions of the CPP, and as such no formal exhibition of the application was required. No submissions have been received in relation to this application.

**PUBLIC INTEREST s4.15(1)(e)**

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts. The proposal is not inconsistent with any relevant policy statements, planning studies, guidelines etc that have not been considered in this assessment.

**SUMMARY**

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


**COMMENTS**

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

**ATTACHMENTS**

- 1 Notice of Approval, D23/17446 [↓](#)
- 2 Plans, D23/15021 [↓](#)



	<b>ORANGE CITY COUNCIL</b>  Development Application No <b>DA 252/2022(1)</b>  NA23/119 <span style="float: right;">Container PR22366</span>
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## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

### Development Application

Applicant Name: Reece Australia Pty Ltd  
Applicant Address: 118-126 Burwood Highway  
BURWOOD VIC 3125  
Owner's Name: Reece Australia Pty Ltd  
Land to Be Developed: Lot 101 DP 1111123 - 52 Leewood Drive, Orange  
Proposed Development: Hardware and Building Supplies, and Business Identification Signage

### Building Code of Australia building classification:

Class to be determined by Certifier

### Determination made under Section 4.16

Made On: 4 April 2023  
Determination: **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**

**Consent to Operate From:** 5 April 2023  
**Consent to Lapse On:** 5 April 2028

### Terms of Approval

The reasons for the imposition of conditions are:

- (1) To ensure a quality urban design for the development which complements the surrounding environment.
- (2) To maintain neighbourhood amenity and character.
- (3) To ensure compliance with relevant statutory requirements.
- (4) To provide adequate public health and safety measures.
- (5) To ensure the utility services are available to the site and adequate for the development.
- (6) To prevent the proposed development having a detrimental effect on adjoining land uses.
- (7) To minimise the impact of development on the environment.

### Conditions

- (1) The development must be carried out in accordance with:
  - (a) **Plans numbered SK01-SK12 by Reece (Revision 5, Project PR20220028) dated 03.03.2023 (12 sheets)**
  - (b) statements of environmental effects or other similar associated documents that form part of the approval

**as amended in accordance with any conditions of this consent.**

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA252/2022(1)**

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2

**Conditions (cont)****PRESCRIBED CONDITIONS**

- (2) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (3) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

- (4) Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.

Note: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

- (5) Plans providing complete details of the proposed car parking and heavy vehicle manoeuvring areas are to be submitted to the Certifying Authority for approval upon application for a Construction Certificate. These plans are to provide details of levels, cross falls of all pavements, proposed sealing materials and proposed drainage works and are to be in accordance with Orange City Council Development and Subdivision Code and AS/NZS 2890.1 Off-street car parking.
- (6) Prior to the issuing of a Construction Certificate, the plans are to be amended to remove the awning canopy from the southern elevation of the proposed building.
- (7) All stormwater from the site is to be collected and piped to the existing stormwater system crossing the site. Engineering plans shall be submitted to and approved by Orange City Council, prior to a Construction Certificate being issued.

The stormwater engineering plans shall include the following details:

- Method of connection to the existing 1200mm stormwater pipe; and
  - construction of an overland stormwater flow path with a capacity of 4.4m<sup>3</sup>/sec; and
  - an onsite stormwater detention system in accordance with the Orange City Council Development and Subdivision Code; and
  - floor levels of the proposed building being at least 300mm above the TWL of the overland stormwater flow path.
- (8) A 150mm-diameter sewer junction shall be constructed from Council's existing 300mm diameter sewer main to serve the proposed development. Prior to a Construction Certificate being issued engineering plans for the location of the junction and payment of the connection fee are to be submitted to Orange City Council.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA252/2022(1)**

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3

**Conditions (cont)****Prior to the issue of a construction certificate (cont)**

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- (9) A water and soil erosion control plan is to be submitted to Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) for approval prior to the issuing of a Construction 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.

- (10) The development's stormwater design is to include stormwater detention within the development, designed to limit peak outflows from the land to the pre-existing natural outflows up to the 100 year ARI frequency, with sufficient allowance in overflow spillway design capacity to safely pass flows of lower frequency (that is, a rarer event) without damage to downstream developments.

The design of the detention storage is to be undertaken using the ILSAX/DRAINS rainfall-runoff hydrologic model or an approved equivalent capable of assessing runoff volumes and their temporal distribution as well as peak flow rates. The model is to be used to calculate the flow rates for the existing and post-development conditions. The developed flows are to be routed through the proposed storage within the model so that the outflows obtained are no greater than the flows obtained for the pre-existing natural flows. A report detailing the results of the analysis, which includes:

- catchment plan showing sub-catchments under existing and developed conditions;
- schematic diagram of the catchment model showing sub areas and linkages;
- tabulation detailing the elevation, storage volume and discharge relationships; and
- tabulation for the range of frequencies analysed, the inflows, outflows and peak storage levels for both existing and developed conditions;

together with copies of the data files for the model and engineering design plans of the required drainage system are to be submitted to Orange City Council upon application for a Construction Certificate.

The stormwater detention basin shall be located outside the overland stormwater flow path.

- (11) 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.
- (12) An approval under Section 68 of the *Local Government Act* is to be sought from Orange City Council, as the Water and Sewer Authority, for alterations to water and sewer. No plumbing and drainage is to commence until approval is granted.

**PRIOR TO WORKS COMMENCING**

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- (13) Prior to works commencing, site establishment, earthworks and construction activities, tree protection zones shall be erected around all trees, both on the subject site and within the public reserve, in accordance with the McArdle's Arboricultural Consultancy Arborist Impact Assessment 17 May 2022.
- (14) A Construction Certificate application is required to be submitted to, and issued by Council/Accredited Certifier prior to any excavation or building works being carried out onsite.
- (15) 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.
- (16) Soil erosion control measures shall be implemented on the site.

**DURING CONSTRUCTION/SITEWORKS**

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- (17) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA252/2022(1)**

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**Conditions (cont)**

<b>During construction/siteworks (cont)</b>
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- (18) The provisions and requirements of the Orange City Council Development and Subdivision Code are to be applied to this application and all work constructed within the development is to be in accordance with that Code.

The developer is to be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing the development from Council's existing infrastructure. The developer is to be responsible for gaining access over adjoining land for services where necessary and easements are to be created about all water, sewer and drainage mains within and outside the lots they serve.

- (19) All driveway and parking areas are to be sealed with bitumen, hot mix or concrete and are to be designed for all expected loading conditions (provided however that the minimum pavement depth for gravel and flush seal roadways is 200mm) and be in accordance with the Orange City Council Development and Subdivision Code.
- (20) Heavy-duty concrete kerb and gutter laybacks and footpath crossings are to be constructed for both entrances to the proposed development. The location and construction of the laybacks and footpath crossings are to be as required by the Orange City Council Development and Subdivision Code and Road Opening Permit.
- (21) The existing 300mm diameter sewer main that crosses the site is to be accurately located. Where the main is positioned adjacent to any proposed building work, measures are to be taken in accordance with Orange City Council Policy - Building over and/or adjacent to sewers ST130.
- (22) All services are to be contained within the allotment that they serve.
- (23) All storage/standing areas are to have hard standing all-weather surfaces and be in accordance with the Orange City Council Development and Subdivision Code.
- (24) During construction, of the trees to be removed, those with habitat potential, i.e. containing splits, cavities, hollows and decay shall have their barrels and logs (at maximum retained lengths) transported to a nearby Council bushland reserve for habitat restoration works. Trees worthy of habitat relocation shall be identified in consultation with Council's Manager City Presentation. Delivery location shall be identified in consultation with Council Manager City Presentation and be within a 1.5-kilometre radius of the development site.
- Habitat trees shall be checked and inspected by a qualified ecologist prior to removal to ensure that native fauna is unharmed and where necessary relocated.
- (25) All construction/demolition work on the site is to be carried out between the hours of 7.00am and 6.00pm Monday to Friday inclusive, and 8.00am to 1.00pm on Saturdays. No construction/demolition work is permitted to be carried out on Sundays or Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
- (26) A Registered Surveyor's certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority.
- (27) All construction works are to be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.
- (28) All materials on site or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA252/2022(1)**

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5

**Conditions (cont)**

<b>PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE</b>
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- (29) Prior to the issue of an Occupation Certificate an easement to drain water is to be created over the overland stormwater flow path. A Restriction-as-to-User under section 88B of the *NSW Conveyancing Act 1919* is to be created on the title of Lot 101 DP 1111123 requiring that no structures are to be placed on the site, or landscaping or site works carried out on the site, in a manner that affects the continued operation of the overland stormwater flow path. The minimum width of the easement is to be as required in the Orange City Council Development and Subdivision Code.
- (30) A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater detention basin complies with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issuing of an Occupation Certificate.
- (31) 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, and that Council will take ownership of the infrastructure assets.
- (32) A Road Opening Permit Certificate of Compliance is to be issued for the works by Council prior to any Occupation/Final Certificate being issued for the development.
- (33) A total of 16 off-street car parking spaces (including one disabled parking space) shall be provided upon the site in accordance with the approved plans, the provisions of Development Control Plan 2004, and be constructed in accordance with the requirements of Council's Development and Subdivision Code **prior to the issue of an Occupation Certificate.**
- (34) Landscaping shall be installed in accordance with the approved plans and shall be permanently maintained to the satisfaction of Council's Manager Development Assessments.
- (35) A 2.1m high black palisade security fence shall be provided around the perimeter of the development. The height of the fence shall be measured from the highest finished ground level adjacent to each part of that fence.
- (36) No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.
- (37) Finished ground levels are to be graded away from the buildings and adjoining properties and must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to the stormwater drainage system.
- (38) The owner of the building/s must cause the Council to be given a Final Fire Safety Certificate on completion of the building in relation to essential fire or other safety measures included in the schedule attached to this approval.
- (39) Where Orange City Council is not the Principal Certifying Authority, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Orange City Council and a Final Notice of Inspection issued, prior to the issue of a final Occupation Certificate.
- (40) 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.
- (41) All of the foregoing 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 work required by the foregoing conditions is to be completed prior to the issuing of an Occupation Certificate, unless stated otherwise.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA252/2022(1)**

6

**Conditions (cont)****MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT**

- (42) A separate development application shall be submitted to and approved by Council prior to the erection of any advertising structures or signs of a type that do not meet the exempt development provisions of Orange Local Environmental Plan 2011 (amended) and Development Control Plan 2004.
- (43) The hours of operation of the premises shall not exceed 7:00am – 5:00pm Monday - Friday, 8:00am – 12:00pm Saturdays for the HVAC Store, and 6:30am – 5:00pm Monday – Friday for the Civil Store **without the prior approval of Council.**
- (44) 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 *Environmental Planning and Assessment Regulation 2000*.
- (45) The proposed development is to be carried out in accordance with the Waste Management Plan provided by Frater Consulting Series dated 25 July 2022.
- (46) No additional outdoor storage is to be permitted other than what has been shown on approved plans. All outdoor storage areas are to be kept in a clean and tidy manner.

**Other Approvals**

- (1) *Local Government Act 1993* approvals granted under Section 68.
- Nil
- (2) General terms of other approvals integrated as part of this consent.
- Nil

**Right of Appeal**

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.

**Disability Discrimination Act 1992:**

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act* currently available in Australia.

**Disclaimer - S88B of the Conveyancing Act 1919 - Restrictions on the Use of Land:**

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA252/2022(1)**

7

**Signed:** \_\_\_\_\_ On behalf of the consent authority **ORANGE CITY COUNCIL**

**Signature:**

**Name:** PAUL JOHNSTON - MANAGER DEVELOPMENT ASSESSMENT

**Date:** \_\_\_\_\_ 5 April 2023

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2	04.03.2022	Revision / Refinement of project	DN	AB
3	24.06.2022	Trade Docs Pack	DN	AB
4	29.11.2022	Planning Submission	BM	AB
5	03.03.2023	Pages Revised / Added	BM	AB

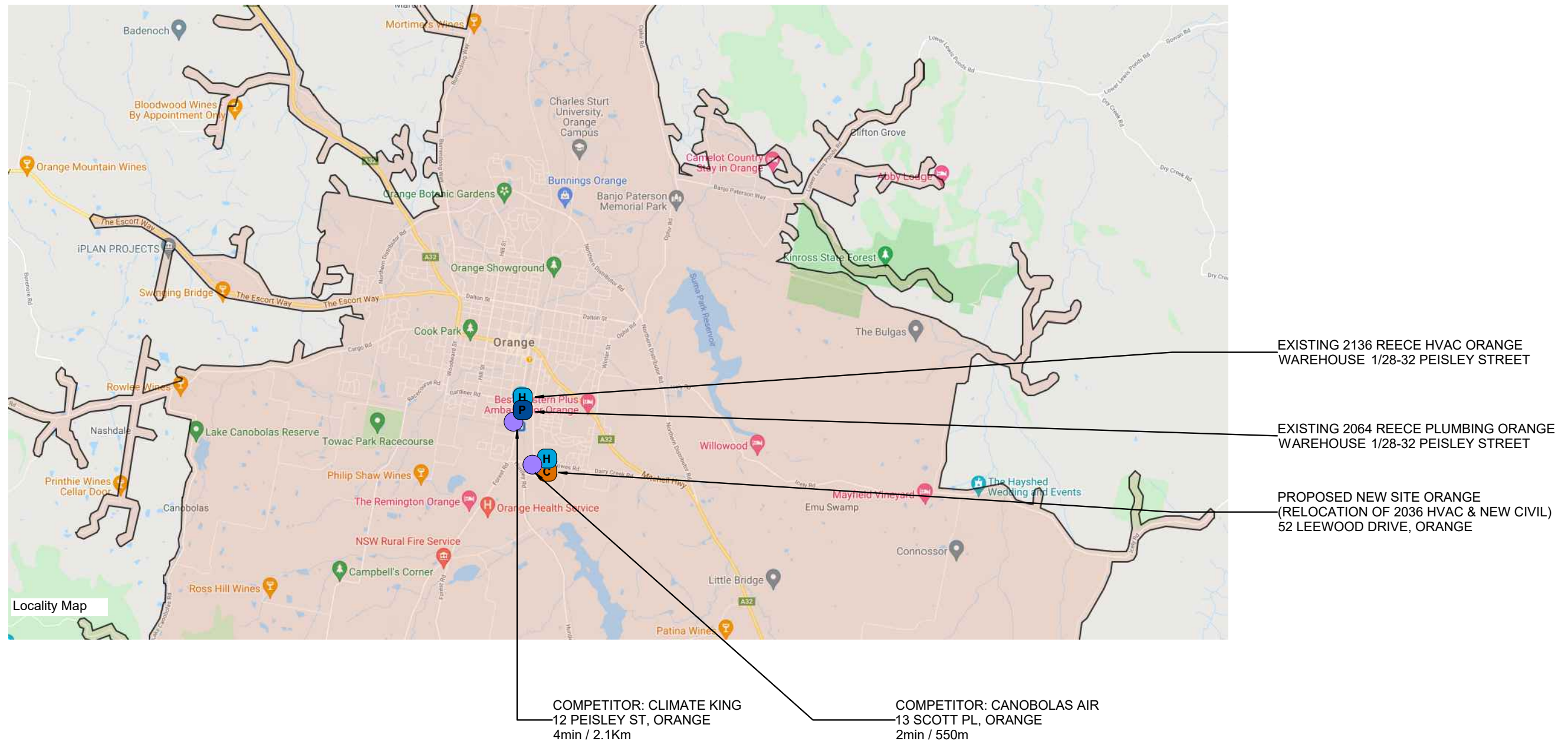
DWG. NO	DRAWING	REV
SK01	COVER SHEET	5
SK02	LOCALITY MAP	4
SK03	LOCATION AERIAL	4
SK04	STREET VIEW	4
SK05	EXISTING SITE PLAN	7
SK06	PROPOSED SITE PLAN	9
SK07	PROPOSED GROUND FLOOR PLAN	9
SK08	PROPOSED MEZZANINE FLOOR PLAN	9
SK09	PROPOSED ELEVATIONS	6
SK10	PROPOSED ELEVATIONS	6
SK11	BIN ENCLOSURE & PYLON SIGN	2
SK12	PROPOSED LANDSCAPE PLAN	1





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4	29.11.2022	Planning Submission	BM	AB

LEGEND  
①➔ PHOTO VIEW - REFER TO DRAWING SK04







StreetView1

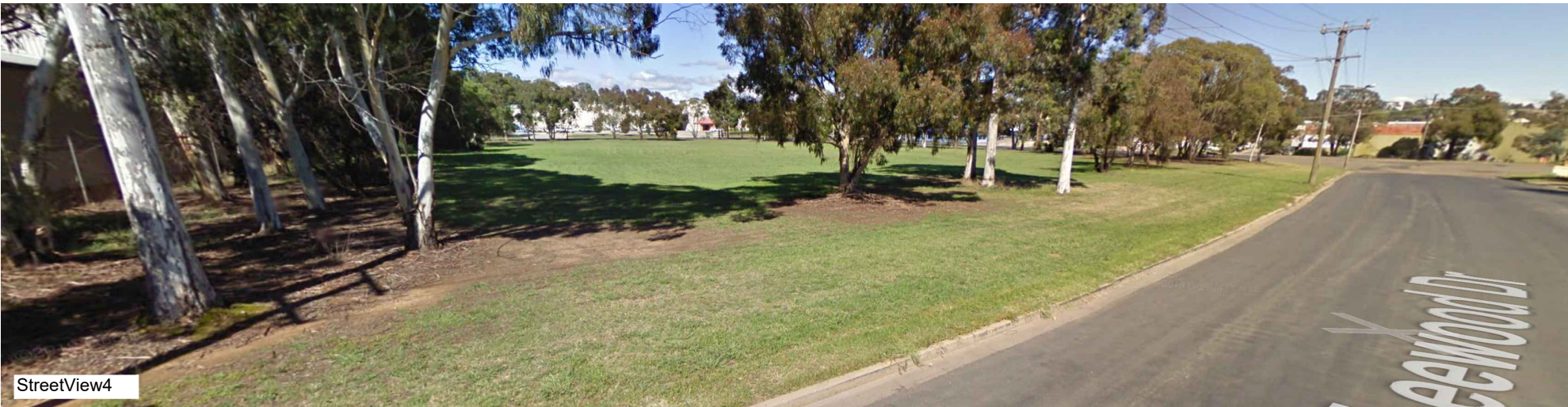
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4	29.11.2022	Planning Submission	BM	AB



StreetView2



StreetView3



StreetView4







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2	25.11.2021	Pre-App Set	DN	AB
3	02.12.2021	Refine Site for DD	DN	AB
4	22.02.2022	Revision / Refinement of plans	DN	AB
5	01.03.2022	Sign-Off Set	DN	AB
6	24.06.2022	Trade Docs Pack	DN	AB
7	29.11.2022	Planning Submission	BM	AB

<b>SITE AREA</b>
8956 m <sup>2</sup>







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7	24.06.2022	Trade Docs Pack	DN	AB
8	29.11.2022	Planning Submission	BM	AB
9	03.03.2023	Building Location Revised	BM	AB
Car Parking & Racking Revised				

SITE AREA	
8956 m <sup>2</sup>	

BUILDING AREA	
BUILDING AREA	1199 m <sup>2</sup>
CIVIL YARD AREA	4134 m <sup>2</sup>
HVAC YARD AREA	905 m <sup>2</sup>
SHARED CAR PARKING AREA	1394 m <sup>2</sup>

- LEGEND
- EXISTING TREE TO REMAIN
  - EXISTING TREE TO BE REMOVED. REFER TO ARBORIST REPORT
  - PROPOSED OVERLAND FLOW EASEMENT
  - FLOW CAPACITY OUTSIDE OVERLAND FLOW EASEMENT
  - SOFT LANDSCAPE AREA
  - PROPOSED TREES. REFER TO LANDSCAPE PLAN ON PAGE DA12

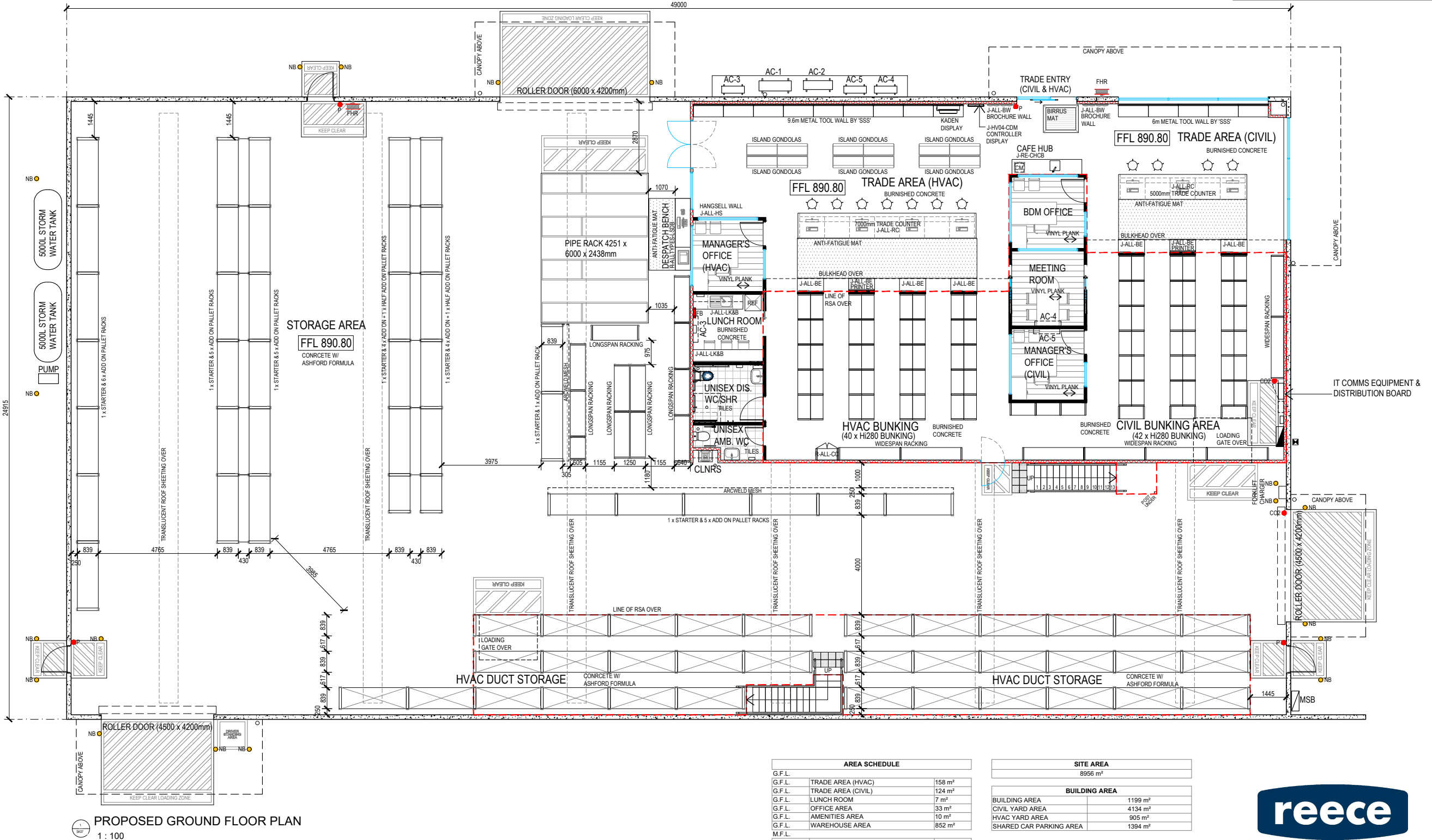


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7	24.06.2022	Trade Docs Pack	DN	AB
8	29.11.2022	Planning Submission	BM	AB
9	03.03.2023	Overall Replan	BM	AB

LEGEND

- CONCRETE WALL PANEL
- 90mm STUD WALL
- R2.5 INSULATED STUD WALL
- GLAZING
- IN-GROUND BOLLARD
- FINISHED FLOOR LEVEL
- FIRE HOSE REEL



2225 & 2136 - ORANGE, NSW.

2 & 52 LEEWOOD DRIVE

Date: 24.06.2022  
Drawn: DN

Checked: Checker

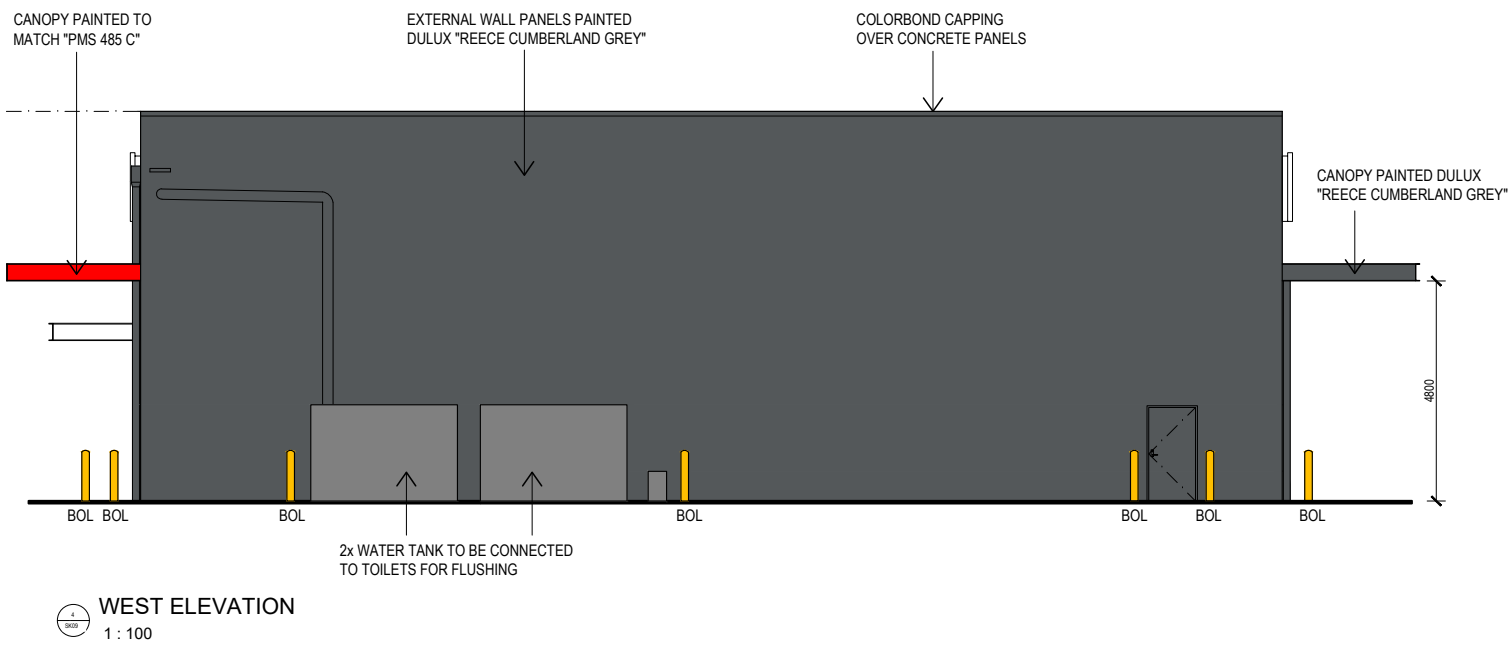
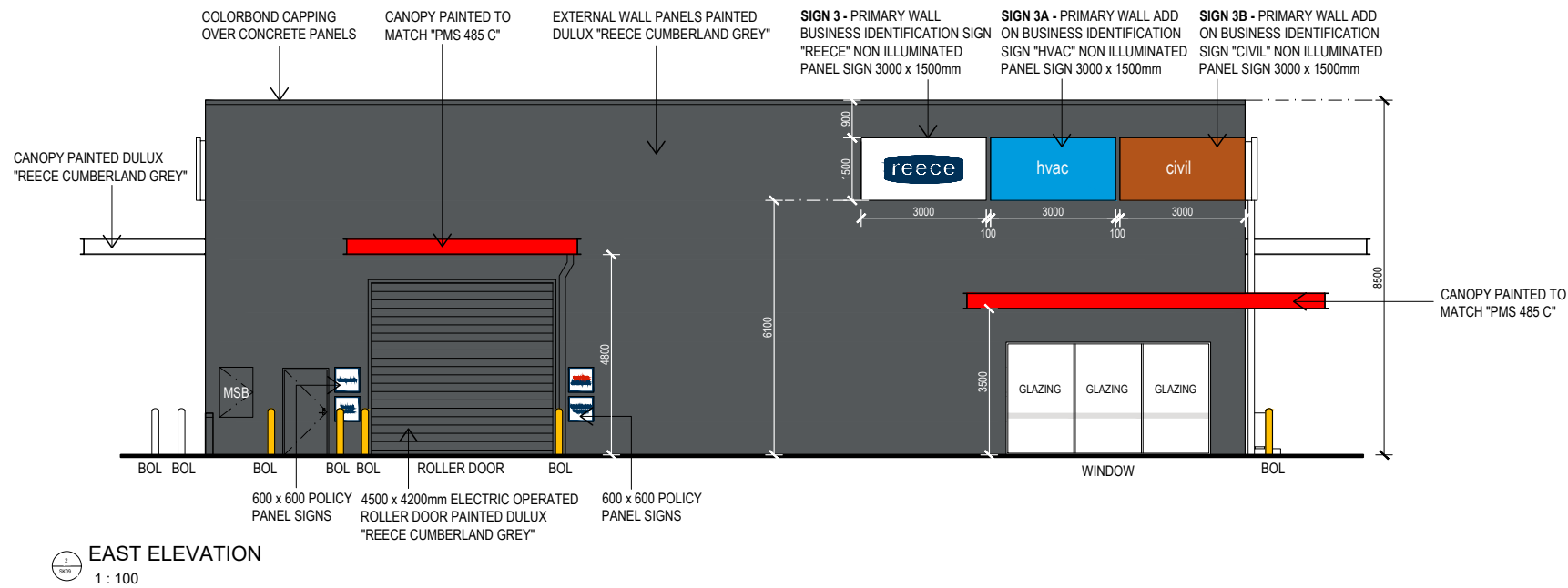
Dwg No.: SK07 Rev: 9  
Project No.: PR20220028





