PLANNING AND DEVELOPMENT COMMITTEE

AGENDA

2 MAY 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, 2 May 2023.**

David Waddell

CHIEF EXECUTIVE OFFICER

For apologies please contact Administration on 6393 8106.

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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

RECORD NUMBER: 2023/478
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 267/2022(1)	**Determination Date:**	14 April 2023
PR Number	PR3406		
Applicant/s:	Mr EJ Conroy		
Owner/s:	Mr EJ Conroy		
Location:	Lot 1 DP 373415 - 209 Dalton Street, Orange		
Proposal:	Demolition (existing dwelling and tree removal), multi dwelling housing (four dwellings) and subdivision (five lot Community title)		
Value:	$1,500,000		

Reference: DA 361/2022(2) **Determination Date:** 5 April 2023
PR Number PR29468
Applicant/s: Divlist Pty Limited and Mikell Investments Pty Ltd
Owner/s: Mr JR and Mrs CL Neville
Location: Lot 109 DP 1288328 - 14 Yackerboon Place, Orange
Proposal: Modification of development consent - dwelling, attached triple garage and retaining walls. The modified proposal involves construction of an additional sandstone block retaining wall on the front boundary of the site. The modified proposal will not result in any significant material change to the original development. The modified development will not give rise to environmental impacts that vary from the original development.
Value: $0

Reference: DA 366/2022(1) **Determination Date:** 31 March 2023
PR Number PR23210
Applicant/s: Mrs M Lopez
Owner/s: Mr JC Arackaparambil Cleatus and Ms M Lopez
Location: Lot 87 DP 1133800 - 103 Diamond Drive, Orange
Proposal: Dwelling alterations and additions, and secondary dwelling
Value: $163,750

Reference: DA 394/2022(1) **Determination Date:** 17 April 2023
PR Number PR6200
Applicant/s: Mrs R Whitford
Owner/s: Mr JM and Mrs RC Whitford
Location: Lot 1 DP 797790 - 59 Kite Street, Orange
Proposal: Demolition (existing shed) and dwelling house
Value: $223,000

Reference: DA 402/2022(1) **Determination Date:** 14 April 2023
PR Number PR27589
Applicant/s: Mr SC Morgan
Owner/s: Crystal Waters (Australia) Pty Limited
Location: Lot 427 DP 1228050 - 2 Andres Street, Orange
Proposal: Dual occupancy and subdivision (two lot Torrens title)
Value: $902,045

Reference:	DA 11/2023(1)	**Determination Date:**	28 March 2023
PR Number	PR3028		
Applicant/s:	Mrs M Acido		
Owner/s:	Ms MH Acido		
Location:	Lot 65 DP 246520 - 14 Courallie Drive, Orange		
Proposal:	Demolition (shed and garage), attached secondary dwelling and detached carport		
Value:	$50,000		

Reference:	DA 26/2023(1)	**Determination Date:**	14 April 2023
PR Number	PR18150		
Applicant/s:	Bassmann Drafting Services		
Owner/s:	Mr SA Isbester		
Location:	Lot 110 DP 1027433 - 4536 Mitchell Highway, Lucknow		
Proposal:	Demolition (existing dwelling), dwelling and attached garage, swimming pool (inground), pool fencing and deck		
Value:	$798,308		

TOTAL NET* VALUE OF DEVELOPMENTS APPROVED BY THE CEO UNDER DELEGATED AUTHORITY IN THIS PERIOD: $3,637,103.00

** **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 April 2023 meeting report period (21 March to 18 April 2023), another 20 development applications were determined under delegated authority by other Council staff with a combined value of $5,999,547.

2.2 PLANNING PROPOSAL - SHIRALEE - REZONING HAWKE LANE PARK

RECORD NUMBER: 2023/575
AUTHOR: Craig Mortell, Senior Planner

EXECUTIVE SUMMARY

Council is in receipt of a Planning Proposal that seeks to rezone an area informally referred to as Hawke Lane Park from RE1 Public Recreation to R1 General Residential and establish a minimum lot size for subdivision of 700m^2 to match the size of allotments that that Master plan advocates adjacent to agricultural land further south of Hawke Lane. It should be noted that Hawke Lane Park was originally identified for open space within the Shiralee DCP masterplan. This was primarily a response to safety issues arising from the presence of a large dam on the southern side of Hawke Lane. Council has subsequently acquired the land containing the large dam and drained it to remove the risk.

With the removal of the dam break flood risk, the justification for the open space zone has diminished. The dimensions of the site make it of limited value for recreation. The absence of vegetation makes it of negligible ecological value. The peripheral location of the site in the Shiralee context limits the number of residents that would derive passive amenity.

Conversely rezoning the site to residential land could result in up to 8 additional residential lots becoming available (subject to a separate Development Application). As the former dam is now in public (Council) ownership it is considered that the underlying potential of the land for housing represents a better outcome that will make a modest contribution to availability.

The attached Planning Proposal document, while light on detail, has addressed the range of matters required by the NSW Department of Planning and Environment guidelines. A gateway determination may impose conditions requiring additional studies or information prior to agency and public consultations.

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

1 **That Council support the planning proposal and forward the matter to the NSW Department of Planning and Environment for a Gateway Determination.**

2 **That, subject to a favourable gateway determination, staff commission any additional studies or information required to enable the proposal to proceed to agency and public consultation with such work to be at the proponents cost.**

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

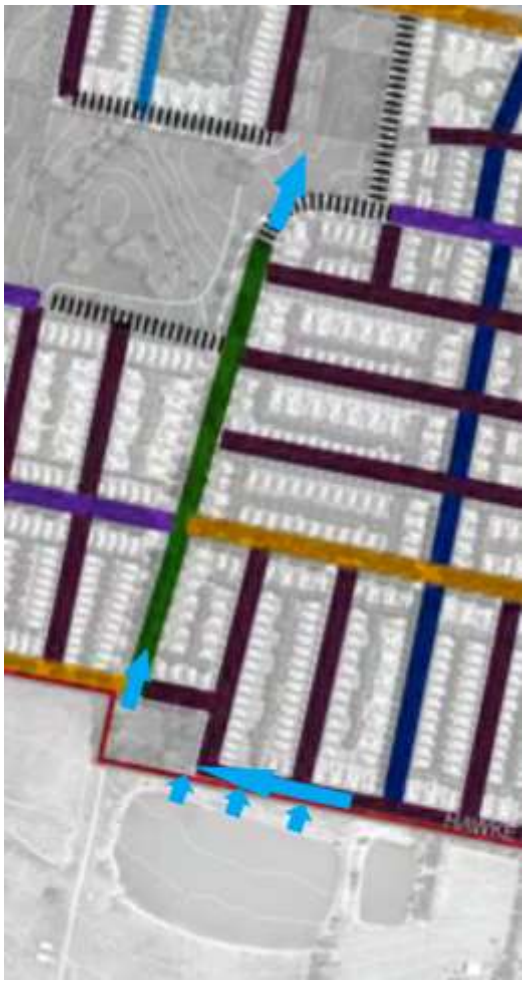
The Shiralee DCP Masterplan sets out a vision for development of land bounded by the railway corridor, Pinnacle Road, Hawke Lane and the DPI Bloomfield precinct to the east. Shiralee is intended to deliver approximately 1,750 residential lots across a mix of lot sizes within a high quality urban environment. A diverse range of recreation and open spaces are included within the masterplan to promote active healthy lifestyles and encourage alternative travel modes.

With a size of 7,436m^2 being approximately 70m x 100m inclusive of Hawke Lane road reserve to the west and south of the proponents land (approximately 5,716m^2 or 58m x 90m without the road reserve) the dimensions limit the range of active recreation facilities that could be accommodated. Additionally, the peripheral location of the park will both limit visitation rates and reduce the contribution to pedestrian / cyclist linkages. From a recreational perspective (both active and passive) the park is not considered to be a significant component of the open space network within Shiralee.

With regards to ecological values the site is clear of vegetation and has been used informally as a parking area during the subdivision works occurring elsewhere on the site. There are a few native trees in the Hawke Lane road reserve, however the site does not otherwise adjoin or link to remnant vegetation or habitat areas.

Under used open space lands can sometimes present opportunities for tree planting to increase urban forest and canopy cover. Such planting sites can in time contribute to ecological values, however the isolated location of Hawke Lane Park will always limit the potential in this respect.

Within this context it can be seen that Hawke Lane Park was originally identified primarily as a response to safety issues arising from a large dam on the southern side of Hawke Lane. In the event of a dam failure a substantial area would be inundated. To address this it was considered that land shaping could use Hawke Lane to divert much of this water towards the "park" from where it would then flow north along a wide boulevard "Green Street" to reach a larger detention basin south of Shiralee Road.



Council subsequently acquired the dam on the south side of Hawke Lane and drained this feature to remove the potential safety risk. This has removed much of the justification for the RE1 zoning of the subject site.

Conversely the suitability of the land for residential subdivision is based on being essentially flat (sloping gently to the east), clear land that directly adjoins the emerging subdivision. Being on the north side of the road means that Hawke Lane will continue to provide the natural limit to the urban footprint of Shiralee and will not place further pressure on the adjoining farmland to the south.

An additional ~8 residential lots will make a minor contribution to the available supply of residential land in Orange and modest boost to the contributions plan funds.

Strategic Justification

The Planning Proposal has responded to relevant provisions within the NSW Governments Central West and Orana Regional Plan 2041 (CWORP) to provide additional supply of residential land and housing. Strategy 13.1 promotes new housing capacity where it can use existing infrastructure and it can be reasonably assumed that this would include making more efficient use of new infrastructure being installed for the adjoining subdivision.

The proposal argues for a net community benefit in the form of additional housing opportunities, noting that it can be serviced at negligible additional cost and contrasts this with the loss of 5,716m^2 of public recreation land (excluding the road reserve to the west and south of the proponents land) which was originally intended for stormwater / flood mitigation purposes leaving a very small area available that was not constrained. The proposal notes the proximity of other open space areas. Hill Top Park is approximately 380m to the north which leads into further open space and parkland areas north from there.

The Planning Proposal provides a brief overview of how the project relates to the strategic planning framework in NSW including State Environmental Planning Policies, Section 9.1 Ministerial Directions.

The document has mistakenly claimed that Direction 5.2 is not applicable to the proposal. This direction states:

> *(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).*

Clearly the proposal does reduce the existing RE1 zone. As such the proposal requires the approval of both Council and the Director-General of the Department of Planning. It is therefore likely that a gateway determination will seek additional information or justification on this point. However, as discussed in this report the value of this site for public recreation or ecological purposes is considered to be minimal and the main reason for the zones creation, that of mitigating flood inundation risks, has essentially been removed. On this basis it is considered that the proposal is likely to satisfy Ministerial Direction 5.2

Environmental, social and economic impacts are each considered to be minor and unlikely to justify retention of the RE1 zone. Community consultation will be undertaken in accordance with any Gateway Determination. Public Agency consultations are not anticipated although being on the rural interface it is possible that the Gateway Determination will nominate NSW DPI.

Conclusion

The proposal represents a minor reduction in public open space in order to achieve a minor increase in residential supply. The existing RE1 Public Recreation zone was established primarily to mitigate flood inundation risks that subsequent events have effectively removed. The remaining open space “value” of the site is minimal both in recreation and ecological terms. The site will not expand the urban footprint of Shiralee, remaining within the Hawke Lane boundary, and as such does not increase the urban-rural interface. The current residential development in the area is extending infrastructure and services to the area such that there is negligible cost to incorporate this land.

The land itself is relatively flat and unconstrained (given the removal of the Hawke Lane dam). Councils recently adopted Local Housing Strategy respects and supports the intent of Shiralee and does encourage infill opportunities where appropriate. For these reasons it is considered appropriate to support the proposal and seek a Gateway Determination.

ATTACHMENTS

1 Planning Proposal, D23/26923⇩
2 Mapping, D23/26925⇩

PLANNING PROPOSAL

PROPOSAL: LEP Amendment (Rezoning from RE1 to R1 and change of the Minimum Lot Size to 700m^2)

ADDRESS: Hawke Lane, Orange

January 2023

DESCRIPTION: **Planning Proposal – Rezoning & MLS Changes**

CLIENT: **118 Lysterfield Pty Ltd**

Anthony Daintith Town Planning Pty Ltd
ABN 46 121 454 153
ACN 121 454 153

Contact: 195 Russell Street, Bathurst
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QUALITY ASSURANCE

This document has been prepared, checked and released in accordance with the Quality Control Standards established by Anthony Daintith Town Planning.

Version	Date	Description	By
1.0	18/8/2022	Draft	AD
2.0	25/8/2022	Approved	AD
3.0	24/11/2022	Revised	AD
4.0	11/1/2023	Revised	AD

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This document has been authorised by

Anthony Daintith (Principal)
Date: 11 January 2023

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1 BACKGROUND

1.1 INTRODUCTION

118 Lysterfield Pty Ltd has engaged Anthony Daintith Town Planning (ADTP) to prepare a Planning Proposal that seeks to amend the *Orange Local Environmental Plan 2011* by seeking to rezone the subject land from RE1 Public Recreation to R1 General Residential and change the minimum lot size map to 700m^2.

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. It will be used and read by a wide audience including the general community as well as those who are responsible for deciding whether or not the proposal should proceed. As such it must be concise and accessible to its audience. It must also be technically competent - founded on an accurate assessment of the likely impacts of the proposal and supported where necessary by technical studies and investigations.

The preparation of a planning proposal is the first step in preparing a LEP. Throughout the course of preparing the proposed LEP, the planning proposal evolves. This is particularly the case for complex proposals in which the initial gateway determination will confirm the technical studies and consultation required to justify the proposal. As the studies and consultation are undertaken, relevant parts of the planning proposal will be updated, amended and embellished.

The role of a planning proposal within the overall process for preparing LEPs is explained in the publication "Planning Proposals, A guide to preparing local planning proposals" (Department of Planning & Environment, December 2018).

A planning proposal is comprised of five parts:

Part 1 - A statement of the objectives or intended outcomes of the proposed instrument;
Part 2 - An explanation of the provisions that are to be included in the proposed instrument;
Part 3 - The justification for those objectives, outcomes and the process for their implementation;
Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
Part 5 - Details of the community consultation that is to be undertaken on the planning proposal.

Section 3.33(3) of the Act allows the Planning Secretary to issue requirements with respect to the preparation of a planning proposal. The Secretary's requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the planning proposal
- A project timeline to detail the anticipated timeframe for the plan making process for each planning proposal.

The project timeline forms Part 6 of a planning proposal.

1.2 PROPONENT AND OWNER

The proponent is 118 Lysterfield Pty Ltd.

The registered owner of the subject land is Roy Mammone Developments Pty Ltd.

2 SUBJECT LAND

2.1 SITE DESCRIPTION

That part of the subject land that is subject to the Planning Proposal is located Hawkes Lane, Orange. Refer to **Figure 1**, which depicts the site within the locality. **Figure 2** provides an aerial photo of the site.

The area of the subject land that is included in this Planning Proposal is approximately 7436m^2.

The land title description is:

Table 1: Land Title Details

Lot	Deposited Plan
90	1284877

Figure 1: Subject land subject to the Planning Proposal

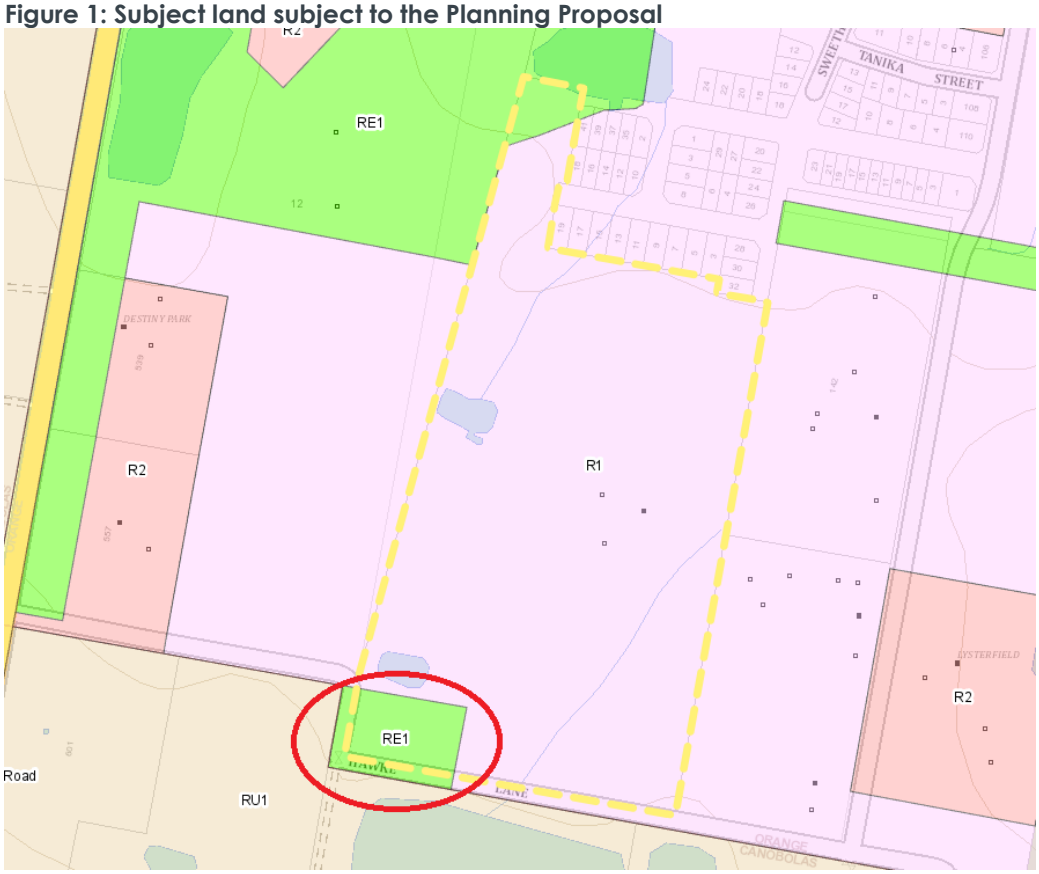


Figure 2: Locality Plan

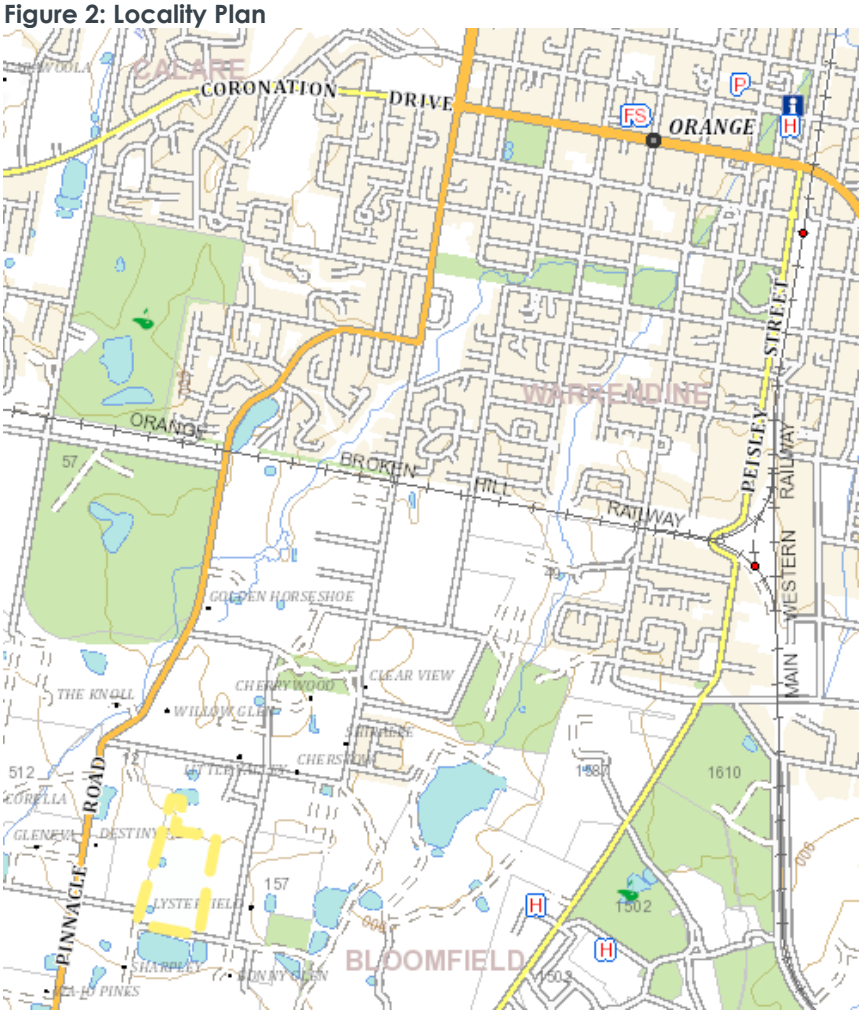


Figure 3: Aerial Photo

2.2 GENERAL SITE DESCRIPTION

Topography

The land is relatively level and slopes down to the east.

Vegetation

The site is cleared.

Waterways

There are no watercourses traversing the site.

Buildings

Vacant land.

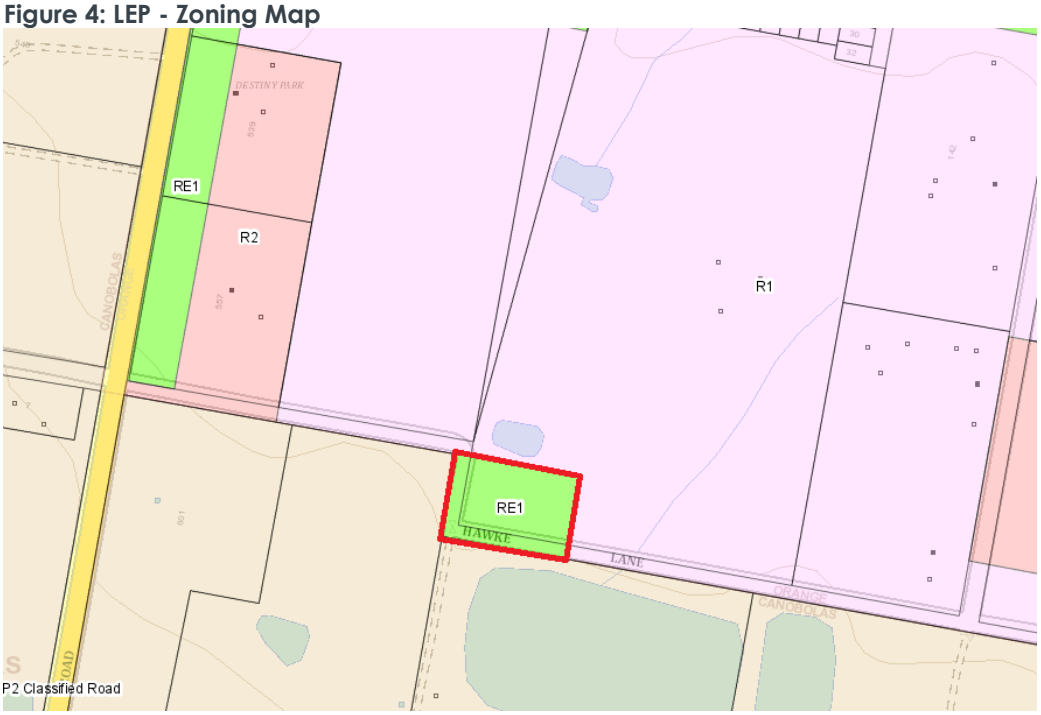
Photo 1: Subject land looking east

Photo 2: Subject land looking from Hawkes Lane

2.3 ORANGE LOCAL ENVIRONMENTAL PLAN 2011

The subject land is currently zoned RE1 Public Recreation under the *Orange Local Environmental Plan 2011* (refer to **Figure 4** below).

Figure 4: LEP - Zoning Map



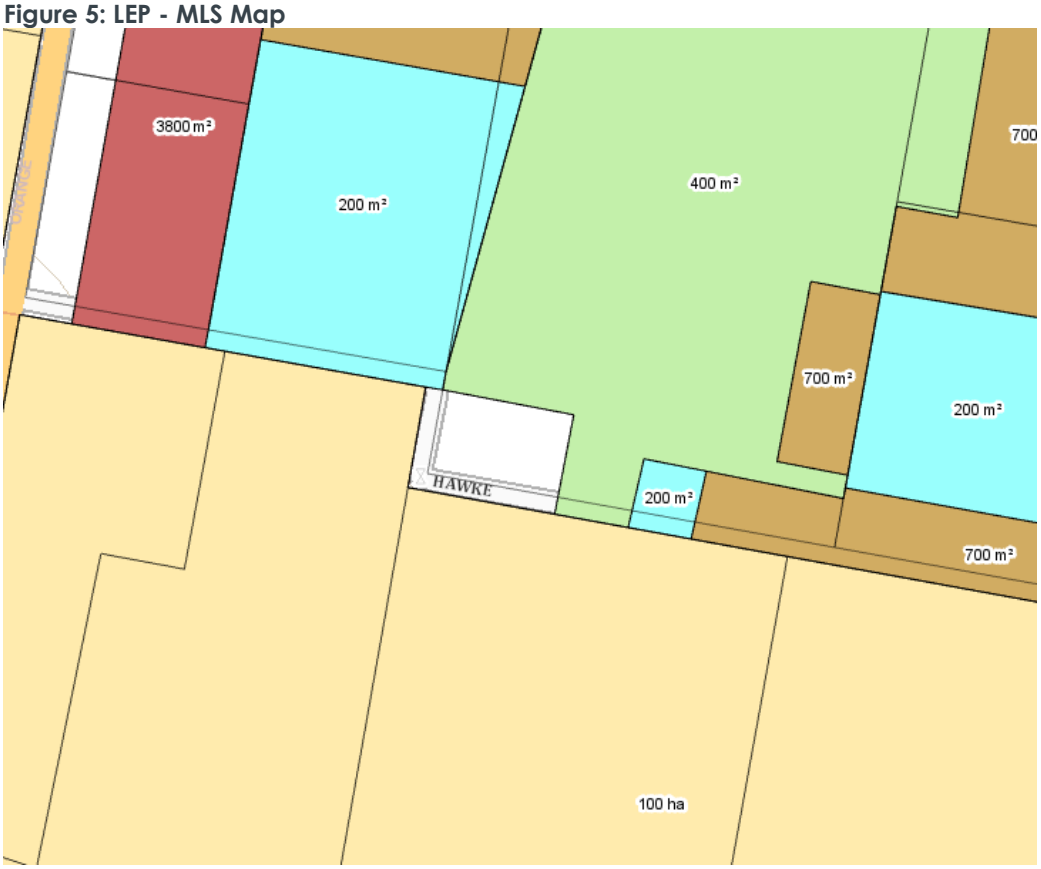
Zone RE1 Public Recreation
1 Objectives of zone
- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.*
- *To ensure development along the Southern Link Road has alternative access.*

2 Permitted without consent
Environmental protection works
3 Permitted with consent
Aquaculture; Boat launching ramps; Building identification signs; Business identification signs; Community facilities; Eco-tourist facilities; Environmental facilities; Heliports; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Water recreation structures
4 Prohibited
Any development not specified in item 2 or 3

It is proposed to rezone the subject land from RE1 Public Recreation to R1 General Residential.