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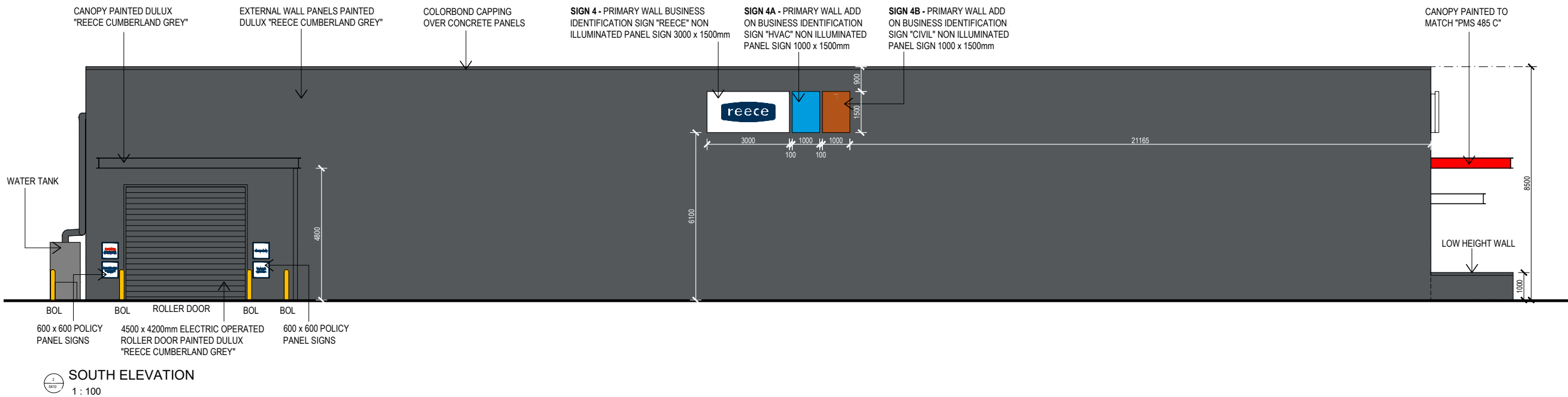
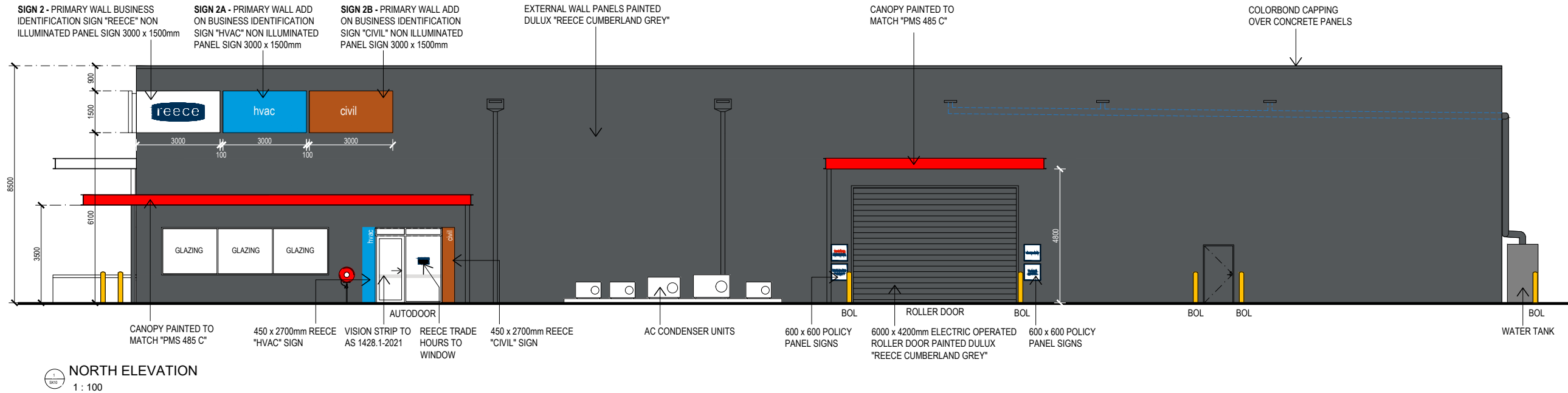
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1	22.02.2022	Revision / Refinement of plans	DN	AB
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3	04.03.2022	Revision / Refinement of project	DN	AB
4	24.06.2022	Trade Docs Pack	DN	AB
5	29.11.2022	Planning Submission	BM	AB
6	03.03.2023	Overall Elevation Revisions	BM	AB

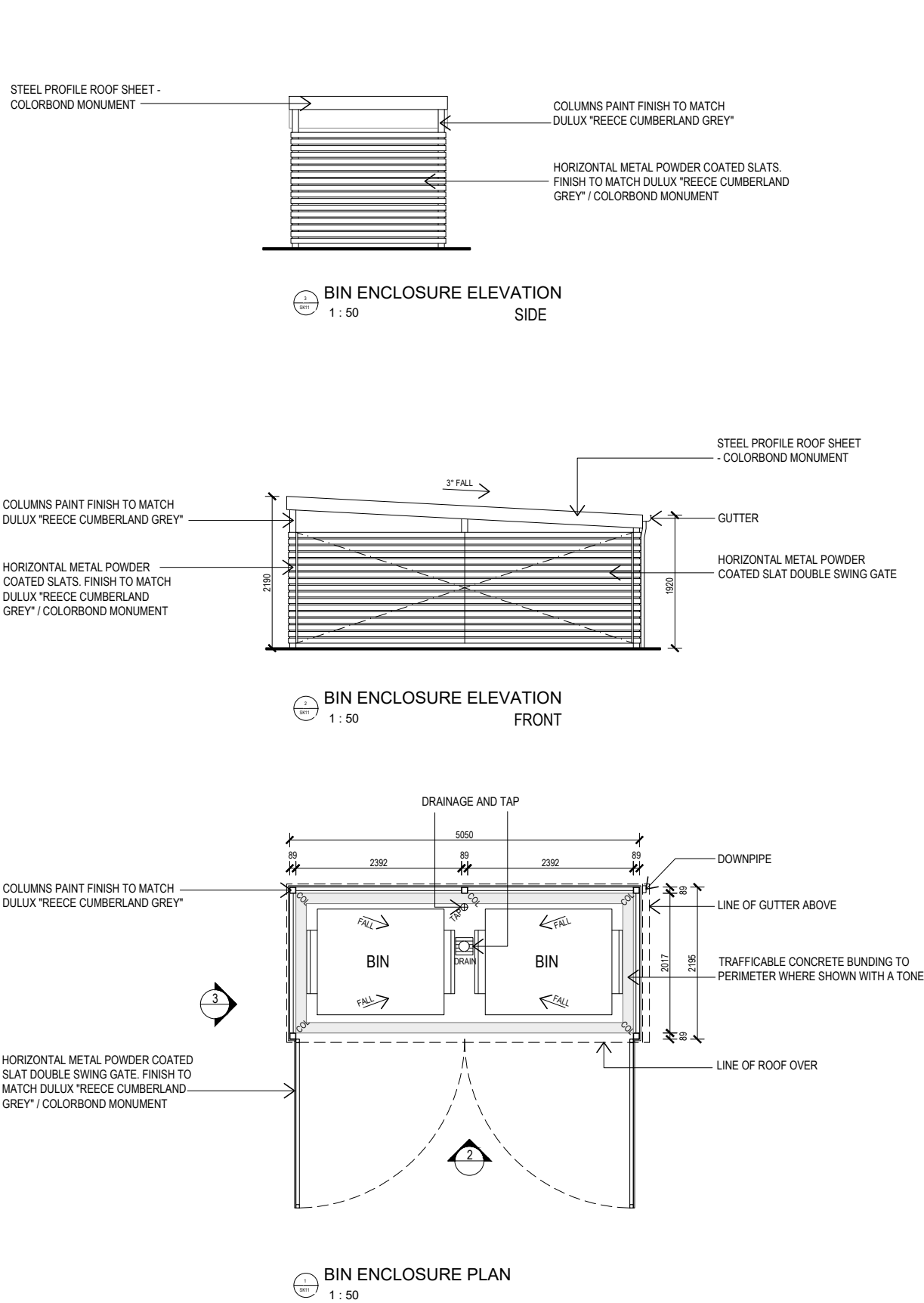




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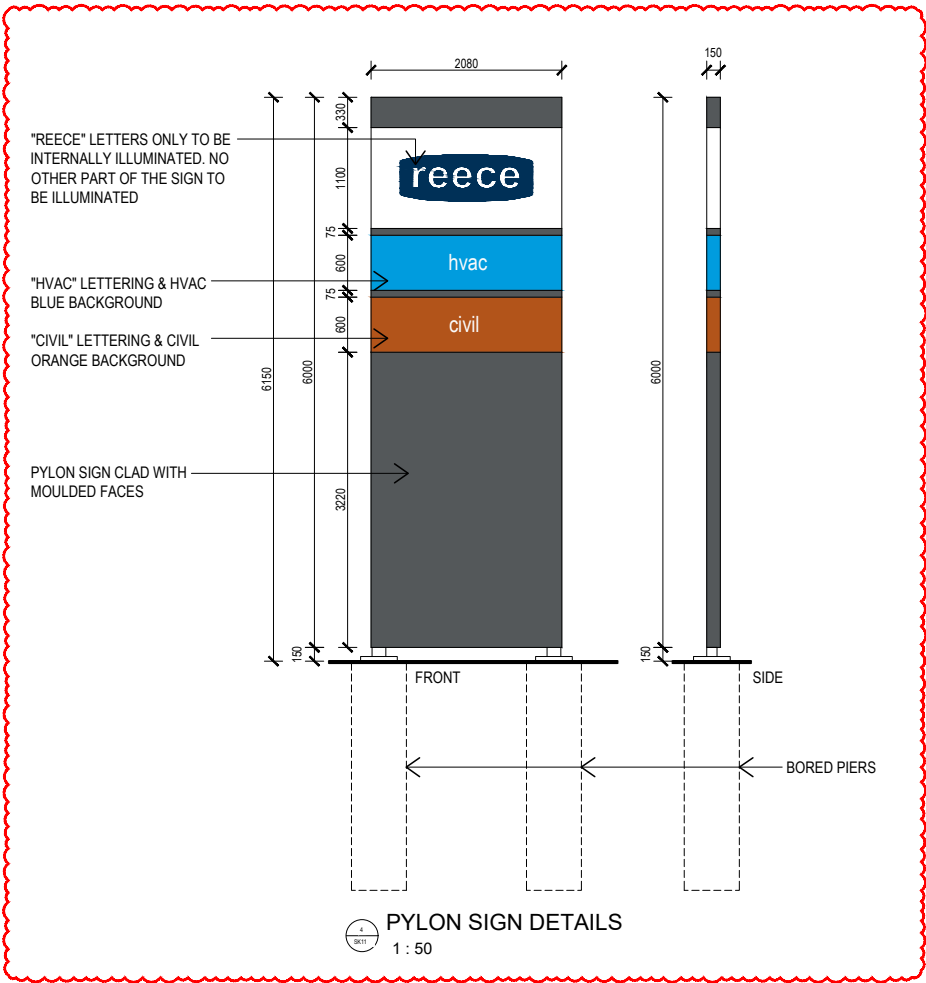
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1	29.11.2022	Planning Submission	BM	AB
2	03.03.2023	Pylon Signage Revised	BM	AB





GENERAL NOTES

WATER TANKS  
- CONNECTED TO DOWNPIPES  
- OVERFLOW DRAINAGE CONNECTED TO STORMWATER  
AS PER CIVIL ENGINEERS DRAWINGS  
- WATER TANK VOLUMES AS PER CIVIL ENGINEERS DRAWINGS  
- RAINWATER TANK PUMP CONNECTED TO TOILETS FOR FLUSHING. INSTALL  
COVER TO PUMP. REFER TO HYDRAULICS CONSULTANTS DRAWINGS

MULCH  
- BLACK LANDSCAPING MULCH TO ALL GARDEN BENS FORWARD OF  
BUILDING 12-20mm TO AN AVERAGE DEPTH OF 75mm  
- FINISH MULCH LEVEL WITH ADJACENT PAVING, KERBS OR TIMBER PLINTHS

IRRIGATION  
- INSTALL DRIP FEED LINE WATERING SYSTEM WITH CONTROLLER  
- WATER TANK FEEDS TO GARDEN BED IRRIGATION SYSTEM TO TURN UP TO  
A DOUBLE HEAD HOSE COCK

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1	03.03.2023	Page Added	BM	AB

LEGEND

- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED. REFER TO ARBORIST REPORT
- PROPOSED OVERLAND FLOW EASEMENT
- FLOW CAPACITY OUTSIDE OVERLAND FLOW EASEMENT
- SOFT LANDSCAPE AREA

PLANTING LEGEND

SWALE PLANTING

- S1 - SWALE PLANTING TYPE 1**  
CAREX APPRESSA - TALL SEDGE  
50 OFF @ 140mm POT SIZE  
SPREAD APPROX. 0.5M  
HEIGHT APPROX. 1M
- S2 - SWALE PLANTING TYPE 2**  
LOMANDRA LONGIFOLIA - TANIKA  
60 OFF @ 140mm POT SIZE  
SPREAD APPROX. 0.6M  
HEIGHT APPROX. 0.5M
- S3 - SWALE PLANTING TYPE 3**  
JUNCUS FLAVIDUS - GOLD RUSH  
20 OFF @ 140mm POT SIZE  
SPREAD APPROX. 0.2 - 1M  
HEIGHT APPROX. 1.2M

TREES

- T1 - TREE TYPE 1**  
EUCALYPTUS HYBRID NICHOLII -  
PEPPERMINT  
6 OFF @ 200mm POT SIZE  
SPREAD APPROX. 4M  
HEIGHT APPROX. 12M
- T2 - TREE TYPE 2**  
EUCALYPTUS MANNIFERA -  
RED SPOTTED GUM  
3 OFF @ 400mm POT SIZE  
SPREAD APPROX. 6M  
HEIGHT APPROX. 12M

GROUND COVERS

- GC1 - GROUND COVER TYPE 1**  
BRACHYSCOME MULTIFIDA -  
CUT LEAF DAISY  
40 OFF @ 140mm POT SIZE  
SPREAD APPROX. 1M
- GC2 - GROUND COVER TYPE 2**  
GOODENIA BLACKIANA -  
PRIMROSE GOODENIA  
140 OFF @ TUBE STOCK  
SPREAD APPROX. 20CM

GRASSES

- G1 - GRASS TYPE 1**  
DIANELLA REVOLUTA -  
BLACK-ANTHER FLAX-LILY  
40 OFF @ 140mm POT SIZE  
SPREAD APPROX. 0.3 - 0.8M  
HEIGHT APPROX. 1M
- G2 - GRASS TYPE 2**  
BULBINE GLAUCA - ROCK LILY  
60 OFF @ TUBE STOCK  
SPREAD APPROX. 0.3M  
HEIGHT APPROX. 0.5M
- G3 - GRASS TYPE 3**  
LOMANDRA LONGIFOLIA -  
SPINY-HEADED MAT-RUSH  
135 OFF @ 140mm POT SIZE  
SPREAD APPROX. 0.6M  
HEIGHT APPROX. 0.4 - 1M
- G4 - GRASS TYPE 4**  
POA LABILLARDIERI -  
COMMON TUSsock GRASS  
65 OFF @ 140mm POT SIZE  
SPREAD APPROX. 0.5M  
HEIGHT APPROX. 1M

SHRUBS

- SH1 - SHRUB TYPE 1**  
MELALEUCA DECUSSATA DWARF  
25 OFF @ 140mm POT SIZE  
SPREAD APPROX. 0.5 - 0.8M  
HEIGHT APPROX. 1.2 - 1.5M
- SH2 - SHRUB TYPE 2**  
GREVILLEA ROSMARINIFOLIA -  
SCARLETT SPRITE  
25 OFF @ 200mm POT SIZE  
SPREAD APPROX. 0.8 - 1M  
HEIGHT APPROX. 1M

CLIMBERS

- CL1 - CLIMBER TYPE 1**  
CLEMATIS MICROPHYLLA -  
SMALL-LEAVED CLEMATIS  
18 OFF @ 140mm POT SIZE

COUNCIL SELECTED TREES

- T3 - TREE TYPE 3**  
COUNCIL SELECTED TREES





## 2.5 DEVELOPMENT APPLICATION DA 314/2022(1) - FORMER DPI BUILDING - 159-179 KITE STREET

RECORD NUMBER: 2023/433  
AUTHOR: Ben Hicks, Senior Planner

### EXECUTIVE SUMMARY

Application lodged	20 September 2022
Applicant/s	Planning Potential
Owner/s	Sandran Pty Limited
Land description	Lot 814 DP813348 - 159-179 Kite Street, Orange
Proposed land use	Office Premises (change of use from public administration building) and Alterations and Additions to Existing Building
Value of proposed development	\$2,953,500.00

The proposed development at 159-179 Kite Street (Figure 1) seeks Council's consent for a change of use from public administration to office premises, along with several alterations and additions to the existing building. The site was formerly occupied by the Department of Primary Industries, and the proposed change in use will broaden the building's potential use beyond government purposes.

The proposed alterations include the demolition of the forecourt canopy, reconfiguration of the main entrance, lobby, and a new Bathurst Road entrance. Additionally, end-of-trip facilities, bike storage, and roof-mounted solar panels will be added, along with new landscaping and seating areas for the Bathurst Road and Kite Street entrances. Repairs and painting to window frames, gutters, fascia, blockwork, and relining of the canopy/awning are also included in the proposal.

A variation to the Floor Space Ratio (FSR) development standard is requested as part of this Development Application. Specifically, a 2.16% variation is sought from the existing/approved FSR to provide the new end-of-trip facilities and to accommodate the lobby additions. The use of Clause 4.6 to enable an exception to the development controls is deemed appropriate, with all requirements fulfilled. However, the proposed increase in floor area would lead to the removal of some existing parking spaces, specifically to provide end-of-trip facilities and bicycle parking/storage.

While the provision of bicycle parking/storage and end-of-trip amenities aligns with Council's vision for sustainable transport under Council's *FutureCity Planning & Design Framework*, it is crucial to balance this with addressing the need for car parking. To achieve this balance, it is recommended that Council allow the implementation of end-of-trip facilities and bicycle parking while requiring a monetary contribution for the deficiency in onsite car parking spaces. This approach ensures that the community still has access to car parking spaces while promoting sustainable and active transportation modes.

In light of the benefits and impacts of the proposed development, it is recommended that the application be approved. The development aligns with the relevant planning controls and has the potential to enhance the local economy and employment opportunities. Overall, the proposed development represents a positive addition to the City of Orange.



The proposal, with a capital investment value of \$2.9 million, exceeds the threshold of \$2.5 million set by Orange City Council's Declaration of Planning and Development Assessment Procedures and Protocols (Version 5, 2019). As a result, the proposal has been referred to the Planning and Development Committee for determination in accordance with Clause 4.10 *Delegations*.



Figure 1 - site context and 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 development at 159-179 Kite Street (Figure 1) seeks Council's consent for a change of use from public administration to office premises, along with several alterations and additions to the existing building. The key changes include the demolition of the forecourt canopy, reconfiguration of the main entrance, lobby, and a new Bathurst Road entrance. The proposal also involves the provision of end-of-trip facilities, bike storage, and roof-mounted solar panels, new landscaping and seating areas for the Bathurst Road and Kite Street entrances together with repairs and painting to window frames, gutters, fascia, blockwork, and relining of the canopy/awning.

The proposed changes are considered to be positive changes that will improve facilities internally for future occupants of the building and upgrade the buildings presentation and overall activation to the street. The key issues for Council's consideration in the determination of this application relate to the loss of car parking to facilitate end of trip facilities and the manner in which that loss of car parking is addressed, streetscape considerations, the impact of such on adjacent listed heritage items, and a request by the applicant for a 4.6 variation to the FSR requirements. These matters have been addressed in the planning report.

While the provision of bicycle parking/storage and end-of-trip amenities aligns with Council's vision for sustainable transport under Council's *FutureCity Planning & Design Framework*, it is crucial to balance this with addressing the need for car parking. To achieve this balance, it is recommended that Council allow the implementation of end-of-trip facilities and bicycle parking while requiring a monetary contribution for the deficiency in onsite car parking spaces. The report has provided commentary regarding a series of options for Council's consideration on this issue. Option 2 as outlined later in the report is the recommended course of action as it provides some flexibility in the amount required for parking contributions, while still maintaining a commitment to sustainable transport. The requirement for a contribution towards the provision of alternate parking sources in the locality to offset the loss of parking will ensure that the community still has access to car parking resources while promoting sustainable and active transportation modes.

Attached is a draft Notice of Determination outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner. It is recommended that Council supports the application subject to the adoption of the attached Notice of Determination.

**LINK TO DELIVERY/OPERATIONAL PLAN**

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

**FINANCIAL IMPLICATIONS**

The report recommends that Council exercise some flexibility in implementing the requirement for car parking contributions, taking into account the proposed sustainable and active transport facilities. The proposed end-of-trip amenities and bicycle parking/storage align with Council's vision for promoting sustainable and active transportation modes under the FutureCity framework.



On the basis that Council provides some leniency on the application of parking contributions, conditions of consent will require the proponent to prepare and implement a Travel Demand Management Plan and Green Travel Plan that provides strategies on private car reduction, such as but not limited to carpooling, ride-sharing programs, incentives to use public transportation, provision of bicycle fleet services etc.

One option for Council is to provide leniency in the form of a discount by adopting the lower contribution rate instead of the full rate. Alternatively, Council may choose not to impose a levy; however, not recommended.

It is important to note that compliant car parking remains a critical component of any development, even if the proposed development aligns with Council's strategic vision for promoting sustainable and active transportation modes. Current DCP controls do not consider end-of-trip facilities and bicycle parking as a direct offset for onsite car parking, so the provision of compliant car parking spaces remains necessary either through providing physical spaces or through making a monetary contribution. On this basis, another option for Council to consider is levying contributions for the deficient parking spaces at the full rate. This would be in strict compliance with contribution plan.

Nevertheless, Council's decision regarding the monetary contribution based on staff recommendations will have financial implications for Council. If Council decides to offer a discount or waive the levy, there will be a reduction in funds available for improving public parking facilities. This may require Council to seek alternative sources of funding or postpone public parking facility improvements, which could impact the availability and usability of parking in the CBD for the public. It could also affect Council's ability to provide for public parking facilities or make improvements to existing facilities in the future.

Overall, it is crucial for Council to carefully weigh the implications of their decision concerning the monetary contribution required from the proponent. This will be discussed in detail under the heading parking.

## **POLICY AND GOVERNANCE IMPLICATIONS**

The proposed variation to the floor space ratio under the Orange Local Environment Plan 2011 does not have any significant policy or governance implications. The justification provided for the variation is reasonable and is supported by the site context and circumstances of the case. Additionally, there is no indication that the proposed variation would lead to the abandonment of the FSR development standard. Therefore, it is recommended that the proposed variation be supported by Council.

## **RECOMMENDATION**

**That Council consents to development application DA314/2022(1) for *Office Premises (change of use from public administration building) and Alterations and Additions to Existing Building* at Lot 814 DP 813348 - 159-179 Kite Street, Orange pursuant to the conditions of consent in the attached Notice of Determination.**

## **FURTHER CONSIDERATIONS**

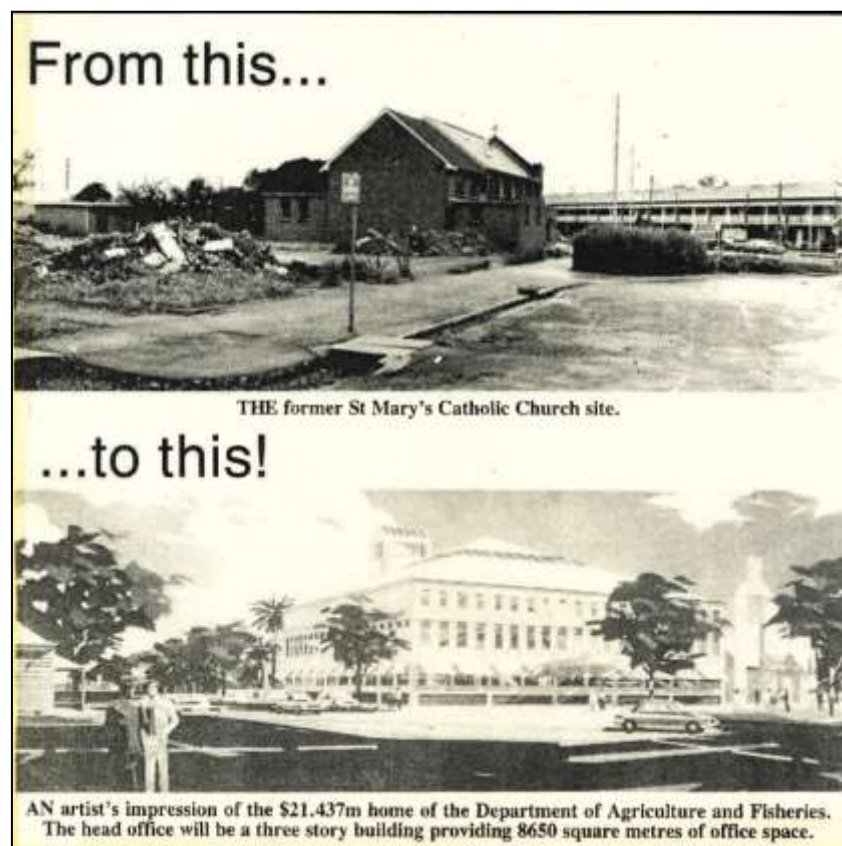
Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**HISTORY/BACKGROUND**

In 1990, Orange City Council approved the construction of the building on the site of the former St. Mary's Catholic Church and School, specifically to house the anticipated arrival of the NSW Department of Agriculture. The building was designed by the prominent architecture firm Edwards Madigan Torzillo Briggs Architects. The firm is renowned for designing some of Australia's most significant 20th century architectural works. Construction was completed by local trades under developer Abigroup. The building was a hallmark of its time, boasting a cutting-edge design that included a concrete frame structure with precast cladding, a shallow pitched metal roof, and two square volumes known as the East Block and West Block, complete with central atriums.

In January 1992, the relocation of the NSW Agriculture Department from Sydney to Orange marked a significant moment in the city's history. This move brought around 500 staff members to Orange, which had a notable positive impact on the city's economic and social development. The project cost a total of \$21 million and has since become a landmark of the local area.

The building offers approximately 8,600sqm of office space, with uncommonly large floorplates for a rural NSW building. However, the property is largely vacant since the Department of Primary Industries relocated to its new premises on Prince Street in 2020, with the exception of the second floor of the East Block, recently leased by UGL Regional Linx. Despite the building's somewhat dated appearance, it remains an iconic structure in Orange, symbolising a significant moment in the city's history.



**Figure 2 - extract from local newspaper (n.d) showing former Catholic Church site and artist impression of the proposed new building**



Figure 3 - former DPI building present day

## THE PROPOSAL

The proposal seeks to repurpose the existing building as office premises as defined under the Orange Local Environmental Plan 2011, thereby expanding its potential use beyond its previous government-only functions. Although the proposal change does not deviate from an 'office type' use as such, it represents a re-description that more accurately reflects the current and intended use of the building into the future.

The proponent's architects have advised that the proposed alterations and additions to the building aim to enhance its existing qualities and make it more attractive to future tenants. They note that the existing building is of solid construction and, while somewhat dated, is in relatively good condition.

The upgrades will focus on four key areas (Figure 4), including the Kite Street and Bathurst Road entry points, end-of-trip facilities, and the canopy and façade. The architects advise that the aim of these upgrades is to improve the building's functionality and promote better linkages across the site, addressing some of the perceived failings of the existing building. The design approach seeks to complement the existing building by contrasting against its heavy and solid concrete mass with a lighter aesthetic. Overall, the proposed upgrades aim to enhance the building's overall appeal and provision of modern facilities, making it more attractive to prospective tenants.



**Figure 4 - four key zones identified for upgrading**

#### Zone 1 Upgrade: Kite Street Entrance

It is proposed to increase the existing lobby area extending it to the stair core wall, creating a triple-height space that connects the first and second floors. The architects advise that the new lobby will have a glass facade that contrasts with the existing building's precast cladding and will create a grand entrance that better fits the building's scale.

A new steel canopy is also proposed in the forecourt to create a strong focal point at the main entry and provide weather protection. It is understood that the design of the canopy is based on the existing building's geometry, using a lattice of squares and triangles. The canopy will be raised to the eave level on slender columns, giving the impression of it floating above the forecourt. The architects suggest that this announces the building's entry and signifies the intended revitalisation of the building.

#### Zone 2 Upgrade: Bathurst Road Entrance

The proposed upgrade aims to create a new entryway that links the building to Bathurst Road and improves the street's activation. The architects advise that the Bathurst Road entry was never fully utilised and currently remains unused. The forecourt is ramped from the footpath level to the ground floor, but the current slope is too steep for pedestrian and disabled access. To address this issue, a new design with a series of ramps and steps has been developed, providing fully accessible access to the new entry. The plan also includes a sculpted landscape experience utilising planters that have been strategically placed to provide seating and breakout zones for future tenants.





Figure 5 - perspective of the proposed Kite Street entrance upgrades



Figure 6 - perspective of the proposed Bathurst Road entrance upgrades

### Zone 3 Upgrade: End of Trip Facilities and Bike Store

It is proposed for an End of Trip facility and bike store to be incorporated within the existing ground floor car park; providing secure bike parking spaces, lockers, showers, and grooming stations.

It will introduce 66 new secure bicycle parking spaces, but will result in the loss of 11 car parking spaces. Access to the bike parking and End of Trip facilities is via the car park, or a connection from Kite Street forecourt. The facilities will also have a direct link into the proposed Kite Street lobby.



Figure 7 - plan of proposed end of trip facilities



Figure 8 - example end of trip/bike store fit out

Zone 4 Upgrade:

The Zone 4 upgrade proposes a series of facade and canopy upgrades with the aim of creating a more consistent and sophisticated appearance for the building. As part of this proposal, the existing frames will be repainted to a warm grey colour. The precast panels will be retained in their current condition, while the concrete and blockwork walls will be repainted using a consistent palette of grey tones.

The canopy will be retained as part of the upgrade, but a new soffit lining will be added to the underside, giving it a simpler and lighter appearance when viewed from the street. The proposed upgrades will maintain the current location of downpipes and gutters, ensuring that the building's functionality is not compromised by the changes.



**Figure 9 - canopy and façade upgrades**



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

Pursuant to Section 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 development is not likely to give rise to any significant impact upon any endangered ecologically communities, threatened species or their habitat. The site is a longstanding and highly disturbed urban setting, devoid of native vegetation habitat values. A Biodiversity Assessment Report is not required, and the proposal suitably satisfies the relevant matters at Section 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:

- (a) to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,*
- (b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,*
- (f) to recognise and manage valued environmental heritage, landscape and scenic features of Orange.*

The proposed development will not be contrary to the above-listed Aims, as outlined in this assessment.

**Clause 1.6 Consent Authority**

Council is the consent authority in accordance with Clause 1.6.

**Clause 1.7 Mapping**

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

Land Zoning Map:	Land zoned <b>B6 Enterprise Corridor</b>
Lot Size Map:	No minimum lot size
Heritage Map:	<b>Adjacent to heritage items and conservation area</b>
Height of Buildings Map:	<b>Building height limit 16m</b>
Floor Space Ratio Map:	<b>Floor space limit 1:1</b>
Terrestrial Biodiversity Map:	No biodiversity sensitivity on the site
Groundwater Vulnerability Map:	<b>Groundwater vulnerable</b>
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

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**

Council staff are not aware of the title of the subject property being affected by a relevant instrument that would restrict the carrying out the proposed development, pursuant to Clause 1.9A.

**Part 2 - Permitted or Prohibited Development****Clause 2.1 Land Use Zones**

The subject land is zoned B6 Enterprise Corridor.

The proposed development is defined as *office premises*. Pursuant to the LEP:

***Office premises*** means a building or place used for the purpose of administrative, clerical, technical, professional, or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

The B6 zone permits office premises, and the applicant is requesting consent to change the use of the building to this purpose. Furthermore, the proposed alterations and additions to the building also fall within the permissible development parameters.

It is important to note that the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 allows for a change of use from office premises to specified uses such as public administration or business premises without the need for additional development approvals. This could be relevant in the future if a change of use is required.

**Clause 2.3 Zone Objectives**

The objectives of the B6 Enterprise zone are:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail, and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide for residential uses, but only as part of a mixed-use development.*

The proposed office development is in alignment with the objectives of the B6 zone. The project involves repurposing an existing building for general office purposes in a central location, adjacent to main roads, and is complementary to the mix of uses in the surrounding area, which includes residential, restaurants, cafes, and business premises.

The project is expected to facilitate employment opportunities by providing modern and accessible office space. The utilisation of the premises for office purposes builds upon its history of similar occupation being government administration, reinforcing the social and economic significance of Orange City in the region. Additionally, the proposal promotes sustainable development while preserving the area's existing character.