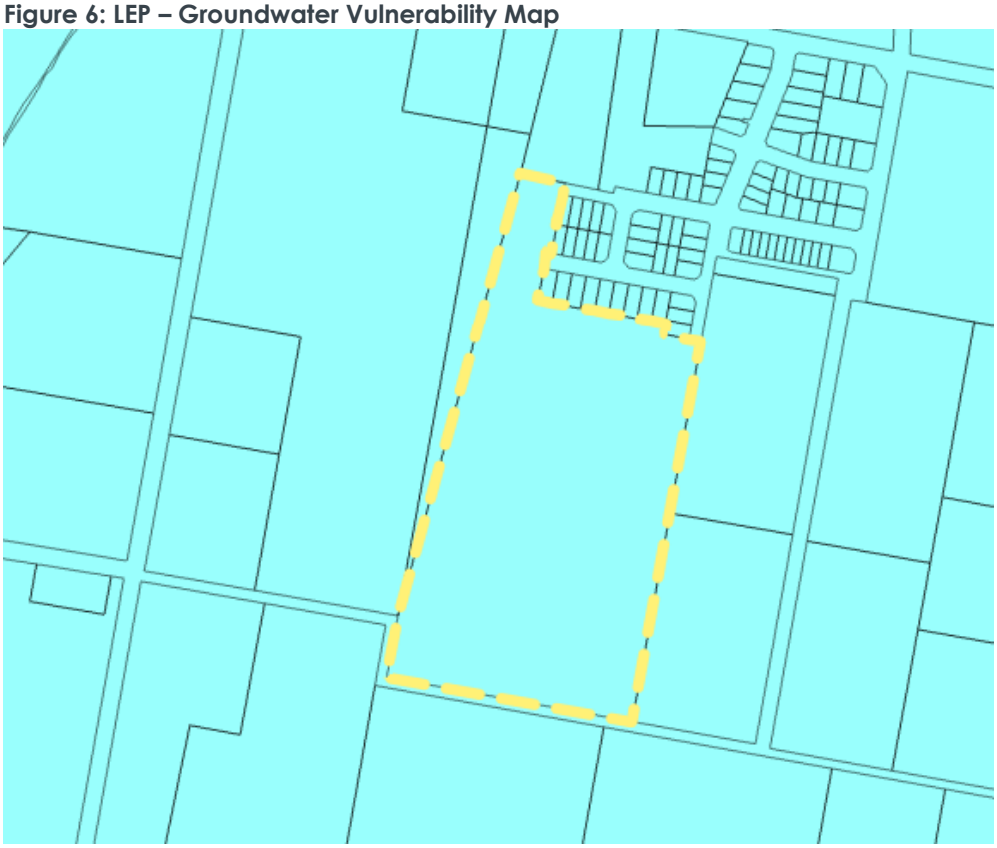
There is currently no MLS applying to the land subject to this planning proposal (see Figure 5 below). Council may choose to impose a suitable minimum lot size (the owner would propose a 700m2 MLS in line with surrounding development).

Figure 5: LEP - MLS Map



The subject land is also mapped as "Groundwater Vulnerable". No impacts with respect to the proposed rezoning of the land will be influenced in this instance.

Figure 6: LEP – Groundwater Vulnerability Map



PART 1 – OBJECTIVES OR INTENDED OUTCOMES

Part 1 of the planning proposal should be a concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be understood by the layperson.

The objective of this Planning Proposal is to amend the *Orange Local Environmental Plan 2011* to enable part of the subject land to be developed for residential housing.

PART 2 – EXPLANATION OF PROVISIONS

The explanation of provisions is an explicit statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

The proposed outcome will be achieved by:

- Amending the *Orange Local Environmental Plan 2011* Land Zoning Map on the subject in accordance with the proposed zoning map shown at on rezoning plans that form part of this Planning Proposal (i.e. rezoning the RE1 Public Recreation zoned part of the land to R1 General Residential).
- Amending the *Orange Local Environmental Plan 2011* Minimum Lot Size Map on the subject in accordance with the proposed MLS map shown on the MLS plans that form part of this Planning Proposal (i.e. changing the MLS map of the western portion of the land to 700m^2).

PART 3 JUSTIFICATION

The justification sets out the case for changing the zones and/or development controls on the land affected by the proposed LEP.
Within the justification there are a number of specific questions that must be discussed with reasons explained.

Section A – Need for Planning Proposal

Is the planning proposal a result of any strategic study or report?

The Planning Proposal does align with the New South Wales Government's strategic objectives in the Central West and Orana Regional Plan 2041 to provide additional supply of residential land stock and associated housing. Specifically, the proposal points to Strategy 13.1 within the document of providing new housing capacity where it can use existing infrastructure capacity.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best way of achieving the objectives and intended outcomes. There are no other feasible methods to achieve this final outcome. The change in zone from RE1 to R1 with a minimum lot size of 700m^2 will achieve the aims of the Central West and Orana Plan 2041.

A Schedule 1 amendment is not considered an appropriate pathway for an LEP amendment and therefore the planning proposal as outlined is the most appropriate pathway.

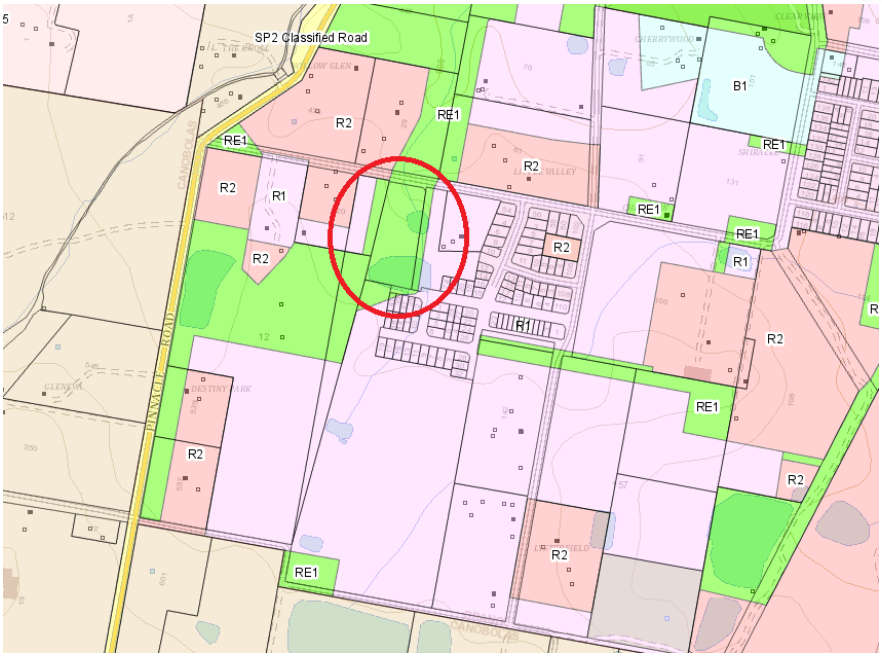
Is there a net community benefit?

There is a minimal impact on the community. The issues associated with the planning proposal are localised and won't have any offsite impacts.

The rezoning of the land will enable infill residential development adjoining the under construction residential estate. The land can be appropriately serviced issues relating to access have been addressed. The increase in residential land supply through this planning proposal will contribute to residential housing availability on land that would otherwise not be utilised for any material community benefit.

The current open space area is within an isolated part of Shiralee estate that is adjacent to the rural land across Hawkes Lane. It is understood that Council has a preference to invest in larger open space and park areas within the Shiralee area that has better connectivity to the open space areas and networks (towards the north, east and west as shown on the zoning plan. Pocket parks that have low connectivity and accessibility generally will create increased maintenance and associated financial liabilities on Council and do not provide opportunities for active and passive recreation.

The proposal will result in a loss of approximately 5716m^2 of public recreation area. A large part of this area has been identified for stormwater management purposes which leaves a very small, isolated section available. There is still a significant amount of public recreation zoned land within close proximity (within 500m) that will be more connected with the neighbouring community (highlighted below). Once developed, this open space land will connect all the way back into town at Endeavour Oval. With more infrastructure to be invested in this area, the local population is more likely to use this area rather than a small isolated open space area.



The surrounding area is also well served by other major open space areas include Endeavour and Elephant Parks, Towac Park Racecourse, Wentworth Golf course and once the Southern Feeder Road is extended, will be in close proximity to Jack Brabham Park.

Such a small, isolated park will have continual maintenance issues for Council and patronage is not likely to be high. The cost-benefit appears to be marginal at best.

Section B – Relationship to Strategic Planning Framework

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

The relevant Regional Plan is the Central West and Orana Regional Plan 2041. The Planning Proposal relates to a matter that is considered to be of local planning significance only. A review of the proposal against the planning directions of the Regional Plan has not identified any inconsistencies. Further detail consideration of the Regional Plan would appear unnecessary in this instance.

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

The rezoning of this land is not identified specifically in the endorsed Local Strategic Planning Statement for Orange. However, it is considered that the Planning Proposal is not inconsistent with Councils Local Strategic Planning Statement:

- The subject land is constrained by the adjoining and adjacent residential land. The subject land is located within the existing Shiralee residential area.
- Logical extension to the existing residential estate to increase land supply and utilise an area that is no longer required for open space purposes.
- There are no significant environmental or natural features affecting the site.
- Adequate cost-effective servicing is available to the proposed future development on the site including existing reticulated water and sewer services.
- There are no significant topographical features affecting the subject land.
- Negligible impact on the economy.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs) including the following:

Table 2: SEPPs

SEPP	COMMENTS
SEPP (Housing) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Not applicable.
SEPP (Industry and Employment) 2021	Not applicable
SEPP (Transport and Infrastructure) 2021	Includes the former Infrastructure SEPP – See comments below
SEPP (Biodiversity and Conservation) 2021	Not applicable
SEPP (Planning Systems) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable

SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Building Sustainability Index: BASIX)	Not applicable
SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
DRAFT SEPP	
Draft Design and Place SEPP 2021	The draft Design and Place SEPP is on exhibition until 28 February 2022 and is proposed to include SEPP 65 – Design Quality of Residential Apartment Development and SEPP (Building Sustainability Index: BASIX).

Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The following provides a summary of the Section 9.1 Directions issued on 1 March 2022 in accordance with the *Environmental Planning & Assessment Act 1979*, as relevant to the planning proposal:

Table 3: Section 9.1 Directions

Direction No.	Provisions	Consideration
1.1 Implementation of Regional Plans	When this direction applies: (2) This direction applies to land to which a Regional Plan has been released by the Minister for Planning	Central West Orana Regional Plan applies to the Orange LGA. The subject of the planning proposal is of local rather than regional significance – accordingly the Regional Plan is not particular relevant to the proposal.
1.2 Development of Aboriginal Land Council land		This proposal is consistent.
1.3 Approval and Referral Requirements		This proposal is consistent.
1.4 Site Specific Provisions		This proposal is consistent.
3.1 Conservation Zones		Not applicable to this proposal.
3.2 Heritage Conservation		Not applicable to this proposal. The subject land is not affected by any Heritage Conservation Area of heritage item (including neighbouring lots).

3.3 Sydney Drinking Water Catchments		Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs		Not applicable.
3.5 Recreation Vehicle Areas		Not applicable to this proposal.
3.6 Strategic Conservation Planning		This proposal is consistent. The site does not have any high biodiversity value.
4.1 Flooding	When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. What a relevant planning authority must do if this direction applies (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*). (5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. (6) A planning proposal must not contain provisions that apply to the flood planning areas which: a. permit development in floodway areas, b. permit development that will result in significant flood impacts to other properties, c. permit a significant increase in the development of that land, d. are likely to result in a substantially increased requirement for	The subject land is not mapped as being flood liable land.

	government spending on flood mitigation measures, infrastructure or services, or e. permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodway's or high hazard areas), roads or exempt development. (7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director- General (or an officer of the Department nominated by the Director-General). (8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the *Guideline on Development Controls on Low Flood Risk Areas*) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director- General).	
4.2 Coastal Management		Not relevant.
4.3 Planning for Bushfire Protection	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. What a relevant planning authority must do if this direction applies (4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire	The subject is not mapped as Bushfire Prone Land. The planning proposal is not considered to be inconsistent with this S9.1 Direction.

	Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made, (5) A planning proposal must: (a) have regard to Planning for Bushfire Protection 2006, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. (6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the *Rural Fires Act 1997*), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for firefighting purposes,	

	(e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area.	
4.4 Remediation of Contaminated Land		Environmental Health Services prepared a preliminary site investigation as part of the approved DA that covers the subject land. The conclusion of the report is as follows: ***CONCLUSION*** *Based on the desktop review of available information, there was limited potential for contamination to exist at the site from previous site activities. However, as part of the required scope, a preliminary site investigation was undertaken.* *A field investigation included sampling at nine locations across the site. Select soil samples were submitted for laboratory analysis for potential chemicals of concern.* *Soil results showed all residual soil samples were either non detect or below HILs and EILs for contaminants of concern. The soil sample taken from stockpiled building demolition material had a lead concentration that exceeded the HILs for the site. Fragments of bonded asbestos sheeting were also found throughout this stockpile. This stockpile must be either further characterised and disposed of at an appropriately licensed waste facility, or if it is to remain onsite, must be managed appropriately in accordance with an environmental management plan (EMP).*

		Information collected to date shows that the site is not significantly impacted by salinity and as such salinity does not need to be considered in relation to the proposed development. *The small residential development is unlikely to significantly affect the underlying groundwater.* *The findings of the site inspection, desktop and historical review undertaken as part of this preliminary site investigation, suggest that in accordance with the recommendations of this report the site is suitable for the proposed residential subdivision.*
4.5 Acid Sulfate Soils		Not applicable to this proposal.
4.6 Mine Subsidence and Unstable Land		It is understood that the land is not affected by mine subsidence or unstable land.
5.1 Integrating Land Use and Transport		No new access is proposed or required.
5.2 Reserving Land for Public Purposes	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies (4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). (5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under	Not applicable to this Planning Proposal.

	Division 3 of Part 2 of the Land Acquisition (Just Terms *Compensation) Act 1991*, the relevant planning authority must: (a) reserve the land in accordance with the request, and (b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and (c) identify the relevant acquiring authority for the land. (6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must: (a) include the requested provisions, or (b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired. (7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.	
5.3 Development Near Regulated Airports and Defence Airfields		Not applicable to this proposal.
5.4 Shooting Ranges		Not applicable to this proposal.
6.1 Residential Zones	When this direction applies (3) This direction applies when a relevant planning authority prepares	It is proposed to rezone part of the subject land from RE1 to R1 and change the MLS for the same part to 700m2 (inline with

	a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. What a relevant planning authority must do if this direction applies (4) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	the neighbouring residential zoning). The proposal will provide for residential development within an infill site of Orange that is adjacent to the Shiralee Estate. The subject land can be adequately serviced with all town services. There is no proposal to reduce the permissible residential density of the land.
6.2 Caravan Parks and Manufactured Home Estates	When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies (4) In identifying suitable zones, locations and provisions for caravan	Not applicable. The planning proposal is not considered to be inconsistent with this S9.1 Direction.

	parks in a planning proposal, the relevant planning authority must: (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. (5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must: (a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located, (b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the *Community Land Development Act 1989* be permissible with consent.	
7.1 Business and Industrial Zones	When this Direction Applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). What a relevant planning authority must do if this direction applies A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment	Not applicable. There are no business/industrial zones affected. The planning proposal is not considered to be inconsistent with this s9.1 Direction.

	uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.	
7.2 Reduction in non-hosted short-term rental accommodation period		Not applicable.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast		Not applicable.
8.1 Mining, Petroleum Production and Extractive Industries		Not considered applicable to this proposal.
9.1 Rural Zones	What a relevant planning authority must do if this direction applies A planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are justified by a strategy which: (a) gives consideration to the objectives of this direction, identifies the land which is the subject of the	Not applicable.

	planning proposal (if the planning proposal relates to a particular site or sites), and is approved by the Director-General of the Department of Planning, or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) is of minor significance.	
9.2 Rural Lands	When this direction applies This direction applies when: (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone. What a relevant planning authority must do if this direction applies: (4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*. (5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.	Not applicable.
9.3 Oyster Aquaculture		Not considered applicable to this proposal.
9.4 Farmland of State and		Not applicable

Regional Significance on the NSW Far North Coast		

Section C Environmental, Social & Economic Impact

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

The proposal is unlikely to adversely affect critical habitat or threatened species, or ecological communities, or their habitats. The site is clear of vegetation.

Accordingly, an "Assessment of Significance" in accordance with Section 5A of the *Environmental Planning and Assessment Act 1979* is not required. No identified issues relation to the Biodiversity Conservation Act provisions.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed planning proposal on the land is unlikely to result in adverse environmental effects.

There are no identified natural hazards (other than flooding) land slip, bushfire hazard and the like within the subject land.

How has the planning proposal adequately addressed any social and economic impacts?

The planning proposal is considered unlikely to result in adverse social or economic impacts in the locality (any impacts are negligible).

There are no known items or places of European or Aboriginal cultural heritage located on the subject land that would be impacted upon by the Planning Proposal.

The proposal will enable future residential development within an infill site that can be adequately serviced with scenic views.

Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

Yes – the land adjoins the existing subdivision currently under construction (DA 218/2015).

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council has already been consulted regarding this proposal to rezone and change the MLS for part of the subject land under the Orange LEP 2011. The Planning Proposal is considered consistent with the requirements of Council and the relevant planning legislation.

It is proposed that any issues raised by State and Commonwealth public authorities will be addressed during the LEP's public exhibition phase.

Due to the relative small scale of the proposal, there are no identified issues that would be affected any State of Commonwealth public authority.

If any issues are raised at the Gateway stage, they can be resolved at this stage.

4. COMMUNITY CONSULTATION

Pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, the Director General of Planning must approve the form of the Planning Proposal under the Gateway process before community consultation is undertaken.

The Planning Proposal is considered to be low impact and would be publicly exhibited for a period and in a manner set out in the Gateway determination (it is understood that such a Planning Proposal will be publicly exhibited for a period of 28 days.)

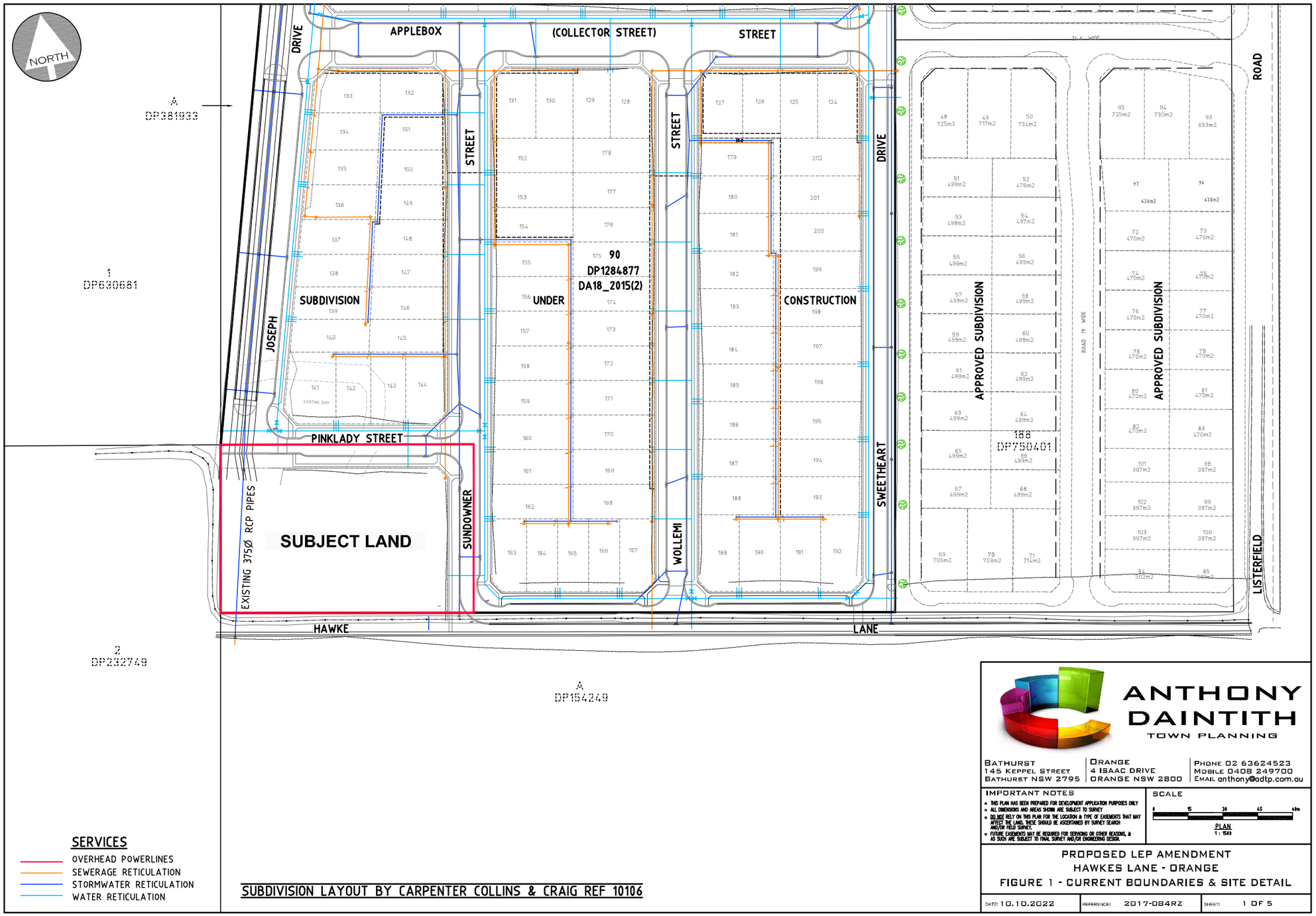
The Planning Proposal is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts. It is believed that the potential impacts would be negligible.

It is anticipated that the LEP will be finalised within a maximum period of six (6) months.

5. CONCLUSIONS

The objective of this Planning Proposal is to amend the *Orange Local Environmental Plan 2011* by rezoning part of the subject land to enable residential development.

The planning proposal has been assessed against the provisions of the relevant environmental planning instruments and Section 9.1 Directions by the Minister and is considered appropriate and is recommended that it should be supported.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SCALE
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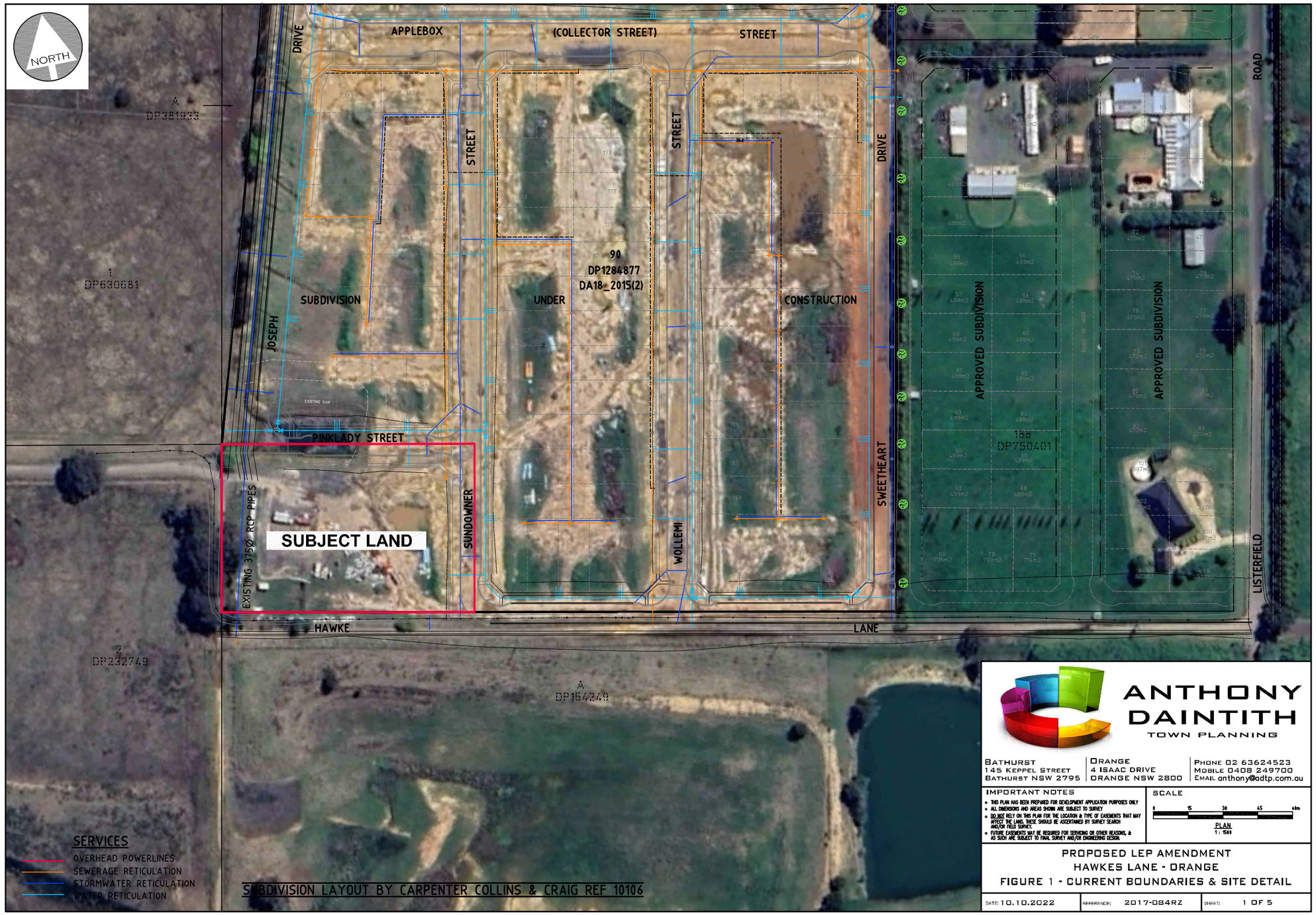
PROPOSED LEP AMENDMENT
HAWKES LANE - ORANGE
FIGURE 1 - CURRENT BOUNDARIES & SITE DETAIL
DATE: 10.10.2022
REFERENCE: 2017-084RZ
SHEET: 1 OF 5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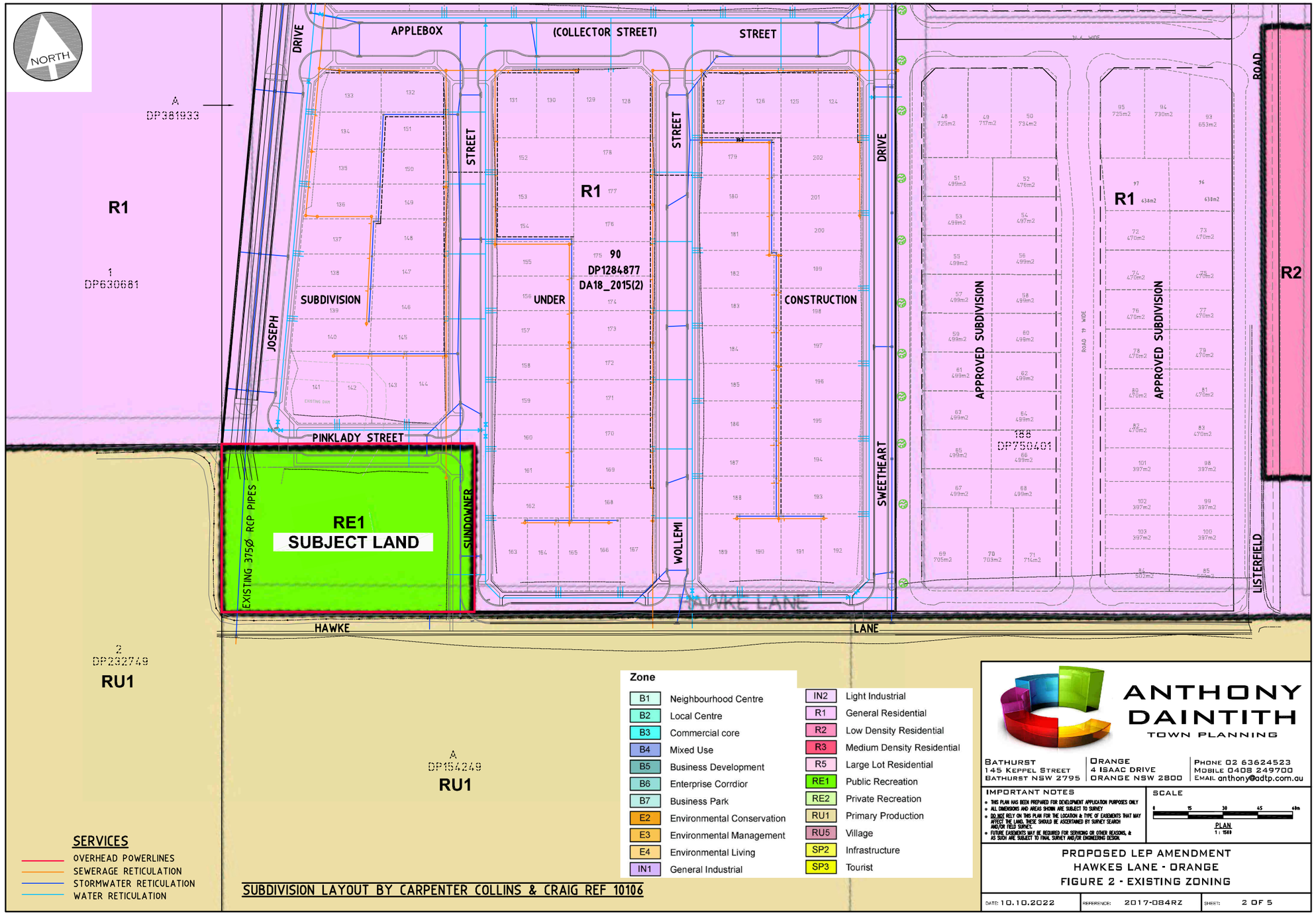
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RU1
Zone
B1 Neighbourhood Centre
B2 Local Centre
B3 Commercial core
B4 Mixed Use
B5 Business Development
B6 Enterprise Corrdior
B7 Business Park
E2 Environmental Conservation
E3 Environmental Management
E4 Environmental Living
IN1 General Industrial
IN2 Light Industrial
R1 General Residential
R2 Low Density Residential
R3 Medium Density Residential
R5 Large Lot Residential
RE1 Public Recreation
RE2 Private Recreation
RU1 Primary Production
RU5 Village
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FIGURE 2 - EXISTING ZONING
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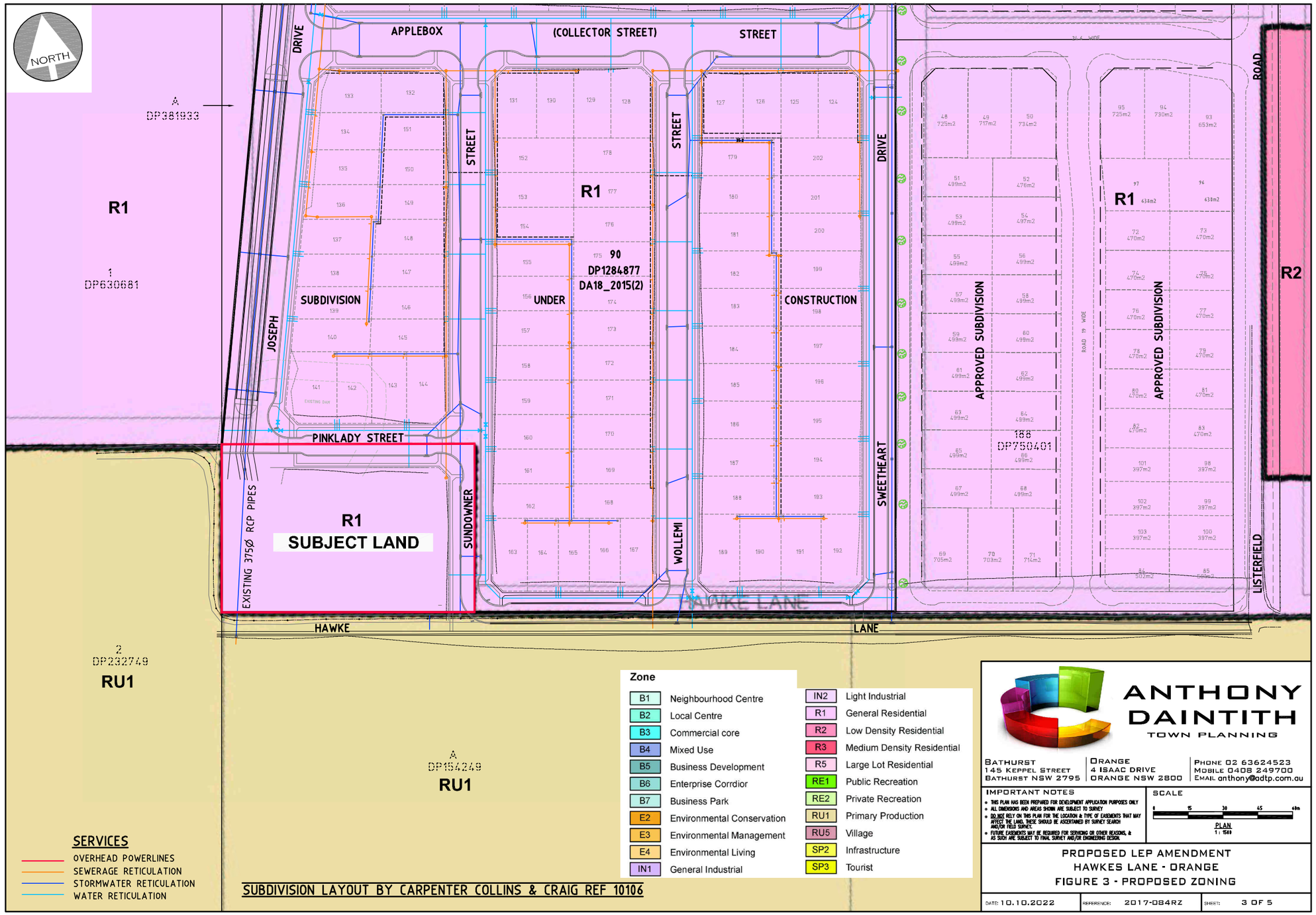
REFERENCE: 2017-084RZ
SHEET: 2 OF 5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Zone
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B2 Local Centre
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B4 Mixed Use
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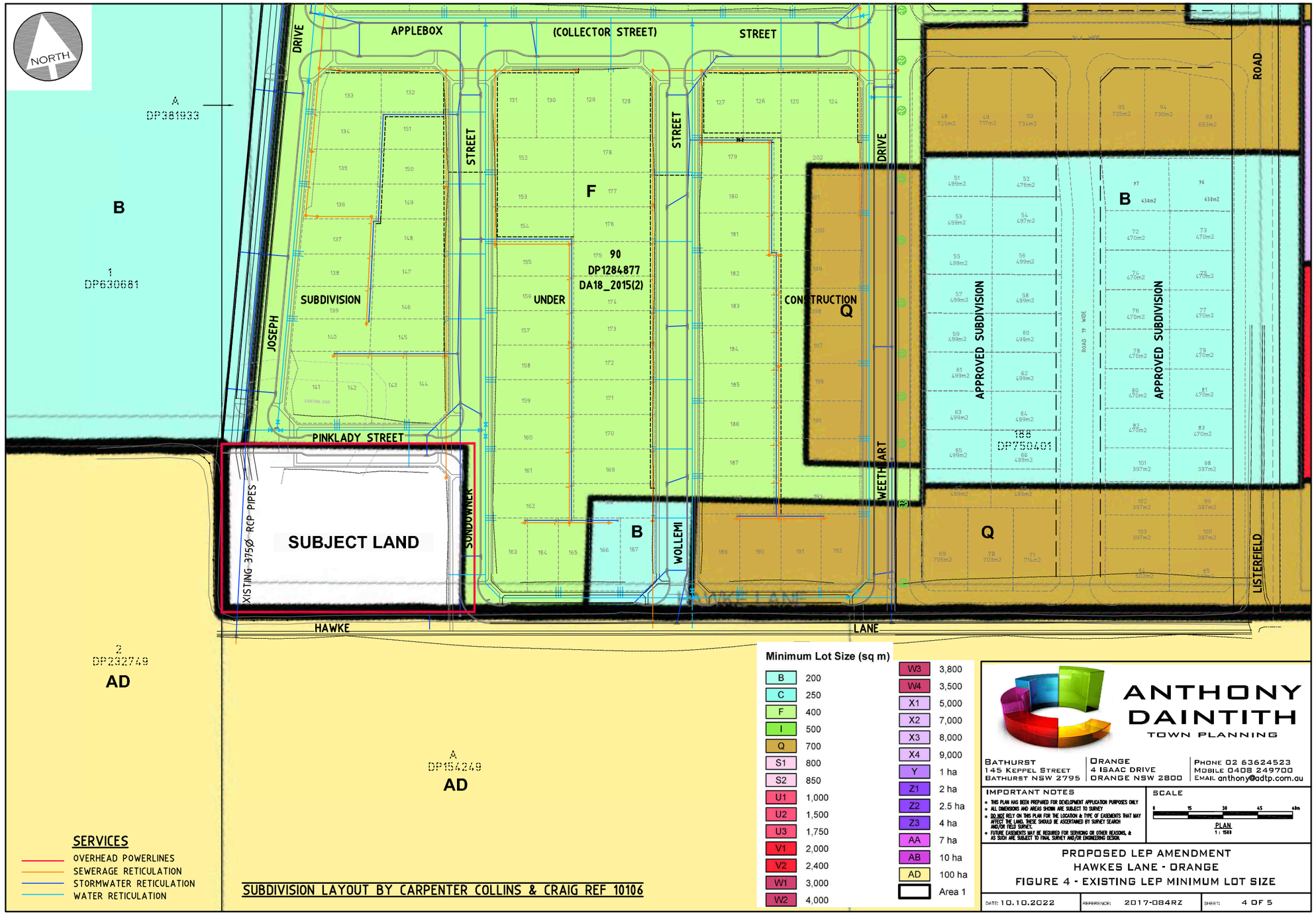
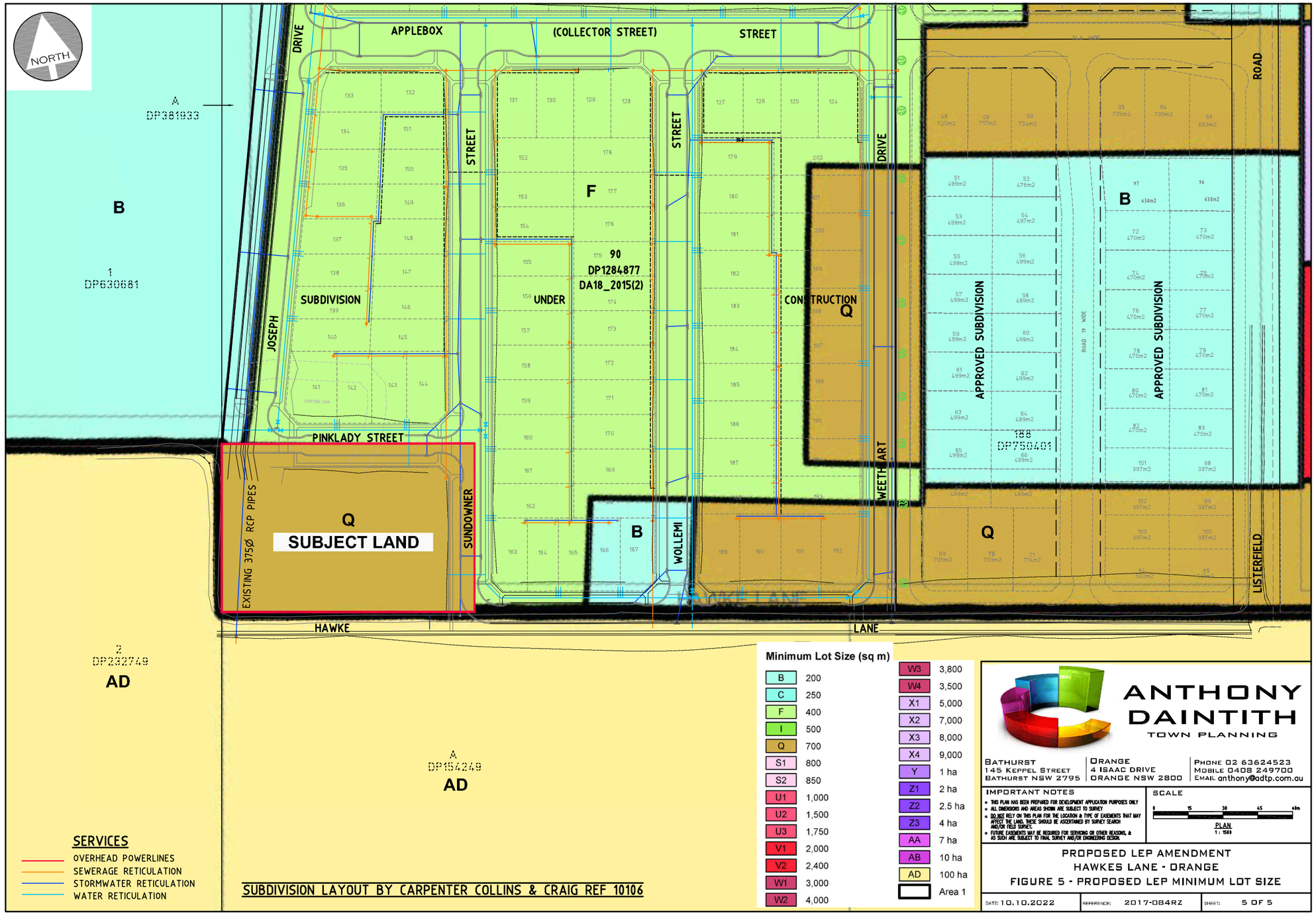
DATE: 10.10.2022
REFERENCE: 2017-084RZ
SHEET: 3 OF 5


NORTH
A
DP381933
B
1
DP630681
2
DP232749
AD
A
DP154249
AD
APPLEBOX
(COLLECTOR STREET)
STREET
DRIVE
JOSEPH
STREET
STREET
DRIVE
F
90
DP1284877
DA18_2015(2)
UNDER
CONSTRUCTION
Q
SUBDIVISION
PINKLADY STREET
SUBJECT LAND
XISTING 375Ø RCP PIPES
SUNDOWNER
B
WOLLEMI
WEETHART
HAWKE LANE
HAWKE
LANE
APPROVED SUBDIVISION
188
DP750401
APPROVED SUBDIVISION
B
Q
ROAD
LISTERFIELD
Minimum Lot Size (sq m)
B 200
C 250
F 400
I 500
Q 700
S1 800
S2 850
U1 1,000
U2 1,500
U3 1,750
V1 2,000
V2 2,400
W1 3,000
W2 4,000
W3 3,800
W4 3,500
X1 5,000
X2 7,000
X3 8,000
X4 9,000
Y 1 ha
Z1 2 ha
Z2 2.5 ha
Z3 4 ha
AA 7 ha
AB 10 ha
AD 100 ha
Area 1
SERVICES
OVERHEAD POWERLINES
SEWERAGE RETICULATION
STORMWATER RETICULATION
WATER RETICULATION
SUBDIVISION LAYOUT BY CARPENTER COLLINS & CRAIG REF 10106
ANTHONY DAINTITH
TOWN PLANNING
BATHURST
145 KEPPEL STREET
BATHURST NSW 2795
ORANGE
4 ISAAC DRIVE
ORANGE NSW 2800
PHONE 02 63624523
MOBILE 0408 249700
EMAIL anthony@adtp.com.au
IMPORTANT NOTES
THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY
ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY
DO NOT RELY ON THIS PLAN FOR THE LOCATION & TYPE OF EASEMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY.
FUTURE EASEMENTS MAY BE REQUIRED FOR SERVICING OR OTHER REASONS, & AS SUCH ARE SUBJECT TO FINAL SURVEY AND/OR ENGINEERING DESIGN.
SCALE
0 15 30 45 60m
PLAN
1 : 1500
PROPOSED LEP AMENDMENT
HAWKES LANE - ORANGE
FIGURE 4 - EXISTING LEP MINIMUM LOT SIZE
DATE: 10.10.2022
REFERENCE: 2017-084RZ
SHEET: 4 OF 5


NORTH
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STREET
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SUBJECT LAND
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DP750401
APPROVED SUBDIVISION
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LISTERFIELD
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SERVICES
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V2 2,400
W1 3,000
W2 4,000
W3 3,800
W4 3,500
X1 5,000
X2 7,000
X3 8,000
X4 9,000
Y 1 ha
Z1 2 ha
Z2 2.5 ha
Z3 4 ha
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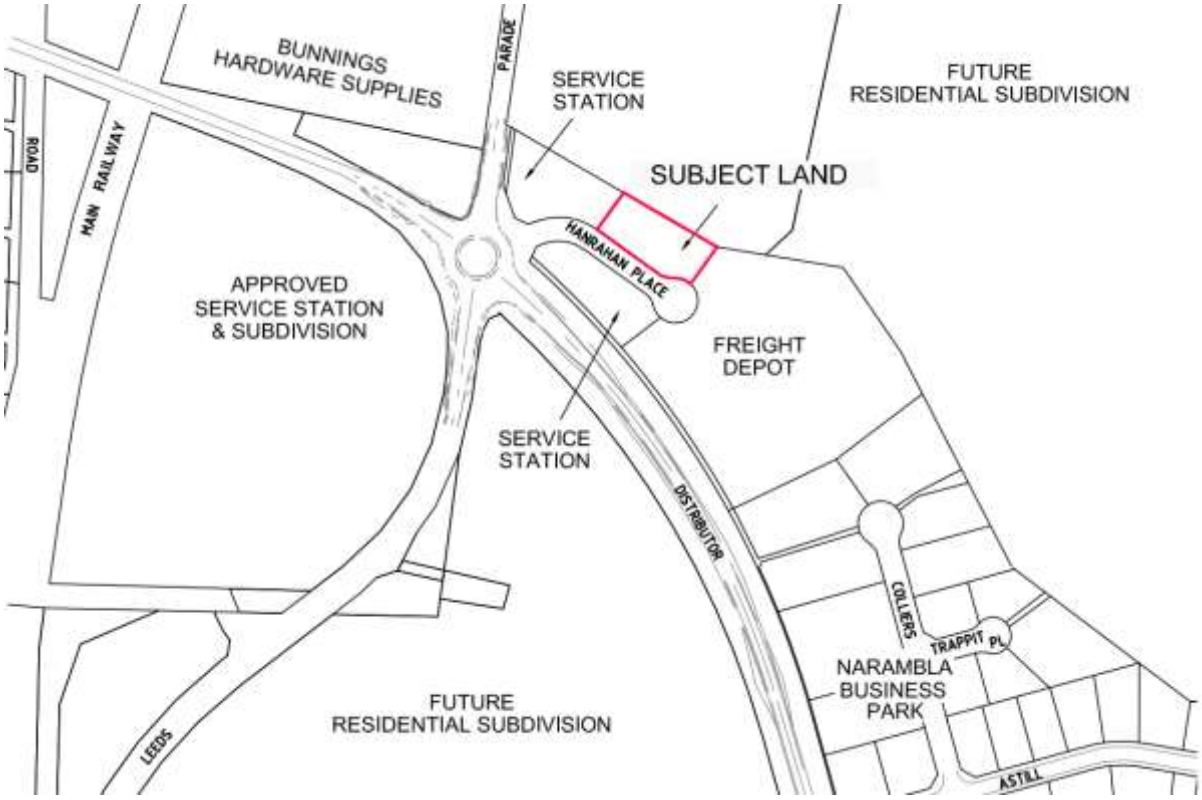
SCALE
PLAN
1 : 1500
PROPOSED LEP AMENDMENT
HAWKES LANE - ORANGE
FIGURE 5 - PROPOSED LEP MINIMUM LOT SIZE
DATE: 10.10.2022
REFERENCE: 2017-084RZ
SHEET: 5 OF 5

2.3 PLANNING PROPOSAL (POST EXHIBITION) - 2 HANRAHAN PLACE - ADDITIONAL PERMITTED USE - CAR WASH

RECORD NUMBER: 2023/583
AUTHOR: Craig Mortell, Senior Planner

EXECUTIVE SUMMARY

At the 6 December 2022 PDC meeting Council resolved to support a Planning Proposal in relation to 2 Hanrahan Place, Orange. The proposal involves the creation of an Additional Permitted Use (APU) on the site to enable development of a car wash with consent. The resolution included submission of the proposal to NSW Department of Planning and Environment for a gateway determination and, subject to its terms, proceeding to agency and public consultation.



The formal Gateway Determination was received on 12 January 2023, public exhibition commenced 21 January and concluded 21 February 2023. There were no submissions.

The Planning Proposal seeks to establish permissibility for a car wash facility on the site. Actual development of the carwash facility will remain subject to a separate Development Application and assessment. There being no outstanding issues the matter is presented to Council for determination.

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:

1. **To proceed with and establish an Additional Permitted Use (APU) for a carwash facility on Lot 87 DP 1167633 known as 2 Hanrahan Place, Orange.**
2. **That staff forward the matter to Parliamentary Counsel for formal drafting.**
3. **To authorise the Chief Executive Officer to formally make the plan once Parliamentary Counsel advice has been received.**

FURTHER CONSIDERATIONS

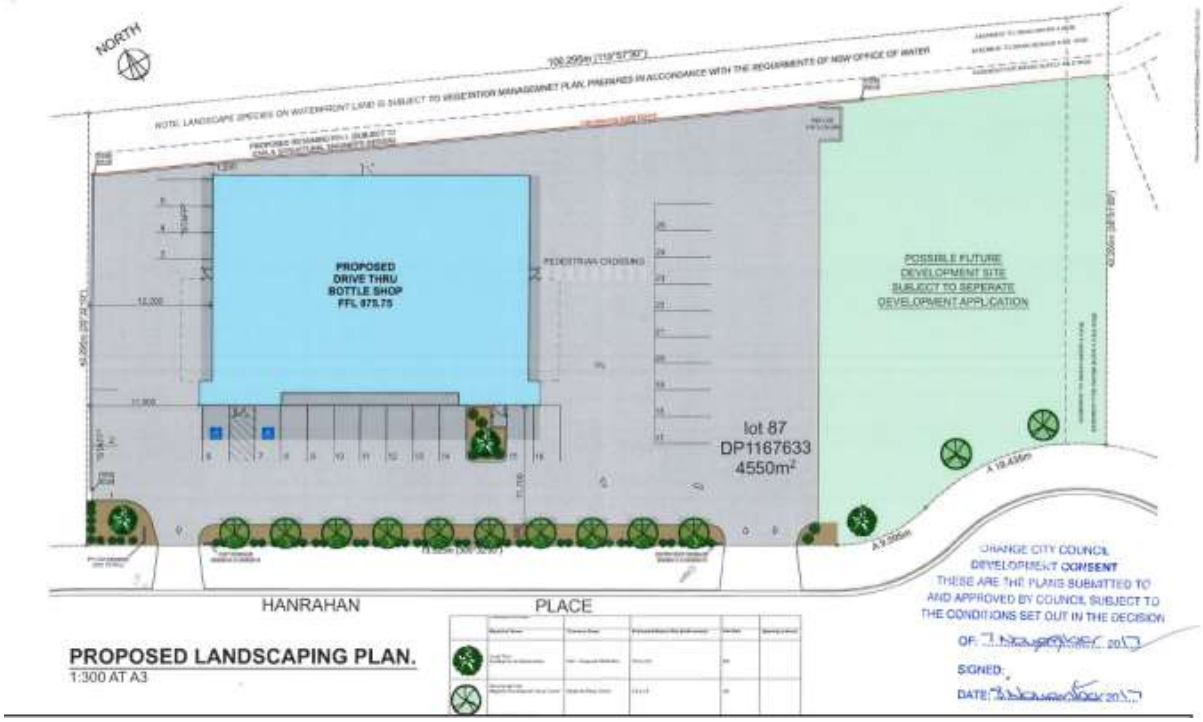
Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

In 2014 development consent (DA 278/2014(1)) was granted for a liquor outlet on the western end of the site and a Neighbourhood shop, take away food and drink premises and restaurant or café on the eastern end of the site.

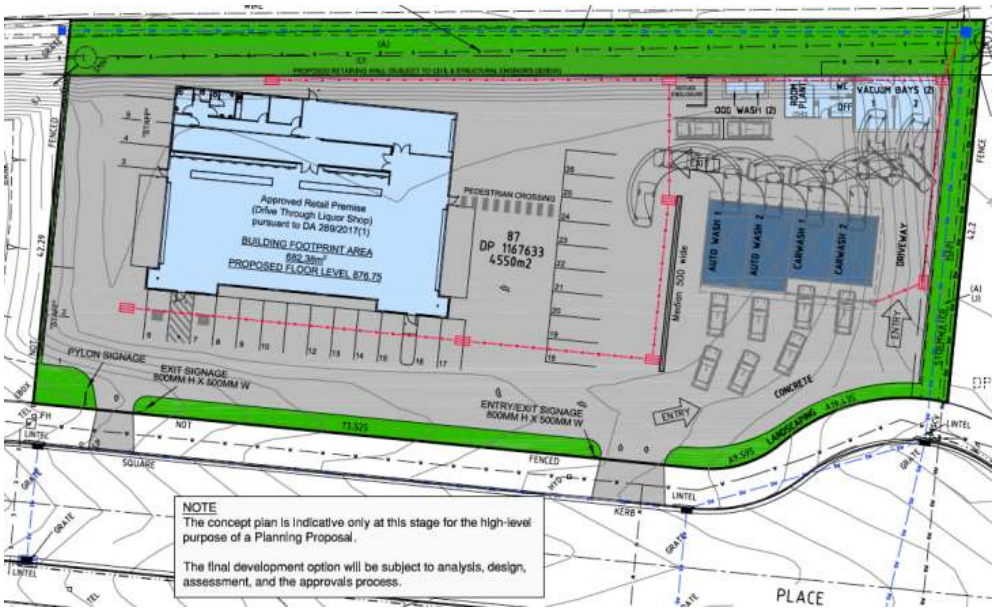
Extract of 2014 approval showing the neighbourhood shops at the eastern end of the site

This consent was later surrendered as part of condition 5 of DA 289/2017(1) which gave approval for a *retail premises (shop), (drive-through liquor shop) and business identification signage* at the western end of the site, while the eastern end of the site was to be the subject of a future development application pending further market research.



The landowner now seeks to establish a 4-bay carwash, with 2 vacuum bays and a dogwash on the site, which would occur on the eastern end of the site subject to a DA assessment. The Planning Proposal is required due to the site being zoned SP3 Tourist which does not provide for the form of development. Additionally, the proposed development does not conform readily to the existing standard definitions within the LEP.

In this instance an APU is considered preferable to amending the land use tables, as the latter approach would allow the use in all SP3 zoned land across the city and may not be possible given the lack of a standard definition.



The 6 December 2022 report examined the suitability of the site for the proposed carwash facility. The potential LEP amendment options were addressed along with an overview of the process and timeframe for completion.