**Clause 2.7 Demolition Requires Development Consent**

This clause triggers the need for development consent in relation to a building or work. This requirement does not apply to any demolition that is defined as exempt development.

The proposal involves demolition in relation to the works associated with the proposed new entrances and the applicant is seeking the consent of council. The demolition works proposed will have no significant impact on adjoining lands, streetscape, or public realm. Conditions may be imposed in respect of hours of operation, noise, dust suppression and the like.

**Part 4 - Principal Development Standards****Clause 4.3 Height of Buildings**

The proposed development will not alter the height of the existing building, which currently exceeds the maximum height prescribed by the Height of Buildings Map. The existing building has a peak roof height of approximately 18m and a lift tower height of approximately 23m. However, since the proposed works will not increase the existing building height, the proposal will not be contrary to Clause 4.3 of the relevant planning instrument, which prescribes a maximum height of 16m for the subject land.

**Clause 4.4 Floor Space Ratio**

The Floor Space Ratio (FSR) Map specifies a maximum floor space limit of 1:1 for the subject land. The FSR is a measure of the total floor area of a building in relation to the area of the land on which it is built. An FSR of 1:1 indicates that the total floor area of the building is equivalent to the area of the land on which it is built.

The existing Gross Floor Area (GFA) of the building is 9,839m<sup>2</sup>, while the land area is 7,057.60m<sup>2</sup>. Therefore, the FSR for the current scenario is approximately 1.39:1, meaning that the total floor area of the existing building is 1.39 times the area of the land on which it is built or a 39% increase from 1:1. It is important to note that there was no FSR restriction on the site at the time of approval for the existing building.

It is proposed to increase the GFA of the building to 10,020m<sup>2</sup>. The proposed increase in floor space area results from incorporating end-of-trip facilities including bike storage, change and shower facilities and making changes to the building entrance and lobby areas (ground level). If the proposal is approved, the new FSR would be approximately 1.42:1. This indicates that the total floor area of the building would be 1.42 times the area of the land on which it is built or a 42% increase from 1:1.

However, the increase in FSR proposed by the development is relatively small, representing only a 2.16% increase from the existing or approved FSR. It is important to note that there is no maximum percentage by which a development standard may be varied, and any proposed variation must still be justified on environmental planning grounds. While percentages may help to provide a sense of the extent of the variation, ultimately it is the environmental planning justifications that must carry weight in the decision-making process.

The applicant has applied to vary the development standard under Clause 4.6 of the LEP.

#### **Clause 4.6 - Exceptions to development standards**

Clause 4.6 exceptions to development standards of the Orange Local Environmental Plan 2011 provides flexibility in the application of certain development standards in particular circumstances, where compliance with a development standard is unreasonable and unnecessary. In the context of this application, consideration of Clause 4.6 is necessary because of exceedances to prescribed floor space limitations.

In determining whether development consent may be granted, the Consent Authority must consider a written objection by the applicant to the development standard. The written objection must demonstrate:

- a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Council may grant consent only if the concurrence of the Planning Secretary of the has been obtained<sup>1</sup> and Council is satisfied that:

- the written request has adequately addressed the above, and
- the proposed development will be in the public interest because of:
  - consistency with the objectives of the particular standard, and
  - consistency with the objectives of the zone applying to the site.

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<sup>1</sup> Under section 55 of the Environmental Planning and Assessment Regulation 2021, consent authorities are notified via Planning Circular PS20-002 that they may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the SILEP (or any other provision of an environmental planning instrument to the same effect).

The DA is accompanied by a Clause 4.6 request to vary the floor space ratio standard in accordance the above requirements. The applicant argues that the proposed increase in gross floor area (GFA) will not have an adverse impact on the streetscape or character of the area. They justify the increase by pointing out that it is due to the loss of ground-level parking spaces that will be replaced with end-of-trip facilities and bike storage areas.

Additionally, the applicant notes that the existing building already exceeded the permitted floor space ratio (FSR) at the time of construction, and the proposed increase is minor and does not alter the building footprint. Furthermore, the applicant contends that there will be no measurable or unreasonable visual impacts, overshadowing impacts, or environmental or amenity impacts on surrounding properties. They assert that the additional floor space will enhance onsite facilities and encourage a decrease in traffic generation and reliance on vehicles.

### **Assessment of Clause 4.6 Request**

The pre-conditions that must be satisfied before the application can proceed will be examined in detail below, and the submitted documentation will be considered. The purpose of this assessment is to determine whether the applicant's request meets the necessary criteria and if the proposed development is appropriate for the site and the surrounding area.

#### **1. Consistency with the objectives/underlying purpose of the standard**

Clause 4.4(1)(a) of the Orange LEP 2011 outlines the objective of ensuring that the scale and bulk of a development do not have an unacceptable or adverse impact on the streetscape and character of the area.

The applicant proposes to increase the gross floor area (GFA) of the building to provide end-of-trip facilities and add to the Kite Street main entrance. However, they argue that this increase will not affect the area's streetscape or character as it will not significantly alter the existing building's footprint, bulk, or scale.

After examining the plans and written submissions, Council assessment staff agree with the applicant's argument that the proposed increase in GFA will not negatively impact the streetscape and character of the area in terms of scale and bulk. This is because the proposed bike store and end-of-trip facilities will be located within the existing building footprint, specifically within the ground-level car park. As a result, there will be no changes in bulk or scale of the building from this component, and thus, no negative impact on the streetscape or character of the area is anticipated.

Moreover, the proposed additions to the Kite Street entrance/lobby will not significantly alter the overall bulk and scale of the building and its relationship with the streetscape and character of the area. A massing study provided by the applicant's architects (Figure 10) supports this claim, as it shows the proposed new additions in the context of the existing built form, which is considered complementary to the adjoining volumes of the east and west blocks. The proposed new lobby space will feature lighter colours and materials including glass and steel, creating a perceived reduction in the proposed additions mass and heaviness. The glass facade will offer a degree of transparency, which contrasts with the precast cladding of the existing building.

This design feature will effectively preserve the building's existing bulk and scale, as there will be no discernible increase in size or massing (Figure 11). Additionally, the design is considered to break up the surface area of the building and create a more visually interesting facade. The positioning of the setback of the additions from the Kite Street alignment also reduces the scale of this component.



**Figure 10 - lobby additions massing study**



**Figure 11 - visual representation of the proposed new lobby space and its design features**

It should be noted that the proposed forecourt canopy is not included in the FSR assessment as it does not contribute to the gross floor area (GFA) of the building. Notwithstanding, it is considered to enhance the overall design and appearance and functionality of the building. The canopy is raised up to the eave level of the existing building, appearing to float above the forecourt on slender columns with a glass roof that maintains a sense of lightness and openness in the area.

Overall, the proposed development satisfies the objectives of the floor space ratio standard in the LEP and can be supported as it does not have an adverse impact on the area's streetscape or character in terms of bulk and scale, as demonstrated above.

2. Consistency with the objectives of the zone applying to the site.

The proposed office development aligns with the objectives of the B6 zone, as discussed in the preceding section of the report. The project involves repurposing an existing building for general office purposes in a central location, adjacent to main roads, and complements the mix of uses in the surrounding area, which includes residential, restaurants, cafes, and business premises. The project is expected to provide modern and accessible office space, thereby facilitating employment opportunities and activation of this area. Furthermore, the utilisation of the premises for office purposes builds upon its history of similar occupation, reinforcing the social and economic significance of Orange City in the region.

3. Establishing if the application of the development standard is unreasonable or unnecessary.

Strict compliance with the floor space standard would be unreasonable in this case. Firstly, the existing FSR already represents the allowable FSR at the time of approval for the existing building. Therefore, in practical terms, the proposed FSR increase of 2.16% from the existing is not significant. Secondly, as discussed earlier, the proposal is consistent with the objectives of the floor space ratio standard in the LEP. This consistency satisfies the first of the five tests established in *Wehbe v Pittwater* [2007] NSW LEC 827, which states that 'the objectives of the standard are achieved notwithstanding non-compliance with the standard'. It is important to note that satisfaction of any one of the tests established in *Wehbe* is sufficient to demonstrate that compliance with the standard is unreasonable or unnecessary<sup>2</sup>. Therefore, the applicant has demonstrated that compliance with the prescribed FSR is unreasonable or unnecessary, satisfying Clause 4.6(3)(a) of the OLEP.

4. Sufficient environmental planning grounds to justify contravening the development standard.

The proposal has been found to have sufficient environmental planning grounds to justify the contravention of the development standard. The proposal aligns with the adopted development controls under *Orange Eastside Precinct Development Control Plan* and the strategic planning objectives within the *FutureCity Planning and Design Framework*. The proposal aligns with the DCP's requirements for building design that achieves positive public domain outcomes and aligns with the FutureCity framework objective of promoting sustainable transport options. Further, in accordance with Council policy, a car parking contribution can be levied as part of the implementation of the proposal. Overall, these elements provide sufficient environmental planning grounds (as understood by the Court in *Four2Five Pty Ltd v Ashfield Council* at [26]) to justify the proposed variation.

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<sup>2</sup> *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC at [22]



In summary, the reasons given for the requested variation are reasonable and supported by the specific site conditions and circumstances of the case. It is recommended that Council support the variation.

## **Part 5 - Miscellaneous Provisions**

### **Clause 5.10 Heritage Conservation**

Although the subject site is not listed as a heritage item or located within a heritage conservation area, it is situated in close proximity to the Endsleigh Heritage Conservation Area and local heritage items such as the Lamrock Terrace houses to the south, as well as the Bowen Heritage Conservation Area and state-listed Bowen terraces to the north, which are located on the northern side of Bathurst Road. Therefore, careful consideration needs to be given to any potential impact the proposed development may have on the adjoining heritage setting. However, based on the following factors, and while having regard to Council's Heritage Advisor comments, it is unlikely that the proposal will have an adverse impact:

- The proposed development's scale and design are sympathetic to the surrounding built environment and character of the area.
- The proposed upgrades to the building and its services will not involve alterations to the dominant and unique precast panel façade feature of the building.
- The proposed new lobby and forecourt upgrades at the Kite Street entrance have been designed with respect to the heritage context of the locality, with a forecourt canopy that will not increase bulk and scale from the street frontage and will be constructed using lighter materials (such as glass) that are complementary to the existing building. Further, the design of the canopy picks up on the geometry of the existing building with a lattice of squares, triangulated along the 45-degree axis, prevalent throughout the existing building plan. The submitted design specifically used aspects of the existing buildings design, form, and materials to acknowledge the buildings past and its connection to the new.
- The Bathurst Road entry is currently unused and has poor interface with the adjoining Bowen HCA and Bowen Terraces. The proposal seeks to reinstate the entry, creating a linkage to the building from Bathurst Road and improving the street activation.
- The proposed colour scheme for the windows, gutters, fascia, concrete, and blockwork is consistent with the pre-cast panelling's neutral and grey tones and will not detract from the building's heritage significance or the character of the locality.
- The proposed use of the building for office purposes, is consistent with the objectives of the relevant planning controls and will not diminish the locality's aesthetic and social significance. Additionally, the utilisation of the premises for office purposes builds upon its history of similar occupation being government administration, reinforcing the social values of the locality.

Finally, while the subject site is not currently listed as a heritage item, it is considered to have potential future heritage value, and it is advised that Council explore this possibility at a later stage.

The building, though relatively modern, is a landmark that reflects a specific moment in the economic and social development in Orange. The proponent's thoughtful consideration of the building's past and potential future heritage value is a commendable approach to development that aligns with responsible heritage management.

**Part 7 - Additional Local Provisions****Clause 7.2A Floodplain Risk Management**

The land is subject to the probable maximum flood associated with Blackmans Swamp Creek, which partially affects the south-western corner of the site. However, the proposed use of the building does not pose a high flood risk for PMF considerations. Additionally, there are no aspects of the proposal that would impede the safe occupation of the land or evacuation from the site during flood events, as required under Clause 7.2A.

**Clause 7.6 Groundwater Vulnerability**

The subject land is identified as having 'groundwater vulnerability' on the Groundwater Vulnerability Map. There are no aspects of the proposal that would impact on groundwater and related ecosystems pursuant to Clause 7.6(3).

**Clause 7.11 Utility Services**

All utility services are available to the land and suitable for the proposal pursuant to Clause 7.11. Council's Development Engineer advises the proposed development will not increase demand on Council's water and sewer network. Therefore, there are water and sewer headworks charges applicable (further discussed below).

**STATE ENVIRONMENTAL PLANNING POLICIES****State Environmental Planning Policy (Resilience and Hazards) 2021**

The land has longstanding commercial use (circa 1990s) and is not known to have been used for a Table 1 purpose. The land is considered suitable for continued commercial landuse from a contamination perspective, pursuant to Section 4.6.

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

The proposed development is not contrary to any matter contained within Draft Amendments currently on exhibition.

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

The following parts of DCP 2004 are applicable to the proposed development:

- Chapter 2 - Natural Resource Management
- Chapter 4 - Special Environmental Considerations
- Chapter 8 - Development in Business Zones
- Chapter 13 - Heritage
- Chapter 15 - Car Parking

The relevant matters in Chapters 2 and 4 were considered in the foregoing assessment under Orange LEP 2011. The relevant matters contained under 8, 13 and 15 are addressed below:

#### **Chapter 8 - Business Services Areas**

- *Applications clearly demonstrate that the development will not detract from the role of the CBD as a regional centre.*

Office premises are considered complementary land uses in the fringe CBD precinct and will continue to reinforce the role of the CBD as a regional centre for commerce and services. The core CBD area will still be retained for primary retail functions. Overall, the development aligns with the local development plan's objective of maintaining the CBD's regional centre status and is considered consistent with the relevant planning outcome.

- *Provision of adequate fire-safety measures and facilities for disabled persons (according to the BCA) is addressed at the application stage (relevant for all development but particularly important where converting residential buildings for business use).*

Relevant conditions are attached in this regard.

- *Heritage streetscapes are conserved and enhanced through adaptive re-use of heritage buildings, restrained advertising and landscaped gardens.*

The proposed development has been thoughtfully designed to ensure that it has a minimal impact on the adjoining heritage setting. The scale and design of the proposed additions are sympathetic to the surrounding built environment, while the upgrades and modifications are respectful of the building's unique architectural design, including its precast panel façade feature.

Additionally, the proposed use of the building for office purposes aligns with the area's social and aesthetic significance and maintains the building's function as a commercial space consistent with the locality's historical use. This not only ensures that the building remains an active and functional part of the community but also contributes to the area's social and economic vitality.

Furthermore, the proposed development will enhance the existing landscaped gardens and established trees, which will be retained as part of the proposal. No advertising signage is proposed as part of this application. Overall, this proposed development showcases responsible heritage management in the locality by striking a delicate balance between new development and heritage values.

- *Areas on the main roads into and out of Orange (such as Molong Road and Bathurst Road) provide a high level of architectural design to enhance the visual character of the City entrances.*

The subject land is situated adjacent to Bathurst Road, which is one of the main roads into and out of Orange. The proposed works aim to activate the currently unused and inaccessible Bathurst Road frontage by incorporating landscaping and level changes to promote fully accessible access.

The development is expected to create a visually appealing and accessible frontage that will attract people to the site and better interface with the road and adjoining developments. Overall, the proposed works are anticipated to create an inviting and active frontage that will contribute to the vibrancy of the area.

- *All sites contain an element of landscaping. Landscaping provided is of a bulk, scale and height relative to buildings nearest the front property boundary so as to provide beautification and visual relief to the built form proposed or existing on the site. The depth of the landscape bed at the site frontage is sufficient to accommodate the spread of plantings that meet the abovementioned outcomes but, where practicable, a minimum depth of 3m is provided. Plantings are designed to provide shade for parking areas, to break up large areas of bitumen, to enhance building preservation and to screen against noise.*

Landscaping has been included to improve streetscape and entry amenity, in particular, the upgraded Bathurst Road entry and Kite Street forecourt areas. The proposed landscaping will complement the existing established trees that will be retained as part of the development, and enhance the previous landscaping which consisted of small garden beds on the site's perimeter along Kite Street and Endsleigh Avenue. The retention of established trees will contribute to the conservation of the heritage values of the area, and the proposed landscaping will help to integrate the proposed development into the surrounding built environment while also improving the aesthetic quality of the streetscape.

## **Part 13 - Heritage**

### **13.3 Heritage Development**

As outlined in the foregoing sections of this report (see Clause 5.10), the proposed development will not have adverse impact on the significance of the heritage setting.

## **Part 15 - Car Parking**

The DCP prescribes the following applicable Planning Outcome for Car Parking:

- *Adequate off-street car parking is provided in accordance with the Table, or alternatively, according to an assessment that demonstrates peak parking demand based on recognised research.*
- *Car-parking areas are designed according to Australian Standard.*
- *Car-park areas include adequate lighting and landscaping*
- *Bicycle-parking facilities are provided according to the relevant Australian Standard.*
- *Facilities for loading and unloading of commercial vehicles are provided according to the relevant Australian Standard.*

According to Council's current DCP 2004, Office Premises must provide parking at a rate of 1 space per 40m<sup>2</sup> of gross floor area (GFA). However, when the building was initially approved, the required 1 space per 65m<sup>2</sup> of GFA under the then parking code.

The proposed development is a change of land use from Public Administration to Office Premises. While this change is technically classified as a change of use under the legal framework, for all practical purposes, the use remains an office-type use and is better described as a re-description to reflect the current and proposed use of the building.

The current DCP 2004 does not have separate parking rates for the two land use descriptions. Therefore, since the proposed development involves a change from one office function use to another, it is deemed to comply with the parking provisions that were in place at the time of initial approval. The change in use itself does not create a net increase in parking demand, as there is no significant change in the nature of the use.

Notwithstanding, the proposed development includes new works that will increase the building's gross floor area by 181m<sup>2</sup> to accommodate end-of-trip amenities and the Kite Street lobby additions. This translates to a requirement of 4.5 parking spaces to be provided as part of the development, based on the current parking rate of 1 space per 40m<sup>2</sup>. However, while these additions are included in the calculation of the gross floor area for parking requirements, they do not directly increase the usable office space and may not necessarily generate increased traffic movements or parking demand in this case. Furthermore, to provide the proposed end-of-trip facilities, bicycle parking, and storage, a total of 11 existing parking spaces will need to be removed, bringing the total number of required spaces to 15.5.

The proponent's proposal does not provide an equivalent number of parking spaces on the site, which is a concern as the current DCP requires a certain number of parking spaces for this type of development. However, the proponent argues that the proposed end-of-trip facilities and bicycle parking will compensate for the loss of parking by encouraging walking and cycling, which could be effective. Nonetheless, the current DCP controls do not recognise these facilities as a direct offset for onsite car parking. Thus, compliant car parking spaces are still necessary, either through physical provision of such onsite or a monetary contribution. Failure to meet the minimum parking requirements could result in additional parking pressure on the surrounding streets, which have the potential for negative impacts on the local community.

Having said that, the inclusion of end-of-trip facilities and bicycle parking in new developments is an important step towards promoting sustainable transportation and creating healthier communities. By providing alternative modes of transportation, such as bicycle feet services, and end of trip amenities etc, developers can encourage people to consider commuting via bicycle or by walking, which can ultimately reduce the number of cars on the road and decrease carbon emissions. In fact, these facilities are becoming increasingly popular in modern workplaces and are often a requirement within sustainable building standards and contemporary DCP development controls across NSW. As such, it is highly likely that they will be recognised and emphasised in future iterations of Council's DCP. Therefore, it is essential that Council encourages developers to incorporate these types of facilities in all new developments, in order to promote sustainable transportation and create a more connected and sustainable community.

Although end-of-trip amenities and bicycle facilities provide numerous benefits, it is still crucial to ensure that the parking requirements of the development are met. These amenities may not completely compensate for the loss of onsite parking, and further measures must be taken to address this issue. As the proposed site falls within the car parking developer contributions catchment, requiring a monetary contribution to cover the deficient parking spaces is a suitable mechanism to resolve this problem.

Thus, it is necessary to consider the proposed end-of-trip facilities and bicycle parking as complementary measures rather than a substitute for onsite car parking. Please note that Council's Development Contribution Plan ordinarily requires a contribution of \$17,038.04 in circumstances where the proposal involves the loss of a car parking space.

When it comes to addressing the deficient parking spaces in the development application, Council has several options at their disposal. Some potential options for consideration include:

1. Require a payment for 15.5 car parking spaces (being the physical loss of 11 spaces within the car park and the nett increase in GFA generating an additional demand of 4.5 spaces) at Rate (a), which is currently set at \$17,038.04 per parking space, in accordance with Council's Car Parking Contribution Plan - Total \$264,089.62
2. Require a payment for 15.5 car parking spaces (being the physical loss of 11 spaces within the car park and the nett increase in GFA generating an additional demand of 4.5 spaces) at Rate (b), which is currently set at \$8,519.04 per parking space, in accordance with Council's Car Parking Contribution Plan - Total \$132,045.12.
3. Alternatively, Council may choose to waive the requirement for any Council Car Parking Contributions.

**Option 1** would require the proponent to pay the full amount under Rate (a), which is a higher rate that reflects the increase in additional GFA and the removal of existing parking spaces. While this option would ensure strict compliance with the contribution plan and provide the community with the necessary parking provisions, it may not be the most expedient choice considering the specific circumstances of the proposed development and its location. Furthermore, it may not align with Council's broader goals and objectives for sustainable transport and vibrant communities.

**Option 2** is the recommended course of action as it provides some flexibility in the amount required for parking contributions, while still maintaining a commitment to sustainable transport. Under this option, the proponent would pay half of the rate under Option 1 (Rate (a) being the rate that would ordinarily apply in circumstances where a development resulted in a change of use that generated a nett increase in parking demand with no additional floor area provided. This option would come with certain recommended conditions. Under this approach the proponent would be required to commit to sustainable and active transport measures and implement travel demand management and green travel plans. This option takes into account the specific circumstances of the proposed development and its location, recognising that a strict compliance approach may not always be the best solution. It should also not be viewed as a precedent that would affect parking contributions for other applications.

The recommended Option 2 aligns with Council's strategic visions under the *FutureCity Framework*, which promote sustainable and active transport and the creation of vibrant and connected communities. By incentivising sustainable transport options and promoting travel demand management and green travel plans, the proposal not only addresses the parking requirements of the development but also supports Council's broader goals and objectives. Furthermore, this approach can lead to a reduction in the number of people who require parking, which can offset the lower contribution rate under Option 2. In this way, it is a viable and equitable option for both the proponent and the community.

Ultimately, Option 2 strikes a balance between parking requirements and sustainable transport modes, whilst also supporting Council's broader goals and objectives for creating vibrant and connected communities. By requiring the proponent to commit to sustainable and active transport measures and implement travel demand management and green travel plans, Option 2 incentivises the use of sustainable transport options and promotes a reduction in parking demand. This approach recognises the specific circumstances of the proposed development and its location and can be seen as a responsible and innovative way to address parking requirements while also supporting Council's strategic visions.

**Option 3** would waive the requirement of payment for any Council Car Parking Contributions, which would not provide the community with the necessary parking provisions i.e., it will result in the proposed development having a parking shortfall that could impact the surrounding area. It is important to note that if Option 3 is selected it may have implications for other decisions in the City and Council would need to consider the potential impacts of the parking shortfall on the surrounding area and any potential traffic impacts.

The decision on which option to implement for the proposed development's parking contributions ultimately rests with Council and should take into consideration the specific circumstances of the proposal and its potential impact on the surrounding area.

### **Orange Eastside Precinct Development Control Plan**

The following section addresses the development controls outlined in the Orange Eastside Precinct Development Control Plan, specifically those listed under 18.4.1 Building Design, 18.4.4 Active Frontages, and 18.6.1 Sustainable Environmental Management. Any matters not applicable or previously addressed in the report, such as car parking and heritage, are excluded from this section. The relevant controls within the DCP are addressed as follows:

#### **18.4.1 Building Design**

- 1. Building facades are to incorporate a range of materials that relate sympathetically to items of heritage significance.*
- 2. The selection and mix of building materials must complement the overall composition and emphasise the scale, proportion and rhythm of the facade. Heavy materials such as brick, stone and concrete can provide a solid building base or express key elements, whilst lighter materials such as glazing, cladding and lightly coloured rendered surfaces reduce perceived bulk and add relief to the facade.*
- 3. Strengthen the relationship to the street through the use of entry lobbies, entry porches, loggias, balconies, bay windows.*
- 4. Where a building addresses two streets of different hierarchy the primary street frontage should be reflected through detail of the facade.*
- 5. Design corner buildings to assert visual prominence through façade articulation, materiality, roof prominence and increased height.*
- 6. Ensure the configuration of buildings and structures do not impact on public open space by providing solar modelling for 9am, 12pm, and 3pm on the 21 June (mid-winter).*



- 7. Large expanses of blank walls are to be avoided through the use of architectural design features, modelling and fenestration.*
- 8. Where development exposes the blank wall of an adjoining building, a visually interesting treatment is required. This includes contrasting materials, textures, finishes and murals, but does not include billboard advertising signs or other expansive commercial messaging.*
- 9. Building design avoids dead spots at ground floor level, such as car parking frontages, blank walls and recessed spaces.*
- 10. Car parking entrances and services access is not permitted off the primary frontage, unless the development has no other frontage.*
- 11. Development of sites indicated by Figure 2 are to be designed to contribute to the intended street wall of the precinct.*

The proposed upgrades to the building comply with the East Side DCP with respect to building design. The proposal aims to enhance the existing qualities of the building while remaining environmentally responsible. The four key areas for proposed upgrades are in line with the objectives of the relevant planning controls. The proposed upgrades seek to resolve some of the failings of the existing building, improving its functionality, re-working the two entry points, and promoting better linkages across the site. The design approach looks to complement the existing building, contrasting against its heavy and solid concrete mass with a lighter, whiter glassy aesthetic.

The proposed upgrades to the Kite Street entry, Bathurst Road entry, end-of-trip facilities, and the facade and canopy appear to comply with the East Side DCP. The proposed upgrades to the lobby, such as the extension to the stair core wall creating a dramatic triple-height space linking to the first and second floor level circulation zones, are intended to provide better-suited scale to the building than the existing layout, while also incorporating a glass facade providing a visual contrast to the precast cladding of the existing building.

The proposed upgrades to the Bathurst Road entry, including a series of ramps and steps to promote fully accessible access to the proposed new entry, also incorporate level changes amongst landscaped planters, providing a sculpted landscape experience with seating and breakout zones for the tenants.

The proposed facade and canopy upgrades aim to create a more consistent and sophisticated appearance to the building, including the repainting of the frames to warm grey and the repainting of the walls with a consistent palette of grey tones. The retention of the canopy with a new soffit lining to the underside, which will appear simpler and lighter from street level, also aligns with the East Side DCP.

#### **18.4.4 Active Frontages**

- 1. Active frontages are to be consistent with Figure 4.*
- 2. A building has an 'active street frontage' if all premises on the ground floor of building presents to the street or the public domain and are used for the purposes of business or retail premises.*

3. *New buildings are to demonstrate compliance with the following controls:*

- a) ground floor frontage to be activated by retail and business premises*
- b) no ground floor residential is permitted*
- c) showrooms are permitted within areas identified with an active street frontage*
- d) locate ground levels at grade with finished footpaths*
- e) reinforce corner frontages on primary streets with shop front windows*
- f) residential lobbies are permitted off the street frontage*
- g) no vehicle access permitted unless the development has no other street frontage.*

The proposal appears to comply with the East Side DCP requirements for active frontages. The proposed upgrades to the building's entryways and façade are intended to enhance the building's street presence and make it more attractive. The Kite Street entryway will be extended, and the lobby will be made grander and more spacious, providing a clear and welcoming entry point for visitors. The Bathurst Road entryway will be upgraded to create a separate entrance, which will improve street activation and provide a linkage to the building from Bathurst Road. The proposed upgrades to the building's façade, including repainting and lining of the canopy, are intended to create a more sophisticated appearance and contribute to the overall revitalization of the building.

#### **18.6.1 Sustainable Environmental Management**

The Orange Eastside Precinct Development Control Plan includes controls aimed at promoting sustainable management of water resources, promoting water conservation practices, and using energy-efficient building design principles. However, as the proposed development involves mostly alterations and additions to an existing structure, most of these requirements are not entirely applicable. Nonetheless, the development is still considered consistent with the plan's objectives.

The proposed development focuses on three key sustainable areas: re-use, renewables, and transport. The re-use of the existing building fabric is a sustainable option that reduces waste and environmental impact. The addition of solar panels to the roof reduces reliance on non-renewable energy sources (Figure 12). The inclusion of secure bike parking and End of Trip facilities promotes sustainable transport options and encourages physical activity. Overall, the proposed development demonstrates a commitment to sustainable environmental management while providing a functional and productive building for its occupants.



**Figure 12 - visual representation of the extent of the proposed photovoltaic system**

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

Council's EHBS advises that the proposed development will not be contrary to any matter prescribed by Regulation.

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

Based on the analysis conducted in earlier sections of this report, it is evident that the proposed development will have a positive impact on the surrounding natural and built environments, contributing to favourable social and economic outcomes for the local community. The development's bulk, scale, and intensity have been carefully assessed, taking into account its relationship to adjoining development and the surrounding area.

The proposed building upgrades aim to enhance the existing building without dominating it. It is evident that extensive research has been conducted to preserve and improve the building's character and that of the surrounding area. The lobby extension and forecourt canopy add focus to the main entry while resolving internal congestion, and the proposed colour scheme is complementary to the existing hues. The works to line the underside of the street canopy are minor and aim to smarten up the building's appearance in the public realm. The proposal is suitable from a heritage and visual impact perspective, with the precast panelling, a dominant feature of the facade, remaining unchanged.

Application of Council's Car parking Contributions Policy, coupled with the need for a Travel Demand Management Plan and Green Travel Plan, are suitable measures to deal with the parking and traffic issues.

Moreover, it is expected that the proposed development will bring about positive social impacts without any adverse effects on the local community. In fact, the development is likely to enhance social outcomes by providing contemporary amenities and improving access to sustainable transport options, which will activate the local area and promote a livelier and more engaging environment consistent with the vision of Council's FutureCity Framework. Additionally, the development is expected to create job opportunities and support local businesses, while also drawing more foot traffic to the area, which will be beneficial for the surrounding businesses. Overall, the proposed development is anticipated to have a positive impact on the social and economic wellbeing of the community.

From an environmental perspective, the proposed development has been designed with sustainability in mind. The re-use of the existing building and the addition of solar panels will contribute to the reduction of carbon emissions and promote the use of renewable energy sources. Additionally, the development will improve access to sustainable transport options, thereby reducing reliance on private vehicles and promoting active transport.

The recommended Conditions of Consent will establish specific requirements for managing the potential impacts of the development during the construction phase. This will include requirements on hours of work, dust, and noise management to minimise any disruptions or inconveniences to nearby residents and businesses.

Overall, it is considered that the proposed development will have a positive impact on the surrounding natural, social, economic, and built environments.

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

The proposed development is located in the B6 Enterprise Corridor zone and is permissible with the consent of Council. The subject land is considered to be suitable to undertake the proposed development due to the following:

- The development is permissible and compliant with the relevant provisions of the LEP.
- The development is considered to be satisfactory in regard to Section 4.15 of the Environmental Planning and Assessment Act 1979.
- The potential impacts of the development can be managed appropriately through the conditions of consent.
- The development of the site will not create significant adverse impacts on the context and setting of the area.
- The development of the site will not detrimentally affect adjoining land and is unlikely to lead to land use conflicts.
- All utility services are or can be made available.
- The subject land has no significant biodiversity or habitat value.