Conclusion

Overall, the concept of establishing a car wash in north Orange, close to the distributor road, is seen as appropriate and the site selection in Hanrahan Place is logical. Other uses in Hanrahan Place draw and serve similar customers such that there is likely to be positive reinforcement between them. The site at 2 Hanrahan Place is recessed from both the NDR and Leeds Parade both in terms of distance and elevation. As such a car wash facility is unlikely to detract visually from the public realm.

Noise generation could pose an issue for future residential development to the north and south (with the north being somewhat more vulnerable due to the land sloping in that direction). Headlight glare could become an issue for future residents on land to the north for the same reason. It is expected that these matters could be suitably addressed through site design and attenuation measures at the DA stage.

Other sites along or near the NDR would be more likely to generate conflict or impacts.

ATTACHMENTS

1 Gateway Determination Cover Letter, D23/26868⇩
2 Gateway Determination, D23/26869⇩
3 Draft Planning Proposal, D23/26870⇩
4 Site and Concept Plans, D23/26871⇩
5 Acoustic Report, D23/26872⇩
6 Traffic and Parking Report, D23/26873⇩

Department of Planning and Environment

Mr David Waddell
Chief Executive Officer
Orange City Council
PO Box 35
ORANGE NSW 2800

Our ref: PP-2022-2871/IRF22/4437

Attention: Craig Mortell – Senior Planner – Development Services

Dear Mr Waddell

Planning proposal (PP-2022-2871) to amend Orange Local Environmental Plan 2011 – Additional Permitted Use

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend schedule 1 additional permitted use to permit a carwash (business premises) with consent.

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

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 6 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

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

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Tim Collins to assist you. Mr Collins can be contacted on

Yours sincerely

12.01.23

Garry Hopkins
Director, Western Region
Local and Regional Planning

Encl: Gateway determination

Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2022-2871)*:* to amend schedule 1 additional permitted use of the Orange LEP 2011 to permit with consent a car wash (business premises) on the subject land at 2 Hanrahan Place, Orange.

I, the Director, Western Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Orange Local Environmental Plan 2011 to amend schedule 1 additional permitted use should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

   (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 20 working days; and

   (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022).

   No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act.

2. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

3. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

   (a) the planning proposal authority has satisfied all the conditions of the gateway determination;

   (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and

   (c) there are no outstanding written objections from public authorities.

4. The LEP should be completed within 6 months from the Gateway determination.

Dated 12th day of January 2023.

Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning

PP-2022-2871 (IRF22/4437)

PETER BASHA
PLANNING & DEVELOPMENT

PLANNING PROPOSAL

Proposed Car Wash as an Additional Permitted Use
Lot 87 DP 1167633
2 Hanrahan Place, Orange

Prepared for
Rex D'Aquino
August 2022

Ref: PP – SFB21049

PO Box 1827 Orange NSW 2800 p: 6361 2955 m: 0409 821 016 e: peter@bashaplanning.com.au

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Annexure A
Land Plans by Peter Basha Planning and Development

Annexure B
Traffic Assessment by Terrafic

Annexure C
Noise Assessment by SoundIN

1.0 INTRODUCTION

1.1 OVERVIEW

This Planning Proposal describes a proposed amendment to Orange Local Environmental Plan 2011 (the LEP). This Planning Proposal seeks to amend Schedule 1 of the LEP to permit an Additional Permitted Use (APU) for a car wash facility (business premises) at land described as Lot 87 DP 1167633, known as 2 Hanrahan Place, Orange.

In conjunction with the existing and approved developments within the Hanrahan Place precinct, the proposed APU will contribute to a service/convenience precinct that will benefit travellers on the Northern Distributor Road as well as for the residents of the expanding North Orange Urban Residential Release Area; Narrambla industrial estate; and Charles Sturt University.

This Planning Proposal is supported by a Noise Impact Assessment by SoundIn Pty Ltd (*Annexure C*) and a Traffic Assessment by Terraffic Pty Ltd (*Annexure B*).

The site of the Planning Proposal is subject to a current development consent, DA 289/2017(1) for *Retail Premises (shop) (drive-through liquor shop) and business identification signage.* In effect, this Planning Proposal will result in the retention of the liquor outlet; removal of the neighbourhood shops; and introduce a car wash facility within the subject land.

The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning & Assessment Act 1979 (the Act) and the Department of Planning's advisory document *A Guide to Preparing Planning Proposals*.

It represents the first step in the process of amending the LEP and the intent is to provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan-making process.

A Gateway determination under Section 3.34 of the Act is requested. It is acknowledged that the Gateway determination will confirm the information (which may include studies) and consultation required before the LEP can be finalised.

As this Planning Proposal is demonstrated to be consistent with the existing strategic planning framework, it is appropriate that this proposal be categorised under the *Department of Planning and Environment's Local Environmental Plan Making Guideline (2021)* as a 'Standard' Planning Proposal and will be completed within the benchmark timeframe of 9 months.

1.2 BASIS FOR THE PLANNING PROPOSAL

Whilst the basis for this Planning Proposal is not identified in any of Council's long term strategic land use planning studies, it is submitted that the facilitation of the Planning Proposal to permit a car wash facility as an Additional Permitted Use would provide a service to residents and the travelling public whilst simultaneously complementing the adjoining land uses.

It is therefore submitted that a car wash facility within the subject land is satisfactory from a land use planning perspective for the following reasons:

- The proposed APU proposes a use that is practical and conducive with the existing and prevailing land use pattern in the area. As demonstrated later in this report, there are no aspects of the proposed car wash facility that would cause an adverse effect on the amenity of the area of the adjoining land use.

- The proposed use is consistent with the existing and desired future character of the area. It will provide a regular and direct service to the travelling public as well as to those utilising the existing businesses within the Hanrahan Place precinct.

- The car wash facility can be demonstrated to be consistent with the with objectives of the SP3 Tourist Zone. In this regard, the future development of the site will service the needs of people who live in, work and visit the local area by catering to the needs of the travelling public who utilise the Northern Distributor Road as well as for the residents of the North Orange; workers and customers of the Narrambla industrial estate; and Charles Sturt University.

- The proposed APU is not a use that is antipathetic to the limited range of permissible uses in the SP3 Tourist Zone. It is submitted that facilitation of the APU would be of benefit not only to the travelling public but also to those uses permitted with consent in the SP3 Tourist Zone.

- It is in the public interest to accommodate the proposed car wash facility as it is one that is likely to generate employment, business, and economic benefits to the local economy.

- Having regard to the context and setting of the site, it is reasonable to submit that the proposal would not introduce an entirely new or unexpected element to the land use pattern.

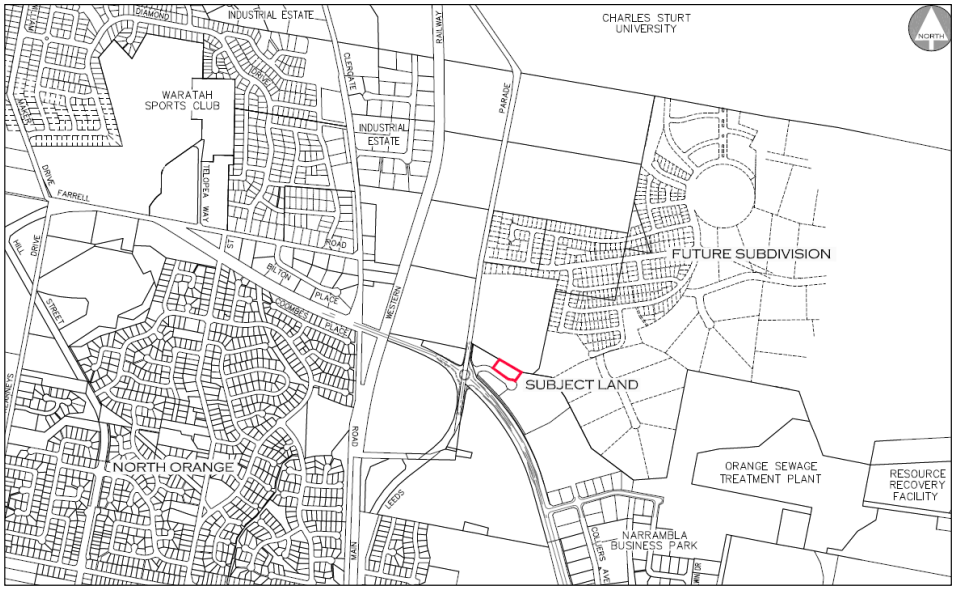
- The information provided throughout this Planning Proposal demonstrates that the interface of the subject land with the nearby sensitive land uses in unlikely to disrupt or to diminish the amenity of the area.

- The proposal does not increase the supply of commercial land outside of the Central Business District. To this end, the site specific nature of an APU will ensure that the use of the subject land is, in conjunction with the limited range of permissible uses in the SP3 Zone, is restricted solely to a car wash facility.

1.3 SUBJECT LAND

a) Location

The subject land is located at 2 Hanrahan Place, on the northern side of the street. The subject land is approximately 2.7 kilometres north of the Orange CBD and located south of Charles Sturt University and is adjacent to the Northern Distributor Road.



b) Site Description

The subject land is described as Lot 87 DP 1167633. It comprises a total area of 4,550m^2. It is a rectangular shaped allotment with a 102.5 metre frontage to Hanrahan Place (which forms the southern boundary) and extends to a depth of approximately 42 metres.

The majority of the site has been formed as a level pad with formed batters, is vacant, and devoid of any vegetation.

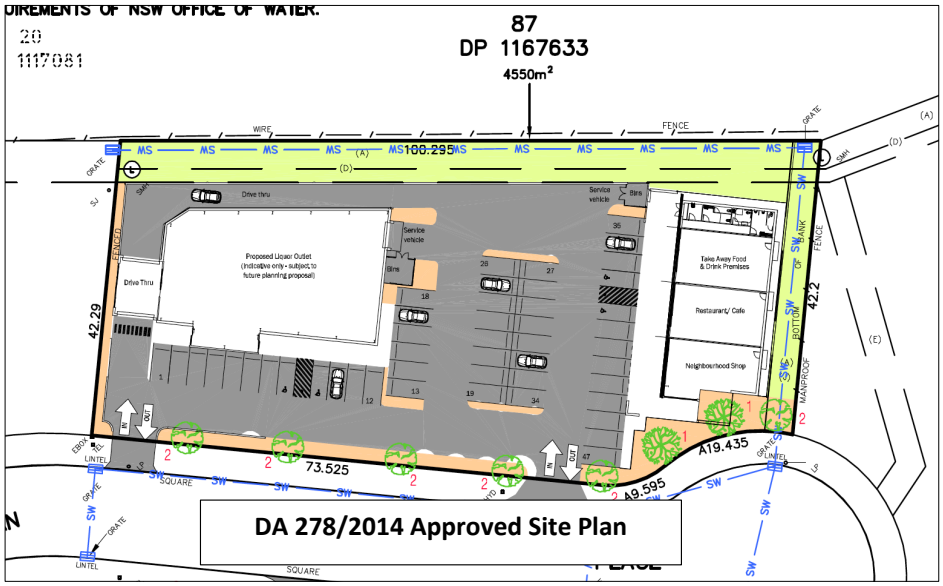
An easement to drain water extends along the eastern boundary within the subject land. Easements to drain water and sewage extend along the northern boundary within the subject land.

c) Development History

DA 278/2014(1)

Council granted development consent (DA 278/2014(1)) on 1 September 2014 for *neighbourhood shops, take away food and drink premises* and *restaurant or café*. DA278/2014(1) relates to the subject land as well as the land opposite known as 5 Hanrahan Place.

This development consent is required to be surrendered pursuant to Condition 5 of DA 289/2017(1) so as to address any conflict or inconsistency between the DA 278/2014(1) and DA 289/2017(1) (discussed further below).



Planning Proposal – Additional Permitted Use

In November 2015, a Planning Proposal was lodged and subsequently supported by Council and the NSW Department of Planning and Environment seeking to have another permitted use (APU) allowed on the land over and above the permitted uses within the SP3 Tourist zone to permit a retail premises that sold liquor.

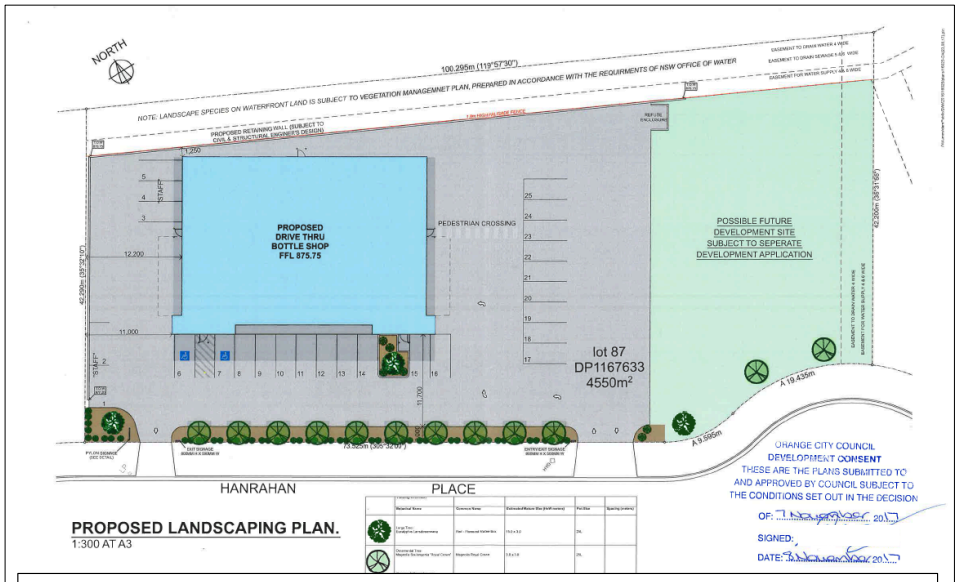
Accordingly, Schedule 1 of the LEP has been amended to include the APU for a *retail premises (liquor store).*

DA 289/2017(1)

In November 2017, Council granted development consent to DA 289/2017(1) for a *retail premises (shop), (drive-through liquor shop) and Business Identification Signage* at the western end of the site.

In granting development consent for DA 289/2017(1), Council imposed a condition requiring the surrender of DA 278/2014(1). The surrender of DA 278/2014(1) has the effect of removing the commercial building that was approved at the eastern end of the site which comprised of a *take away food and drink premises,* a *restaurant or café,* and a *neighbourhood shop.*

As such, the subject land only benefits from 1 development consent (DA289/2017(1)) for a *retail Premises (shop), (drive-through liquor shop) and Business Identification Signage* which is located at the western end of the site.



DA 289/2017(1) Approved Site Plan
(Noting the absence of the buildings approved under DA 278/2014(1))

d) Current LEP Provisions

The site is subject to certain provisions of Orange Local Environmental Plan 2011 which are relevant to this Planning Proposal and outlined below.

The subject land is identified on Map 007D in the following manner:

LEP Matter	Comment
Land Zoning Map	Land zoned SP3 Tourist
Lot Size Map	No MLS
Heritage Map	Not within Conservation Area. No heritage items within vicinity.
Height of Buildings Map	Maximum building height does not apply
Floor Space Ratio Map	FSR does not apply
Terrestrial Biodiversity Map	No biodiversity sensitivity on site
Groundwater Vulnerability Map	Groundwater vulnerable
Drinking Water Catchment Map	Not within a drinking water catchment
Watercourse Map	Not mapped as containing a watercourse
Urban Release Area Map	Not within an urban release area
Obstacle Limitation Surface Map	Not applicable
Additional Permitted Uses Map	Not applicable
Flood Planning Map	Not a flood planning area

Zone objectives and land use table

1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.
- To cater for the needs of the travelling public.

2 Permitted without consent

Environmental protection works

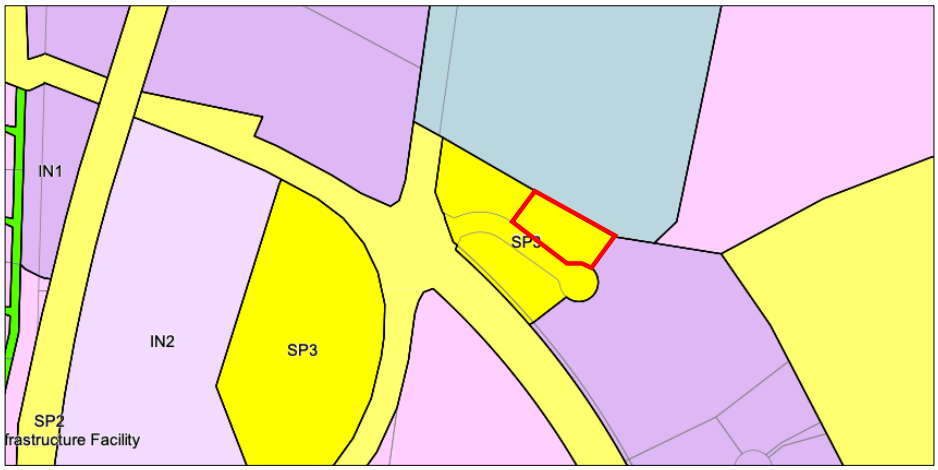
3 Permitted with consent

Aquaculture; Community facilities; Environmental facilities; Food and drink premises; Function centres; Highway service centres; Information and education facilities; Neighbourhood shops; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Roads; Signage; Tourist and visitor accommodation

4 Prohibited
Any development not specified in item 2 or 3

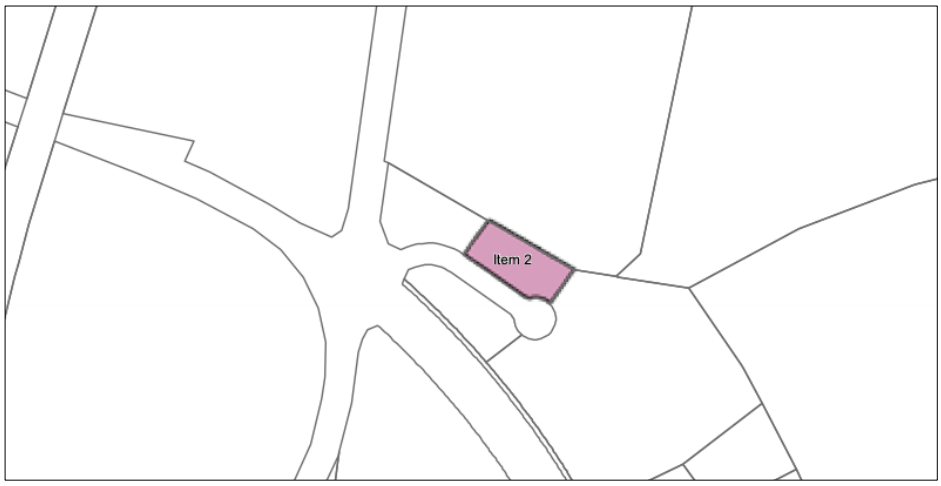
Land zoning map

The land (outlined in red in the LEP map extract below) is zoned SP3 Tourist.



Additional permitted use map

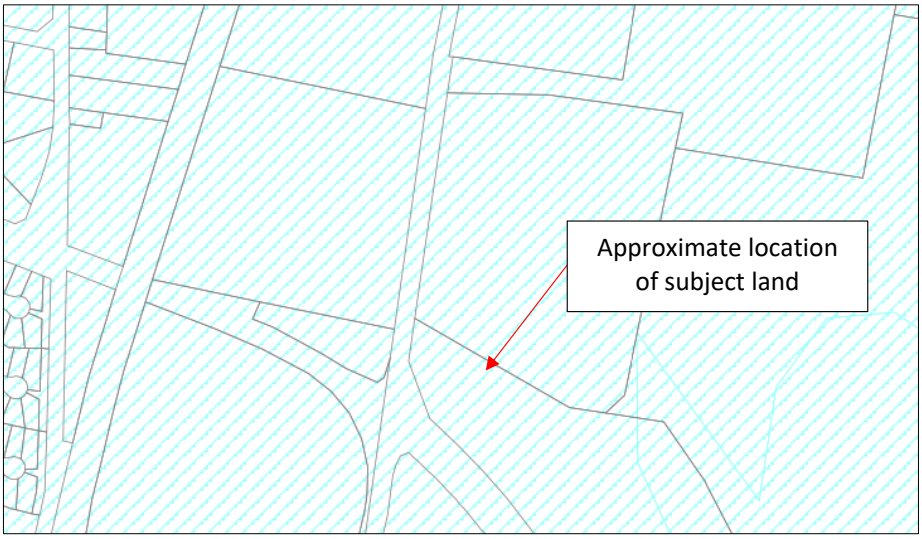
The subject land (indicated in the LEP map extract below) is defined as an additional permitted use for a retail premises (bottle shop/liquor outlet).



Groundwater vulnerability map

The subject land, as identified on the LEP map extract below is defined as having groundwater vulnerability, similar to the rest of the LGA urban area.

The cadastre for the groundwater vulnerability map has not been updated within the LEP to reflect the recent subdivision pattern.



e) Surrounding Development

The proposed car wash, when considered with the other approved and operating uses within the Hanrahan Place Precinct, will provide convenience with the other approved and existing uses within the Precinct.

The surrounding development pattern is depicted in the attached Figure 3 and includes:

- Zoned but undeveloped business land to the north.
- Zoned but undeveloped residential land to the north east.
- The Narrambla industrial estate to the east, including the Finemores road transport depot which adjoins the eastern boundary of the subject land.
- Zoned but currently undeveloped SP3 Tourist land to the south on the opposite side of Hanrahan Place and then largely undeveloped residential land further to the south on the opposite side of Northern Distributor Road.
- Zoned but undeveloped SP3 Tourist land to the south west on the opposite side of Northern Distributor Road and Leeds Parade.
- A service station on the adjoining land to the west; and then Bunnings further to the west on the opposite side of Leeds Parade.
- Zoned and largely undeveloped industrial land to the northwest on the opposite side of Leeds Parade.

In a broader context, outside of the Hanrahan Place precinct, the surrounding development pattern comprises:

- Zoned but undeveloped business land to the north.
- A developing residential estate is emerging on land to the north and north-east including a recently approved 216 lot residential estate (now under construction).
- The land to the southwest is zoned but undeveloped tourist and industrial land. This land is currently subject to a Planning Proposal and a recently approved development for a highway service centre.

f) Constraints and Opportunities

The constraints and opportunities of the site are summarised as follows:

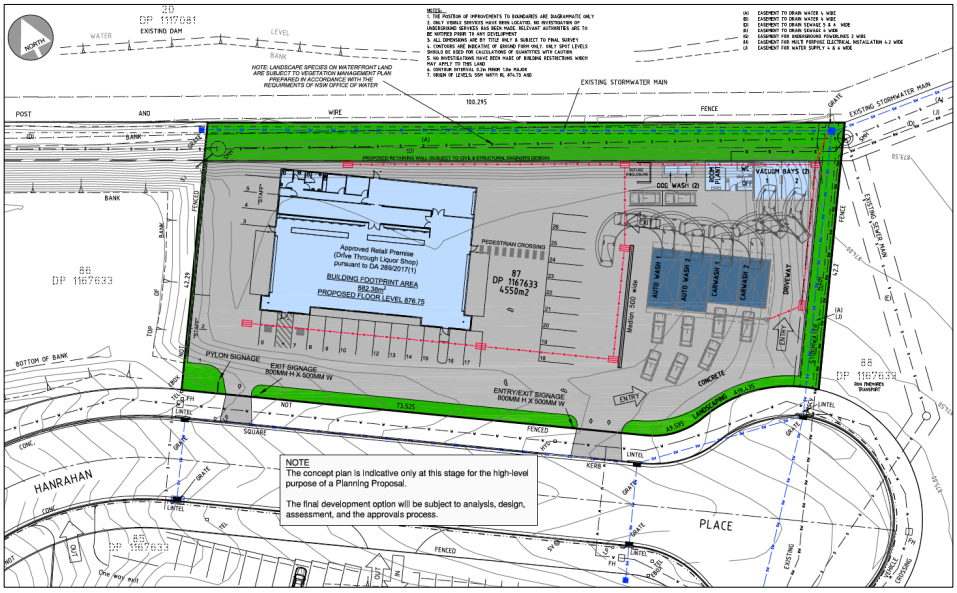
- The subject land is not constrained in terms of slope, terrain, native vegetation, drainage or proximity to watercourses.
- The subject land is of low biodiversity value due to the surrounding land use pattern.
- Due to the existing development pattern, urban utilities including sewer, town water, electricity, and telephone are in reasonable proximity to enable extension to the proposed subdivision.
- The surrounding development pattern does not pose an unreasonable constraint to the development as the direct interface is with land zoned for non-residential purposes.
- The subject land is not identified as flood prone land in the *Blackmans Swamp and Ploughmans Creek Flood Study*.
- The subject land falls within a defined area of naturally occurring asbestos (NOA). Accordingly, the proposed development will be subject to categorisation by Council as being of either Low or Medium disturbance and will be required to undergo the appropriate procedures outlined in Appendix A of Orange City Council's *Naturally Occurring Asbestos Planning Procedures.*
- The site is not constrained in terms of vehicle manoeuvring and parking. In this regard the concept shows that:
  - Future entrance and exit points can be established without conflict to nearby intersections.
  - The site has reasonable capacity to address off-street parking requirements.
  - The site can accommodate the turn path of vehicles likely to be associated with the development.
- The exposure and accessibility to Leeds Parade and the Northern Distributor as well as the proximity to expanding residential and industrial areas are logical and complementary attributes that reinforce the overall concept for this Precinct.

- The site provides reasonable opportunity for landscaping to be provided around buildings; vehicle areas; and road frontages.

1.4 DEVELOPMENT CONCEPT

The development concept involves the construction of a car wash facility and will consist of:

- 4 car wash bays (2 automatic and 2 manual).
- 2 vehicle vacuum bays.
- Double dog wash bay.
- Plant room, office, and amenities.



It is important to note that the concept plan is indicative only at this stage for the high-level purpose of a Planning Proposal and that the final development option will be subject to analysis, design, assessment, and the approvals process.

2.0 OBJECTIVES OR INTENDED OUTCOMES

2.1 PLANNING PROPOSAL OBJECTIVES

The objectives of this Planning Proposal are:

- To amend Schedule 1 of the Orange LEP 2011 to permit development for the purposes of a car wash facility with development consent on land described as 2 Hanrahan Place, Orange – Lot 87 DP 1167633.

- To complete this Planning Proposal within the benchmark timeframe of 9 months.

2.2 PLANNING PROPOSAL OUTCOMES

The intended outcome of the Planning Proposal is to enable development of the site for the purposes of a car wash facility which:

- Improves the convenience offerings for the local residents and working population by providing appropriate service opportunities in conjunction with the other offerings within the Hanrahan Place Precinct within the broader Leeds Parade Precinct.

- Does not generate unacceptable impacts in the locality in terms of noise and traffic.

- Does not affect the primacy of the Orange CBD or the hierarchy of existing business zones in Orange.

3.0 EXPLANATION OF PROVISIONS

The objectives and intended outcomes of this Planning Proposal can be achieved by:

- Amending Schedule 1 of the Orange Local Environmental Plan 2011 to permit a car wash facility with development consent upon land described as 2 Hanrahan Place, Orange – Lot 87 DP 1167633.

- There are no other changes to the text of the LEP on the basis that the objectives of the zone and land use table in relation to the SP3 Zone remains unchanged.

4.0 JUSTIFICATION

4.1 NEED FOR THE PLANNING PROPOSAL

a) Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. It represents a submission by the landowner to have an APU granted over the site to enable a complimentary land within the site and the broader precinct.

b) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An amendment to Schedule 1 of the Orange LEP 2011 and Additional Permitted Use Map is the best means of achieving the objectives or intended outcomes. The use of Schedule 1 Additional Permitted Uses ensures that the proposed land use is restricted to the subject land.

The current provisions of the SP3 zone prohibits any development not specified in Item 2 or Item 3. As such, a car wash (business premises), would represent a prohibited land use.

A 'car wash' is not a nominated use in the Land Use Table, nor is it defined in the Dictionary of the LEP. Development which is permissible with consent is identified in Item 3 of the Land Use Table as being the specifically nominated land uses and any other development which is not either permitted without consent (Item 2) or prohibited (Item 4).

The APU sought for the land is for a car wash. A car wash provides a service to the public through the washing and cleaning of cars. It provides a service that is directed to members of the public on a regular basis. As such, a car wash can appropriately be defined as a *business premises* which is a form of *commercial premises.* In other recent developments, Council has accepted that a 'car wash' satisfies the definitional requirements of *business premises.*

Accordingly, the APU will provide additional land use flexibility to deliver a service to the local community and tourists. The land is considered a strategically logical location for a car wash given the surrounding land uses and prevailing development pattern of the Hanrahan Place precinct.

The rezoning of the subject land is not considered to be an appropriate mechanism to achieve the outcomes and objectives of the Planning Proposal.

A spot rezoning to a business zone that permits business premises with development consent would nominate a variety of uses that would likely conflict with the adjoining and surrounding land uses.

The land use table could be amended for the SP3 Tourist Zone to enable all land zoned SP3 to be developed for the purposes of a business premises; however, this Planning Proposal does not seek to allow business premises to be permitted with consent on all land zoned SP3.

Facilitation of this Planning Proposal will be of benefit for travellers along the Northern Distributor Road and also for the expanding North Orange area which includes existing and proposed residential areas; the Narrambla industrial estate; and Charles Sturt University.

In this regard, an APU is the best means of achieving the objectives and outcomes of the Planning Proposal.

c) Is there a net community benefit?

The following information is provided to assist with the assessment of net community benefit. The information is based on the Evaluation Criteria (p.25) provided in the *NSW Department of Planning Draft Centres Policy, Planning for Retail and Commercial Development.*

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transport node)?

There are no State or regional strategies of this type applicable to the proposal.

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

No.

Is the LEP likely to create a precedent or change expectations of the landowner or other landholders?

It is acknowledged that the proposed amendment will change the zoning provisions, this Planning Proposal is unlikely to create a precedent or change expectations due to the following:

- The proposed car wash will complement and support the existing and approved uses within the Hanrahan Place Precinct.

- The use will be restricted to a business premises (car wash) which will be specific to the subject land.

- The proposal does not change the zoning of the land.

- The potential impacts that may be associated with the uses that are currently permitted in the SP3 Zone would not be unlike the potential impacts associated with the car wash.

The change in expectation as a result of this Planning Proposal is justified on the basis that the current zoning provisions already permit a wide variety of commercial land uses that would generate comparable impacts associated with the car wash including:

- *Highway service centres*

- *Passenger Transport Facilities*

- *Tourist and Visitor Accommodation*

- *Function Centres; and*

- *Recreation Facility (indoor)*

It is submitted that the potential impacts that may be associated with the uses that are currently permitted in the SP3 Zone would not be unlike the potential impacts associated with the additional permitted use that is proposed by this amendment to the LEP.

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

We are not aware of other spot rezonings in the locality.

Will the LEP facilitate permanent employment generating activity or result in a loss of employment lands?

Yes. An additional commercial land use opportunity on the site will increase the potential for the land to be used for employment generating activities.

The Planning Proposal will not impact upon the supply of employment lands within the Orange LGA.

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

The Planning Proposal will not impact upon the supply of residential land.

Is the existing public infrastructure (roads, rail, utilities) capable of serving the proposed site? Is there good pedestrian and cycling access? Is public transport available or is there infrastructure capacity to support future public transport?

The site integrates with existing public infrastructure and is located adjacent to the Northern Distributor Road.

The site is within reasonable walking and cycling distance to nearby areas and centres; however, considering the overall aims and objectives of the proposal, the importance of walking and cycling accessibility is not pertinent to the Planning Proposal.

Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

Due to its established location and integration with the local road network, the proposal will not result in changes to the car distances travelled by customers, employees and suppliers.

By improving the range of services available within the Hanrahan Place Precinct by providing a car wash, the proposal will contribute to the "one-stop" convenience of the precinct and would be likely to shorten travel distances for the local residential and employment population.

A traffic impact assessment report has been provided in support of this Planning Proposal (refer Annexure C). Consideration of the traffic related impacts are considered later in *Section 4.3b* of this report.

Are there significant Government investments in infrastructure or services in the area whose patronage would be affected by the proposal? If so what is the expected impact.

There are no significant Government investments in infrastructure or services whose patronage would be affected by the proposal.

Will the proposal impact on land that the Government has identified a need to protect (e.g., land with high biodiversity values) or have other environmental impacts? Is the land constrained by factors such as flooding?

The proposal will not impact on land that the Government has identified a need to protect. The land is not constrained by any natural hazards or is identified as being of high environmental value.

Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?

Yes. The proposal is compatible/complementary to surrounding land uses.

The proposed car wash facility is located within the Hanrahan Place service precinct. When considered with the other approved and operating uses within the Hanrahan Place Precinct, will provide convenience with the other approved and existing uses within the Precinct.

The proposed car wash will contribute to a service/convenience precinct that will be of benefit to:

- The existing population in North Orange.
- The expected residential population in the emerging Leeds Parade Residential Estate (DA 19079)
- The local workforce attributed to the nearby industrial areas.

In terms of amenity, *Section 4.3* of this report considers the key relevant issues and demonstrates that the proposal will not adversely affect the amenity of the location and wider community.

There are no aspects of the Proposal that would detract from the public domain.

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes, the proposed car wash has the potential to increase choice and competition.

If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

The proposed APU can be regarded as a stand-alone proposal. The likelihood of the area developing into a centre is modest, particularly considering that the area is somewhat established as a service precinct. In this regard, the APU seeks only to increase the service offering within the existing Hanrahan Place service precinct.

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

In terms of the public interest, the proposal would:

- Provide a convenience for multiple customer segments (local residents, workers, visitors).
- Increase employment opportunities.
- Reduce travel times and fuel consumption.

To not proceed would result in a lost opportunity and perhaps a loss of potential social and economic benefits.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

a) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The *Central West and Orana Regional Plan 2036* guides the NSW Government's land use planning priorities and decisions in the Central West and Orana Region up to 2036. The Regional Plan provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions and is supported by an implementation plan. The goals of the Regional Plan are:

- The most diverse regional economy in NSW
- A stronger, healthier environment and diverse heritage
- Quality freight, transport, and infrastructure networks
- Dynamic, vibrant, and healthy communities

The CWORP identifies the following priorities for the Orange LGA.

- Capitalise on Orange's character, lifestyle and heritage to enhance tourism and attract new residents.
- Leverage Orange's rural character to support diverse industries such as value-added manufacturing and food tourism.
- Support the growing healthcare sector and related industries in the health precinct at Bloomfield around Orange Health Service.
- Plan for industrial land and protect industrial areas from incompatible land uses.
- Support the delivery of new homes in residential release areas, including North Orange and Shiralee, and increase the range of housing options in existing urban areas.

As discussed in Section 5.10 of this report, the proposal is considered to be consistent with the directions of the *Central West and Orana Regional Plan 2036*.

b) Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

Business Centres Review Study (Leyshon, 2010)

Council's Business Centre Strategy was most recently updated in the *Business Centres Review Study* by Leyshon Consulting in 2010.

The Proposal would not conflict with the long held strategic objective that seeks to consolidate the Orange CBD as the dominant retail centre. It is submitted that the proposal is not adverse to the Business Centres Review Study. In this regard:

- The proposed LEP amendment offers a land use that is not of a type that would threaten the importance of the CBD as the primary retail and business centre.
- There are no aspects of the Proposal that reflect a CBD purpose. The most likely role for this site is to offer convenience and service to travellers along the Northern Distributor Road as well as for the North Orange area which includes expansive residential areas; the Narrambla industrial estate; other industrial areas; the Waratahs Sport; and the nearby Charles Sturt University/Educational precinct.

- It is submitted that even if such a use could be assembled in the CBD, it would not benefit the service and convenience needs of North Orange residents and workforce or travellers along the Northern Distributor Road.

- There are no other sites of this type along the route of the proposed on the Northern Distributor Feeder Road.

- It is not unreasonable to submit that the service/convenience precinct was not foreseen when the current zoning provisions were development. The proposal is considered to be a complementary use within this precinct.

Orange City Council Local Strategic Planning Statement

Council's *Local Strategic Planning Statement* sets the framework for Orange City's economic, social and environmental land use needs over the next 20 years. It outlines clear planning priorities describing what will be needed, where these are located, and when they will be delivered.

The LSPS sets short, medium, and long-term actions to deliver priorities that align with Council's broader Community Strategic Plan. Those Planning Priorities relevant to the Planning Proposal are outlined in the table below.

- Planning Priority 6: Ensure that building design and construction is of high quality and maintains residential amenity.

- Planning Priority 11: Provide for opportunities for local employment.

- Planning Priority 12: Protect and conserve the natural, built and Aboriginal cultural heritage of Orange.

- Planning Priority 13: Protect, conserve and enhance Orange's urban tree canopy, landform, waterways and bushland.

- Planning Priority 15: Manage energy, water, and waste efficiently to ensure a sustainable urban environment.

- Planning Priority 17: Plan for industrial land and protect industrial areas from incompatible land uses.

As demonstrated throughout this report, the proposal is considered to be entirely consistent with the above Planning Priorities. In this regard:

- In consideration of Planning Priority 6, the future development of the site will be guided by Planning Outcomes prescribed by *Orange Development Control Plan 2004 – 09 Development in the Industry and Employment Zone* which encourages high quality building design.

- In consideration of Planning Priority 11, facilitation of the Planning Proposal will provide full-time and part-time employment opportunities within the LGA.

- In consideration of Planning Priority 12, a search of the Aboriginal Heritage Information Management System (AHIMS) does not reveal any recorded Aboriginal sites or places within or adjoining the subject land. The archaeological value of the site is considered to be minimal due to the fact that it has been highly modified and disturbed for several years from its original state.

- In consideration of Planning Priority 13, it is acknowledged that the future development of the site will require a Controlled Activity Approval under the *Water Management Act 2000*, as it involves *"the erection of a building or structure on waterfront land".* Stormwater from the development would be drained to Council's existing stormwater mains that extend along the northern side of the subject land in accordance with Council's normal requirements.

- In consideration of Planning Priority 15, it is envisaged that the future development of the site will be enhanced through landscaping which would comprise a variety of species endemic to the Orange climate. Water used in the operation of the car wash facility would be recovered through the installation of a water recovery system which would treat and enable the reuse of reclaimed water. Details pertaining to the management of waste; energy efficiency; and water management will be addressed in greater detail as part of the development application/construction certificate process.

- In consideration of Planning Priority 17, the subject land has been zoned SP3 Tourist under the current planning provisions and therefore does not reduce the availability of industrial land. As demonstrated throughout this proposal, it is submitted that the future development of the site to enable a car wash facility will provide a business that would service the needs of people who live in, work and visit the local area which would include the users of the Northern Distributor Road; residents of North Orange; and the workers and customers of Narrambla Industrial Estate and Charles Sturt University.

c) Is the planning proposal consistent with applicable State Environmental Planning Policies?

The consistency of the proposal in relation to the applicable State Environmental Planning Policies is indicated in the schedule below.

State Environmental Planning Policies – Schedule of Consideration	
SEPP	**Relevance/Comment**
State Environmental Planning Policy (Planning Systems) 2021	Not applicable.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Resilience and Hazards) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Transport and Infrastructure) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Industry and Employment) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Resources and Energy) 2021	Not applicable
State Environmental Planning Policy (Primary Production) 2021	Not applicable
State Environmental Planning Policy (Precincts – Easter Harbour City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Central River City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Western Parklands City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Regional) 2021	Not applicable

d) Is the planning proposal consistent with applicable Ministerial Directions?

Section 9.1 of the Environmental Planning and Assessment Act, 1979 allows the Minister to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft Local Environmental Plans.

A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated. The consistency or otherwise of the planning proposal with the Ministerial Directions is indicated below.

FOCUS AREA 1: PLANNING SYSTEMS

Implementation of Minister's Planning Principles

The objectives of this direction are to give legal effect to the Minister's Planning Principles and ensure the document, including the concept of sustainable development, is given regard in the assessment of planning proposals; and support improved outcomes through consideration of planning principles that are relevant to the particular planning proposal.

The Minister's Planning Principles were revoked on 14 March 2022.

Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. Consideration of the Planning Proposal against the Central West and Orana Regional Plan is provided below.

Central West and Orana Regional Plan 2036	
DIRECTION	**COMMENT**
1. Protect the region's diverse and productive agricultural land	Not relevant
2. Grow the agribusiness sector and supply chains	Not relevant
3. Develop advanced manufacturing and food processing sectors	Not relevant
4. Promote and diversify regional tourism markets	Consistent as discussed throughout this submission. As encouraged by Direction 4.4, the facilitation of this planning proposal whilst not a tourist facility per se, would provide a service that would cater to the needs of the travelling public.
5. Improve access to health and aged care services	Not relevant
6. Expand education and training opportunities	Not relevant

Central West and Orana Regional Plan 2036	
DIRECTION	**COMMENT**
7. Enhance the economic self-determination of Aboriginal communities	Not relevant
8. Sustainably manage mineral resources	Not relevant
9. Increase renewable energy generation	Not relevant
10. Promote business and industrial activities in employment lands	Consistent with this Direction. A broadening of the service/commercial land use will increase the potential for the subject land to be used for employment generating activities. In conjunction with the existing and approved developments within the Hanrahan Place precinct, the proposed car wash facility will form part of the service/convenience precinct that will benefit travellers on the Northern Distributor Road as well as for the residents of the North Orange Urban Release Area; Narrambla industrial estate; and Charles Sturt University.
11. Sustainably manage water resources for economic opportunities	Not relevant
12. Plan for greater land use compatibility	Consistent as discussed throughout this submission. There are no aspects of the proposal that would increase the potential for land use conflict in the area. The potential noise impacts associated with the facility are comparable to those impacts associated with the range of permitted uses in the SP3 zone.

Central West and Orana Regional Plan 2036	
DIRECTION	**COMMENT**
13. Protect and manage environmental assets	Consistent as discussed throughout this submission.
14. Manage and conserve water resources for the environment	Consistent as discussed throughout this submission.
15. Increase resilience to natural hazards and climate change	Consistent as discussed throughout this submission.
16. Respect and protect Aboriginal heritage assets	Not relevant
17. Conserve and adaptively re-use heritage assets	Not relevant
18. Improve freight connections to markets and global gateway	Not relevant
19. Enhance road and rail freight links	The Planning Proposal is consistent with this Direction. In particular, Direction 19.5 which seeks to minimise the encroachment of incompatible land uses along existing and proposed freight transport corridors.
20. Enhance access to air travel and public transport	Not relevant
21. Coordinate utility infrastructure investment	Not relevant
22. Manage growth and change in regional cities and strategic and local centres	Not relevant
23. Build the resilience of towns and villages	Not relevant
24. Collaborate and partner with Aboriginal communities	Not relevant
25. Increase housing diversity and choice	Not relevant
26. Increase housing choice for seniors	Not relevant
27. Deliver a range of accommodation options for seasonal, itinerant and mining workforces	Not relevant
28. Manage rural residential development	Not relevant
29. Deliver healthy built environments and better urban design	Consistent.

Development of Aboriginal Land Council land

This Direction is not relevant to this Planning Proposal.

Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. This direction applies to all relevant planning authorities when preparing a planning proposal.

(1) A planning proposal to which this direction applies must:

(a) Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister of public authority, and

(b) Not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:

i. The appropriate Minister of public authority, and

ii. The Planning Secretary (or an office of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and

(c) Not identify development as designated development unless the relevant planning authority:

i. Can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and

ii. Has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.

The Planning Proposal is not adverse to this Direction as it not Designated Development. The future development of the site will require a Controlled Activity Approval under the *Water Management Act 2000* as it will involve *"the erection of a building or structure on waterfront land".* It is recognised that during the development application process, Council would impose a condition to this effect.

Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:

(a) allow that land use to be carried out in the zone the land is situated on, or

(b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or

(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

(2) A planning proposal must not contain or refer to drawings that show details of the proposed development

In consideration of the above:

- The Planning Proposal is consistent with this Direction as it proposes to introduce an additional permitted use within the SP3 Tourist zone without imposing any additional development standards or requirements that are not already contained within that zone.

- In consideration of (2), although this proposal is supported by a development concept, it is important to note that this has only been prepared to demonstrate the suitability of the site for the proposed zoning and is only a concept. Future development within the subject land will be subject to a separate development application.

Parramatta Road Corridor Urban Transformation Strategy

This Direction is not relevant to the Planning Proposal.

Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan

This Direction is not relevant to the Planning Proposal.

***Implementation of Greater Parramatta Priority Growth Area Interim Land Use* and Infrastructure Implementation Plan**

This Direction is not relevant to the Planning Proposal.

Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

This Direction is not relevant to the Planning Proposal

Implementation of the Glenfield to Macarthur Urban Renewal Corridor

This Direction is not relevant to the Planning Proposal

Implementation of the Western Sydney Aerotropolis Plan

This Direction is not relevant to the Planning Proposal.

Implementation of the Bayside West Precincts 2036 Plan

This Direction is not relevant to the Planning Proposal.

Implementation of Planning Principles for the Cooks Cove Precinct

This Direction is not relevant to the Planning Proposal.

Implementation of the St Leonards and Crows Nest 2036 Plan

This Direction is not relevant to the Planning Proposal.

Implementation of Greater Macarthur 2040

This Direction is not relevant to the Planning Proposal.

Implementation of the Pyrmont Peninsular Place Strategy

This Direction is not relevant to the Planning Proposal.

North West Rail Link Corridor Strategy

This Direction is not relevant to the Planning Proposal.

FOCUS AREA 2: DESIGN AND PLACE

At the time of preparing this Planning Proposal, this section did not contain any Ministerial Directions.

FOCUS AREA 3: BIODIVERSITY AND CONSERVATION

Conservation Zones

Consistent. As the subject land does not contain an environmentally sensitive area and is not within an environment conservation/protection zone.

Heritage Conservation

The objective of this direction is conserve items, areas, objects and places of environmental significance and indigenous heritage significance.

Consistent. The subject land is not identified in Schedule 5 of the Orange Local Environmental Plan 2011 as containing and Item of Environmental Heritage and is not within a Heritage Conservation Area.

A search of the Aboriginal Heritage Information Management System does not reveal any recorded Aboriginal sites or places within or adjoining the subject land.

Sydney Drinking Water Catchments

This Direction is not relevant to the Planning Proposal.

Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs

This Direction is not relevant to the Planning Proposal.

Recreation Vehicle Areas

This Direction is not relevant to the Planning Proposal.

FOCUS AREA 4: RESILIENCE AND HAZRDS

Flooding

This Direction is not relevant to the Planning Proposal as the subject land is not located within a flood planning area.

Coastal Management

This Direction is not relevant to the Planning Proposal.

Planning for Bushfire Protection

This Direction is not relevant to the Planning Proposal as the subject land is not bushfire prone land.

Remediation of Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

Consistent. In terms of potential soil contamination, the subject land does not appear to have been used for a purpose listed in Table 1 of the *Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land.* It is understood that an assessment would have been undertaken as part of the subdivision that created the subject land.

Further, the subject land has been subject to other development applications over recent years (DA 278/2014(1) and DA 289/2017(1)). In the course of the assessment of the abovementioned development applications, Council did not raise concerns in regard to potential soil contamination. Since the approval of the abovementioned development application, the subject land is not known to have been used for a purpose listed in Table 1 of the *Contaminated Land Planning Guidelines – SEPP 55 Remediation of Land.*

Inspection of the site does not indicate any areas or sources of potential contamination. There are not buildings or structures within the site of the proposed car wash facility that indicate potentially contaminating activities associated with a past land use.

Notwithstanding the above, the subject land is within a defined area of Naturally Occurring Asbestos (NOA). Accordingly, the proposed development will be subject to a categorisation by Council as being of either Low or Medium disturbance and will be required to undergo the appropriate procedures outlined in Appendix A of Orange City Council's *Naturally Occurring Asbestos Planning Procedures.*

Acid Sulfate Soils

This direction is not relevant to the Planning Proposal as the subject land is not identified within an area as containing Acid Sulfate Soils.

Mine Subsidence and Unstable Land

This direction is not relevant to the Planning Proposal as the subject land is not located within a declared mine subsidence district in the Coal Mine Subsidence Compensation Regulation 2017, or has been identified as unstable in a study, strategy, or other assessment undertaken on or behalf of Council.

FOCUS AREA 5: TRANSPORT AND INFRASTRUCTURE

Integrating Land Use Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

(a) Improving access to housing, jobs and services by walking, cycling and public transport, and

(b) Increasing the choice of available transport and reducing dependence on cars, and

(c) Reducing travel demand by including the number of trips generated by development and the distances travelled, especially by car, and

(d) Supporting the efficient and viable operation of public transport services, and

(e) Providing efficient movement of freight

The Traffic Assessment by *Terrafic* demonstrates there are no aspects of the proposal that are inconsistent with the objectives of this Direction, particularly as:

- The existing and planned road system is of an adequate standard to cater for the additional traffic that would be generated by this proposal.

- The proposal will not result in changes to the distance travelled by cars.

- The development concept interconnects with pedestrians and cyclists with the existing and planned public transport network; open space; and arterial and collector roads thereby creating greater transport choice for residents.

The potential traffic impacts associated with the proposal are discussed further in *Section 4.3b*.

Reserving Land for Public Purposes

This direction is not relevant to the Planning Proposal.

Development Near Regulated Airports and Defence Airfields

This direction is not relevant to the Planning Proposal.

Shooting Ranges

This direction is not relevant to the Planning Proposal.

FOCUS AREA 6: HOUSING

Residential Zones

This direction is not relevant to the Planning Proposal.

Caravan Parks and Manufactured Home Estates

This direction is not relevant to the Planning Proposal.

FOCUS AREA 7: INDUSTRY AND EMPLOYMENT

Business and Industrial Zones

This direction is not relevant to this Planning Proposal as it will not affect land within an existing or proposed business or industrial zone.

Reduction in non-hosted short term rental accommodation period

This direction is not relevant to the Planning Proposal as it only applies to the Byron Shire Council.

Commercial and Retail Development along the Pacific Highway, North Coast

This direction is not relevant to the Planning Proposal.

FOCUS AREA 8: RESOURCES AND ENERGY

Mining, Petroleum Production and Extractive Industries

This direction is not relevant to the Planning Proposal.

FOCUS AREA 9: PRIMARY PRODUCTION

Rural Zones

This direction is not relevant to the Planning Proposal.

Rural Lands

This direction is not relevant to the Planning Proposal.

Oyster Aquaculture

This direction is not relevant to the Planning Proposal.

Farmland of State and Regional Significance on the NSW Far North Coast

This direction is not relevant to the Planning Proposal.

4.3. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

No. The subject land is urbanised with no ecological value.

b) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The potential impacts of the Planning Proposal are considered below.

Groundwater Vulnerability

According to Orange LEP 2011 mapping, the subject land is identified as having groundwater vulnerability. Potential impacts on water quality relate to the following:

- Erosion and sedimentation as a result of earthworks during the construction phase of development.
- A likely increase in impervious surfaces as a result of buildings and vehicle areas which will increase the volume and velocity of run-off from the site.
- Management of effluent and wastewater generated by the future development.

Whilst the potential impacts on water quality would become more apparent at the DA stage, the following principles should apply:

- Erosion and sediment controls are to be implemented and maintained as required to ensure that water quality is not affected as a result of construction or operational activities.
- Water quality measures will be required to ensure that post-development water quality is at least equivalent to pre-development water quality. The management of stormwater from buildings and vehicle areas will be subject to Council's normal requirements for development in urban areas.
- Liquid trade waste that may be generated by any future uses will be subject to a trade waste agreement between the relevant operator and Council.

Visual Impact

The potential visual impacts are a matter for detailed assessment at the DA stage. However, the existing approvals on the site demonstrate that a high level of visual appeal can be achieved. The following principles should apply:

- Maintain an open and spacious visual environment along the site frontage.

- Use high quality materials and finishes commensurate with modern commercial architecture.

- Mechanical plant and equipment should be sensitively located.

- Site design should be such that "back-of-house" elements are not easily viewed from the streets or public area.

- A reasonable level of landscaping should be provided so as to provide appropriate softening of buildings and vehicle areas.

Naturally Occurring Asbestos

The subject land falls within a defined area of naturally occurring asbestos (NOA). Accordingly, the proposed development will be subject to categorisation by Council as being of either Low or Medium disturbance and will be required to undergo the appropriate procedures outlined in Appendix A of Orange City Council's *Naturally Occurring Asbestos Planning Procedures.*

Parking

Consultants *Terrafic Pty Ltd* have prepared and traffic parking and assessment report in support of the proposed car wash facility. The traffic and parking assessment takes into consideration the approved development within the site (DA 289/2017(1)).

The traffic and parking impacts of the APU are summarised below:

Operating Characteristics

- *Based on data collected from existing facilities, customer traffic is generally spread evenly throughout the day on weekdays however there are weekend peaks between 11.00 am and 2.00-3.00pm with the following flows:*

	Weekday	**Weekend**
Automatic car wash bays	2 vehicles per hour during weekdays	5 vehicles per hour during weekend peaks
Manual car wash bays	1 vehicle per hour during weekdays	3 vehicles per hour during weekend peaks

- *The maximum capacities of the automatic and manual car wash bays are as follows:*

- *Automatic car wash bay 12 vehicles per hour (5 minutes per vehicle)*
- *Manual car wash bay 4 vehicles per hour (15 minutes per vehicle).*

Vehicle queuing analysis

The proposed facility will provide storage for up to 7 cars waiting to enter the car wash facility. Based on the queuing analysis provided in the traffic assessment, the ability to store 7 vehicles on site will ensure that the 98th queue will not extend onto Hanrahan Place or obstruct access to the dog wash facility or vacuum bays. The queuing provisions therefore satisfies Clause 3.5 of *AS/NZS 2890.1:2004.*

Vacuum bay usage

Based on previous data from other regional operators, only 1 in 5 customers vacuum their vehicle after washing. Based on a peak weekend flow of 16 vehicles per hour, it is anticipated that only 3 of those vehicles will utilise their vacuum bays. As noted in the foregoing report, the proposal will incorporate 2 vacuum bays which will comfortably accommodate its likely demand and will not create any on-site queuing implications.

Projected traffic generation potential

As mentioned in the foregoing sections of this report, the car wash facility would generate approximately 4 vehicles during the weekday morning and evening peak periods and 16 vehicles during the weekend peaks. To that end, the proposed development will generate 8 vtph (4 in / 4 out) during weekday peak periods and 32 vtph (16 in / 16 out) during the weekend peaks.

The traffic generated by the proposed car wash facility should be discounted by the 338.53m^2 neighbourhood shop complex that was formerly approved on the site. Utilising the rates provided in Section 3.11 of the *Roads and Maritime Service Guide to Traffic Generating Developments* (October, 2002), the approved neighbourhood shops would have generated the following traffic yields:

- Friday afternoon 19 vtph
- Saturday midday 36 vtph

Based on this analysis, there will be a reduction in traffic generated by the site. In circumstances where a proposed development generates less traffic than a formerly approved development, it can be concluded that the proposal has no unacceptable traffic implications.