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

The proposed development is not defined as *advertised* or *notified development* pursuant to the Community Participation Plan 2019. No submissions have been received in relation to this application.

**PUBLIC INTEREST s4.15(1)(e)**

The proposed development is deemed to be in the public interest as it contributes to the growth of the local economy, creates job opportunities, and enhances the availability of modern amenities and sustainable transport options. Additionally, the re-use of the existing building and incorporation of sustainable practices promote environmental sustainability, which is in the public interest. The proposal aligns with Council's FutureCity Framework, which aims to create vibrant, engaging, and sustainable urban environments that benefit the community.


**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), DCP 2004 and Eastside DCP, save for the contravention of the applicable FSR development standard under the LEP. Notwithstanding the contravention of the aforementioned standard, the applicant has made application to vary the standard pursuant to Clause 4.6 of the LEP and, as outlined above the variation is considered acceptable.

A Section 4.15 assessment of the development indicates that the development is acceptable. Attached is a draft Notice of Determination outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner. It is recommended that Council supports the application subject to the adoption of the attached Notice of Determination.

**ATTACHMENTS**

- 1 Notice of Approval, D23/21247 [↓](#)
- 2 Plans, D23/18868 [↓](#)

	<b>ORANGE CITY COUNCIL</b>  Development Application No <b>DA 314/2022(1)</b>  NA23/157 <span style="float: right;">Container PR1215</span>
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## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

### Development Application

Applicant Name: Planning Potential  
Applicant Address: PO Box 2512  
ORANGE NSW 2800  
  
Owner's Name: Sandran Pty Limited  
Land to Be Developed: Lot 814 DP 813348, 159-179 Kite Street, Orange  
Proposed Development: Office Premises (change of use from public administration building) and Alterations and Additions to Existing Building

### Building Code of Australia building classification:

Class to be determined by Certifier

### Determination made under Section 4.16

Made On: 4 April 2023  
Determination: **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**

**Consent to Operate From:** 5 April 2023  
**Consent to Lapse On:** 5 April 2028

### Terms of Approval

The reasons for the imposition of conditions are:

- (1) To ensure a quality urban design for the development which complements the surrounding environment.
- (2) To maintain neighbourhood amenity and character.
- (3) To ensure compliance with relevant statutory requirements.
- (4) To provide adequate public health and safety measures.
- (5) Because the development will require the provision of, or increase the demand for, public amenities and services.
- (6) To ensure the utility services are available to the site and adequate for the development.
- (7) To prevent the proposed development having a detrimental effect on adjoining land uses.
- (8) To minimise the impact of development on the environment.

### Conditions

- (1) The development must be carried out in accordance with:
  - (a) **The approved stamped architectural plans prepared by Sissons Architects (29 sheets)**  
**The approved stamped landscape plans prepared by sala4D (2 sheets)**
  - (b) Statements of environmental effects or other similar associated documents that form part of the approval

**as amended in accordance with any conditions of this consent.**

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 314/2022(1)**

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**Conditions (cont)****PRESCRIBED CONDITIONS**

- (2) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (3) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

- (4) Prior to the issue of a Construction Certificate, a Travel Demand Management (TDM) Plan /Green Travel Plan (GTP) is to be prepared by a suitability qualified traffic and transport consultant and submitted to Council's Manager Development Assessment for approval. The TDM/GTP plan must identify and determine a course for the delivery of mode share targets, and strategies that encourage the use of sustainable transport options (walking, cycling, scooting, public transport or car sharing), particularly between the site and user end, such as public transport (bus) stops, private residences etc, that reduce the dependence on and proportion of single-occupant car journeys to the site, based on credible data. The TDM Plan must be prepared in accordance with TfNSW Travel Demand Management toolkit. The approved travel demand management plan and green travel plan shall be binding on any future tenants of the building. The proponent shall provide mechanisms for ensuring the plans are effectively implemented and adhered to at the tenancy level.
- (5) Prior to the issue of a Construction Certificate, a Bicycle Fleet Service Strategy shall be prepared by a suitably qualified person and submitted to Council's Manager Development Assessment for approval. The proponent shall provide mechanisms for ensuring the plan is effectively implemented at the tenancy level. It is recommended that building management provide bicycle fleet services to atleast 25% capacity of the proposed bike parking/storage facilities.
- (6) Prior to the issue of a Construction Certificate, the payment of **\$132,045.12** shall be made to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and Orange Car Parking Development Contributions Plan 2015 in lieu of the physical provision of adequate on-site car parking spaces.  
  
The contribution shall be indexed quarterly in accordance with the Orange Car Parking Development Contributions Plan 2015, which may be inspected at the Orange Civic Centre, Byng Street, Orange.
- (7) Prior to the issue of a Construction Certificate, revised architectural plans shall be submitted to and approved by Council's Manager Development Assessment. The revised plans shall incorporate the amended colour scheme as follows;
  - a) Woodland Grey for External Finish No.2/4/5/7 (metalwork, trims, windows etc); and
  - b) Warm Light Grey for External Finish No.1 (painted external walls)
- (8) An approval under Section 68 of the *Local Government Act* is to be sought from Orange City Council, as the Water and Sewer Authority, for alterations to water and sewer. No plumbing and drainage is to commence until approval is granted.
- (9) The applicant is to submit a Waste Management Plan that describes the nature of wastes to be removed, the wastes to be recycled and the destination of all wastes. All wastes from the demolition and construction phases of this project are to be deposited at a licensed or approved waste disposal site.



**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 314/2022(1)**

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**Conditions (cont)****PRIOR TO WORKS COMMENCING**

- (10) A Construction Certificate application is required to be submitted to, and issued by Council/Accredited Certifier prior to any excavation or building works being carried out onsite.

**DURING CONSTRUCTION/SITEWORKS**

- (11) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (12) All construction/demolition work on the site is to be carried out between the hours of 7am and 6pm Monday to Friday inclusive, and 8am to 1pm on Saturdays. No construction/demolition work is permitted to be carried out on Sundays or Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
- (13) All materials on site or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- (14) Building demolition is to be carried out in accordance with *Australian Standard 2601:2001 - The Demolition of Structures* and the requirements of Safe Work NSW.
- (15) Asbestos containing building materials must be removed in accordance with the provisions of the *Work Health and Safety Act 2011* and any guidelines or Codes of Practice published by Safe Work NSW, and disposed of at a licenced landfill in accordance with the requirements of the NSW EPA.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

- (16) No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.
- (17) The owner of the building/s must cause the Council to be given a Final Fire Safety Certificate on completion of the building in relation to essential fire or other safety measures included in the schedule attached to this approval.
- (18) Where Orange City Council is not the Principal Certifying Authority, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Orange City Council and a Final Notice of Inspection issued, prior to the issue of a final Occupation Certificate.
- (19) Landscaping shall be installed in accordance with the approved plans and shall be permanently maintained to the satisfaction of Council's Manager Development Assessments.

**MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT**

- (20) 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 *Environmental Planning and Assessment Regulation 2000*.
- (21) The approved travel demand management plan and green travel plan shall be effectively implemented and adhered to in perpetuity

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 314/2022(1)**

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**Other Approvals**

- (1) *Local Government Act 1993* approvals granted under Section 68.

Nil

- (2) General terms of other approvals integrated as part of this consent.

Nil

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**Right of Appeal**

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.

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***Disability Discrimination Act 1992:***

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act* currently available in Australia.

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**Disclaimer - S88B of the Conveyancing Act 1919 - Restrictions on the Use of Land:**

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

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**Signed:**

On behalf of the consent authority **ORANGE CITY COUNCIL**

**Signature:****Name:**

PAUL JOHNSTON - MANAGER DEVELOPMENT ASSESSMENTS

**Date:**

5 April 2023

159-179 KITE STREET, ORANGE

DEVELOPMENT APPLICATION SUBMISSION



DEVELOPMENT APPLICATION - SHEET LIST		
SHEET NUMBER	SHEET NAME	REVISION
DA-00-01	COVER SHEET	B
DA-00-02	SITE LOCATION PLAN	A
DA-05-00	EXISTING GA PLAN - BASEMENT	A
DA-05-01	EXISTING GA PLAN - GROUND FLOOR	B
DA-05-02	EXISTING GA PLAN - FIRST FLOOR	B
DA-05-03	EXISTING GA PLAN - SECOND FLOOR	B
DA-05-04	EXISTING GA PLAN - ROOF LEVEL	A
DA-06-01	EXISTING GA ELEVATION - SOUTH AND EAST	A
DA-06-02	EXISTING GA ELEVATION - NORTH AND WEST	A
DA-10-00	PROPOSED GA PLAN - BASEMENT	A
DA-10-01	PROPOSED GA PLAN - GROUND FLOOR	B
DA-10-02	PROPOSED GA PLAN - FIRST FLOOR	B
DA-10-03	PROPOSED GA PLAN - SECOND FLOOR	B
DA-10-04	PROPOSED GA PLAN - ROOF LEVEL	A
DA-11-01	PROPOSED GA ELEVATION - SOUTH AND EAST	A
DA-11-02	PROPOSED GA ELEVATION - NORTH AND WEST	A
DA-12-01	SECTIONS - KITE STREET FORECOURT	A
DA-12-02	SECTIONS - BATHURST ROAD FORCOURT	A
DA-20-00	MATERIALS BOARD	A
DA-40-01	SHADOW DIAGRAMS - EQUINOX	A
DA-40-02	SHADOW DIAGRAMS - WINTER SOLSTICE	A
DA-40-03	SHADOW DIAGRAMS - SUMMER SOLSTICE	A
DA-50-01	EXISTING AREA PLANS - GROSS BUILDING AREA	A
DA-50-02	EXISTING AREA PLANS - GROSS FLOOR AREA	A
DA-50-03	EXISTING AREA PLANS - NET LETTABLE AREA	A
DA-51-01	PROPOSED AREA PLANS - GROSS BUILDING AREA	A
DA-51-02	PROPOSED AREA PLANS - GROSS FLOOR AREA	A
DA-51-03	PROPOSED AREA PLANS - NET LETTABLE AREA	A
DA-55-01	AREA SCHEDULE	B

29

DESIGN RESOLUTION

1.1 Drawings show the general architectural intent for the purposes of this Development Application.

1.2 Internal layouts are indicative and subject to further detailed design development.

1.3 Dimensions are indicative and subject to detailed design resolution.

1.4 Landscaping is indicative and subject to detailed design.

1.5 The location of plant, equipment and services is indicative and subject to detailed design.

1.6 Minor elements including flues, vent pipes, aerials, etc are omitted for clarity.

GRAPHIC REPRESENTATION

2.1 Colours are used to indicate the design intent and may not accurately represent actual colours of selected materials.

2.2 Colours on plans are used for diagrammatic purposes and do not reflect selected materials.

EXISTING STRUCTURES AND SERVICES

3.1 Extent and location of the existing services and structures is based on the survey information provided.

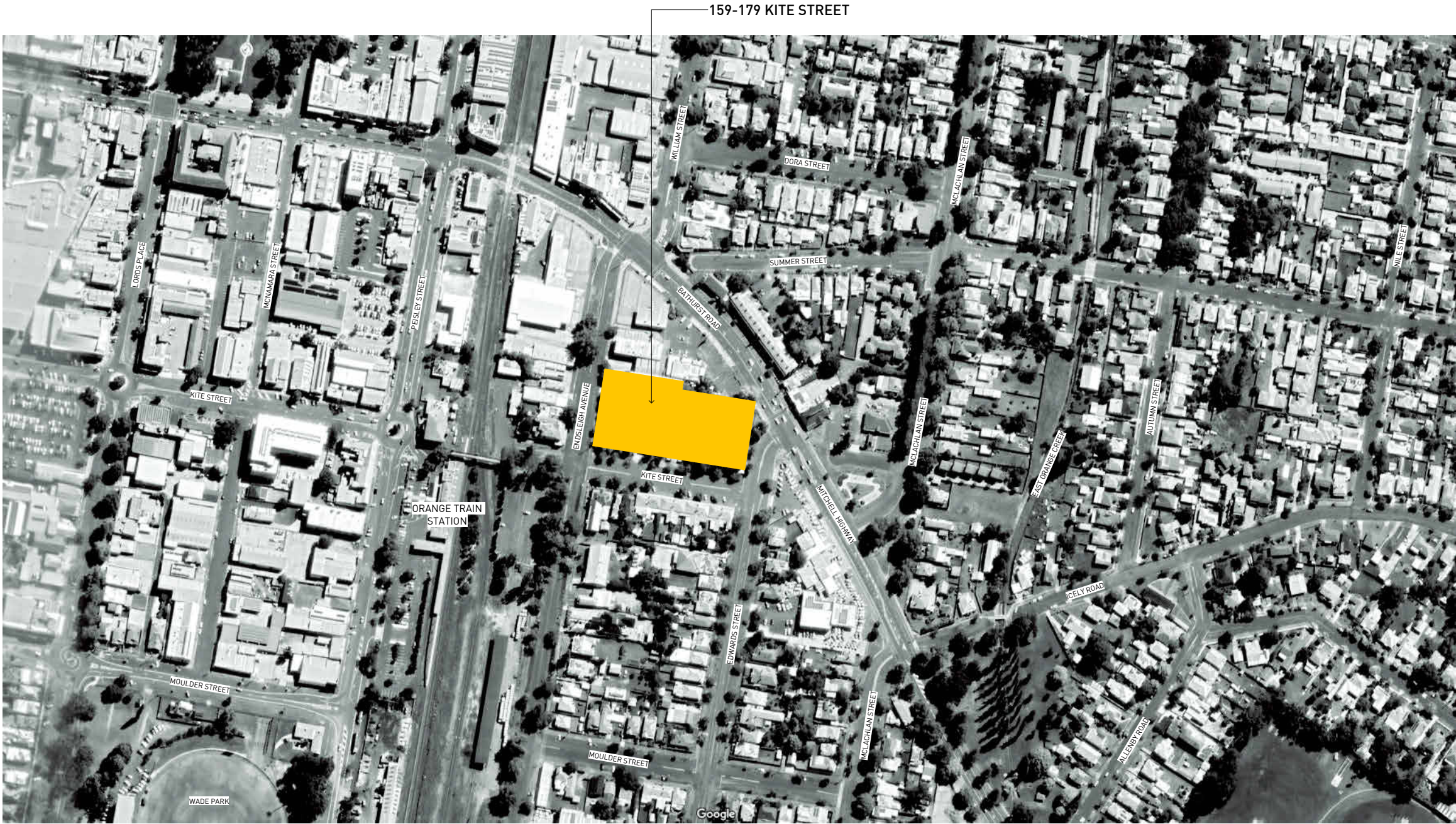
3.2 Extent and location of the existing services and structures to be verified on site.

3.3 Existing levels shown are based upon the survey information provided or extrapolated from spot levels provided.

3.4 All levels are relative to the Australian Height Datum (AHD)

<div>Architect</div> <div><b>sissons.</b></div> <div>a: Level 5, 53 Berry Street, North Sydney, NSW 2060.</div> <div>p: 02 8904 1853</div>		Client		Project		Drawing Title			
		Sandran Property Group		159-179 Kite Street		COVER SHEET			
						Project No. 21-024	Date 23/02/23	Drawing No. DA-00-01	Rev B
Nominated Architect: Nick Sissons NSW ARB 7210									



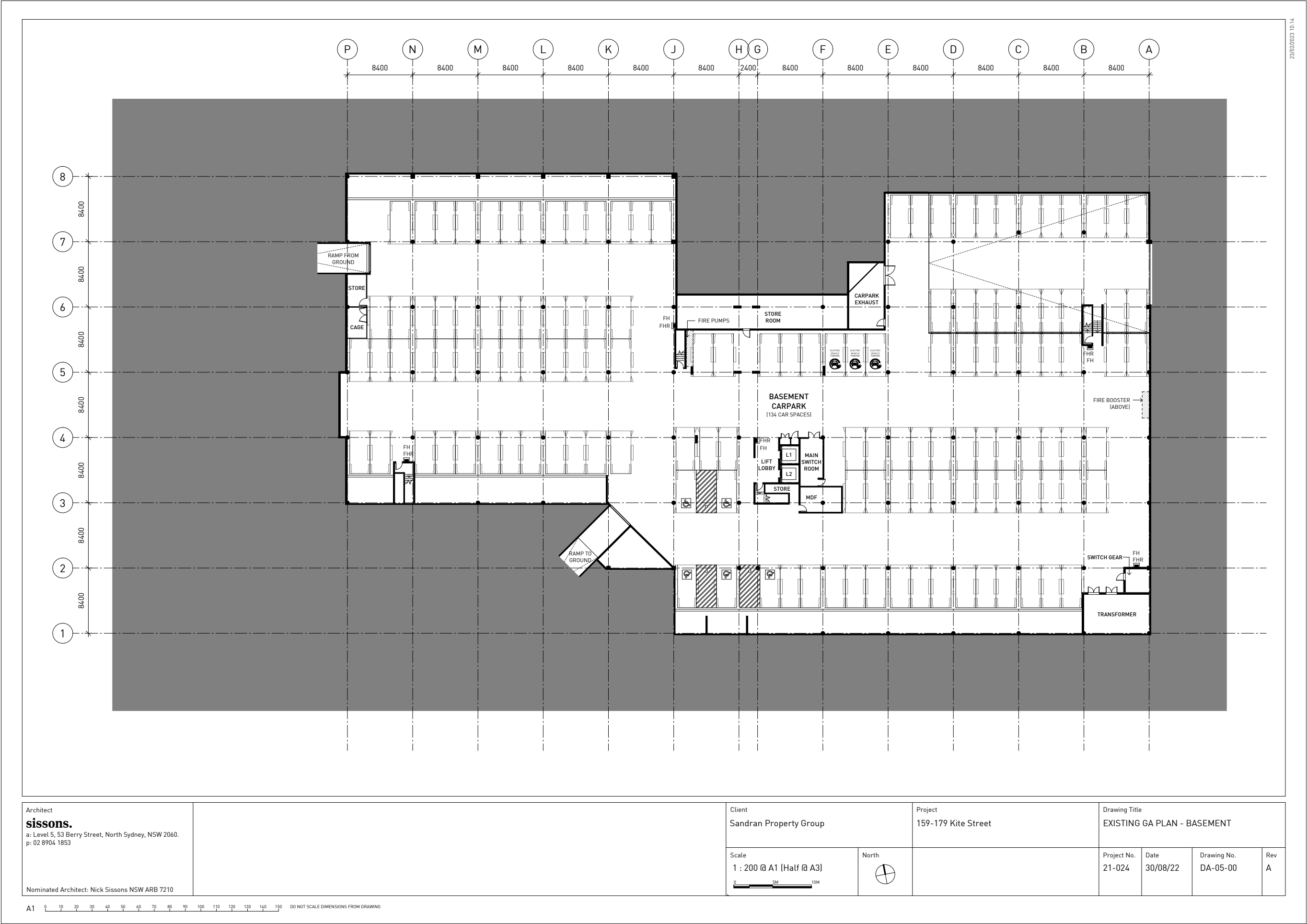


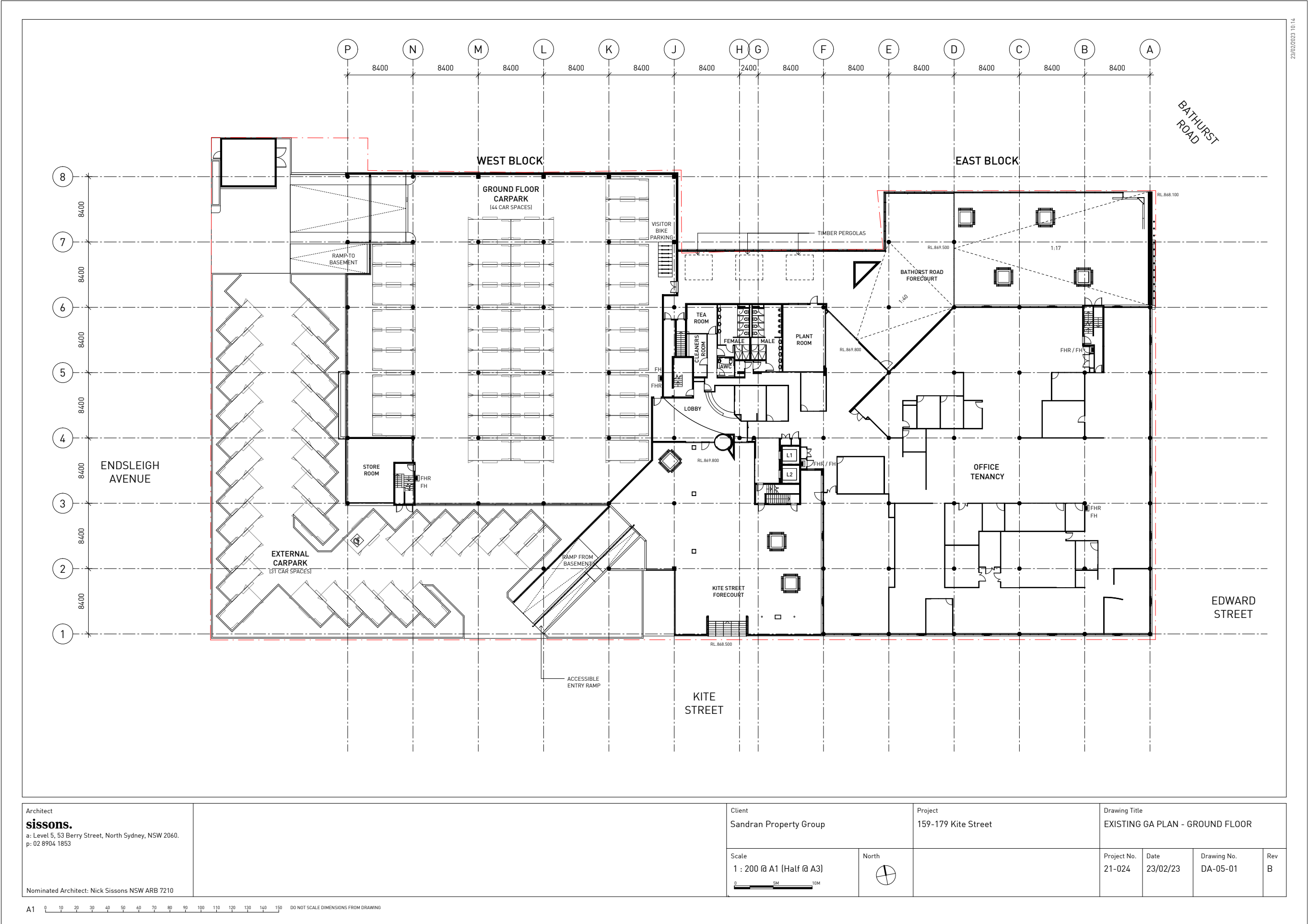
<div>Architect</div> <div><b>sissons.</b></div> <div>a: Level 5, 53 Berry Street, North Sydney, NSW 2060.</div> <div>p: 02 8904 1853</div> <div>Nominated Architect: Nick Sissons NSW ARB 7210</div>	Client		Project	Drawing Title			
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		North		Project No.	Date	Drawing No.	Rev
				21-024	30/08/22	DA-00-02	A

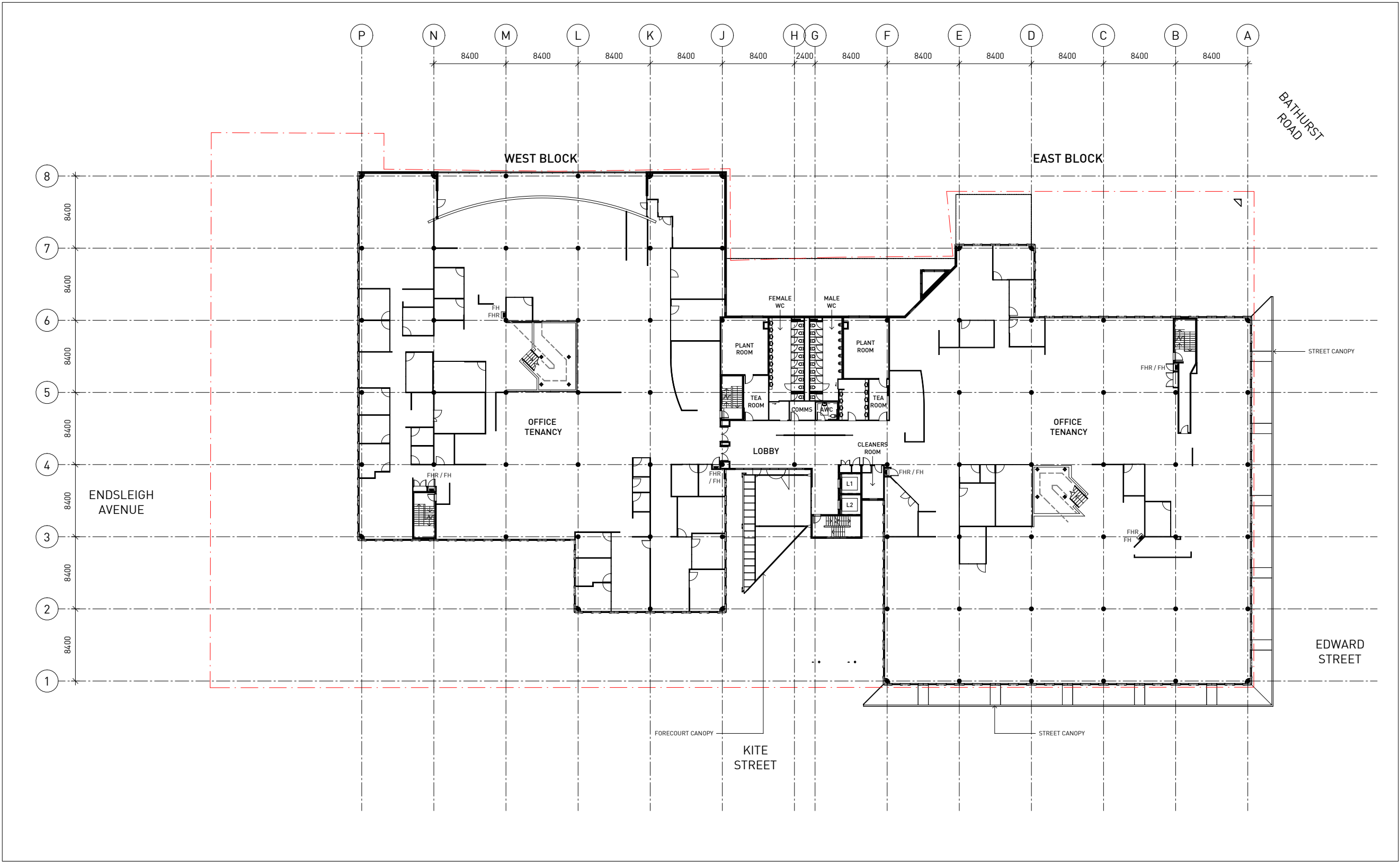
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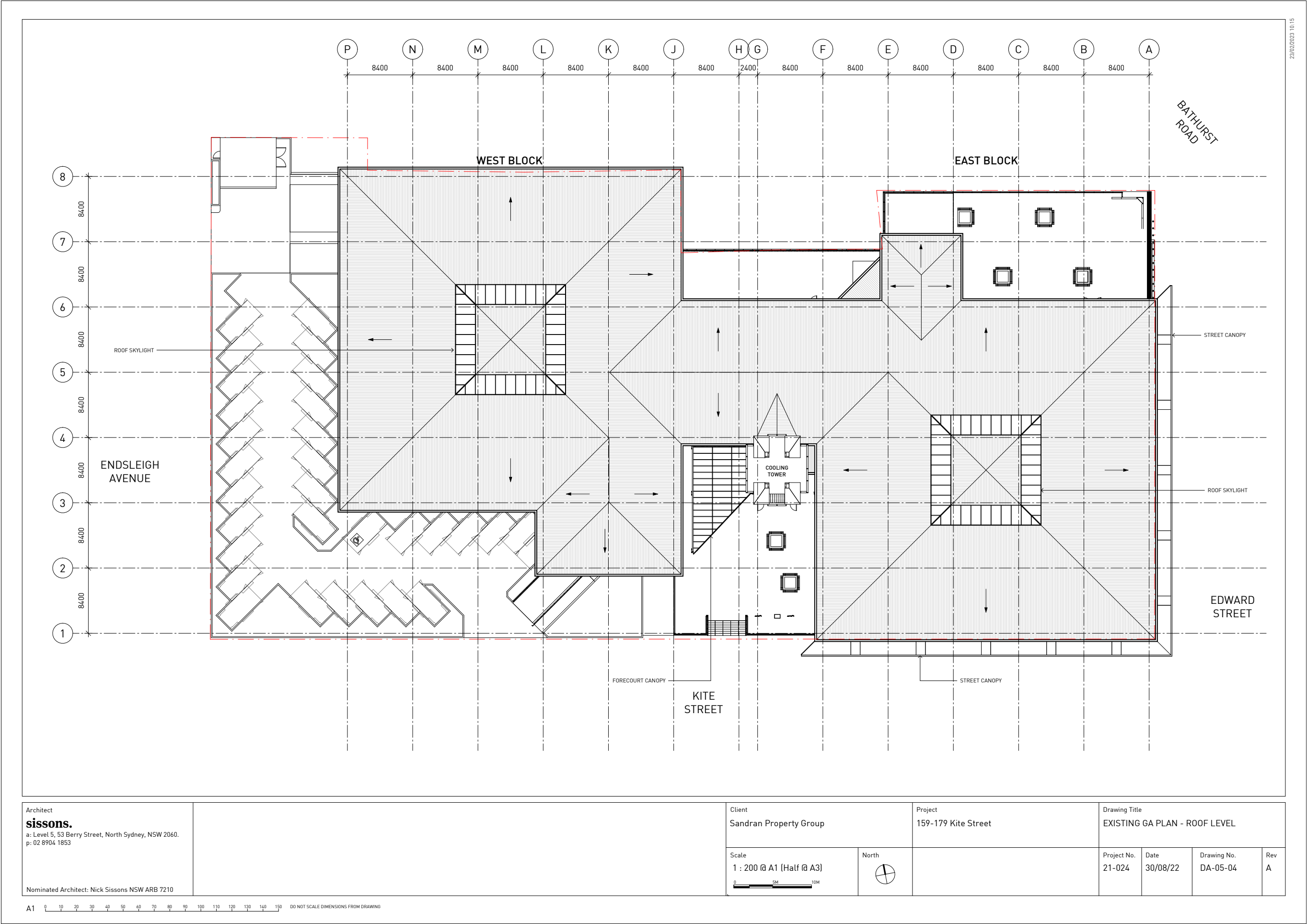


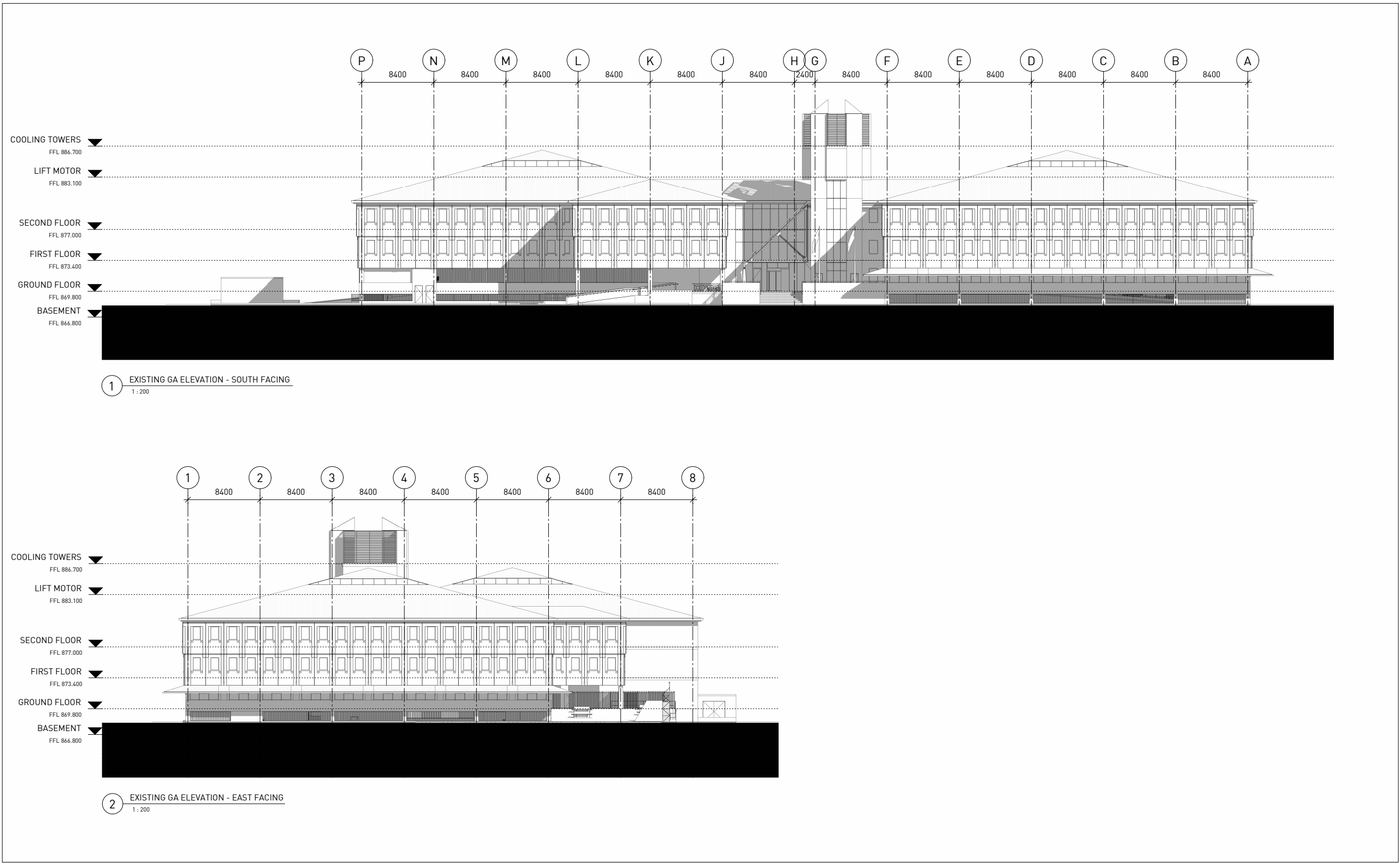
<div>Architect</div> <div><b>sissons.</b></div> <div>a: Level 5, 53 Berry Street, North Sydney, NSW 2060.</div> <div>p: 02 8904 1853</div> <div>Nominated Architect: Nick Sissons NSW ARB 7210</div>	<div>Client</div> <div>Sandran Property Group</div> <div>Scale</div> <div>1 : 200 @ A1 (Half @ A3)</div> <div><div>05M10M</div></div>	<div>Project</div> <div>159-179 Kite Street</div> <div>North</div> <div><div></div></div>	<div>Drawing Title</div> <div>EXISTING GA PLAN - FIRST FLOOR</div>			
			<div>Project No.</div> <div>21-024</div>	<div>Date</div> <div>23/02/23</div>	<div>Drawing No.</div> <div>DA-05-02</div>	<div>Rev</div> <div>B</div>

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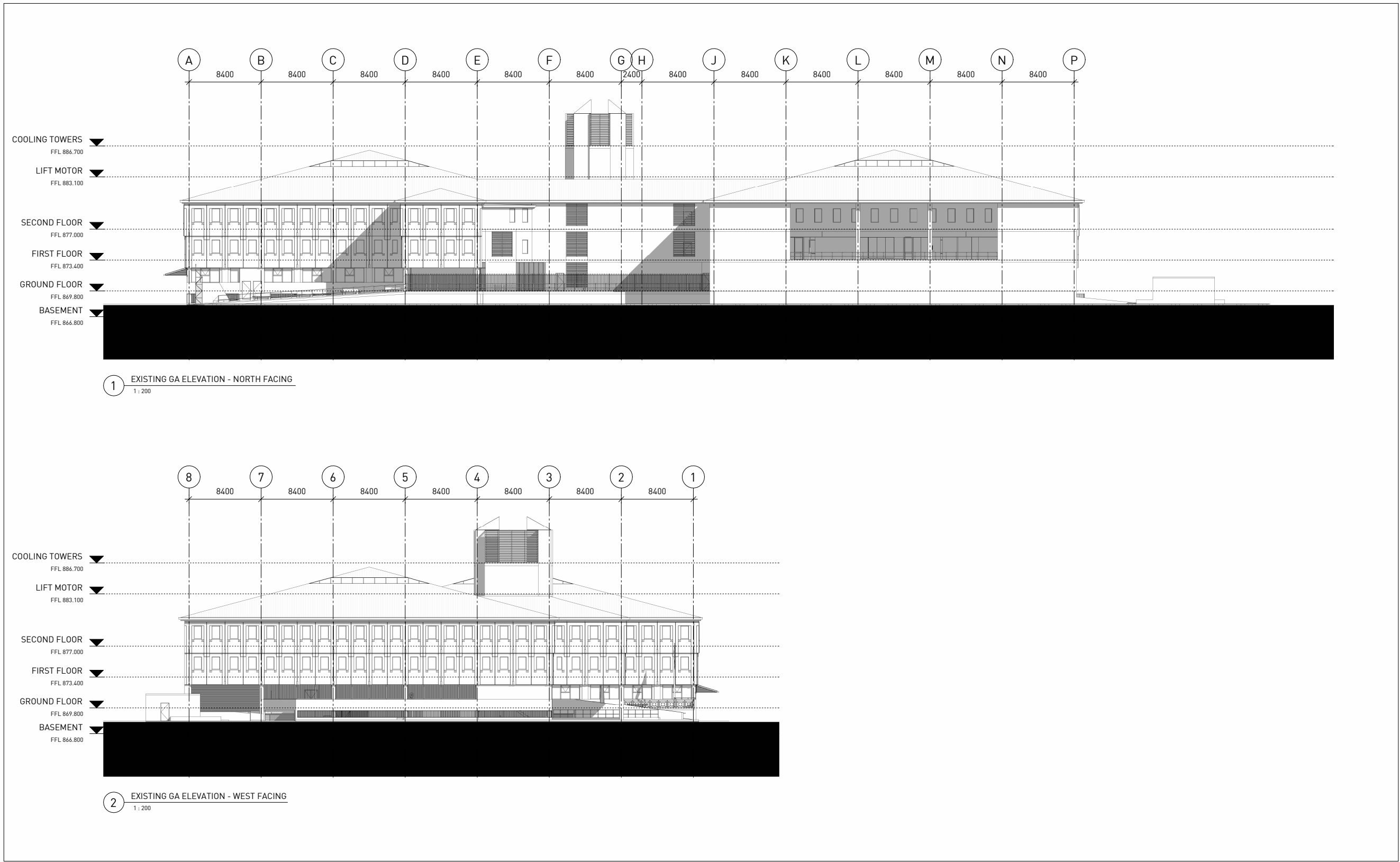
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				<div>Project No.</div> <div>21-024</div>	<div>Date</div> <div>30/08/22</div>	<div>Drawing No.</div> <div>DA-06-01</div>	<div>Rev</div> <div>A</div>

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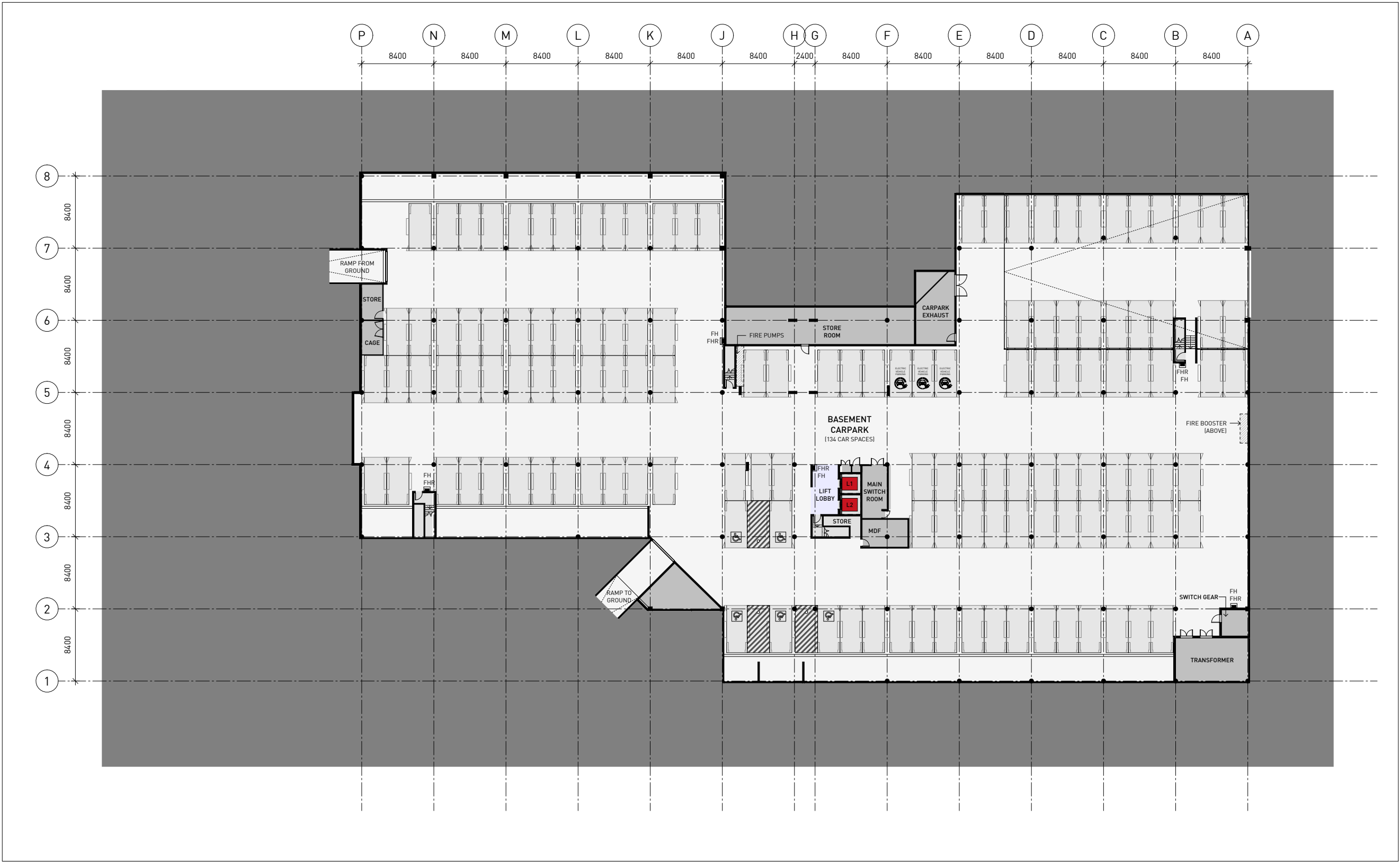




Architect <b>sissons.</b> a: Level 5, 53 Berry Street, North Sydney, NSW 2060. p: 02 8904 1853  Nominated Architect: Nick Sissons NSW ARB 7210	Client Sandran Property Group	Project 159-179 Kite Street	Drawing Title EXISTING GA ELEVATION - NORTH AND WEST			
			Project No. 21-024	Date 30/08/22	Drawing No. DA-06-02	Rev A

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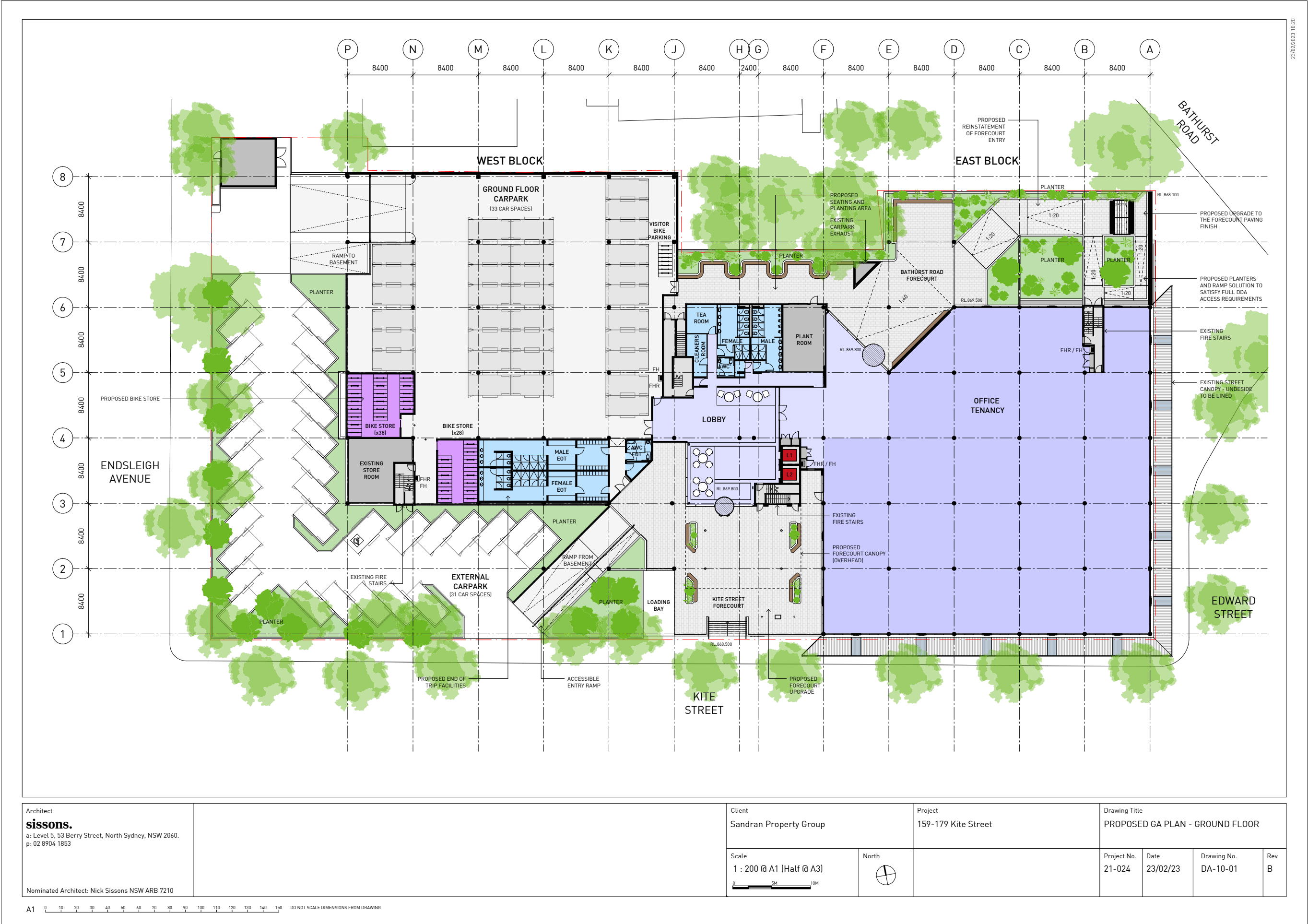
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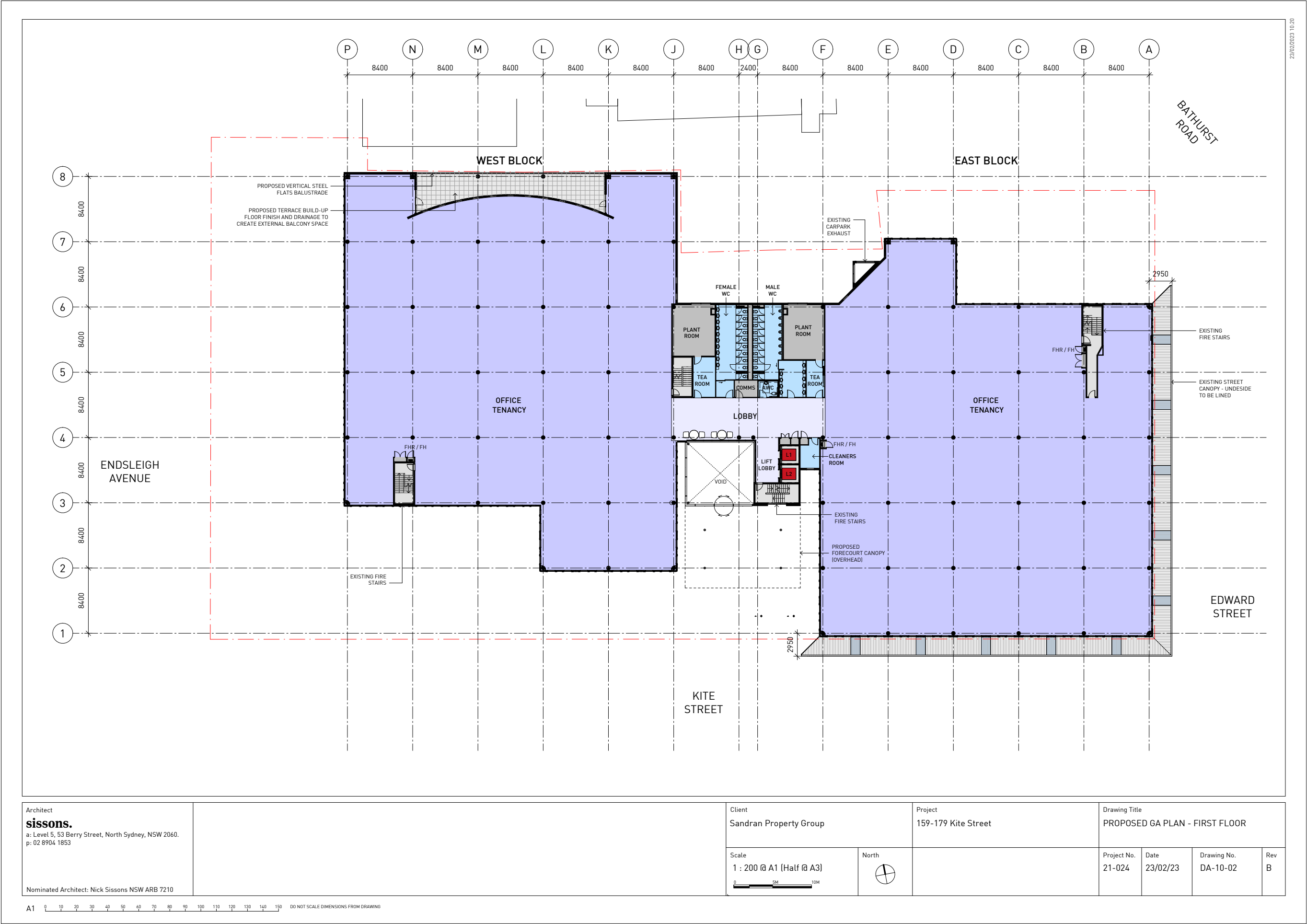
<div>Architect <b>sissons.</b> a: Level 5, 53 Berry Street, North Sydney, NSW 2060. p: 02 8904 1853</div> <div>Nominated Architect: Nick Sissons NSW ARB 7210</div>			Client Sandran Property Group		Project 159-179 Kite Street		Drawing Title PROPOSED GA PLAN - BASEMENT			
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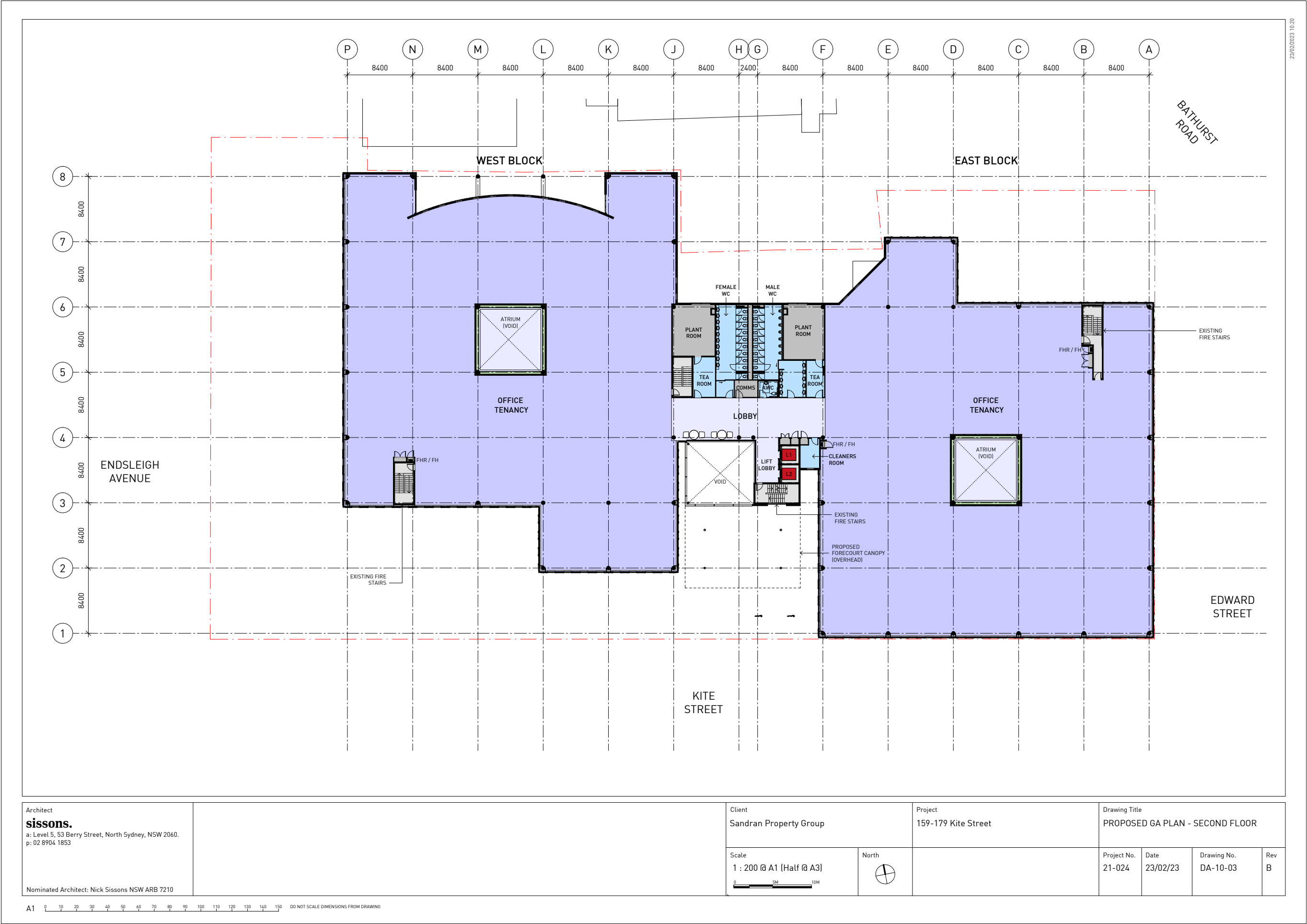
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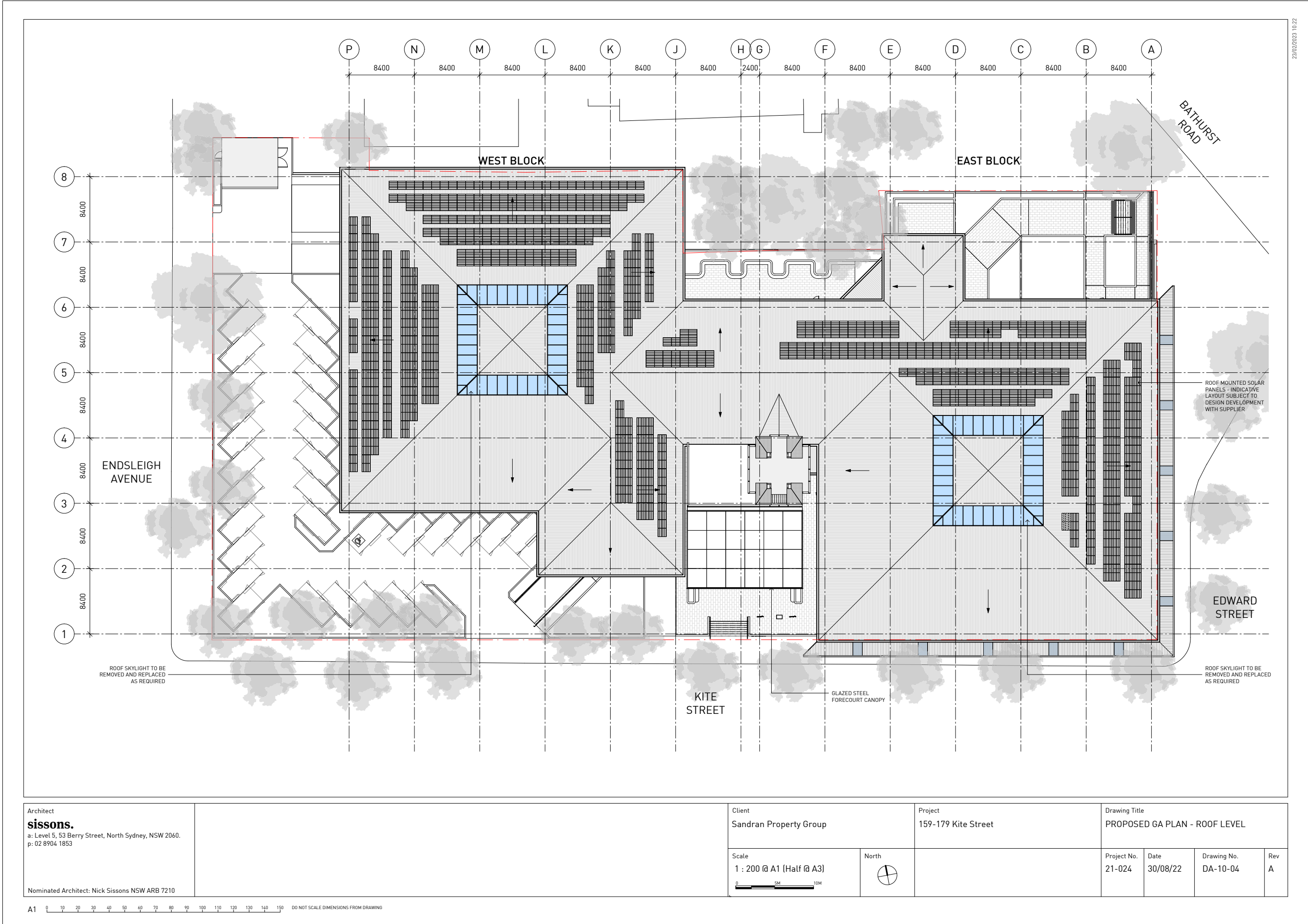
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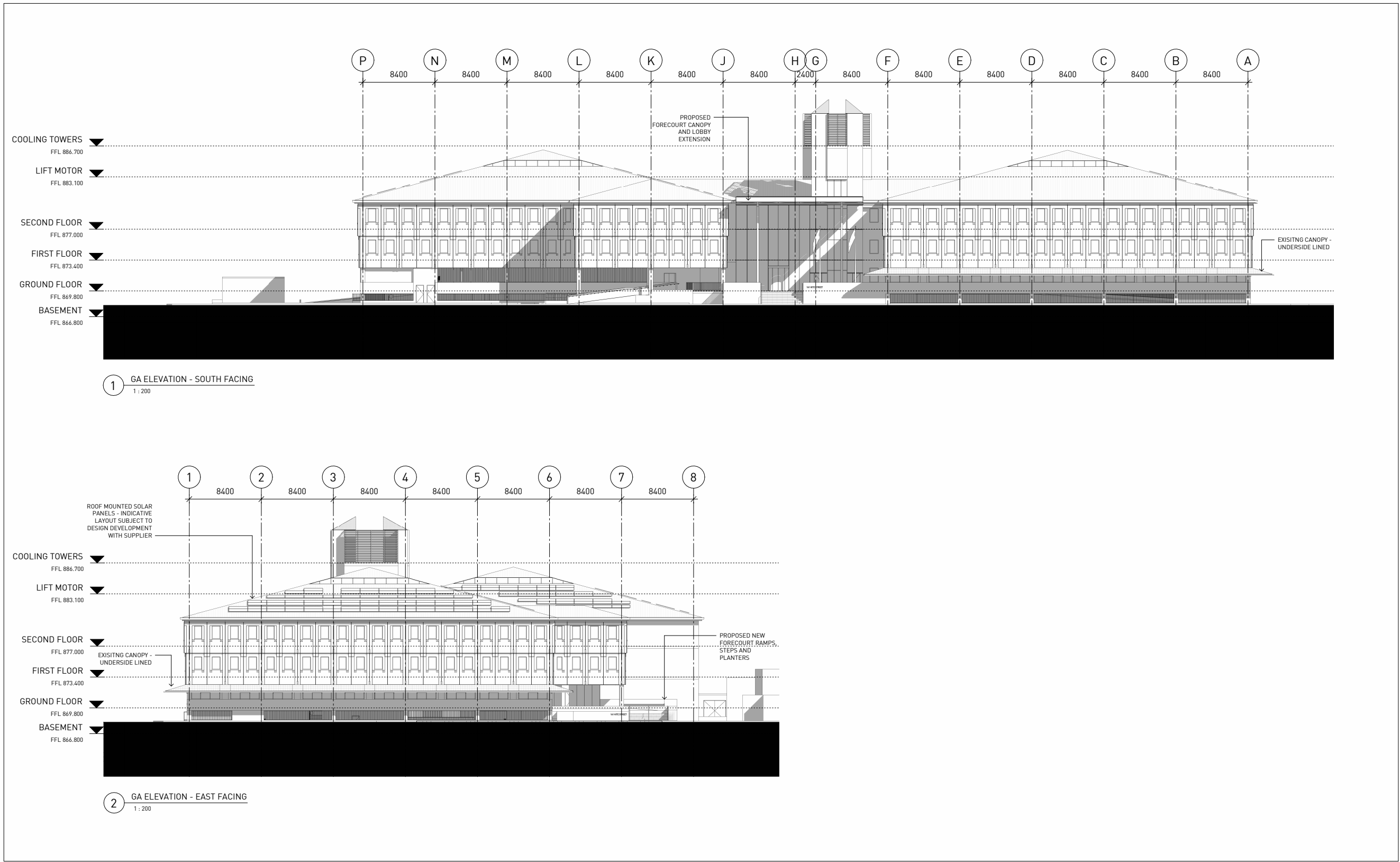