Parking

A car parking requirement for a car wash facility is not listed in Council's Development Control Plan. With exception to those customers who use the dog wash facilities, vehicles will not be parking on the site. Customers will instead be queuing to access one of the four proposed car wash bays.

In the event that customer demand exceeds the capacity of the car wash system, any surge in customer traffic should be accommodated on site to ensure that customer vehicles do not queue onto Hanrahan Place. To that end, the proposed facility will provide space for up to 7 waiting cars on the approach to the car wash bays. In addition, 2 parking spaces for vehicles associated with the dog wash facility are also proposed.

In any event, it can be concluded that the Planning Proposal will be satisfactory in terms of parking provision.

Noise

Generally, the ambient noise levels of the locality are typical of an industrial estate and service precinct. Sources of background noise can be mostly attributed to traffic along the Northern Distributor Road network and from activity on other industrial sites within the Narrambla Industrial Estate which lies to the east of the subject land and existing land uses in the Hanrahan Place precinct.

The land uses in proximity to the subject land comprises:

- The Narrambla Industrial Estate which consists of a range of businesses and industries permissible within the IN1 Zone is to the east;
- The land to the south and west comprises a highway service centres and Bunnings Warehouse on the opposite side of Leeds Parade.
- Undeveloped B7 Business Park land immediately to the north which permits a range of commercial noise generating activities.

These land uses are not considered to be sensitive to the potential noise impacts of the development.

The land to the northeast comprises undeveloped R1 General Residential land and is presently vacant.

This R1 land is subject to a recently determined development application for a 211-subdivision approved under DA 481/2021(1). The potential noise impacts upon this undeveloped residential area are considered to be satisfactory due to the following:

- The area is characterised by an expansive well-established service precinct that is reasonably separated from nearby sensitive receivers including future residential development to the north approved under DA 481/2020(1).

- The subject land is on the western fringe of the Narrambla Industrial Estate and on the opposite side from the residential lots approved under DA 481/2020(1). The nearest residential lot approved under DA 481/2020(1) is generously separated by some 300 metres north of the subject land. In this regard, the proposed APU would only alter its interface with the adjacent IN1 Zone and have no impact whatsoever in relation to its interface with residential development.

- It is a reasonable submission that in terms of potential impacts upon sensitive receivers, the range of industrial uses that are permitted in the IN1 Zone have the potential to generate greater impacts on nearby residential development, than the range of uses that are permissible under the B6 Zone.

- Notwithstanding, future development of the site will be required to occur in a manner that respects the amenity of the residential area in terms of noise, traffic, visual impact, lighting, air quality, and the like.

Consultants SoundIn Pty Ltd have prepared a Noise Impact Assessment for the Planning Proposal (refer *Annexure C*).

The background noise levels measure at locations representative of sensitive receivers for a previous noise study in the area have been used as the basis for establishing project noise trigger levels for the proposal.

In terms of noise impacts, the findings of the Assessment are summarised as follows:

- The nearest and most potentially affected residential receivers are two isolated dwellings to the north and south, denoted as R1 and R2 (refer image below).

- The various car wash facilities are the dominant sources of operational noise emissions associated with the Proposal. During the operation of the car wash, noise emissions from vehicles would be small compared to the car wash facilities.

It should also be recognised that the final selection of plant and equipment for the car wash has not yet been conducted. For the purpose of the noise assessment, typical sound power levels for the proposed equipment have been adopted based on SoundIn's experience with such equipment

The predicted $L_{Aeq,\ 15min}$ noise levels at sensitive receivers associated with the operation of the proposal are presented in the presented in the table below and are assessed against the project noise trigger level for the evening assessment period, which is the most stringent trigger level for the operating hours of the proposal.

Receiver	Predicted Noise Level	Project Noise Trigger Level	Complies?
R1	39	43	Yes
R2	38	43	Yes
NCA1	42	43	Yes
NCA2	42	43	Yes

In this regard, the predicted noise levels comply with the project noise trigger levels at all existing and potential future sensitive receivers.

Lighting

Effective illumination of the development site can occur without causing light scatter or disturbance to either the road network or neighbours.

The precinct is subject to a high level of ambient luminance associated with premises within the immediate area estate and street lighting. The proposed development is not expected to generate external light scatter impacts over and above the existing situation.

Water Quality

The development concept would constitute Nominated Integrated Development within the meaning of Section 4.46 of the Environmental Planning and Assessment Act 1979. As development is proposed within 40 metres of waterfront land as defined by Sections 89, 90, and 91 of the Water Management Act 2000, Council is required to obtain the General Terms of Approval of NSW Planning, Industry and Environment – Water.

The proposal does not involve any processes or activities that would impact on water quality. In any event, the potential impacts can be addressed at the DA stage.

Water quality measures will be required to ensure that post-development water quality is at least equivalent to pre-development water quality. It is likely that the management of stormwater will be subject to the principles of Water Sensitive Urban Design.

Air Quality

The proposal does not involve processes or activities that would affect the neighbourhood in terms of waste, dust, odour or atmospheric discharges.

Overshadowing

The proposal is unlikely to overshadow sensitive receivers (dwellings) due to the generous physical separation distance between the subject land and nearest existing and future sensitive receivers.

Archaeology

Should any Aboriginal or European Relics be unexpectedly discovered during works associated with the concept plan, all excavations or disturbances in the area will stop immediately and the NSW Heritage Office and NSW National Parks and Wildlife Service shall be informed immediately.

Heritage

Schedule 5 of Orange Local Environmental Plan 2011 lists items of environmental heritage that are to be protected and conserved in accordance with the relevant provisions of the LEP. A review of the Heritage Map shows that there are no items within proximity to the site that are likely to be affected by the proposed car wash facility.

Considering that the subject land is not identified as containing an item of environmental heritage, it is submitted that European archaeology is unlikely to constrain the proposal.

Biodiversity

The natural state of the site and surrounding area has been highly modified by the surrounding commercial and industrial land use pattern. The subject land is virtually devoid of native timber and any native timber present is largely fragmented due to current use of the site and surrounding land use pattern. There are no aspects of the proposal that would generate additional impacts in this regard.

The proposal is not likely to have an adverse effect on biodiversity due to the following:

- The subject land does not contain native vegetation, having been highly disturbed from its natural state due to a long history of agricultural use.

- The subject land is not identified on the *Orange Local Environmental Plan 2011 – Terrestrial Biodiversity Map* as having biodiversity value.

- According to the OEH Biodiversity Values Map, there are no areas within the subject land that are identified as having high biodiversity value.

- The proposed development does not represent a key threatening process as there are no threatened species or ecological communities identified within or around the subject land, and none within the vicinity of the proposed development.

- The subject land is not a declared area of outstanding biodiversity value.

The inception of the Biodiversity Conservation Act 2016 means that any development that would involve the clearing of native vegetation must consider whether a Biodiversity Development Assessment Report (BDAR) is required. There are four matters that may trigger the Biodiversity Offset Scheme to determine whether or not a BDAR is required.

- Whether the development occurs on land identified on the OEH Biodiversity Values Map

- Whether the amount of native vegetation being cleared exceeds the threshold area based on the minimum lot size associated with the property.

- Whether the development or activity is "likely to significantly affect threatened species"

- Whether the development or activity will be carried out in a declared area of outstanding biodiversity value.

If the development of the subject land triggers any of the above thresholds, a BDAR is required. An assessment of the whether the future development of the site will trigger the BOS will be undertaken as part of the development application process.

Land/Site Contamination

In terms of potential soil contamination, it is understood that an assessment would have been undertaken as part of the subdivision requirements that applied in relation to the creation of the subject land.

Since its creation, the subject land has remained vacant and in particular, does not appear to have been used for a purpose listed in Table 1 of *Managing Land Contamination Planning Guidelines SEPP 55 –Remediation of Land*.

It should also be noted that potential soil contamination was not raised as an issue in the approval of DA 278/2014(1) and 289/2017(1).

On the basis of the above, it is requested that Council not require further assessment in regard to potential site contamination.

c) How has the planning proposal adequately addressed any social and economic effects?

The creation of additional employment which will result from the project, both during the construction period, and more importantly, on an ongoing basis once the development is complete and operational. This includes a number of youth employment opportunities. In this regard:

- The Planning Proposal is likely to have a positive impact on employment opportunities.
- The social and economic benefits of the Planning Proposal are considered to be positive.

4.4 STATE AND COMMONWEALTH INTERESTS

a) Is there adequate public infrastructure for the Planning Proposal?

Yes. All urban utilities and relevant infrastructure are available.

b) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The view of State and Commonwealth public authorities are not required on the Planning Proposal until after the Gateway determination.

5.0 COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The Gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

This Planning Proposal is considered to be a minor proposal for the following reasons:

- This Planning Proposal provides information to demonstrate that it is not adverse to the relevant strategic planning framework and that the potential impacts are not unreasonable.
- Issues pertaining to infrastructure servicing are not significant and can be adequately addressed.
- The Planning Proposal is not for a principal LEP.
- The Planning Proposal does not seek to reclassify public land.

Community consultation would involve:

- An exhibition period of 28 days.
- The community is to be notified of the commencement of the exhibition period via a notice in the local newspaper and on Council's website. The notice will:
  - Give a brief description of the objectives or intended outcomes of the planning proposal;
  - Indicate the land affected by the planning proposal;
  - State where and when the planning proposal can be inspected;
  - Provide the name and address for the receipt of submissions; and
  - Indicate the closing date for submissions.
- Written notification to adjoining and surrounding land owners.

During the exhibition period, it is expected that Council would make the following material available for inspection:

- The Planning Proposal in the form approved for community consultation by the Director General of Planning;

- Any studies (if required) relied upon by the planning proposal.

Electronic copies of relevant exhibition documentation to be made available to the community free of charge.

At the conclusion of the notification and public exhibition period Council staff will consider submissions made in respect of the Planning Proposal and prepare a report to Council.

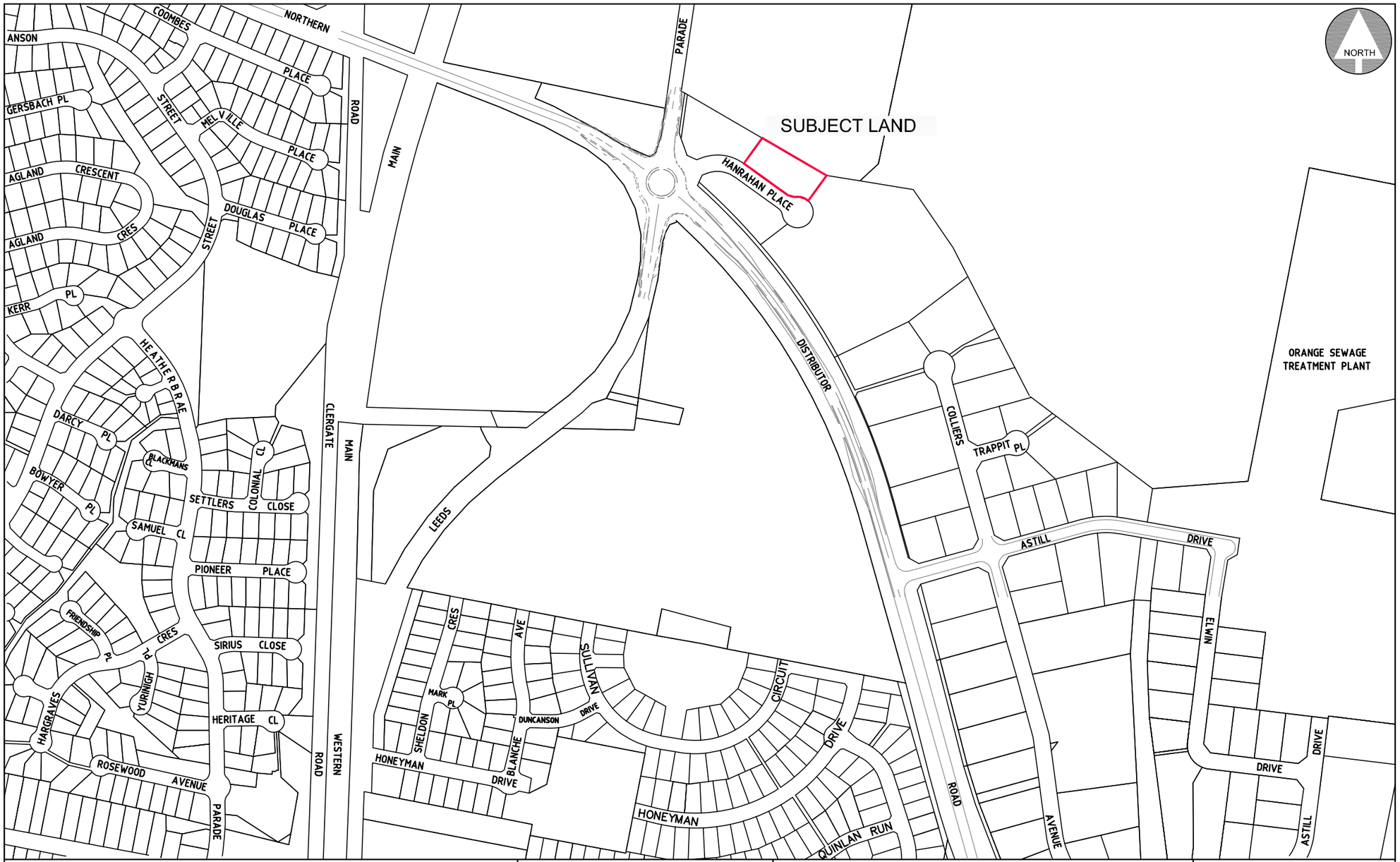
6.0 CONCLUSION

This Planning Proposal warrants support due to the following:

- It is not adverse to the relevant strategic planning framework.
- It will provide both short- and long-term employment opportunities.
- The future development within the subject land can be demonstrated to provide an acceptable level of amenity to the existing and planned residential areas to the north and south of the subject land.
- In combination with the approved land uses in vicinity of the site, the proposed car wash facility will positively contribute to a service/convenience precinct that will be of benefit to the existing and expected residential population in North Orange; the local workforce; the travelling public; users of the nearby recreational facilities and educational establishments; and commuters through the area.
- The proposal facilitates the expansion and operation of a new business and that will contribute to the role of Orange as a regional business and service centre.
- It is a reasonable submission that the need for such a site was not foreseen when the current zoning provisions were developed. This Proposal represents a sensible response to the evolution of development in the North Orange area.

Yours faithfully
Peter Basha Planning & Development

Per:
SAM BASHA



IMPORTANT NOTES

- THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY
- ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY
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- THE LOCATION OF BUILDINGS IS INDICATIVE ONLY AND TRUE POSITION IN RELATION TO BOUNDARIES IS SUBJECT TO SURVEY

SCALE

0 60 120 180 240m
PLAN
1 : 5000

PLANNING PROPOSAL AS AN ADDITIONAL PERMITTED USE
PROPOSED CARWASH LOT 87 DP1167633
2 HANRAHAN PLACE - ORANGE

FIGURE 1 - LOCATION

DATE: 10.08.2022 | REFERENCE: 21049DA | SHEET: 1 OF 4

PETER BASHA
PLANNING & DEVELOPMENT
Phone : 6361 2955 Fax: 6360 4700
P.O. BOX 1827 ORANGE, NSW 2800

IMPORTANT NOTES	SCALE	PLANNING PROPOSAL AS AN ADDITIONAL PERMITTED USE PROPOSED CARWASH LOT 87 DP1167633 2 HANRAHAN PLACE - ORANGE	PETER BASHA
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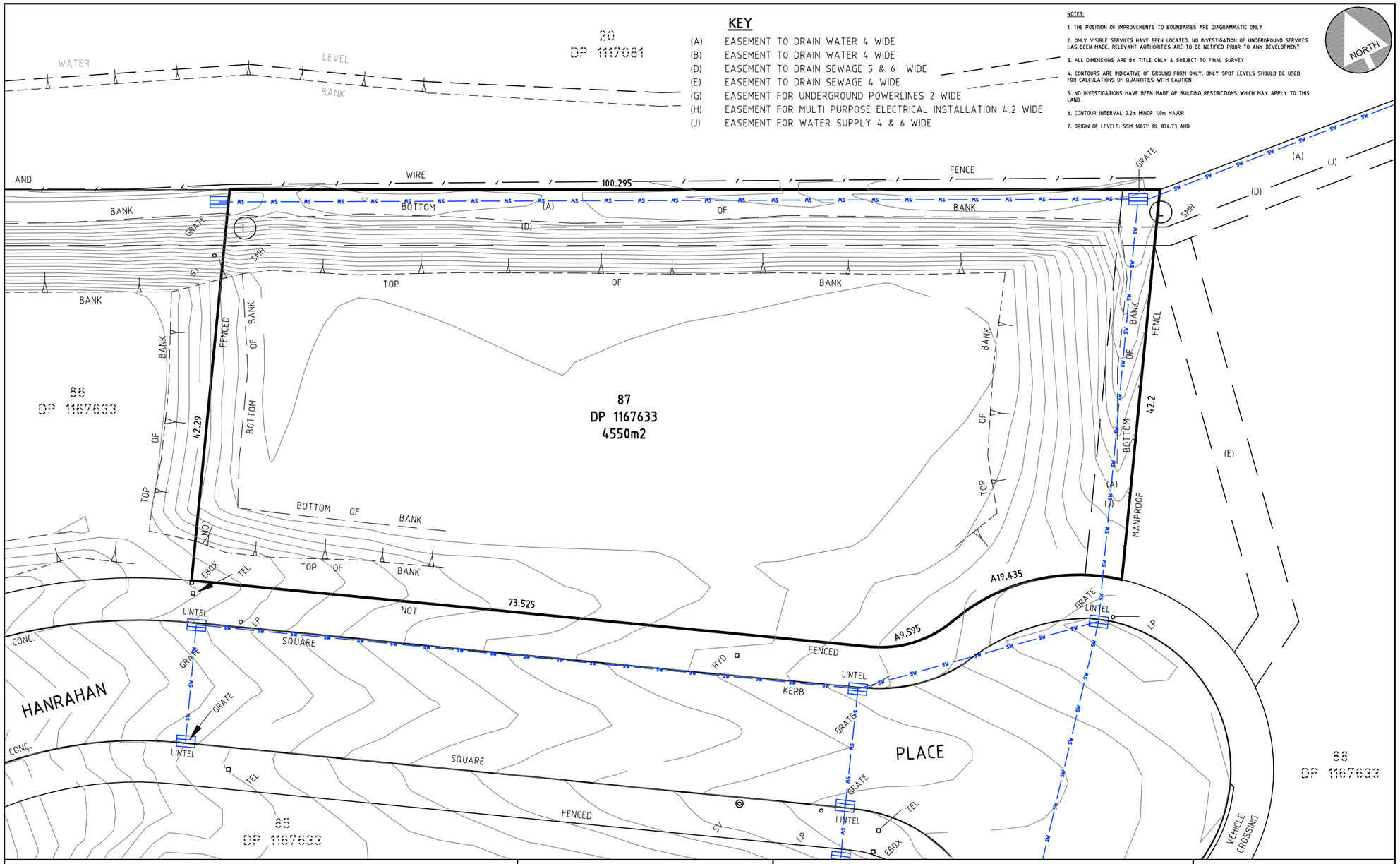

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PLANNING PROPOSAL AS AN ADDITIONAL PERMITTED USE
PROPOSED CARWASH LOT 87 DP1167633
2 HANRAHAN PLACE - ORANGE

FIGURE 2 - EXISTING BOUNDARIES & SITE DETAIL

DATE:	10.08.2022	REFERENCE:	21049DA	SHEET:	2 OF 4

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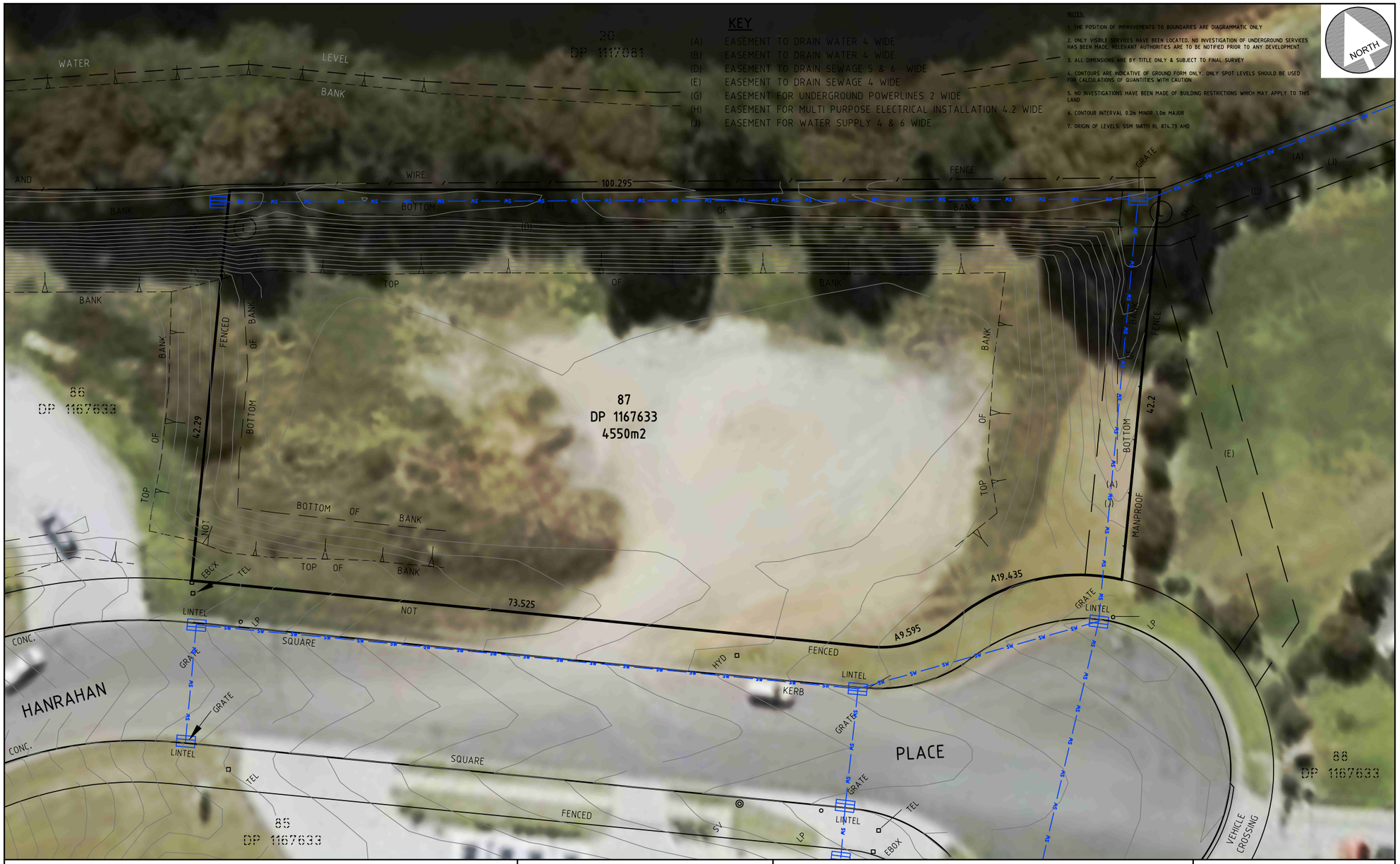

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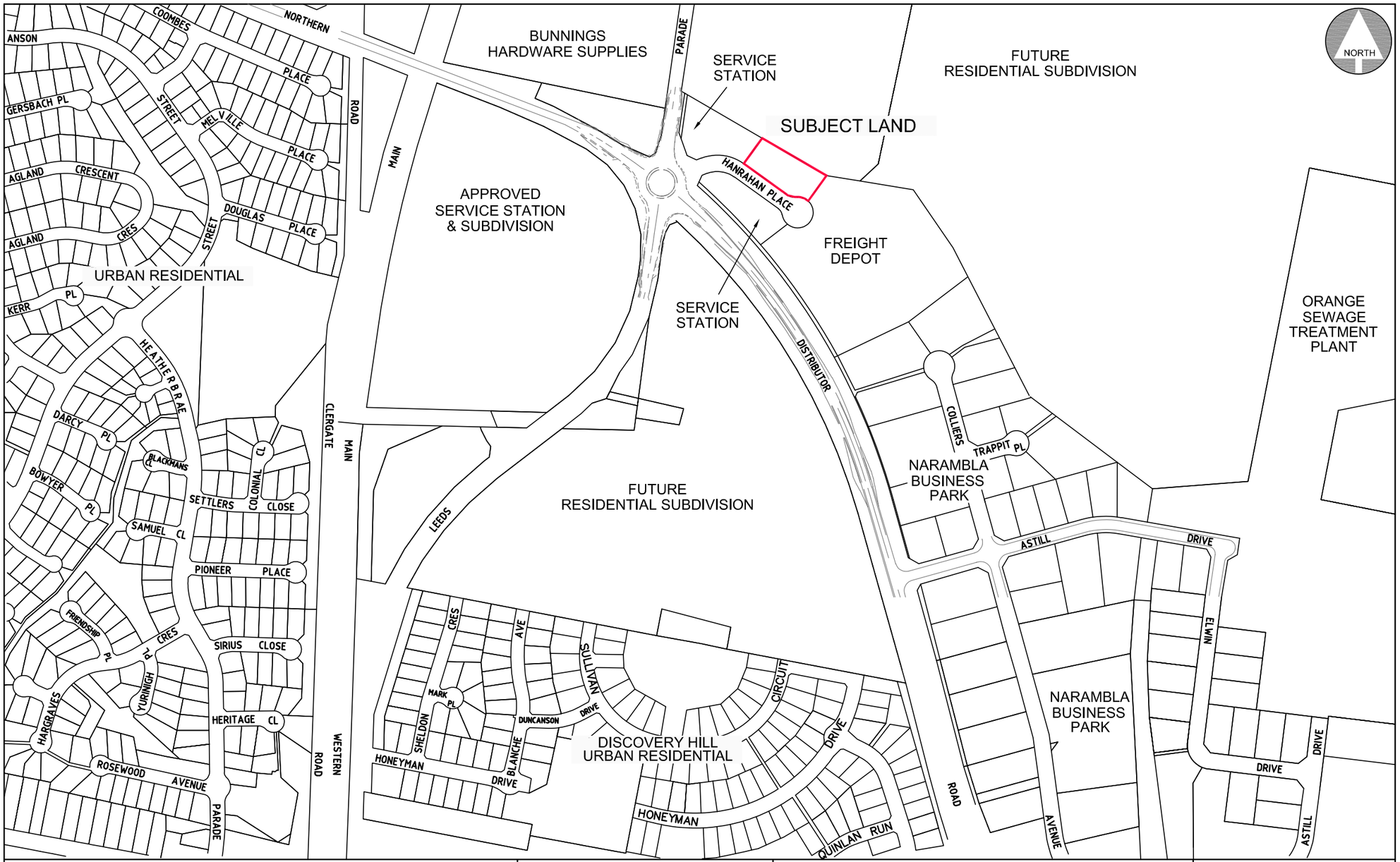