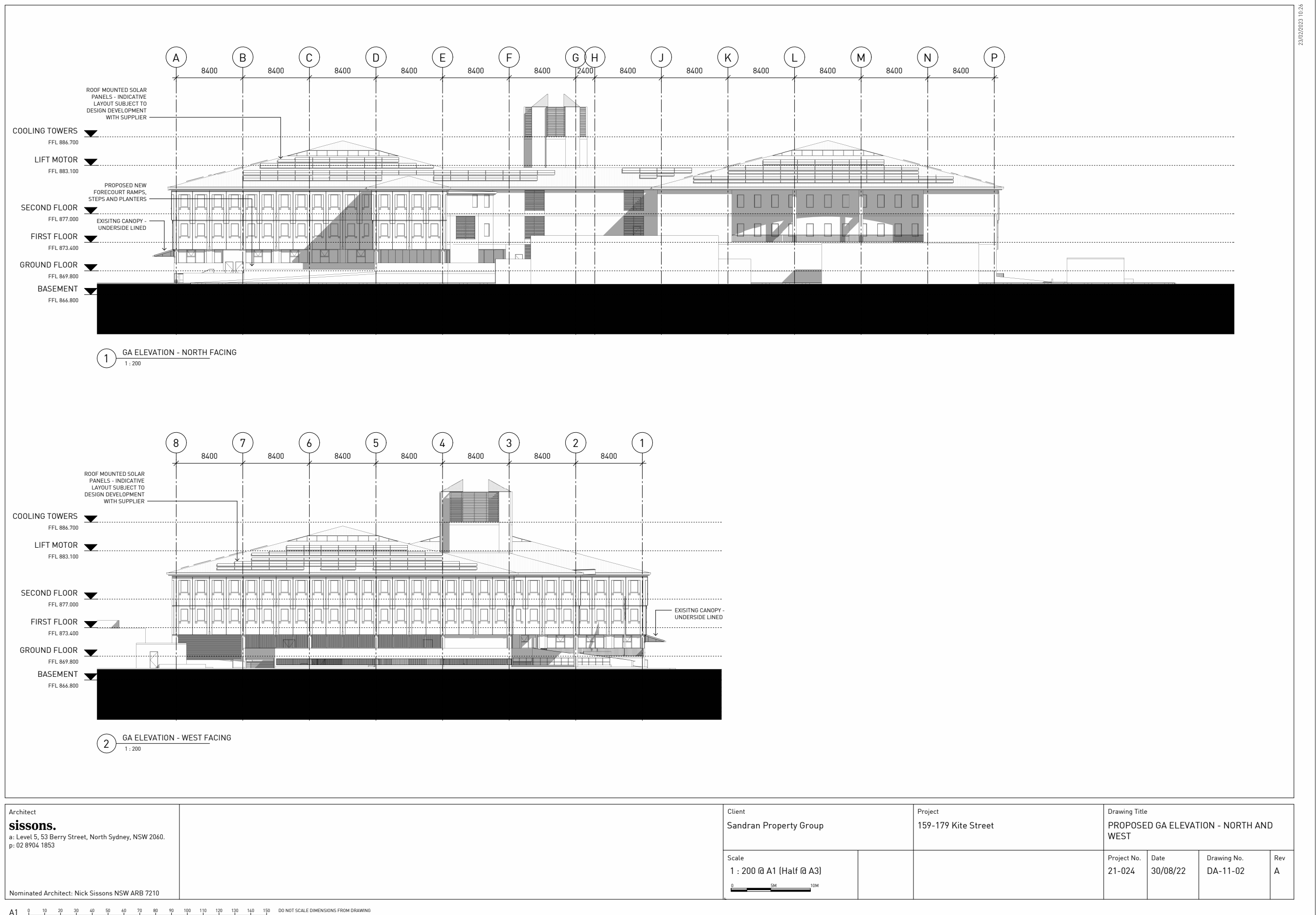


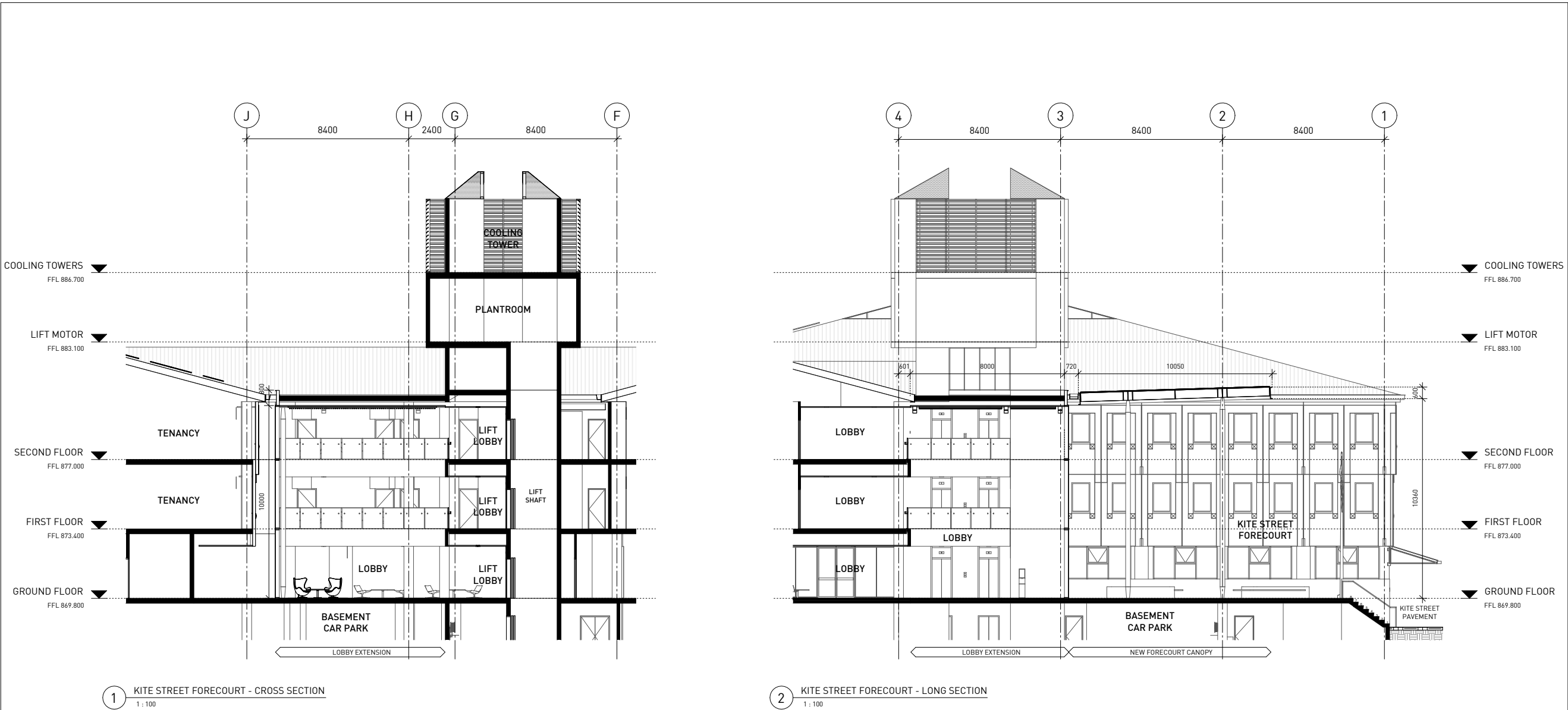
<div>Architect <b>sissons.</b> a: Level 5, 53 Berry Street, North Sydney, NSW 2060. p: 02 8904 1853</div> <div>Nominated Architect: Nick Sissons NSW ARB 7210</div>		<div>Client Sandran Property Group</div>	<div>Project 159-179 Kite Street</div>	<div>Drawing Title PROPOSED GA ELEVATION - SOUTH AND EAST</div>			
				<div>Project No. 21-024</div>	<div>Date 30/08/22</div>	<div>Drawing No. DA-11-01</div>	<div>Rev A</div>

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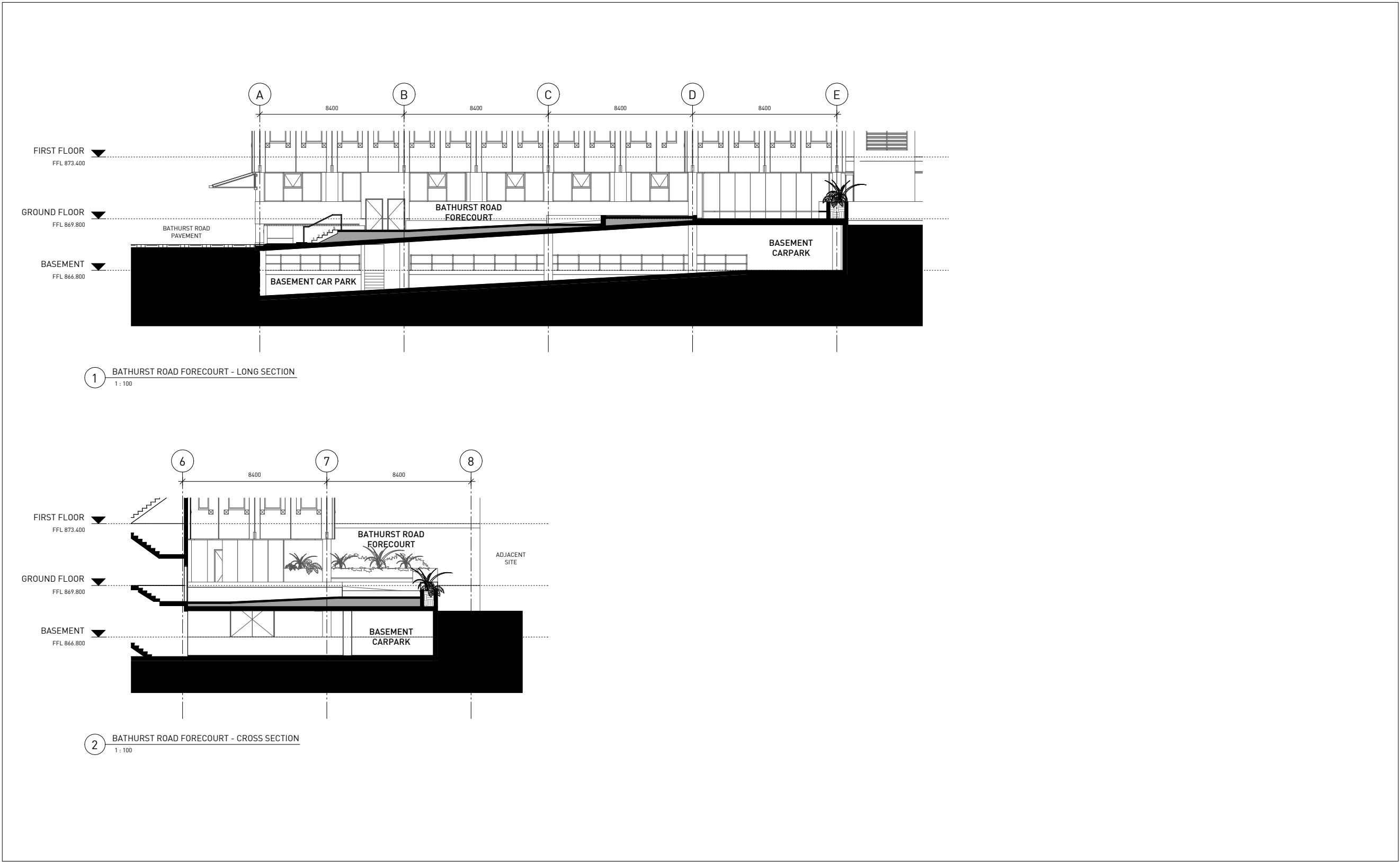




<div>Architect</div> <div><b>sissons.</b></div> <div>a: Level 5, 53 Berry Street, North Sydney, NSW 2060.</div> <div>p: 02 8904 1853</div>		<div>Client</div> <div>Sandran Property Group</div>		<div>Project</div> <div>159-179 Kite Street</div>		<div>Drawing Title</div> <div>SECTIONS - KITE STREET FORECOURT</div>			
<div>Nominated Architect: Nick Sissons NSW ARB 7210</div>		<div>Scale</div> <div>1 : 100 @ A1 (Half @ A3)</div> <div><div>0</div><div>1M</div><div>2.5M</div><div>5M</div></div>		<div>Project No.</div> <div>21-024</div>		<div>Date</div> <div>30/08/22</div>	<div>Drawing No.</div> <div>DA-12-01</div>	<div>Rev</div> <div>A</div>	

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<div>Architect</div> <div><b>sissons.</b></div> <div>a: Level 5, 53 Berry Street, North Sydney, NSW 2060.</div> <div>p: 02 8904 1853</div> <div></div> <div>Nominated Architect: Nick Sissons NSW ARB 7210</div>	<div>Client</div> <div>Sandran Property Group</div>		<div>Project</div> <div>159-179 Kite Street</div>	<div>Drawing Title</div> <div>SECTIONS - BATHURST ROAD FORCOURT</div>			
	<div>Scale</div> <div>1 : 100 @ A1 (Half @ A3)</div> <div><div><div></div><div>0</div><div>1M</div><div>2.5M</div><div>5M</div></div></div>				<div>Project No.</div> <div>21-024</div>	<div>Date</div> <div>30/08/22</div>	<div>Drawing No.</div> <div>DA-12-02</div>

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DO NOT SCALE DIMENSIONS FROM DRAWING





1 MATERIALS BOARD - KITE STREET ELEVATION

EXTERNAL MATERIALS / FINISHES

1. EXTERNAL WALL FINISH  
FINISH: PAINT  
COLOUR: LIGHT GREY
2. FACADE WINDOW AND DOORS FRAMES  
FINISH: PAINT  
COLOUR: MONUMENT
3. FORECOURT PAVING  
FINISH: STONE  
COLOUR: GREY
4. COOLING TOWER PLANTROOM FACADE  
FINISH: PAINT  
COLOUR: MONUMENT
5. STREET CANOPY STEELWORK  
FINISH: PAINT  
COLOUR: MONUMENT
5. STREET CANOPY UNDERSIDE LINING  
FINISH: FC SHEETING  
COLOUR: WHITE
6. KITE STREET FORECOURT CANOPY STEELWORK  
FINISH: POWDERCOAT  
COLOUR: WHITE
7. GUTTERS, FASCIA AND SOFFIT BOARDS  
FINISH: PAINT  
COLOUR: MONUMENT
8. SOLAR PANELS  
FINISH: GLASS

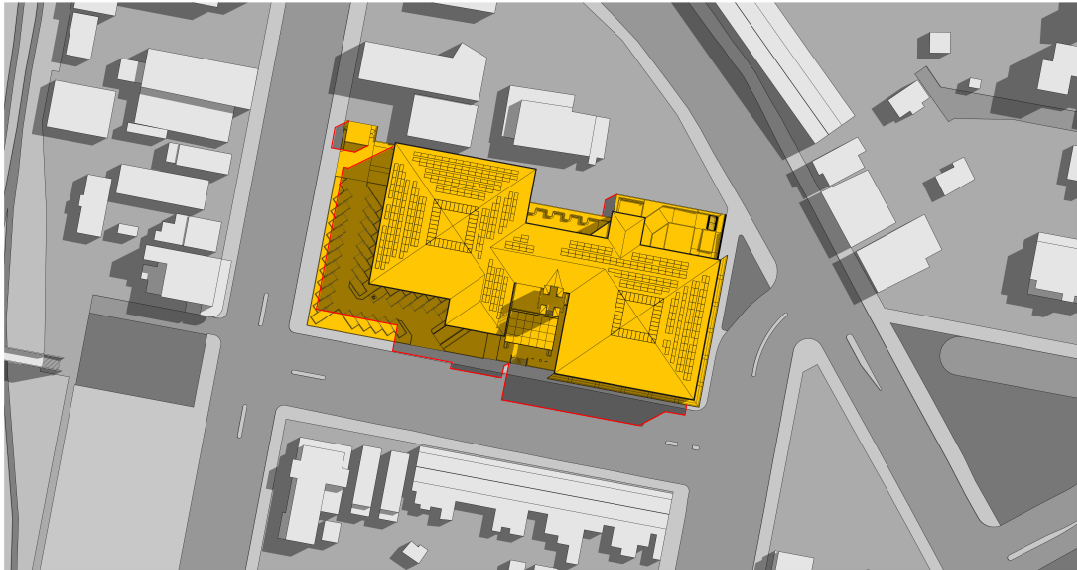


2 MATERIALS BOARD - BATHURST ROAD ELEVATION

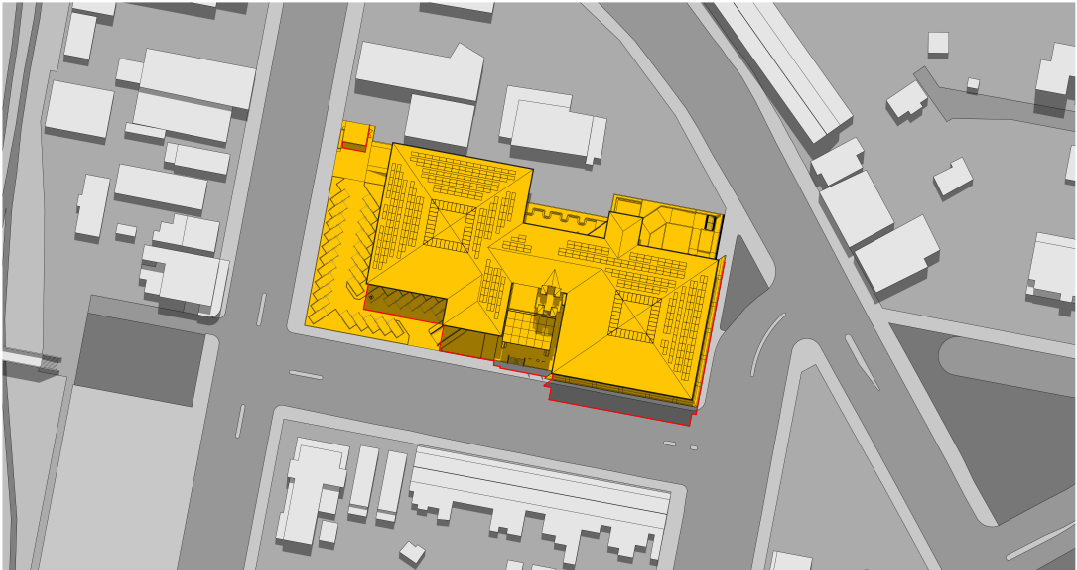
<div>Architect <b>sissons.</b> a: Level 5, 53 Berry Street, North Sydney, NSW 2060. p: 02 8904 1853</div> <div>Nominated Architect: Nick Sissons NSW ARB 7210</div>		Client Sandran Property Group	Project 159-179 Kite Street	Drawing Title MATERIALS BOARD			
				Project No. 21-024	Date 30/08/22	Drawing No. DA-20-00	Rev A

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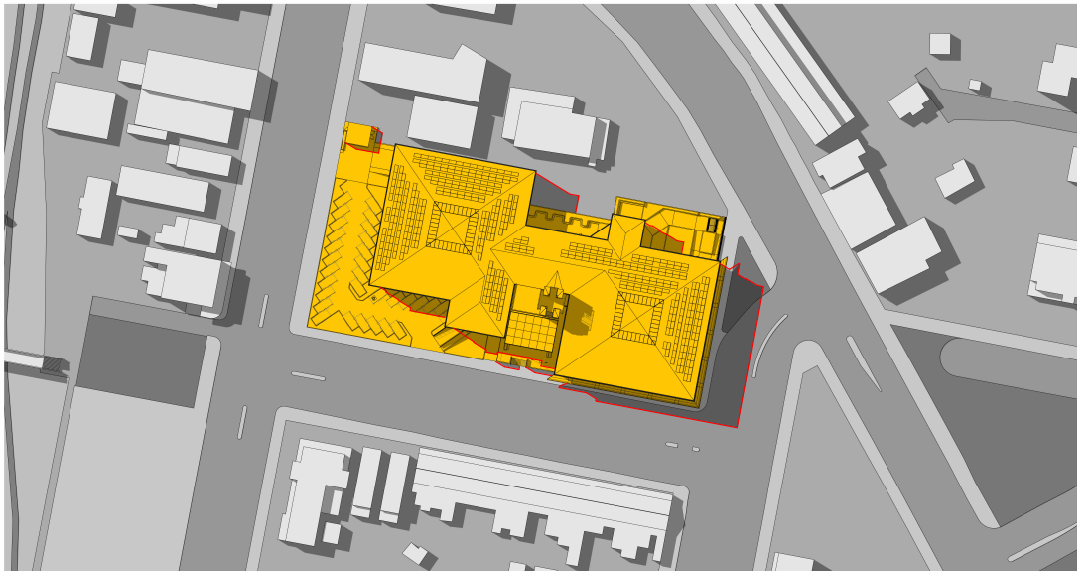
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1 EQUINOX - 0900  
1 : 1000



2 EQUINOX - 1200  
1 : 1000



3 EQUINOX - 1500  
1 : 1000

<div>Architect</div> <div>sissons.</div> <div>a: Level 5, 53 Berry Street, North Sydney, NSW 2060.</div> <div>p: 02 8904 1853</div> <div>Nominated Architect: Nick Sissons NSW ARB 7210</div>	<div>Shadow Study Notes:</div> <div>VERNAL / AUTUMNAL EQUINOX: 21<sup>ST</sup> MARCH / 21<sup>ST</sup> SEPTEMBER</div> <div>WINTER SOLSTICE: 21<sup>ST</sup> JUNE</div> <div>SUMMER SOLSTICE: 21<sup>ST</sup> DECEMBER</div> <div>GROUND PLANE AND EXISTING BUILDINGS BASED ON AVAILABLE INFORMATION</div> <div>SOLAR ANALYSIS BASED ON SOLAR TIME - NOT ALLOWING FOR LOCAL DAYLIGHT SAVING TIME SHIFTS (AS CONVENTION).</div>	Client		Project		Drawing Title				
		Sandran Property Group		159-179 Kite Street		SHADOW DIAGRAMS - EQUINOX				
		Scale		North			Project No.	Date	Drawing No.	Rev
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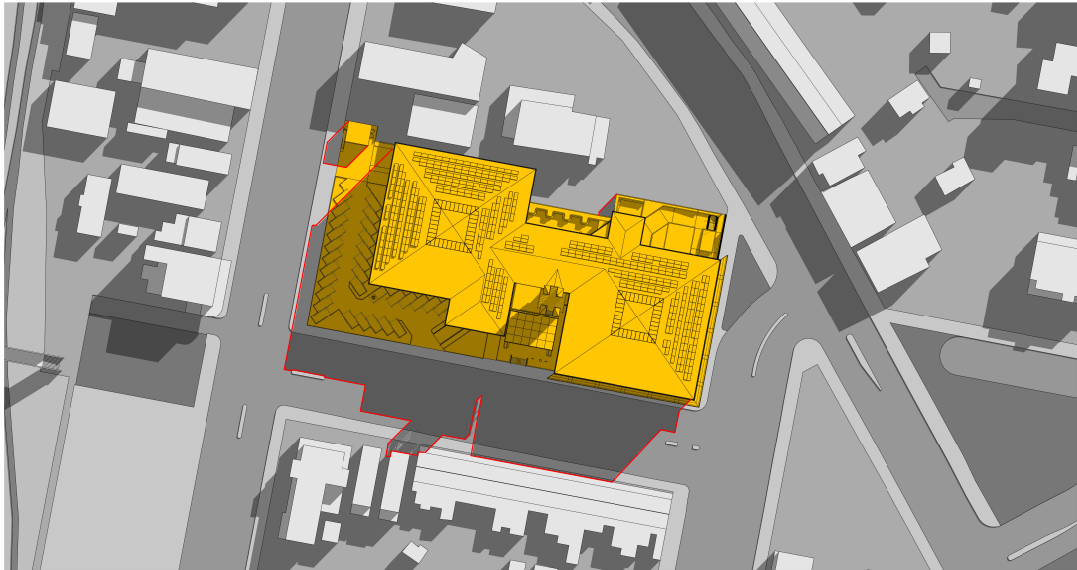
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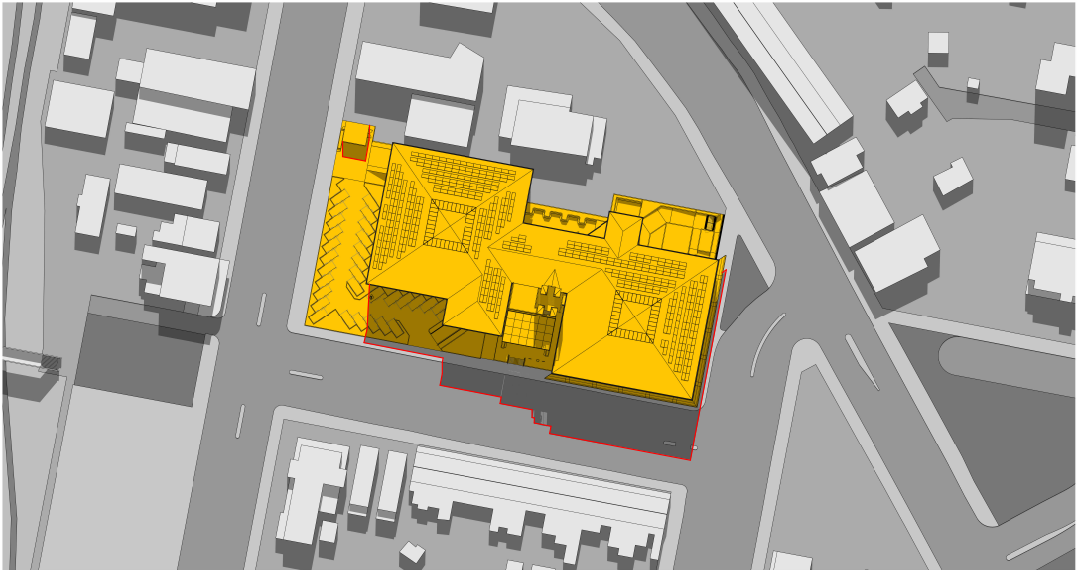
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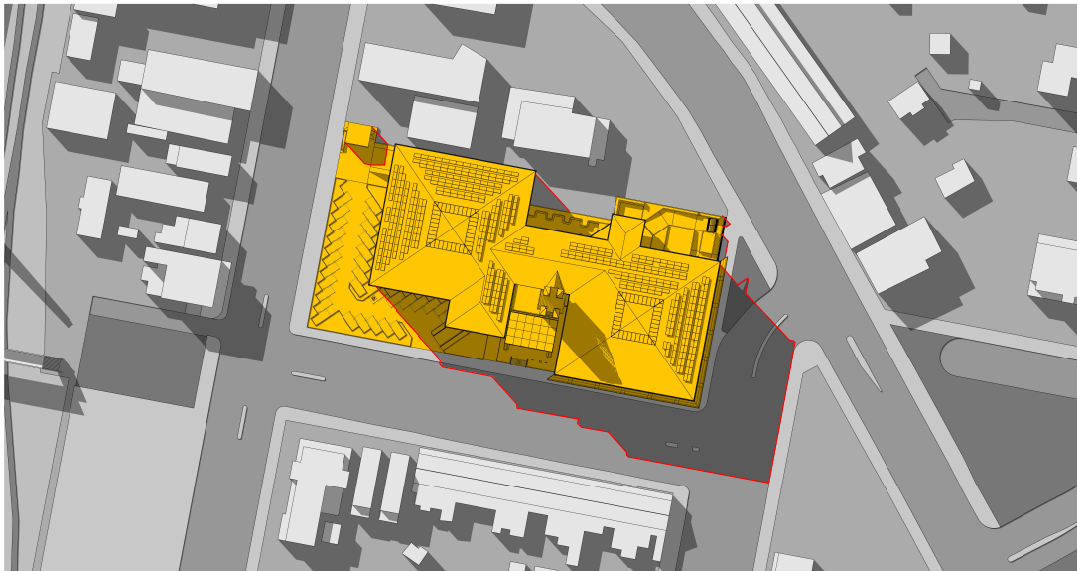
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1 WINTER SOLSTICE - 0900  
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2 WINTER SOLSTICE - 1200  
1 : 1000



3 WINTER SOLSTICE - 1500  
1 : 1000

<div>Architect</div> <div>sissons.</div> <div>a: Level 5, 53 Berry Street, North Sydney, NSW 2060.</div> <div>p: 02 8904 1853</div> <div>Nominated Architect: Nick Sissons NSW ARB 7210</div>	<div>Shadow Study Notes:</div> <div>VERNAL / AUTUMNAL EQUINOX: 21<sup>ST</sup> MARCH / 21<sup>ST</sup> SEPTEMBER</div> <div>WINTER SOLSTICE: 21<sup>ST</sup> JUNE</div> <div>SUMMER SOLSTICE: 21<sup>ST</sup> DECEMBER</div> <div>GROUND PLANE AND EXISTING BUILDINGS BASED ON AVAILABLE INFORMATION</div> <div>SOLAR ANALYSIS BASED ON SOLAR TIME - NOT ALLOWING FOR LOCAL DAYLIGHT SAVING TIME SHIFTS (AS CONVENTION).</div>	Client		Project		Drawing Title							
		Sandran Property Group		159-179 Kite Street		SHADOW DIAGRAMS - WINTER SOLSTICE							
		Scale		North		Project No.		Date		Drawing No.		Rev	
		1 : 1000 @ A1 (Half @ A3)				21-024		30/08/22		DA-40-02		A	
													