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SCALE

0 60 120 180 240m
PLAN 1 : 5000

PLANNING PROPOSAL AS AN ADDITIONAL PERMITTED USE
PROPOSED CARWASH LOT 87 DP1167633
2 HANRAHAN PLACE - ORANGE

FIGURE 3 - SURROUNDING LANDUSE PATTERN

DATE: 10.08.2022 REFERENCE: 21049DA SHEET: 3 OF 4

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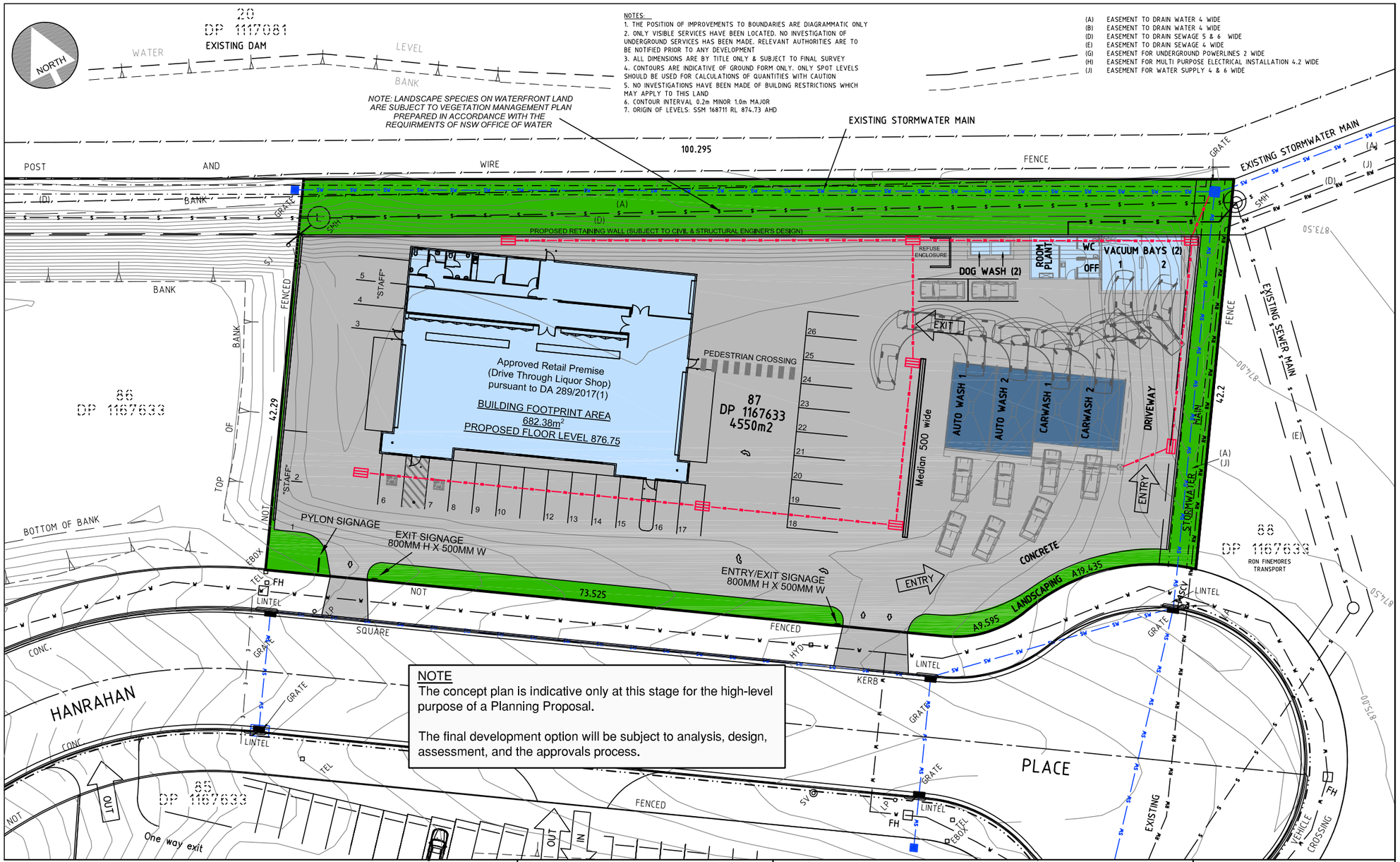

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FIGURE 4 - DEVELOPMENT CONCEPT

DATE: 10.08.2022 | REFERENCE: 21049DA | SHEET: 4 OF 4

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SOUNDIN

HANRAHAN PLACE CARWASH

NOISE IMPACT ASSESSMENT

REPORT NO. 17101
VERSION 1.0

MAY 2022

PREPARED FOR

REX D'AQUINO
C/- PETER BASHA PLANNING & DEVELOPMENT
PO BOX 1827
ORANGE NSW 2800

DOCUMENT CONTROL

Version	Notes	Status	Date	Prepared	Reviewed	Approved
0.1	-	Draft	9/12/2021	NH		
1.0	-	Final	13/05/2022	NH		NH

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SOUNDIN

GLOSSARY OF ACOUSTIC TERMS

Most environments are affected by environmental noise which continuously varies. To describe the overall noise environment, a number of noise descriptors have been developed and these involve statistical and other analysis of the varying noise over sampling periods, typically taken as 15 minutes. The most common of these noise descriptors are defined below.

L_{Amax} The maximum noise level over a sample period is the maximum level, measured on fast response, during the sample period.

L_{A1} The L_{A1} level is the noise level which is exceeded for 1% of the sample period. During the sample period, the noise level is below the L_{A1} level for 99% of the time.

L_{A10} The L_{A10} level is the noise level which is exceeded for 10% of the sample period. During the sample period, the noise level is below the L_{A10} level for 90% of the time.

L_{A90} The L_{A90} level is the noise level which is exceeded for 90% of the sample period. During the sample period, the noise level is below the L_{A90} level for 10% of the time. This measure is commonly referred to as the background noise level.

L_{Aeq} The equivalent continuous sound level (L_{Aeq}) is the energy average of the varying noise over the sample period and is equivalent to the level of a constant noise which contains the same energy as the varying noise environment. This descriptor is a common measure of environmental noise.

ABL The Assessment Background Level is the single figure background level representing each assessment period (daytime, evening and night time) for each day.

RBL The Rating Background Level for each period is the median value of the ABL values for the period over all of the days measured. There is therefore an RBL value for each period – daytime, evening and night time.

SOUNDIN

1 INTRODUCTION

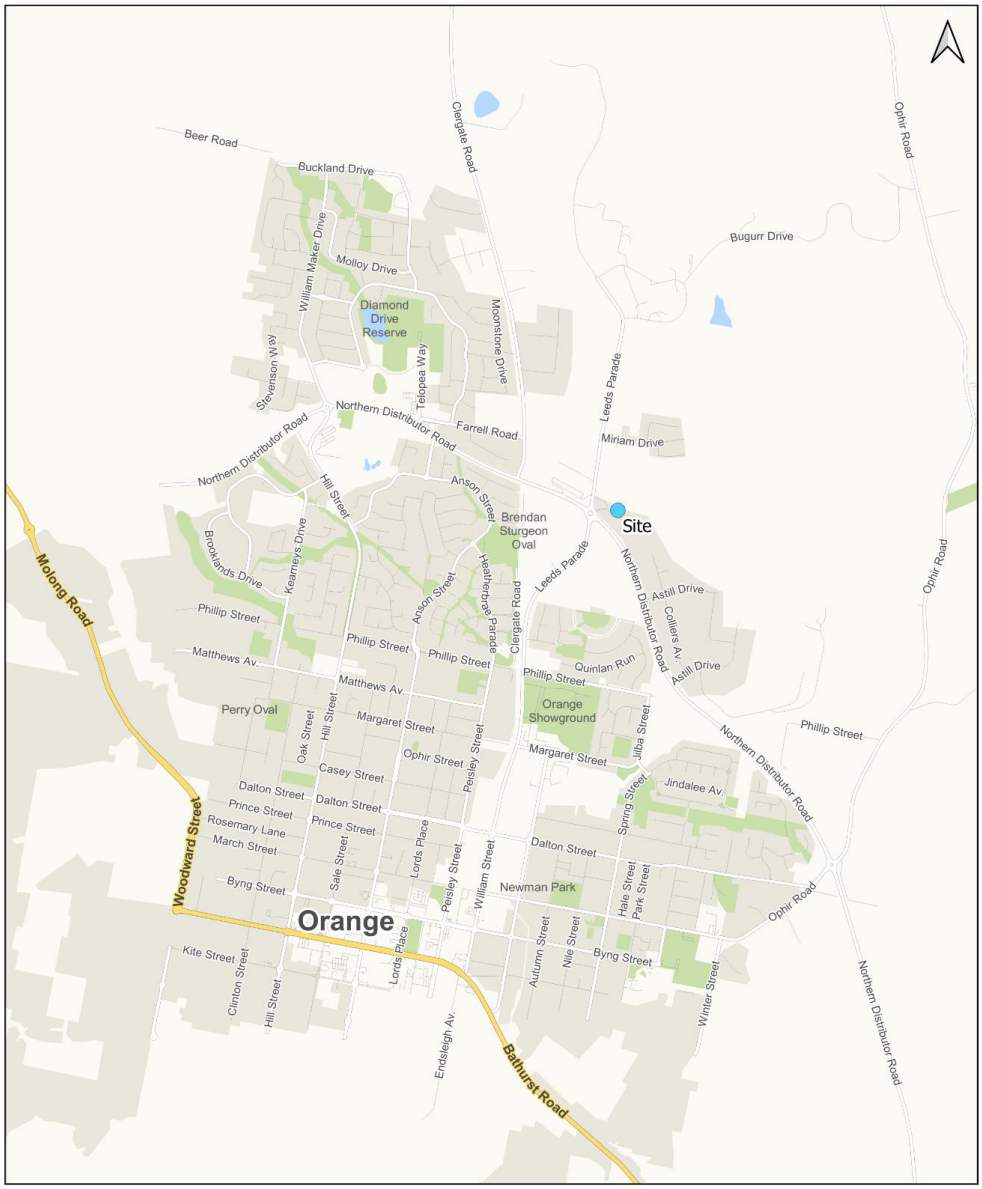
A Planning Proposal (hereafter referred to as "the Proposal") is being submitted to Orange City Council (OCC) to amend Schedule 1 of the Orange Local Environmental Plan 2011 (LEP) to permit an Additional Permitted Use for a car wash facility at land described as Lot 87 DP 1167633, known as 2 Hanrahan Place, Orange. The site locality is show in **Figure 1-1**.

SoundIN Pty Ltd (SoundIN) has been engaged to undertake a noise impact assessment of the Proposal.

The following report presents potential operational noise impacts associated with the Proposal at nearby existing and likely future residential receivers.

The assessment has been conducted in general accordance with the Noise Policy for Industry (NPfI).

Figure 1-1 Project Locality



HANRAHAN PLACE CAR WASH

PROJECT LOCALITY

LEGEND

Site

0 0.5 1 1.5 2 km

Note: Locations of features are indicative only and are shown solely to demonstrate features pertinent to this assessment.

SOUNDIN

2 THE PROPOSAL

2.1 Site Location

The site is located on Lot 87 DP 1167633, known as 2 Hanrahan Place, Orange. The site is located north of the Northern Distributor Road and east of Leeds Parade. The site location is shown in **Figure 2-1**.

2.2 Surrounding Land Uses and Sensitive Receivers

Land to the north of the site is zoned for business use (B7), while land to the east and west is zoned for industrial use (IN1). The nearest and most potentially affected residential receivers are two isolated dwellings to the north and south, denoted R1 and R2. Additionally, residential receivers are likely to exist in the future on land zoned for residential use to the north-east and to the south, denoted NCA1 and NCA2. The identified sensitive receivers are shown in **Figure 2-1**.

2.3 Proposal Description

Pursuant to DA 278/2014(1) the site, in conjunction with Lot 85 DP 1167633 on the opposite side of Hanrahan Place, has development consent for neighbourhood shops, take away food and drink premises and restaurant/café.

The Proposal seeks to amend Schedule 1 of the Orange LEP to permit an Additional Permitted Use (APU) for a car wash facility on the site. The car wash facility would include:

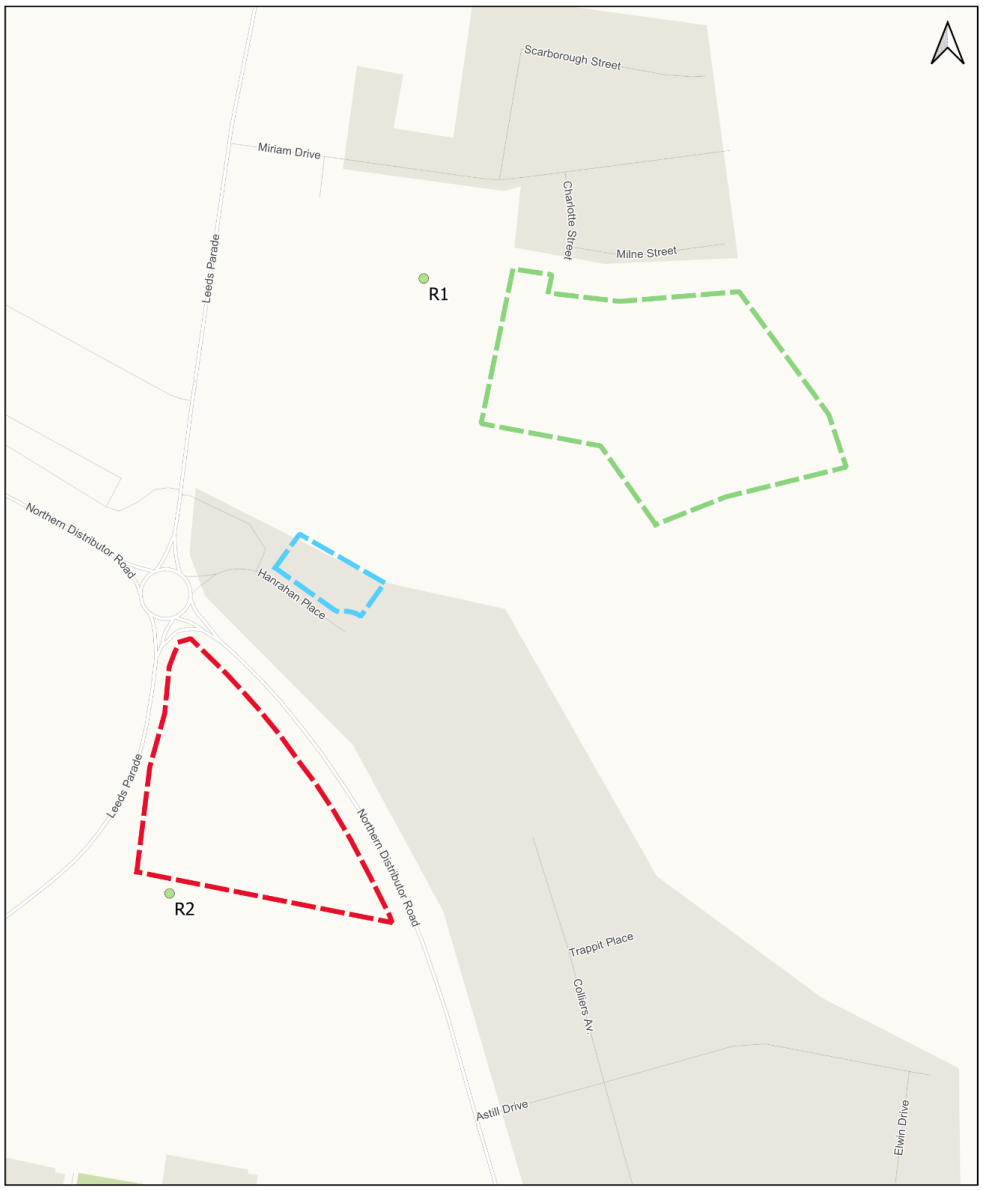
- 4 car wash bays (2 automatic and 2 manual).
- 4 vehicle vacuum bays.
- Double dog wash bay.

The proposed site layout is shown in **Figure 2-2**.

The car wash facilities would operate between the hours of 7am to 10pm.

In effect, the Proposal will retain the liquor outlet, remove the neighbourhood shops, and introduce a car wash facility within the subject land. In conjunction with the existing and approved developments within the Hanrahan Place precinct, the proposed APU will form a service/convenience precinct that will benefit travellers on the Northern Distributor Road as well as for the residents of the North Orange Urban Release Area, Narrambla industrial estate and Charles Sturt University.

Figure 2-1 Project Site and Sensitive Receivers



HANRAHAN PLACE CAR WASH

PROJECT SITE AND SENSITIVE RECEIVERS

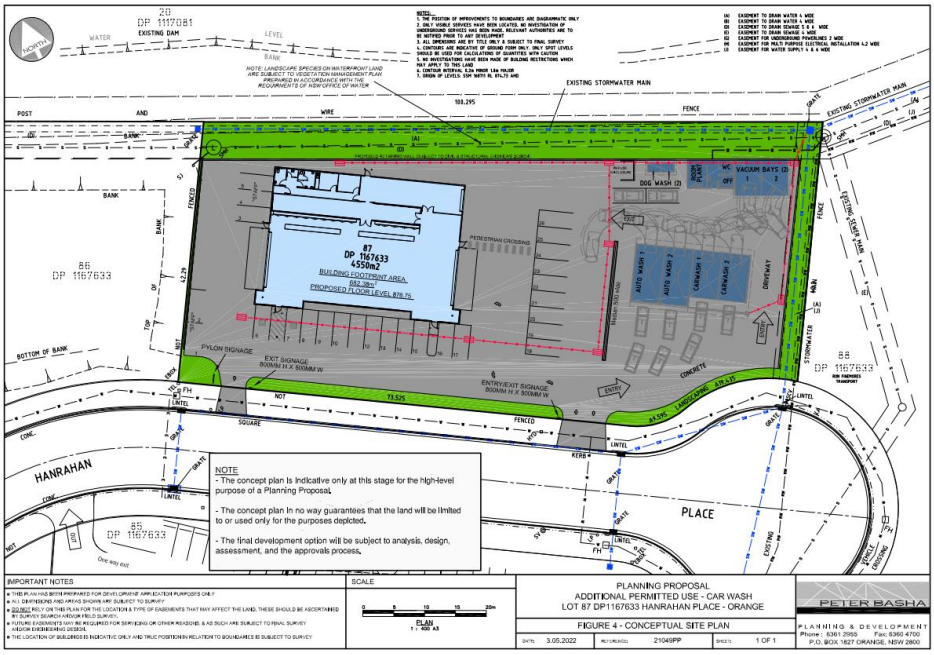
LEGEND
Site
NCA2
NCA1
Receivers

0 100 200 300 m

Note: Locations of features are indicative only and are shown solely to demonstrate features pertinent to this assessment.

SOUNDIN

Figure 2-2 Proposed Site Layout



3 EXISTING NOISE ENVIRONMENT

Background noise levels in the area surrounding the Proposal were presented in the original noise assessment for the Hanrahan Place precinct (DA 278/2014(1)) and have been adopted for this assessment. This approach is considered conservative since background noise levels tend to increase over time, leading to less stringent noise criteria. The existing background noise levels are presented in **Table 3-1**.

Table 3-1 Rating Background Levels (RBL)

Represented receivers	Rating background level (dBA)		
	Day (7am – 6pm)	Evening (6pm – 10pm)	Night (10pm – 7am)
All nearby residences	41	39	33

4 NOISE CRITERIA

4.1 Operational Noise Trigger Levels

The *Noise Policy for Industry* (NPfI) (EPA, 2017) provides a framework for assessing environmental noise impacts from industrial premises and industrial development proposals in New South Wales.

The NPfI recommends the development of project noise trigger levels, which provide a benchmark for assessing a proposal or site. The project noise trigger levels should not be interpreted as mandatory noise criteria but, rather, as noise levels that, if exceeded, would indicate a potential noise impact on the community.

The project noise trigger level is the lower value of the project intrusiveness noise level and the project amenity noise level. The project intrusiveness noise level assesses the likelihood of noise being intrusive above the ambient noise level and is applied to residential receivers only. The project amenity noise level ensures the total industrial noise from all sources in the area does not rise above a maximum acceptable level.

The NPfI stipulates that project noise trigger levels are determined for the daytime (7am – 6pm), evening (6pm – 10pm) and night time (10pm – 7am) periods, as relevant. The determined trigger levels typically apply at the most affected point on or within the receiver property boundary.

4.1.1 Project Intrusiveness Noise Level

The intrusiveness noise level is the noise level 5 dBA above the background noise level for each time period (daytime, evening or night time) of interest at a residential receiver. The background noise level is derived from the measured L_{A90} noise levels.

The NPfI stipulates that project intrusiveness noise levels should not be set below 40 dBA during the daytime and 35 dBA in the evening and night time. Additionally, the NPfI recommends that the project intrusiveness noise level for evening is set at no greater than that for the daytime, and that the project intrusiveness level for night time is set at no greater than that for the evening and daytime.

Intrusiveness noise levels for the project, based on the RBLs presented in Section 3 are summarised in **Table 4-1**.

Table 4-1 Project Intrusiveness Noise Levels

Receiver	Time of day [1]	RBL (dBA)	Project intrusiveness noise level – $L_{Aeq,15min}$ (dBA)
All nearby residences	Day	41	46
	Evening	39	44
	Night	33	38

1. Day – 7am – 6pm; Evening = 6pm – 10pm; Night = 10pm – 7am.

4.1.2 Project Amenity Noise Levels

Project amenity noise levels aim to set a limit on continuing increases in noise levels from all industrial noise sources affecting a variety of receiver types; that is, the ambient noise level in an area from all industrial noise sources remains below recommended amenity noise levels.

The amenity assessment is based on noise criteria specific to land use and associated activities. The criteria relate only to industrial-type noise and do not include transportation noise (when on public transport corridors), noise from motor sport, construction noise, community noise, blasting, shooting ranges, occupational workplace noise, wind farms, amplified music/patron noise.

The amenity noise level aims to limit continuing increases in noise levels which may occur if the intrusiveness level alone is applied to successive development within an area.

The recommended amenity noise level represents the objective for total industrial noise at a receiver location. The project amenity noise level represents the objective for noise from a single industrial development at a receiver location.

To prevent increases in industrial noise due to the cumulative effect of several developments, the project amenity noise level for each new source of industrial noise is set at 5dBA below the recommended amenity noise level.

The following exceptions apply to determining the project amenity noise level:

- For high-traffic areas the amenity criterion for industrial noise becomes the $L_{Aeq,period(traffic)}$ minus 15dBA.
- In proposed developments in major industrial clusters.
- If the resulting project amenity noise level is at least 10dB lower than the existing industrial noise level, the project amenity noise level can be set at 10dB below existing industrial noise levels if it can be demonstrated that existing industrial noise levels are unlikely to reduce over time.
- Where cumulative industrial noise is not a consideration because no other industries are present in, or likely to be introduced into the area, the relevant amenity noise level is assigned as the project amenity noise level for the development.

Amenity noise levels are not used directly as regulatory limits. They are used in combination with the project intrusiveness noise level to assess the potential impact of noise, assess mitigation options and determine achievable noise requirements.

The project amenity noise levels are calculated from the recommended amenity noise levels presented in **Table 4-2**.

Table 4-2 Recommended Amenity Noise Levels

Receiver	Noise amenity area	Time of day [1]	Recommended amenity noise level – $L_{Aeq,period}$ (dBA)
Residential	Rural	Day	50
		Evening	45
		Night	40
	Urban	Day	55
		Evening	45
		Night	40
	Suburban	Day	60
		Evening	50
		Night	45
Hotels, motels, caretakers' quarters, holiday accommodation, permanent resident caravan parks	See column 4	See column 4	5dBA above the recommended amenity noise level for a residence for the relevant noise amenity area and time of day.
School classroom-internal	All	Noisiest 1-hour period when in use	35
Hospital ward:			
internal	All	Noisiest 1-hour	35
external	All	Noisiest 1-hour	50
Place of worship-internal	All	When in use	40
Area specifically reserved for passive recreation (e.g.	All	When in use	50

Receiver	Noise amenity area	Time of day [1]	Recommended amenity noise level – $L_{Aeq,period}$ (dBA)
national park)			
Active recreation area (e.g. school playground, golf course)	All	When in use	55
Commercial premises	All	When in use	65
Industrial premises	All	When in use	65
Industrial interface (applicable only to residential noise amenity areas)	All	All	Add 5dBA to recommended noise amenity area

1. Day – 7am – 6pm; Evening = 6pm – 10pm; Night = 10pm – 7am.

Recommended amenity noise levels presented in Table 4-2 represent the objective for total industrial noise at a receiver location. In the case of a single new noise source being proposed, the project amenity noise level represents the objective for noise from a single industrial development at the receiver location. This is typically calculated as the recommended amenity noise level minus 5dBA.

Due to different averaging periods for the $L_{Aeq,15min}$ and $L_{Aeq,period}$ noise descriptors, the values of project intrusiveness and amenity noise levels cannot be compared directly when identifying noise trigger levels i.e. the most stringent values of each category. To make a comparison between descriptors, the NPfI assumes that the $L_{Aeq,15min}$ equivalent of an $L_{Aeq,period}$ noise level is equal to the $L_{Aeq,period}$ level plus 3dB.

Residential receivers near the Site are classified as being in a "suburban" noise amenity area. The project amenity noise levels for the Proposal are presented in **Table 4-3**.

Table 4-3 Project Amenity Noise Levels

Receiver	Time of day [1]	Recommended amenity noise level – $L_{Aeq,period}$ (dBA)	Project amenity noise level – $L_{Aeq,15min}$ (dBA)
Residential	Day	55	53
	Evening	45	43
	Night	40	38

1. Day – 7am – 6pm; Evening = 6pm – 10pm; Night = 10pm – 7am.

4.1.3 Project Noise Trigger Levels

Table 4-4 presents the project noise levels for sensitive receivers, with the project noise trigger levels shown in bold.

Table 4-4 Project noise trigger levels

Receiver	Time of day [1]	Project intrusiveness noise level – $L_{Aeq,15min}$ (dBA)	Project amenity noise level – $L_{Aeq,15min}$ (dBA)
Residential	Day	**46**	53
	Evening	44	**43**
	Night	**38**	**38**

1. Day – 7am – 6pm; Evening = 6pm – 10pm; Night = 10pm – 7am.

5 OPERATIONAL NOISE ASSESSMENT

5.1 Noise modelling methodology and assumptions

Operational noise emissions from the Proposal have been modelled using SoundPLAN v8.2. The selected noise calculation method is International Standard ISO 9613-2:1996 *Acoustics – Attenuation of sound during propagation outdoors – Part 2: General Method of Calculation* (ISO 9613-2).

Factors accounted for by ISO 9613-2 are:

- Noise source sound power and locations
- Shielding from ground topography and structures
- Noise attenuation due to geometric spreading
- Ground absorption
- Atmospheric absorption.

ISO 9613-2 is a "downwind" model, which conservatively assumes that each receiver is downwind from all noise sources.

It has been assumed that, in the event of residential dwellings being constructed in NCA2, a 1.8 metre high solid fence would be erected along the north-eastern boundary of NCA2.

5.2 Operational Noise Sources

The various car wash facilities are the dominant sources of operational noise emissions associated with the Proposal. During the operation of the car wash, noise emissions from vehicles would be small compared to the car wash facilities.

Final selection of plant and equipment for the car wash has not been conducted. For assessment purposes, typical sound power levels for the proposed equipment have been adopted based on SoundIN's experience with such equipment. Equipment and continuous sound power levels adopted for this assessment are presented in **Table 5-1**. For assessment purposes, it is assumed that all equipment identified in **Table 5-2** is operating continuously. This is a conservative assumption.