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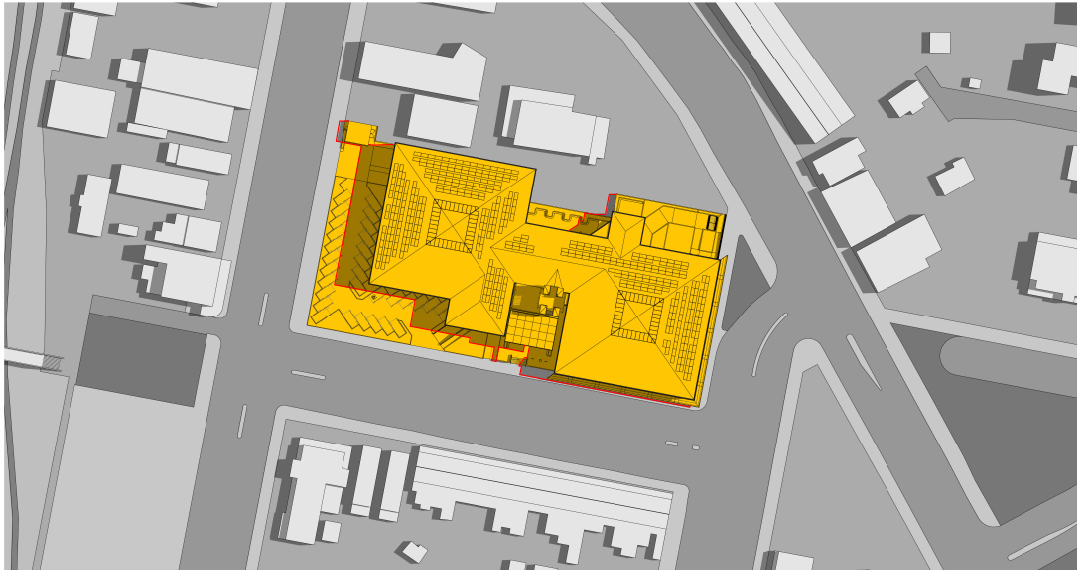
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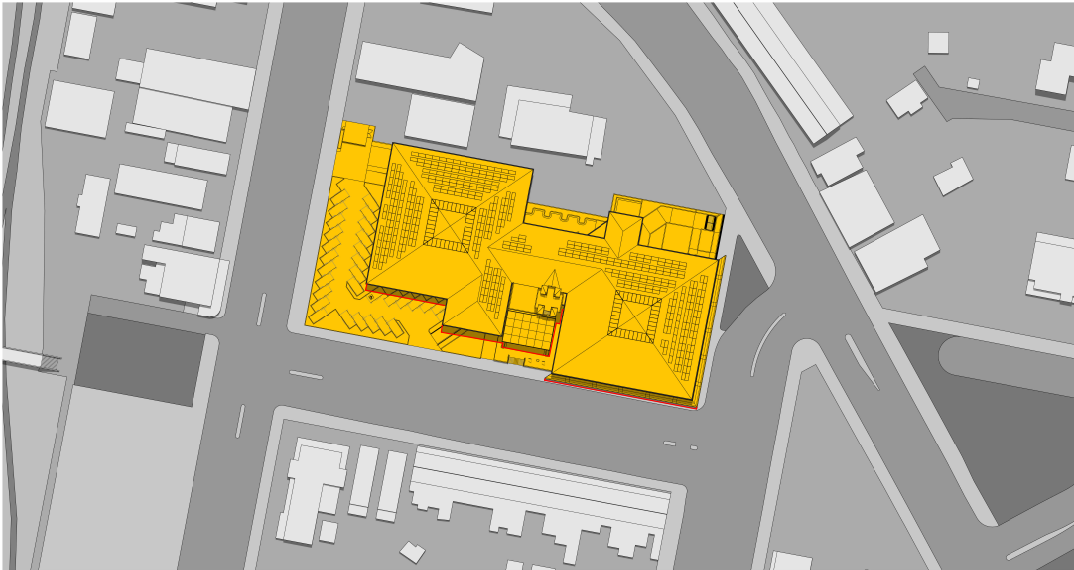
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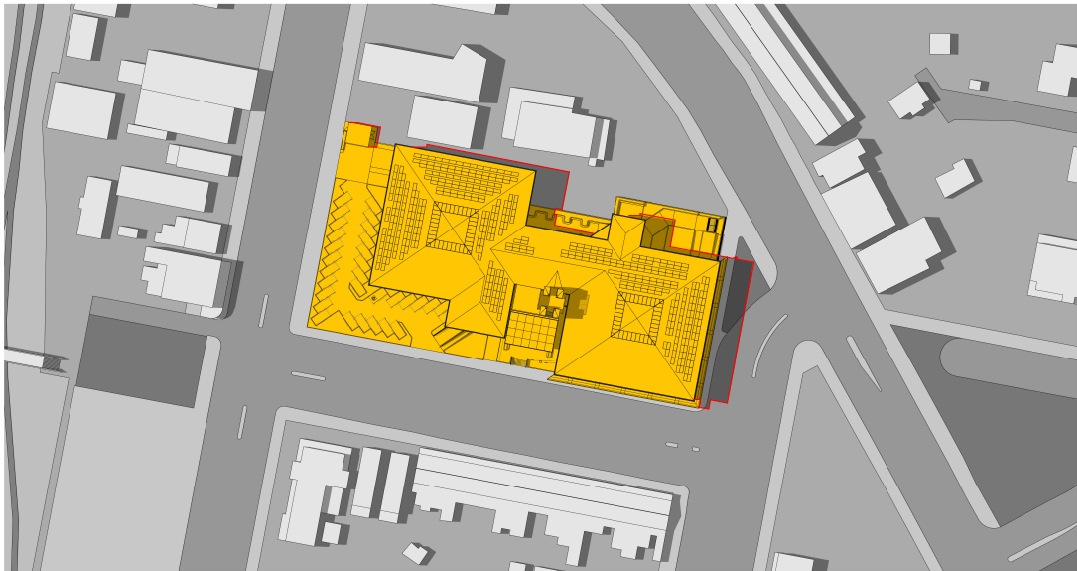




1 SUMMER SOLSTICE - 0900  
1 : 1000



2 SUMMER SOLSTICE - 1200  
1 : 1000



3 SUMMER SOLSTICE - 1500  
1 : 1000

<div>Architect</div> <div>sissons.</div> <div>a: Level 5, 53 Berry Street, North Sydney, NSW 2060.</div> <div>p: 02 8904 1853</div> <div>Nominated Architect: Nick Sissons NSW ARB 7210</div>	<div>Shadow Study Notes:</div> <div>VERNAL / AUTUMNAL EQUINOX: 21<sup>ST</sup> MARCH / 21<sup>ST</sup> SEPTEMBER</div> <div>WINTER SOLSTICE: 21<sup>ST</sup> JUNE</div> <div>SUMMER SOLSTICE: 21<sup>ST</sup> DECEMBER</div> <div>GROUND PLANE AND EXISTING BUILDINGS BASED ON AVAILABLE INFORMATION</div> <div>SOLAR ANALYSIS BASED ON SOLAR TIME - NOT ALLOWING FOR LOCAL DAYLIGHT SAVING TIME SHIFTS (AS CONVENTION).</div>	Client		Project		Drawing Title			
		Sandran Property Group		159-179 Kite Street		SHADOW DIAGRAMS - SUMMER SOLSTICE			
		Scale		North		Project No. 21-024	Date 30/08/22	Drawing No. DA-40-03	Rev A
		1 : 1000 @ A1 (Half @ A3)							
									

A1

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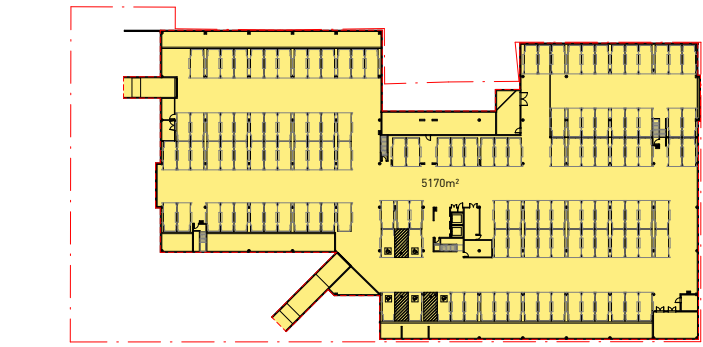
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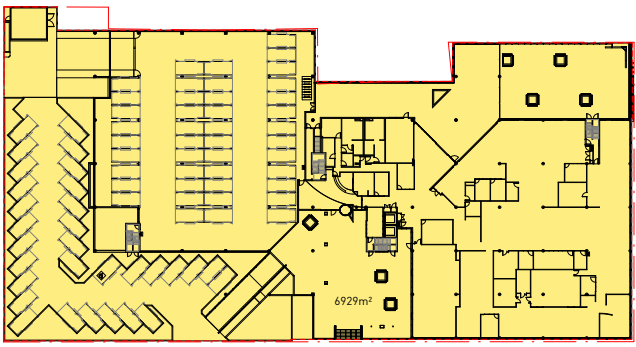
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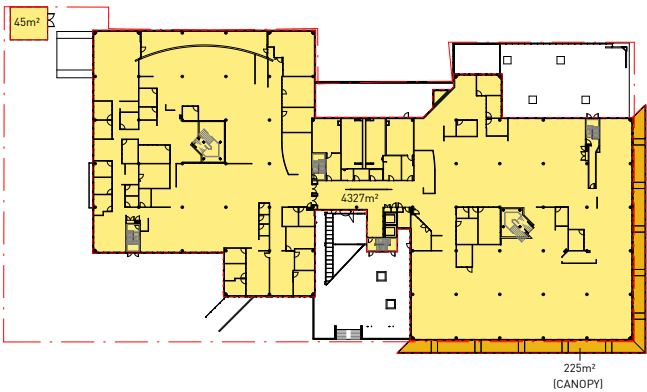
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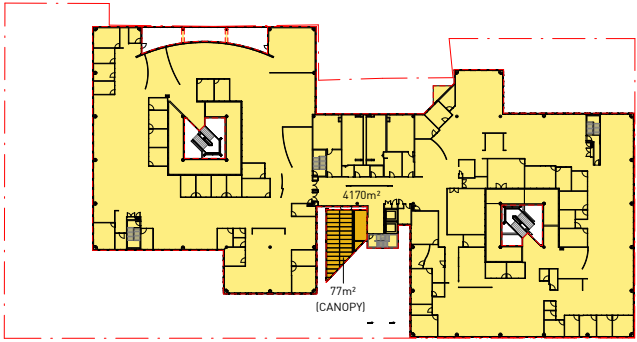
1 EXISTING GBA - BASEMENT  
1 : 625



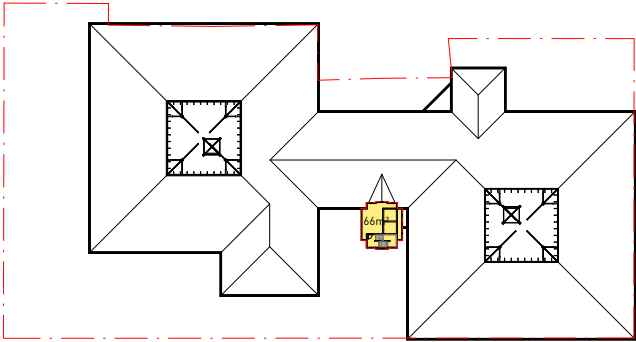
2 EXISTING GBA - GROUND FLOOR  
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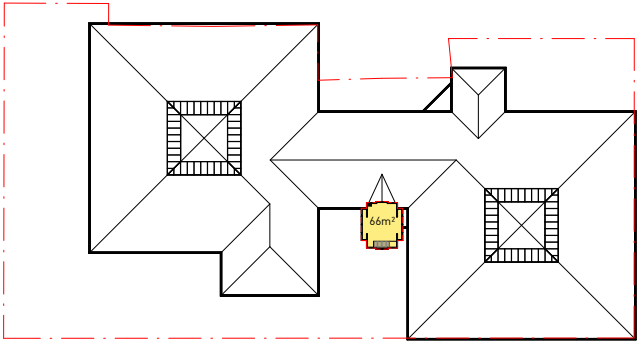
3 EXISTING GBA - FIRST FLOOR  
1 : 625



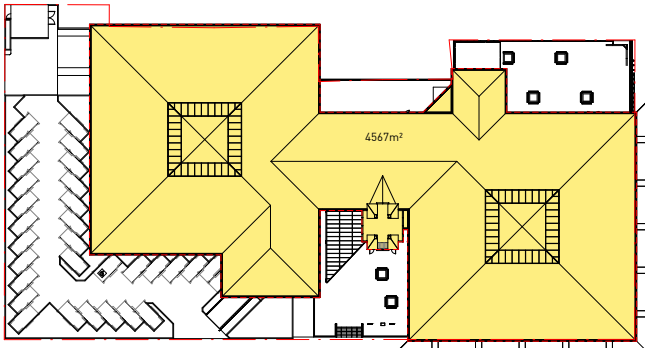
4 EXISTING GBA - SECOND FLOOR  
1 : 625



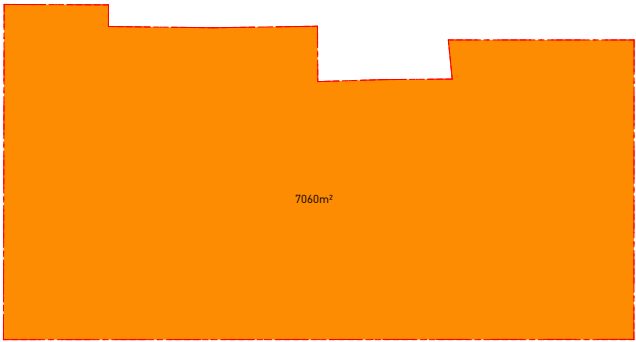
5 EXISTING GBA - LIFT MOTOR ROOM  
1 : 625



6 EXISTING GBA - COOLING TOWERS  
1 : 625



7 EXISTING GBA - ROOF  
1 : 625



8 SITE AREA  
1 : 625

Architect  
**sissons.**  
a: Level 5, 53 Berry Street, North Sydney, NSW 2060.  
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

- Area Plan Notes:
1. ALL AREAS ARE APPROXIMATE ONLY AND SHOULD BE READ IN CONJUNCTION WITH DRAWING ISSUE. AREAS ARE SUBJECT TO DETAILED DESIGN DEVELOPMENT AND AUTHORITY APPROVALS.
  2. GBA: GROSS BUILDING AREA - AREA OF TOTAL ENCLOSED PERIMETER MEASURED TO OUTSIDE FACE OF EXTERNAL WALLS, FLOOR AND ROOF, INCLUDING EXTERNAL WORKS.
  3. GFA: GROSS FLOOR AREA - ALL INTERNAL AREA MEASURED TO THE INSIDE FACE OF THE EXTERNAL WALLS. EXCLUDES LIFT SHAFTS, BALCONIES, COMMON VERTICAL CIRCULATION, PLANT, RISERS, LOADING AREAS, PARKING, BASEMENT STORAGE.
  4. NLA: NET LETTABLE AREA - COMMERCIAL AREA TO PROPERTY COUNCIL METHOD OF MEASUREMENT.

- Key:
- EXISTING GBA
  - EXISTING GBA - CANOPY
  - SITE AREA

Client  
Sandran Property Group

Scale  
1 : 625 @ A1 (Half @ A3)

0 31.25M



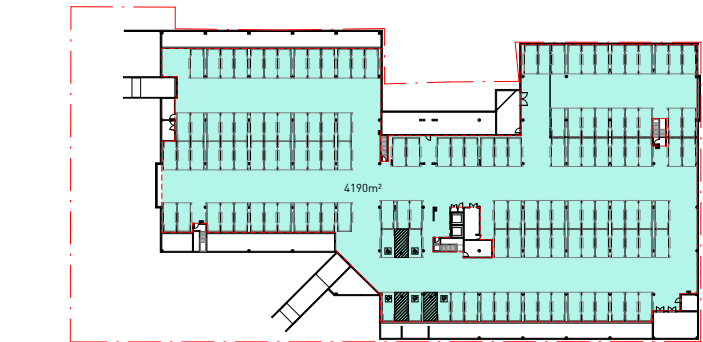
Project  
159-179 Kite Street

Drawing Title  
EXISTING AREA PLANS - GROSS BUILDING AREA

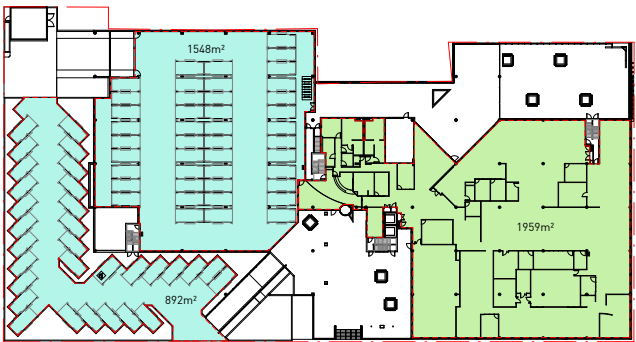
Project No. 21-024 Date 30/08/22 Drawing No. DA-50-01 Rev A

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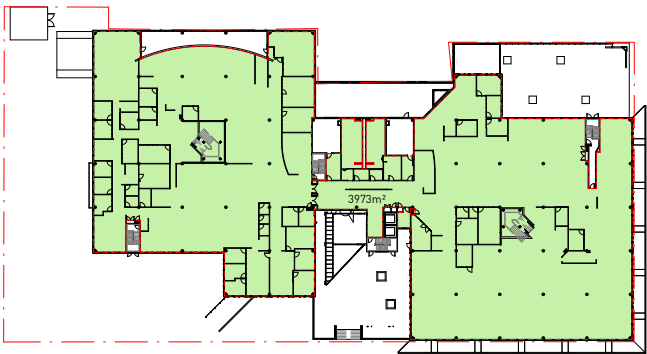
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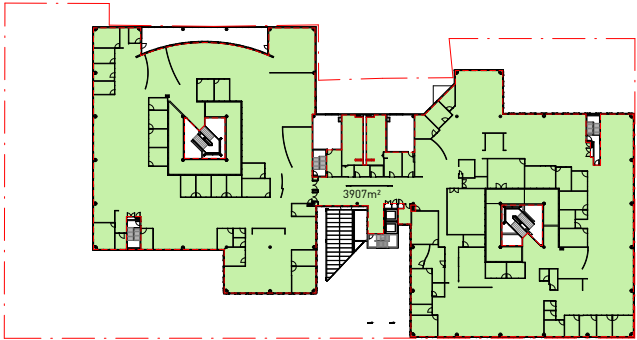
1 EXISTING GFA - BASEMENT  
1 : 625



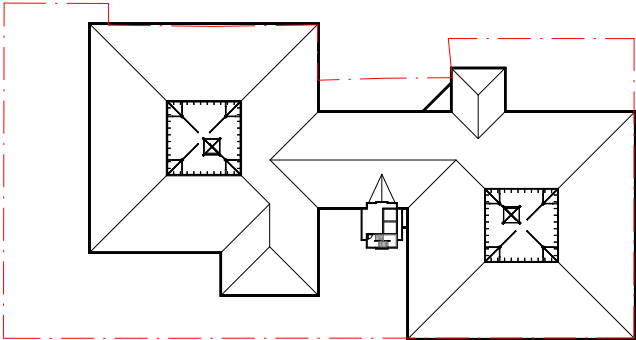
2 EXISTING GFA - GROUND FLOOR  
1 : 625



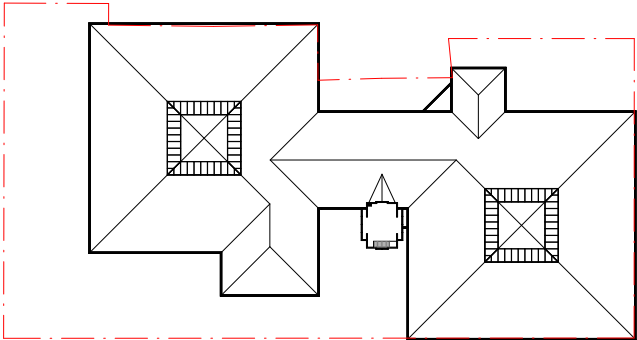
3 EXISTING GFA - FIRST FLOOR  
1 : 625



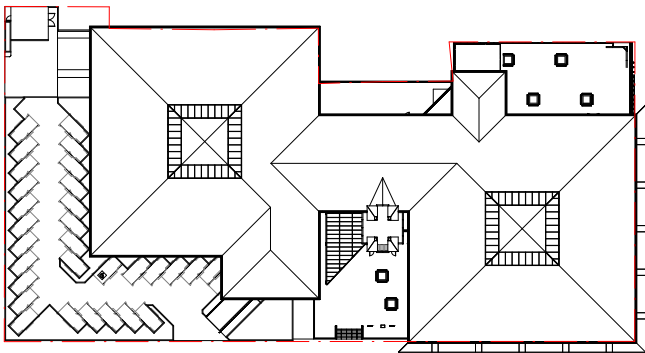
4 EXISTING GFA - SECOND FLOOR  
1 : 625



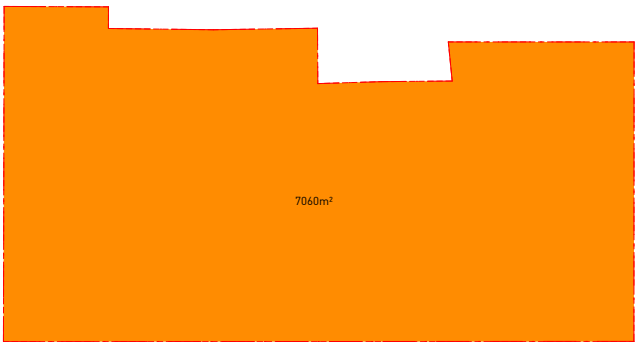
5 EXISTING GFA - LIFT MOTOR ROOM  
1 : 625



6 EXISTING GFA - COOLING TOWERS  
1 : 625



7 EXISTING GFA - ROOF  
1 : 625



8 SITE AREA  
1 : 625

Architect  
**sissons.**  
a: Level 5, 53 Berry Street, North Sydney, NSW 2060.  
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

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  4. NLA: NET LETTABLE AREA - COMMERCIAL AREA TO PROPERTY COUNCIL METHOD OF MEASUREMENT.

- Key:
- EXISTING GFA
  - EXISTING GFA CARPARK
  - SITE AREA

Client  
Sandran Property Group

Scale  
1 : 625 @ A1 (Half @ A3)



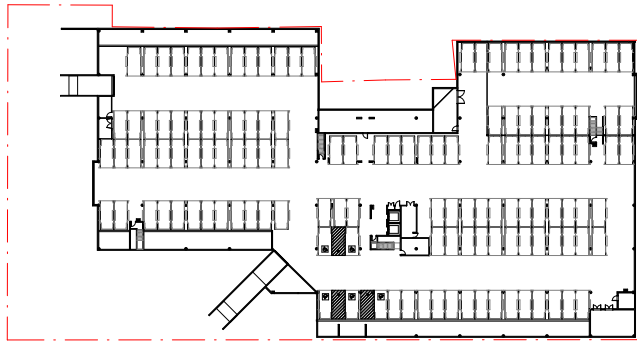
Project  
159-179 Kite Street

Drawing Title  
EXISTING AREA PLANS - GROSS FLOOR AREA

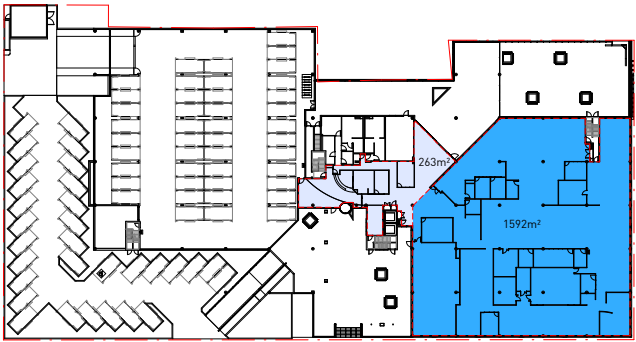
Project No.	Date	Drawing No.	Rev
21-024	30/08/22	DA-50-02	A

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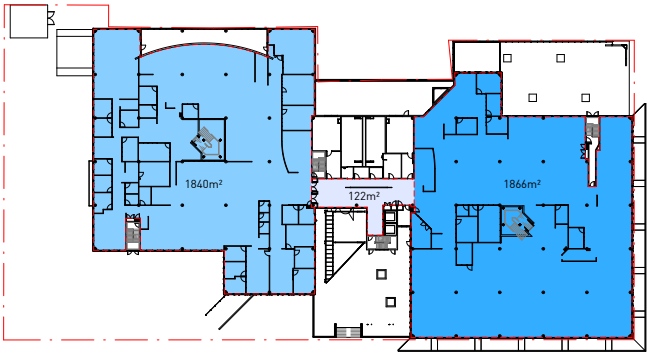
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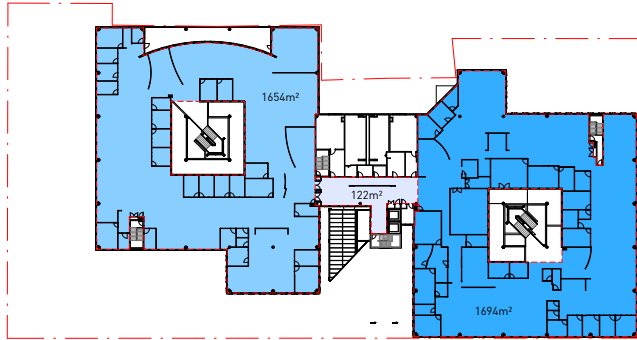
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1 : 625



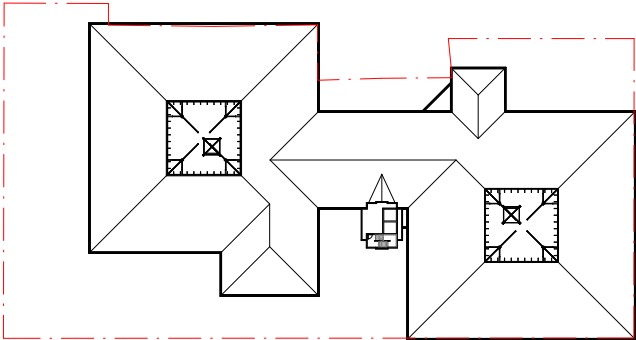
2 EXISTING NLA - GROUND FLOOR  
1 : 625



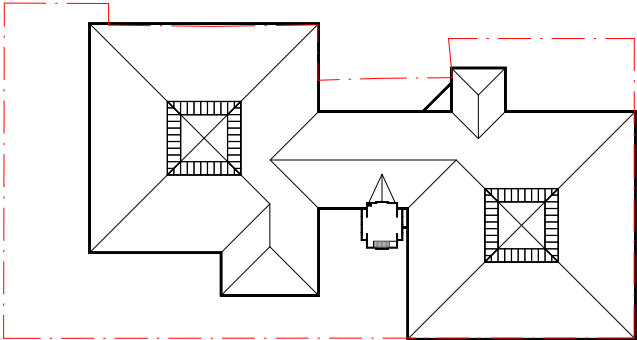
3 EXISTING NLA - FIRST FLOOR  
1 : 625



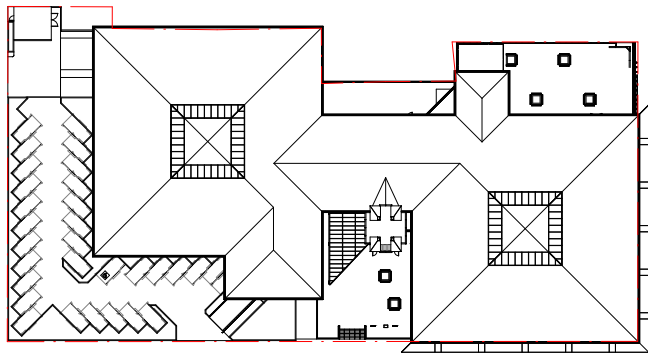
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1 : 625



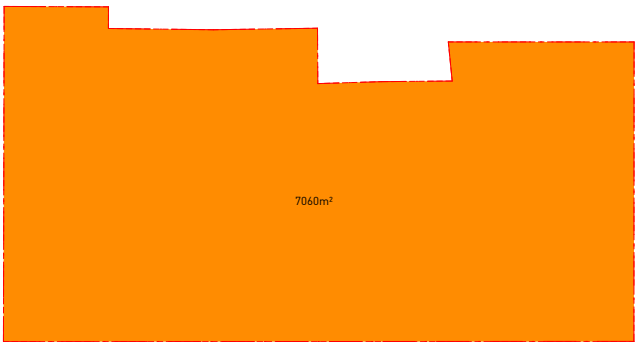
5 EXISTING NLA - LIFT MOTOR ROOM  
1 : 625



6 EXISTING NLA - COOLING TOWERS  
1 : 625



7 EXISTING NLA - ROOF  
1 : 625



8 SITE AREA  
1 : 625

Architect  
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p: 02 8904 1853

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- Key:**
- EXISTING NLA - EAST BLOCK
  - EXISTING NLA - WEST BLOCK
  - EXISTING NLA - LOBBY
  - SITE AREA

Client  
Sandran Property Group

Scale  
1 : 625 @ A1 (Half @ A3)

0 31.25M



Project  
159-179 Kite Street

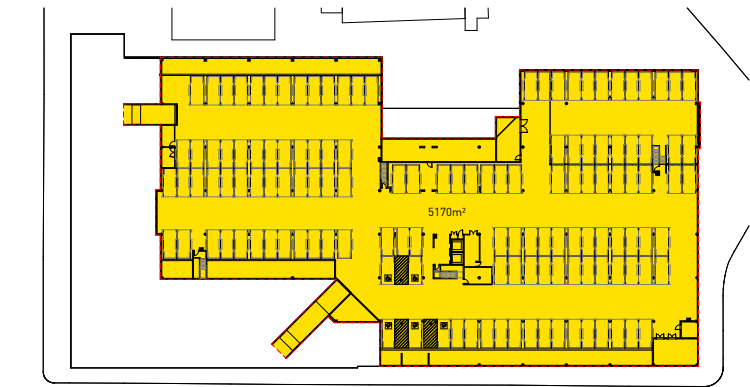
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Project No. 21-024 Date 30/08/22 Drawing No. DA-50-03 Rev A

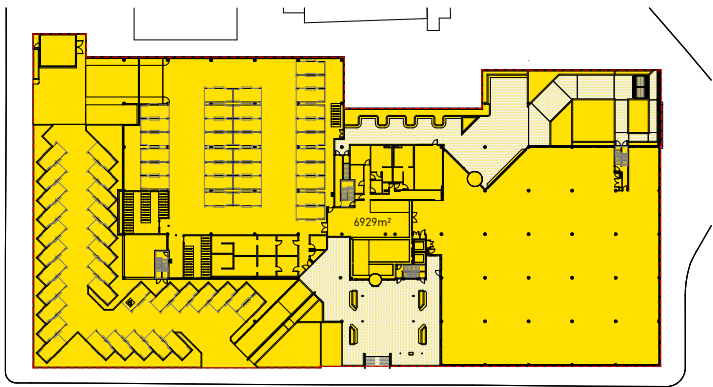
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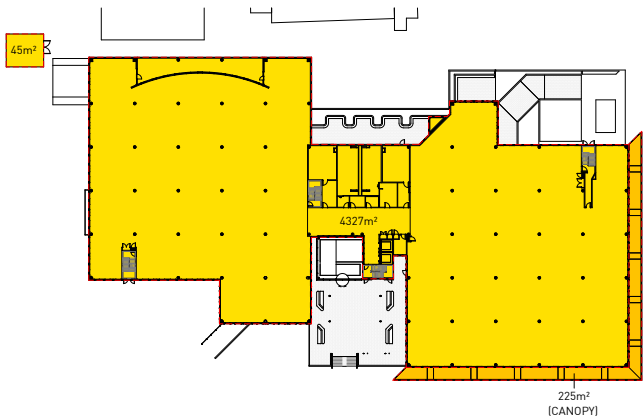




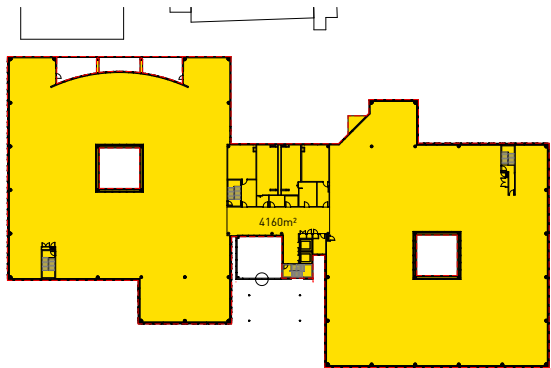
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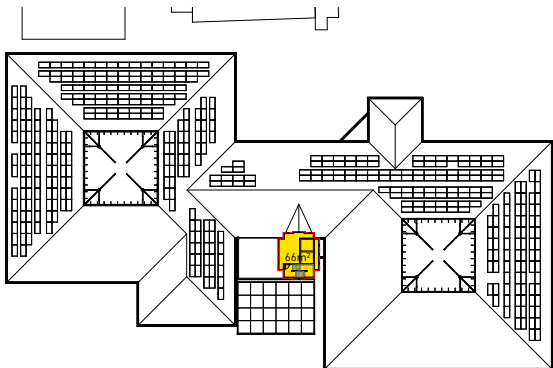
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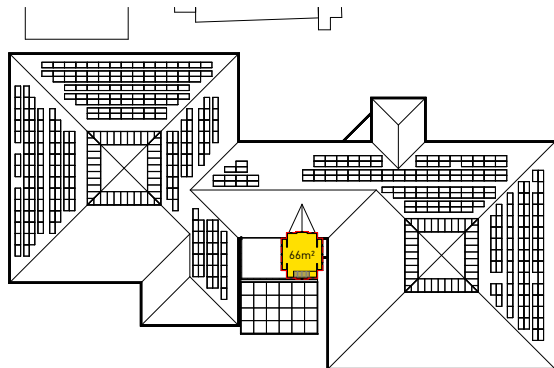
3 PROPOSED GBA - FIRST FLOOR  
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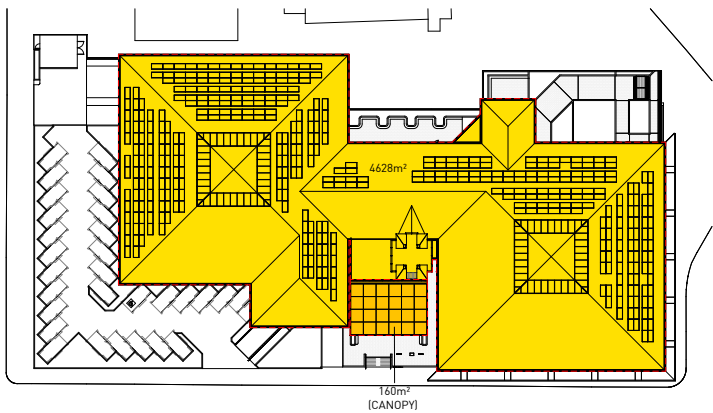
4 PROPOSED GBA - SECOND FLOOR  
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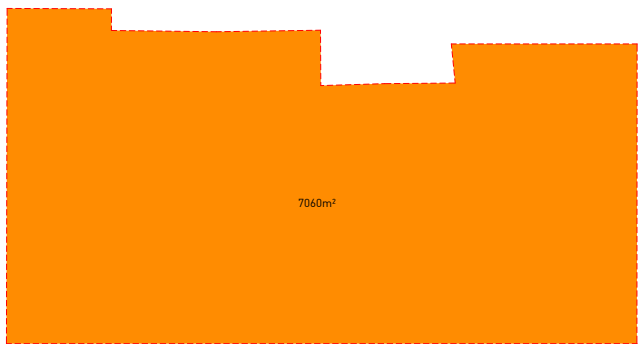
5 PROPOSED GBA - LIFT MOTOR ROOM  
1 : 625



6 PROPOSED GBA - COOLING TOWERS  
1 : 625



7 PROPOSED GBA - ROOF  
1 : 625



8 SITE AREA  
1 : 625

Architect

**sissons.**

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p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

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4. NLA: NET LETTABLE AREA - COMMERCIAL AREA TO PROPERTY COUNCIL METHOD OF MEASUREMENT.

Key:

GBA

GBA - CANOPY

SITE AREA

Client

Sandran Property Group

Project

159-179 Kite Street

Drawing Title

PROPOSED AREA PLANS - GROSS BUILDING AREA

Scale

1 : 625 @ A1 (Half @ A3)

North

Project No.

21-024

Date

30/08/22

Drawing No.

DA-51-01

Rev

A

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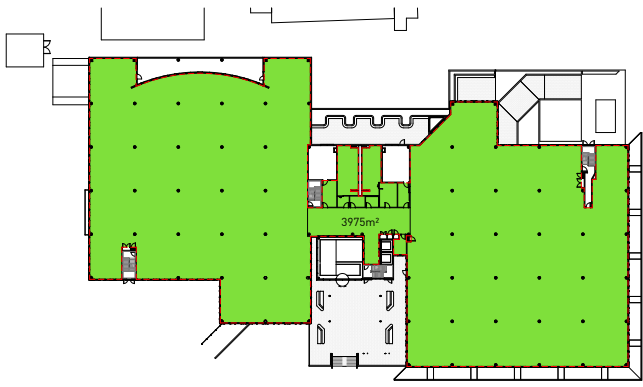
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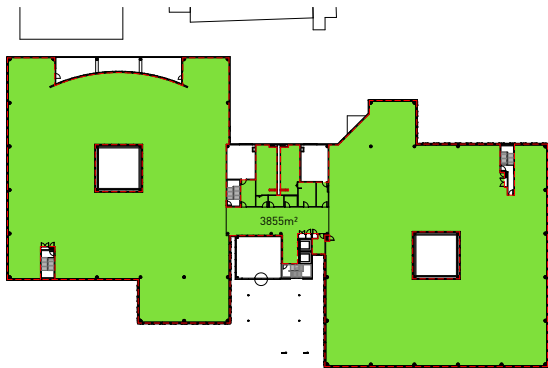
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1 : 625



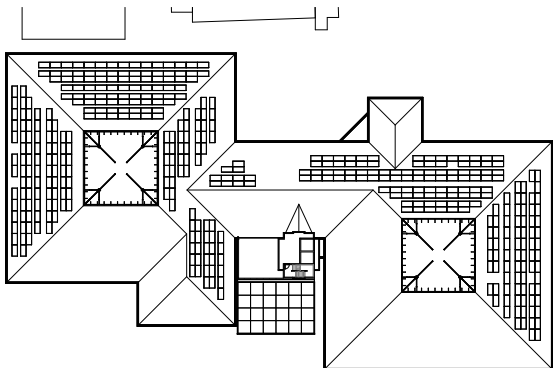
2 PROPOSED GFA - GROUND FLOOR  
1 : 625



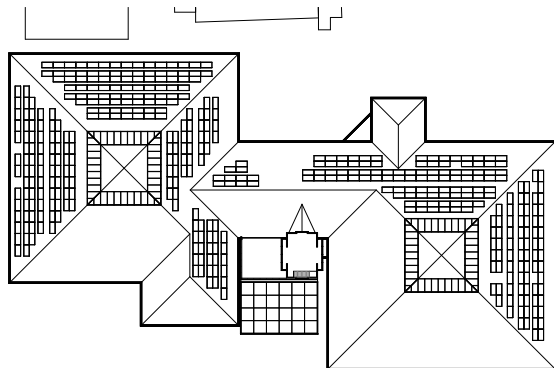
3 PROPOSED GFA - FIRST FLOOR  
1 : 625



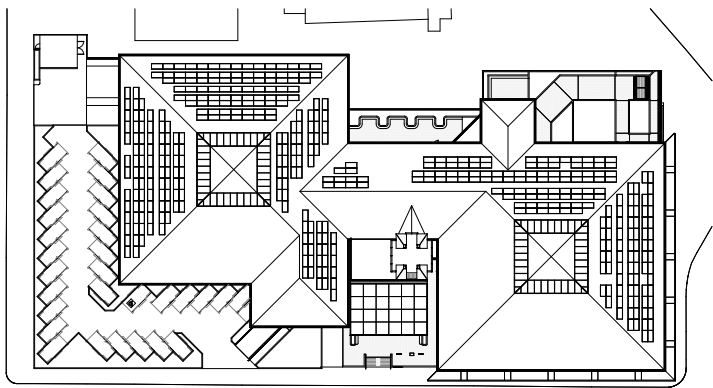
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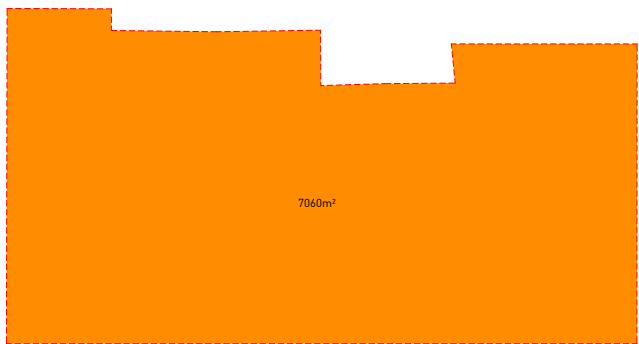
5 PROPOSED GFA - LIFT MOTOR ROOM  
1 : 625



6 PROPOSED GFA - COOLING TOWERS  
1 : 625



7 PROPOSED GFA - ROOF  
1 : 625

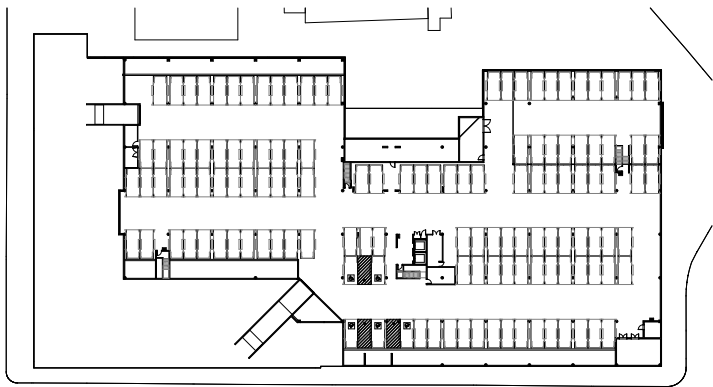


8 SITE AREA  
1 : 625

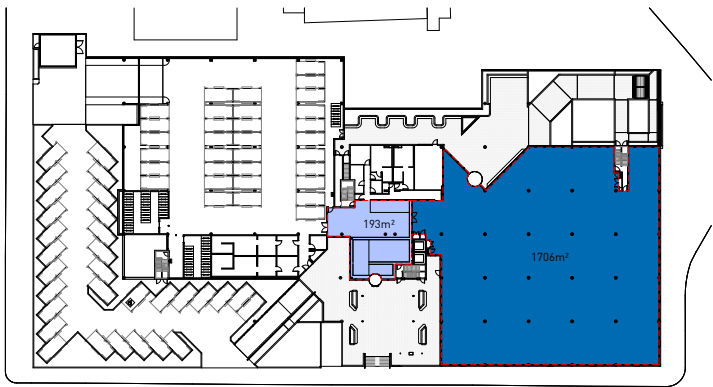
<div>Architect</div> <div><b>sissons.</b></div> <div>a: Level 5, 53 Berry Street, North Sydney, NSW 2060.</div> <div>p: 02 8904 1853</div>	<div>Area Plan Notes:</div> <div>1. ALL AREAS ARE APPROXIMATE ONLY AND SHOULD BE READ IN CONJUNCTION WITH DRAWING ISSUE. AREAS ARE SUBJECT TO DETAILED DESIGN DEVELOPMENT AND AUTHORITY APPROVALS.</div> <div>2. GBA: GROSS BUILDING AREA - AREA OF TOTAL ENCLOSED PERIMETER MEASURED TO OUTSIDE FACE OF EXTERNAL WALLS, FLOOR AND ROOF, INCLUDING EXTERNAL WORKS.</div> <div>3. GFA: GROSS FLOOR AREA - ALL INTERNAL AREA MEASURED TO THE INSIDE FACE OF THE EXTERNAL WALLS. EXCLUDES LIFT SHAFTS, BALCONIES, COMMON VERTICAL CIRCULATION, PLANT, RISERS, LOADING AREAS, PARKING, BASEMENT STORAGE.</div> <div>4. NLA: NET LETTABLE AREA - COMMERCIAL AREA TO PROPERTY COUNCIL METHOD OF MEASUREMENT.</div>	<div>Key:</div> <div><div></div> GFA</div> <div><div></div> GFA CAR PARK</div> <div><div></div> SITE AREA</div>	<div>Client</div> <div>Sandran Property Group</div>	<div>Project</div> <div>159-179 Kite Street</div>	<div>Drawing Title</div> <div>PROPOSED AREA PLANS - GROSS FLOOR AREA</div>			
			<div>Scale</div> <div>1 : 625 @ A1 (Half @ A3)</div> <div><div>0</div><div></div><div>31.25M</div></div>	<div>North</div> <div><div></div></div>	<div>Project No.</div> <div>21-024</div>	<div>Date</div> <div>30/08/22</div>	<div>Drawing No.</div> <div>DA-51-02</div>	<div>Rev</div> <div>A</div>
			<div>Nominated Architect: Nick Sissons NSW ARB 7210</div>					

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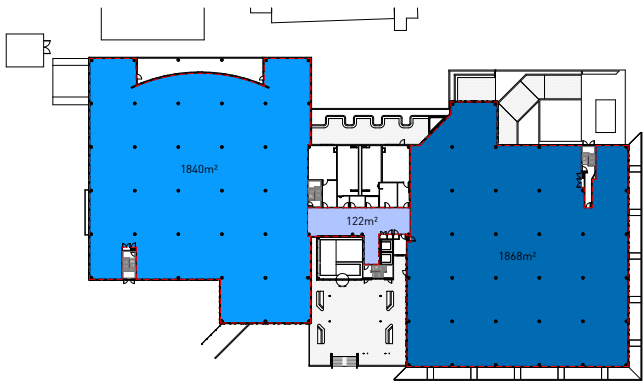
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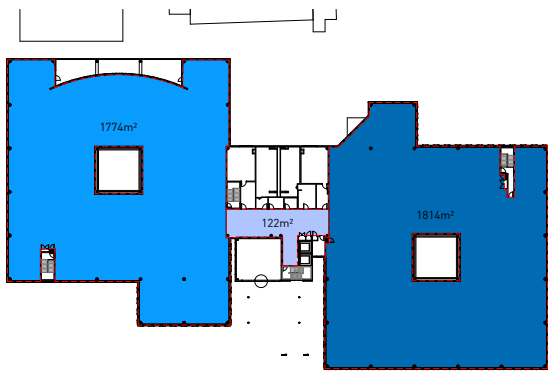
1 PROPOSED NLA - BASEMENT  
1 : 625



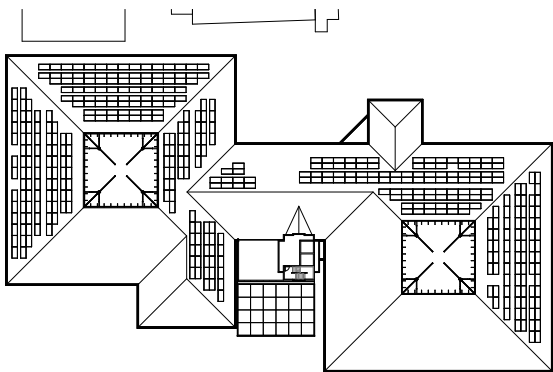
2 PROPOSED NLA - GROUND FLOOR  
1 : 625



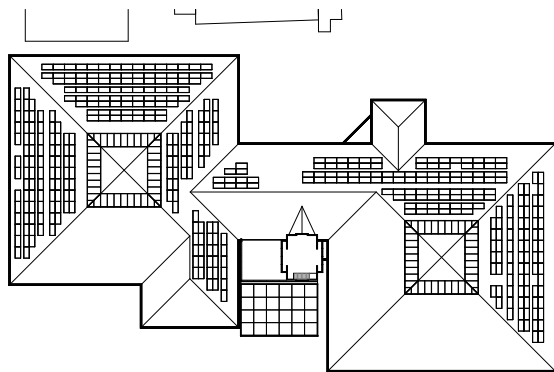
3 PROPOSED NLA - FIRST FLOOR  
1 : 625



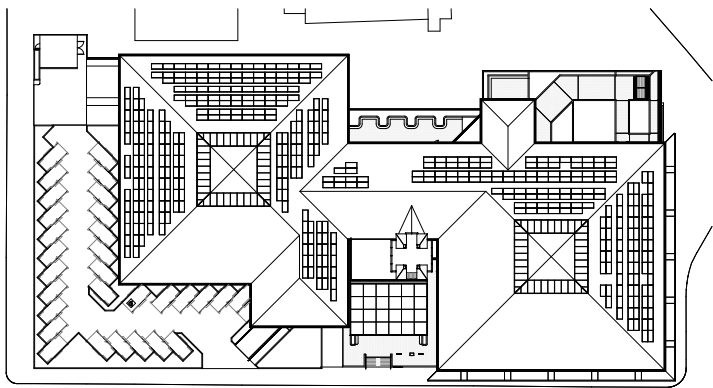
4 PROPOSED NLA - SECOND FLOOR  
1 : 625



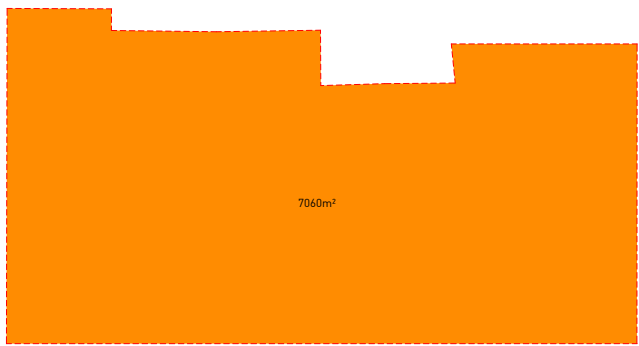
5 PROPOSED NLA - LIFT MOTOR ROOM  
1 : 625



6 PROPOSED NLA - COOLING TOWERS  
1 : 625



7 PROPOSED NLA - ROOF  
1 : 625



8 SITE AREA  
1 : 625

<div>Architect</div> <div><b>sissons.</b></div> <div>a: Level 5, 53 Berry Street, North Sydney, NSW 2060.</div> <div>p: 02 8904 1853</div>	<div>Area Plan Notes:</div> <div>1. ALL AREAS ARE APPROXIMATE ONLY AND SHOULD BE READ IN CONJUNCTION WITH DRAWING ISSUE. AREAS ARE SUBJECT TO DETAILED DESIGN DEVELOPMENT AND AUTHORITY APPROVALS.</div> <div>2. GBA: GROSS BUILDING AREA - AREA OF TOTAL ENCLOSED PERIMETER MEASURED TO OUTSIDE FACE OF EXTERNAL WALLS, FLOOR AND ROOF, INCLUDING EXTERNAL WORKS.</div> <div>3. GFA: GROSS FLOOR AREA - ALL INTERNAL AREA MEASURED TO THE INSIDE FACE OF THE EXTERNAL WALLS. EXCLUDES LIFT SHAFTS, BALCONIES, COMMON VERTICAL CIRCULATION, PLANT, RISERS, LOADING AREAS, PARKING, BASEMENT STORAGE.</div> <div>4. NLA: NET LETTABLE AREA - COMMERCIAL AREA TO PROPERTY COUNCIL METHOD OF MEASUREMENT.</div>	<div>Key:</div> <div><div></div> NLA - EAST BLOCK</div> <div><div></div> NLA - WEST BLOCK</div> <div><div></div> NLA - LOBBY</div> <div><div></div> SITE AREA</div>	<div>Client</div> <div>Sandran Property Group</div>	<div>Project</div> <div>159-179 Kite Street</div>	<div>Drawing Title</div> <div>PROPOSED AREA PLANS - NET LETTABLE AREA</div>			
			<div>Scale</div> <div>1 : 625 @ A1 (Half @ A3)</div> <div><div>0</div><div>31.25M</div></div>	<div>North</div> <div></div>	<div>Project No.</div> <div>21-024</div>	<div>Date</div> <div>30/08/22</div>	<div>Drawing No.</div> <div>DA-51-03</div>	<div>Rev</div> <div>A</div>
<div>Nominated Architect: Nick Sissons NSW ARB 7210</div>								

159-179 KITE STREET, ORANGE

COUNCIL: ORANGE CITY COUNCIL  
SITE AREA: 7060  
PERMITTED FSR: 1.00

EXISTING BUILDING

EXISTING GFA: 9839  
EXISTING FSR: 1.39

LIFTING		BUILDING HEIGHT			
PASSENGER		LEVEL	FLOOR - FLOOR	HEIGHT	USE
1	2				
MR	MR				
OR	OR				
3	3				
2	2				
1	1				
0	0				
		TOWER ROOF		890515	N/A
		COOLING TOWER	3815	886700	Plant
		LIFT MOTOR	3600	883100	Plant
		EAVES	2500	880600	N/A
		SECOND	3600	877000	Lobby, Plant, Office
		FIRST	3600	873400	Lobby, Plant, Office
		GROUND	3600	869800	Lobby, Plant, Office
		BASEMENT	3000	866800	Parking
				TOTAL:	

AREAS					
GBA	GFA	NLA			
		COMMERCIAL	(WEST BLOCK)	(EAST BLOCK)	LOBBY
4567	0	0	0	0	0
66	0	0	0	0	0
66	0	0	0	0	0
0	0	0	0	0	0
4247	3907	3348	1654	1694	122
4597	3973	3706	1840	1866	122
6929	1959	1592	0	1592	263
5170	0	0	0	0	0
25642	9839	8646	3494	5152	507

PARKING					
AREA GFA	TOTAL	CAR		MOTORBIKE	BICYCLE
		(INSIDE)	(OUTSIDE)		
0					
0					
0					
0					
0					
2440	75	44	31	0	9
4190	134	134	0	0	0
6630	209	178	31	0	9

## PROPOSED BUILDING

PROPOSED GFA: 10020  
PROPOSED FSR: 1.42

LIFTING		BUILDING HEIGHT			
PASSENGER		LEVEL	FLOOR - FLOOR	HEIGHT	USE
1	2				
MR	MR				
OR	OR				
3	3				
2	2				
1	1				
0	0				
		TOWER ROOF		890515	N/A
		COOLING TOWER	3815	886700	Plant
		LIFT MOTOR	3600	883100	Plant
		EAVES	2500	880600	N/A
		SECOND	3600	877000	Lobby, Plant, Office
		FIRST	3600	873400	Lobby, Plant, Office
		GROUND	3600	867800	Lobby, Plant, Office
		BASEMENT	3000	866800	Parking
					TOTAL:

AREAS					
GBA	GFA	NLA			
		COMMERCIAL	(WEST BLOCK)	(EAST BLOCK)	LOBBY
4788	0	0	0	0	0
66	0	0	0	0	0
66	0	0	0	0	0
0	0	0	0	0	0
4160	3855	3588	1774	1814	122
4597	3975	3708	1840	1868	122
6929	2190	1706	0	1706	193
5170	0	0	0	0	0
25776	10020	9002	3614	5388	437

PARKING					
AREA	CAR			MOTORBIKE	BICYCLE
GFA	TOTAL	(INSIDE)	(OUTSIDE)		
0					
0					
0					
0					
0					
0					
2277	64	33	31	0	75
4190	134	134	0	0	0
6467	198	167	31	0	75

**NOTES:**

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[EXCLUDES LIFT SHAFTS, BALCONIES, COMMON VERTICAL CIRCULATION, PLANT, RISERS, LOADING AREAS, PARKING, BASEMENT STORAGE].
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Architect  
**sissons.**  
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p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

Client  
Sandran Property Group

Scale  
@ A1 (Half @ A3)

Project  
159-179 Kite Street

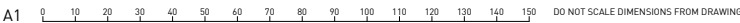
Drawing Title

AREA SCHEDULE

Project N  
21-024

Date  
23/02/23

Drawing No.  
DA-55-01

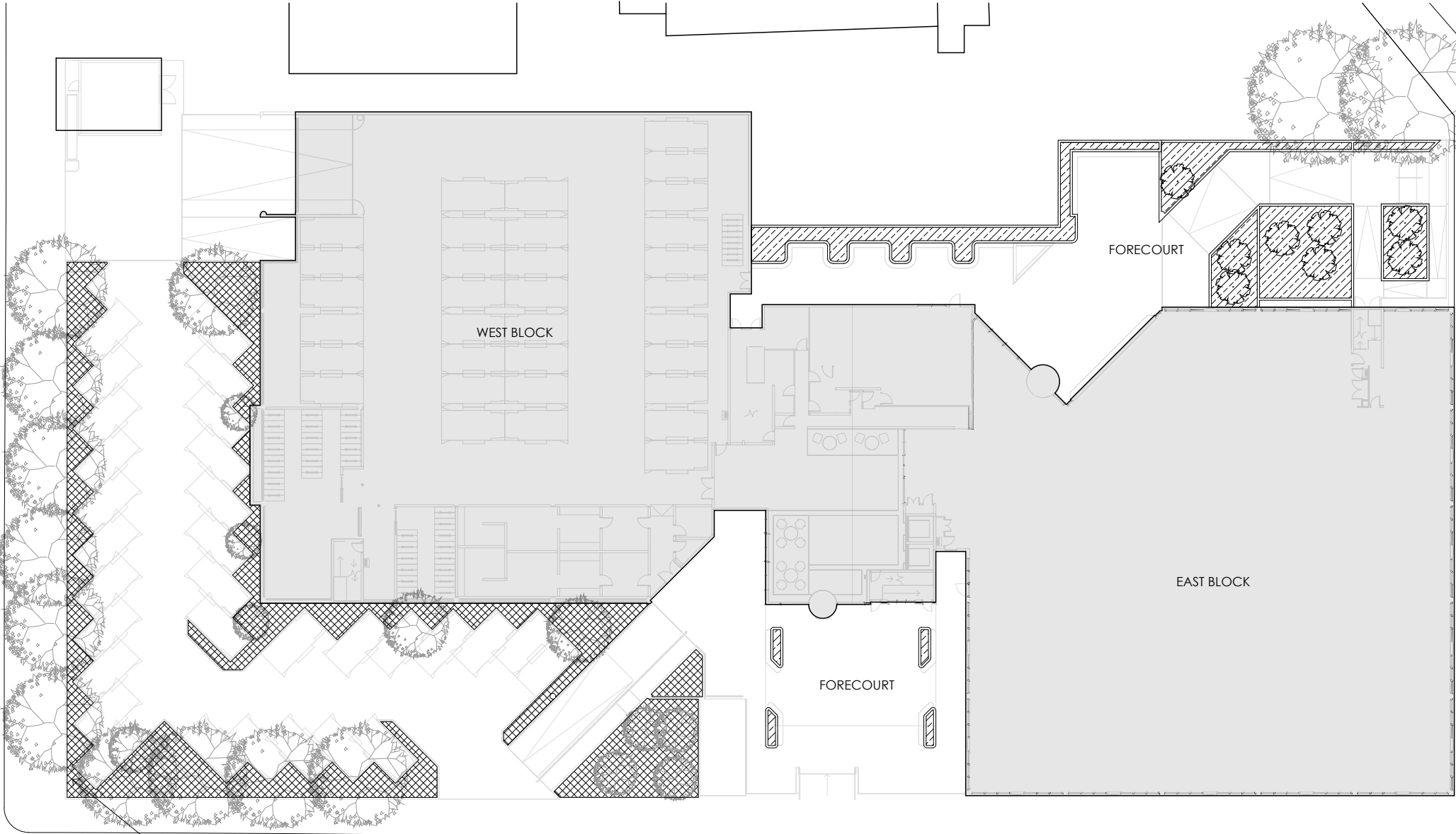
Rev  
B

sala4D

landscape architecture · urban design

LANDSCAPE ARCHITECT

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KEY PLAN

DATE	DESCRIPTION	REV
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-

REVISIONS

Sandran Property Group

CLIENT

Sissons

ARCHITECT

159-179 Kite Street

Orange, NSW 2800

PROJECT

DEVELOPMENT  
APPLICATION

PURPOSE OF DRAWING

Landscape Plan

DRAWING TITLE



NORTH    SCALE BAR

SCALE	1:200 @ A1	DRAWN BY	QL
DATE	29/08/2022	CHECKED BY	SA
JOB NO.	20083	APPROVED BY	SA
DRAWING NO.	REVISION		

L-001

DRAWING INFORMATION

LEGEND



Existing Tree to be Retained and Protected



Feature Plants

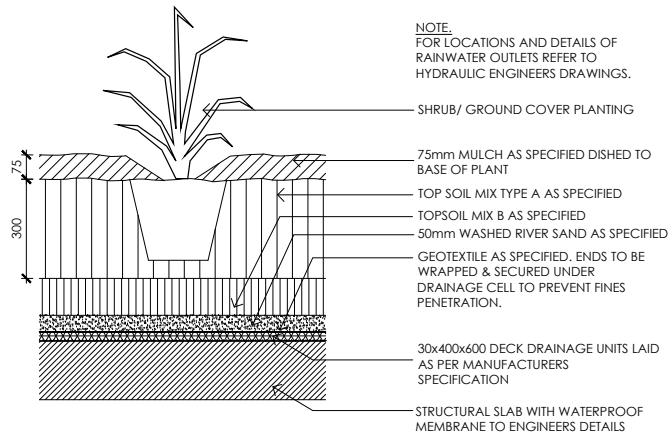


Mass Planting in Raised Planters as Detailed 01/L-002

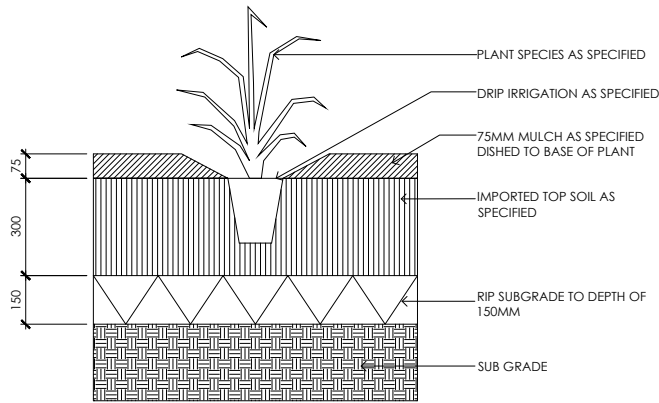


Renovated Garden Bed as Detailed 02/L-002





1 MASS PLANTING IN RAISED PLANTERS DETAIL  
SCALE 1:10



2 RENOVATED GARDEN BED DETAIL  
SCALE 1:10

Code	Botanic Name	Common Name	Native	Pot Size Tube	140mm	200mm	300mm	25L	75L	100L	200L	400L	Mature Height	Mature Spread	Spacing	no./m2
GROUND COVER																
Grr	Grevillea rosmarinifolia 'Scarlet Sprite'	Rosemary Grevillea	X		X								0.8 - 1m	1m	0.5m	4
Juc	Juniperus conferta	Shore Juniper											0.3m	3m	0.9m	0
Leb	Leucaphyta brownii	Cushion Bush	X		X								0.6m	1.2m	0.6m	2.8
Loc PG	Loropetalum chinense 'Purple Pixie'	Purple Pixie					X						0.5m	1.5m	2m	0.25
Rhs	Rhagodia spinescens	Aussie Flat Bush	X		X								0.4m	1.0m	0.5m	4
Roo P	Rosmarinus officinalis 'Prostratus'	Prostrate Rosemary			X								0.3m	2m		0
Wef M	Westringia fruticosa 'Mundi'	Coastal Rosemary	X										0.5m	1.5m	0.8m	1.55
GRASS																
Lim	Liriope muscari	Liriope Evergreen Giant			X								0.4m	0.6m	0.3m	11
LoIEB	Lomandra labillii Evergreen Baby	Evergreen Baby Lomandra	X		X								0.4m	0.45m	0.25m	16
Pol E	Poa labillardieri 'Eskdale'	Tussock Grass	X		X								0.7m	0.5m	0.5m	4
FEATURE PLANT																
Acp A	Acer palmatum 'Aitropurpureum'	Japanese Maple									X		3.5m	3m	As shown	0
Mas	Magnolia stellata	Star Magnolia								X			2m	2m	As shown	0
Pht MC	Phormium tenax 'Maori Chief'	Maori Chief Flax					X						2m	1m	1.2m	0
SHRUB																
Acm	Acanthus mollis	Oyster Plant				X							0.6m		0.6m	2.8
Ase	Aspidistra eliator	Bar-room Plant											0.5-1.2m	1.5m		0
Auj	Aucuba japonica	Gold Dust											2m	1.5m		0
Rai OP	Rhaphiolepis indica 'Oriental Pearl'	Oriental Pearl Indian Hawthorn					X						0.8m	1m	0.6m	2.8

3 TYPICAL PLANTING SCHEDULE



Aspidistra eliator



Rhaphiolepis indica 'Oriental Pearl'



Rhagodia spinescens



Westringia fruticosa 'Mundi'



Magnolia stellata



Liriope muscari

sala4D

landscape architecture · urban design

LANDSCAPE ARCHITECT

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KEY PLAN

DATE	DESCRIPTION	REV
-	-	-
-	-	-
-	-	-
-	-	-
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-	-	-

REVISIONS

Sandran Property Group

CLIENT

Sissons

ARCHITECT

159-179 Kite Street

Orange, NSW 2800

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