Table 5-1 Operational Noise Sources and Sound Power Levels

Noise Source	Quantity	Sound Power Level per Item(dBA)
Automatic car wash	2	99
Manual car wash	2	91
Vacuum	2	75
Dog wash	2	83

5.3 Assessment of impacts

The predicted $L_{Aeq,15min}$ noise levels at sensitive receivers associated with the operation of the Proposal are presented in **Table 5-2** and assessed against the project noise trigger level for the evening assessment period, which is the most stringent trigger level for the operating hours of the Proposal.

Table 5-2 Predicted $L_{Aeq,15min}$ Noise Levels

Receiver	Predicted noise level (dBA)	Project noise trigger level (dBA)	Complies?
R1	39	43	Yes
R2	38	43	Yes
NCA1	42	43	Yes
NCA2	42	43	Yes

Review of **Table 5-2** indicates that the predicted noise levels comply with the project noise trigger level at all receivers.

6 CONCLUSION

A Planning Proposal is being submitted to Orange City Council (OCC) to amend Schedule 1 of the Orange Local Environmental Plan 2011 (LEP) to permit an Additional Permitted Use for a car wash facility at land described as Lot 87 DP 1167633, known as 2 Hanrahan Place, Orange.

SoundIN has conducted a noise impact assessment for the Proposal in general accordance with the Noise Policy for Industry (NPfI).

Background noise levels measured at locations representative of sensitive receivers for a previous noise study in the area have been used as the basis for establishing project noise trigger levels for the Proposal.

A computer noise model has been used to predict operational noise levels at existing and potential future sensitive receivers based on typical sound power levels for the plant and equipment anticipated to be installed at the car wash facility.

The predicted noise levels comply with the project noise trigger levels at all existing and potential future sensitive receivers.

TERRAFFIC PTY LTD

PLANNING PROPOSAL FOR A
PROPOSED CAR WASH DEVELOPMENT

LOT 87 DP 1167633

2 HANRAHAN PLACE, ORANGE

Traffic and Parking Assessment Report

2nd May 2022

Ref: 14073

Prepared by

Terraffic Pty Ltd
Traffic and Parking Consultants

Terraffic Pty Ltd ABN 83 078 415 871
PO Box 563, Sylvania Southgate NSW 2224 – Tel : 0411 129 346
Email: Web: www.terraffic.com.au

TERRAFFIC PTY LTD

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TERRAFFIC PTY LTD

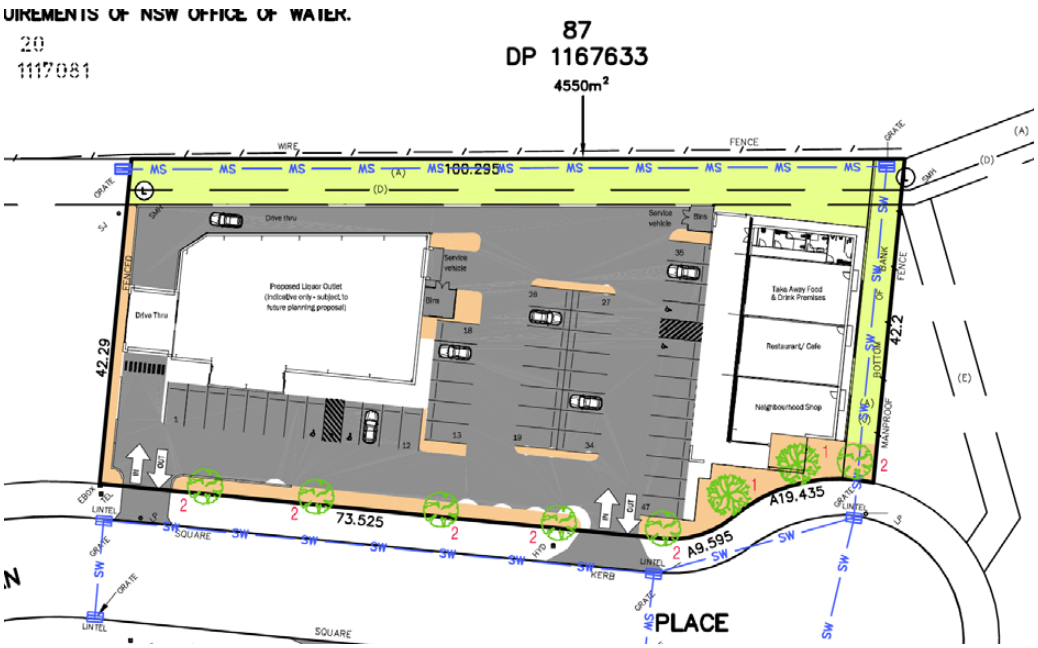
1. INTRODUCTION

This report has been prepared to accompany Planning Proposal to Orange City Council that seeks to amend Schedule 1of the LEP to permit an Additional Permitted Use (APU) for a car wash facility (business premises) at 2 Hanrahan Place, Orange (Figures 1 and 2).

The development site is located at the north-eastern end of Hanrahan Place. The site has an area of 4,550m^2 and 102.6m frontage to Hanrahan Place. The site is currently vacant.

Existing Site Approval

In September 2014, Council granted development consent (DA278/2014(1)) for neighbourhood shops, take away food and drink premises and restaurant or café. In addition to the subject site, DA278/2014(1) also relates to the land opposite known as 5 Hanrahan Place.

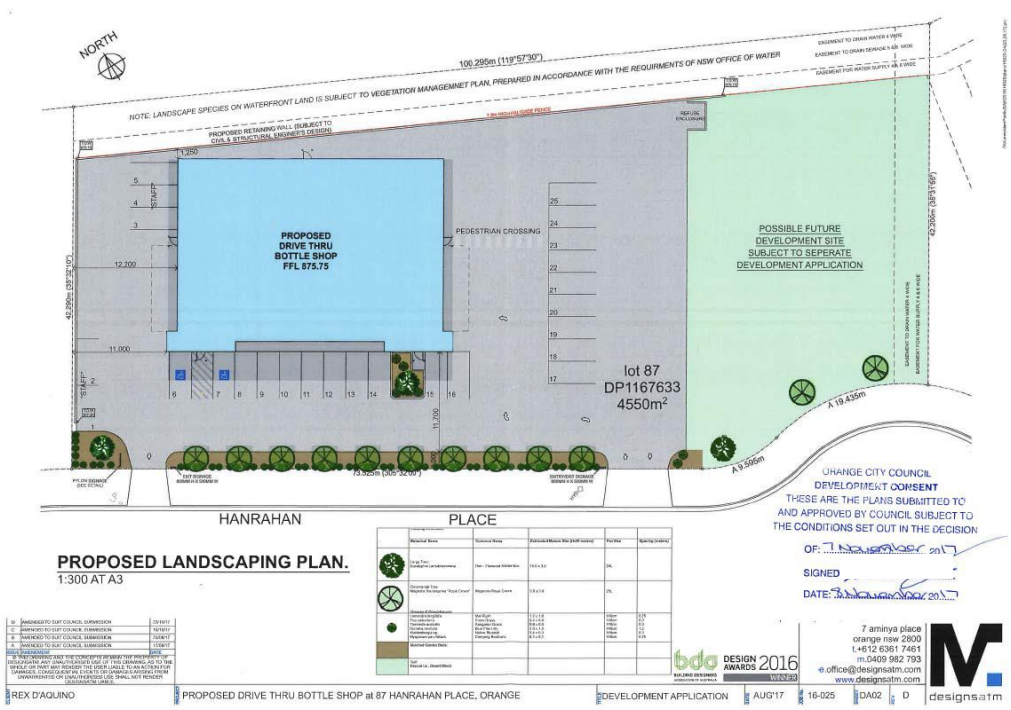


Extract of 2014 approval showing the neighbourhood shops at the eastern end of the site

In November 2017, Council granted development consent to DA289/2017(1) for a retail premises (shop), (drive-through liquor shop) and Business Identification Signage at the western end of the subject site (2 Hanrahan Place). In granting this consent, Council imposed a condition requiring the surrender of the original consent (DA278/2014(1)).

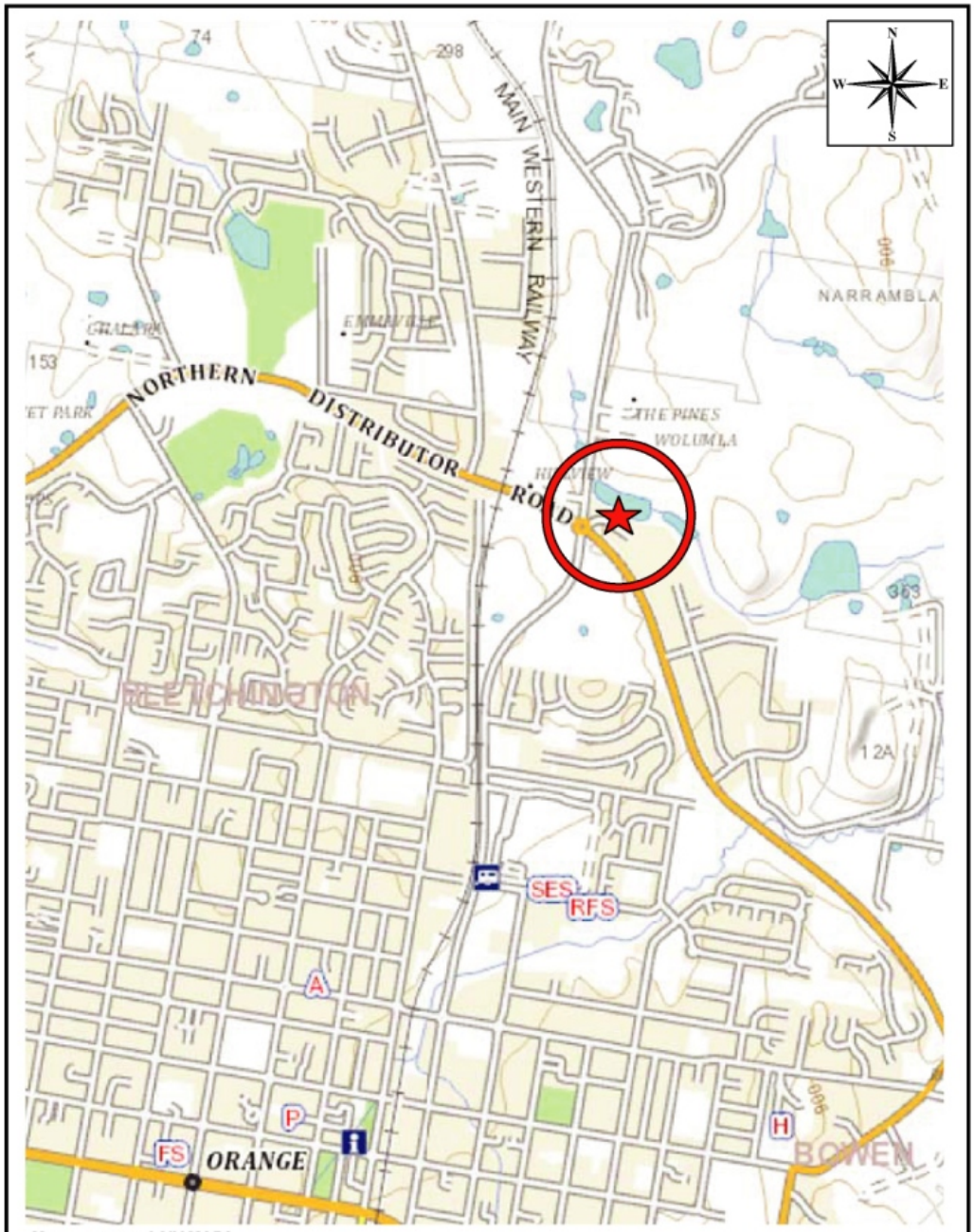
The surrender of DA 278/2014(1) had the effect of removing the commercial building that was approved at the eastern end of the subject site. This commercial building comprised of a take away food and drink premises, a restaurant or café, and a neighbourhood shop with a combined total floor area of 338.53m^2.

As such, the subject site only has an approval for a retail Premises (shop), (drive-through liquor shop) and Business Identification Signage.



Approved Site Plan under DA289/2017(1)

TERRAFFIC PTY LTD

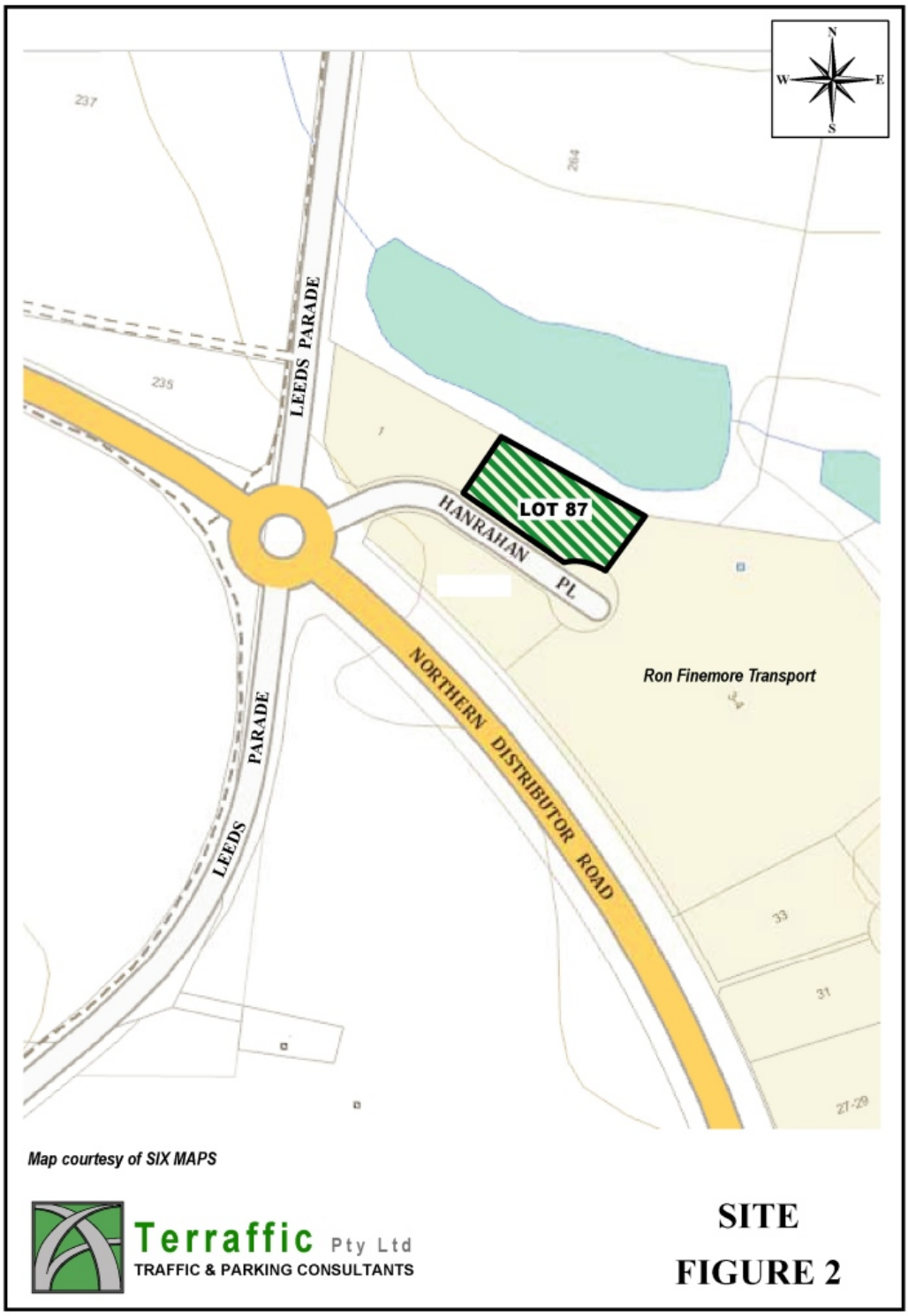


Map courtesy of SIX MAPS

Terraffic Pty Ltd
TRAFFIC & PARKING CONSULTANTS

LOCATION
FIGURE 1

3

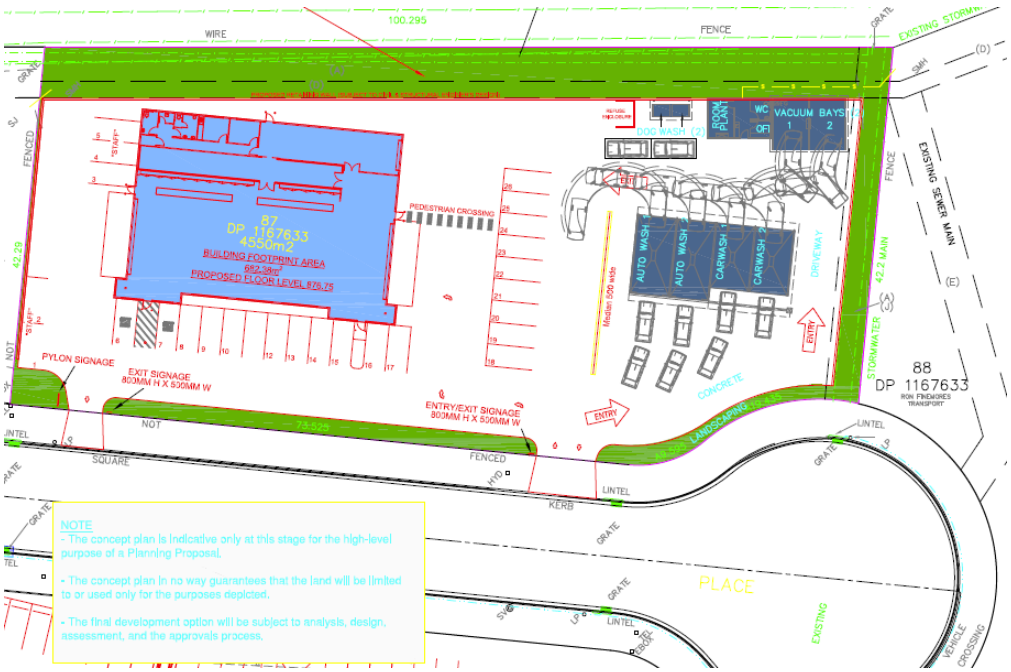

N
W
E
S
237
264
235
LEEDS PARADE
LOT 87
HANRAHAN PL
NORTHERN DISTRIBUTOR ROAD
Ron Finemore Transport
LEEDS PARADE
33
31
27-29
Map courtesy of SIX MAPS
Terraffic Pty Ltd
TRAFFIC & PARKING CONSULTANTS
SITE
FIGURE 2

Subject Planning Proposal

This Planning Proposal will retain the retail premises (shop and drive-thru liquor shop) and replace the formerly approved neighbourhood shops with a car wash facility. The facility will include the following:

- 2 x auto car wash bays
- 2 x manual car wash bays
- 2 x vacuum bays
- 2 x dog wash bays with 2 adjacent parking spaces
- Plant room and toilet

Vehicular access to the car wash facility will be off Hanrahan Place via the approved 7.0m wide combined entry/exit driveway located towards the cul-de-sac on Hanrahan Place. As can be seen below, vehicles accessing the vacuums or dog wash area are able to circulate around the car washing area. A 500mm wide median island within the site will separate traffic between the car wash facility and adjoining liquor store carpark.



Plan of proposed car wash facility

Operating Characteristics of Regional Car Wash Facilities

The applicant for the proposed car wash facility has not engaged a specific company at this stage to supply and manage the equipment. To that end, the operating characteristics of the subject development can only be based on similar facilities located in regional New South Wales.

In 2012, Terraffic was engaged by Carwash World Pty Ltd to prepare a Traffic Report for a proposed car wash facility in Moruya. At that time, Carwash World Pty Ltd had similar facilities in Wagga Wagga, Ulladulla, Clarendon and Griffith. The facility in Moruya was to contain 1 automatic car wash bay, 3 manual car wash bays, 4 vacuum bays and a dog washing facility.

Based on data collected from their existing facilities, customer traffic is generally spread evenly throughout the day on weekdays however there are weekend peaks between 10.00-11.00am and 2.00-3.00pm with the following flows:

Automatic car wash bays	2 vehicles per hour during weekdays 5 vehicles per hour during weekend peaks
Manual car wash bays	1 vehicle per hour during weekdays 3 vehicles per hour during weekend peaks

The maximum capacities of the automatic and manual car wash bays are as follows:

Automatic car wash bay	12 vehicles per hour (5 minutes per vehicle)
Manual car wash bay	4 vehicles per hour (15 minutes per vehicle)

Carwash World also indicated that only 20% of customers utilise the vacuums while only 5 cars per day typically visit their dog wash facilities.

The purpose of this report is to assess the traffic and parking implications of the development proposal.

2. PARKING ASSESSMENT

As to be expected, a car parking requirement for the car wash facility is not stated in Council's Development Control Plan. With the exception of customers using the dog wash facilities, vehicles will not be parking on the site. Customers will instead be queuing (or waiting) to access one of the four proposed car wash bays.

In the event that customer demand exceeds the capacity of the car wash system, any surge in customer traffic should be accommodated on site to ensure that customer vehicles do not queue onto Hanrahan Place. To that end, the proposed facility will provide space for up to 7 waiting cars on the approach to the car wash bays. In addition, 2 parking spaces for vehicles associated with the dog wash facility are also proposed.

By applying conventional queuing theory to estimated mean arrival rates and mean service rates during peak periods, the likely queues that will be generated by the proposed car wash can be calculated. Clause 3.5 of the Australian Standard AS/NZS2890.1:2004 notes that storage areas shall be designed to accommodate the 98th percentile queue.

Vehicle queuing analysis for the proposed car wash facility

As noted in the foregoing, the car wash facility comprises 2 automatic car wash bays and 2 manual wash bays. The maximum capacities of the automatic and manual car wash bays are as follows:

Automatic car wash bay	12 vehicles per hour (5 minutes per vehicle)
Manual car wash bay	4 vehicles per hour (15 minutes per vehicle)

The maximum capacity of the proposed facility will therefore be 32 vehicles per hour comprising 24 vehicles through the 2 automatic cleaners and 8 vehicles through the 2 manual cleaners.

Based on the information provided by Carwash World in Chapter 1 of this report, the projected traffic generating potential of the car wash facility will be as follows:

	Weekday Peak Periods			Weekend Peak Periods		
Time period	Auto Wash (2 bays)	Self Serve Wash (2 bays)	Total	Auto Wash (2 bays)	Self Serve Wash (2 bays)	Total
8am-9am	2	2	4	2	2	4
9am-10am	2	2	4	6	4	10
10am-11am	4	2	6	10	6	16
11am-Midday	4	2	6	8	5	13
Midday-1pm	4	2	6	6	4	10
1pm-2pm	4	2	6	8	5	13
2pm-3pm	4	2	6	10	6	16
3pm-4pm	4	2	6	6	4	10
4pm-5pm	2	2	4	2	2	4
5pm-6pm	2	2	4	2	2	4
Daily Total	**32**	**20**	**52**	**60**	**40**	**100**

As can be seen, the car wash facility will generate approximately 4 vehicles per hour during the weekday morning and evening peak periods. The peak operating times on the weekend is generally between 10am-11am and 2pm-3pm where 16 vehicles attend the site.

By applying this data to conventional queuing theory, it can be determined that the 98th percentile queue will be 5 vehicles calculated as follows:

1. Peak period ***Arrival Rate (r)*** will be 16 vehicles per hour

2. ***Service Rate (s)*** refers to the capacity of the queuing system and is 32 vehicles per hour

3. The ***Utilisation Factor (p)*** is similar to Degree of Saturation and is calculated as follows:

   Utilisation factor (p) = r / s
   (p) = 16 / 32 = 0.50

4. The expected (mean) number of vehicles in the queue will be 1 car calculated as follows:

   E(n) = r / (s – r)
   E(n) = 16 / (32-16)
   E(n) = 16 / 16 = 1.0 vehicle in the queue

5. The probability that the queue will extend further than 5 vehicles can be calculated as follows:

   $P(n>5) = p^{1+5}$
   $P(n>7) = 0.50^6 = 0.0156$
   There will be a 1.5% chance of there being more than 5 vehicles in the queue

As noted above, the proposed facility will provide storage for up to 7 cars waiting to enter the car wash facility. Based on the above queuing analysis, the ability to store 7 vehicles on-site will ensure that the 98th percentile queue will not extend onto Hanrahan Place or obstruct access to the dog wash facility or vacuum bays. The queuing provision therefore satisfies Clause 3.5 of the Australian Standard AS/NZS2890.1:2004.

Vacuum Bay Usage

As noted in the foregoing, data collated by Carwash World indicates that only 1 in 5 (20%) of customers vacuum their vehicle after washing. Based on a peak weekend flow of 16 vehicles per hour, it is anticipated that only 3 of those vehicles will utilise the vacuum bays. As noted in the foregoing, the proposal will incorporate 2 vacuum bays which will comfortably accommodate its likely demand and will not create any on-site queuing implications.

Parking requirement for dog wash facility

Carwash World indicated that dog wash facilities only generate in the order of 5 vehicles per day. This equates to approximately one vehicle every 2 hours. As noted in the foregoing, 2 parking spaces are provided adjacent to the 2 dog wash bays. These bays will comfortably accommodate the likely parking demand of users.

In the circumstances, it can be concluded that the proposed development has no unacceptable parking or queuing implications.

3. TRAFFIC ASSESSMENT

Projected Traffic Generation Potential

As noted in Chapter 2 of this assessment, the car wash facility will generate approximately 4 vehicles during the weekday morning and evening peak periods and 16 vehicles during the weekend peaks. To that end, the proposed development will generate 8vtph (4 in / 4 out) during weekday peak periods and 32vtph (16 in /16 out) during the weekend peaks.

The traffic generation of the proposed car wash facility should be discounted by the 338.53m^2 neighbourhood shop complex that was formerly approved on the site. Section 3.11 of the RMS publication *"Guide to Traffic Generating Developments"* (October 2002) specifies the following traffic generating rates that can apply to specialty retail:

Friday Evening Peak Periods	5.6vtph per 100m^2
Saturday Midday Peak Periods	10.7vtph per 100m^2

Application of the abovementioned RMS traffic generating rates to the former shopping complex yields the following:

Friday Afternoon Peak Period

338.56m^2 @ 5.6vtph per 100m^2	19vtph

Saturday Midday Peak Period

338.56m^2 @ 10.7vtph per 100m^2	36vtph

Based on this analysis, there will be a net reduction in traffic generated by the site as follows:

Friday Afternoon Peak Period

Approved Retail Shops	19vtph
Proposed Car Wash Facility	8vtph
Reduction in traffic generation	*11vtph*

Saturday Midday Peak Period	
Approved Retail Shops	36vtph
Proposed Car Wash Facility	32vtph
Reduction in traffic generation	*4vtph*

In circumstances where a proposed development generates less traffic than a formerly approved development, it can be concluded that the proposal has no unacceptable traffic implications.

2.4 DEVELOPMENT APPLICATION DA 80/2023(1) - 2 TROOPER PLACE, CLIFTON GROVE

RECORD NUMBER: 2023/588
AUTHOR: Lucy McDermott, Town Planner

EXECUTIVE SUMMARY

Application lodged	14 March 2023
Applicant/s	Mrs KL Nevins
Owner/s	Mr RA and Mrs KL Nevins
Land description	Lot 165 DP 251390 - 2 Trooper Place, Clifton Grove
Proposed land use	Secondary Dwelling
Value of proposed development	$80,000

Council's consent is sought for a Secondary Dwelling at 2 Trooper Place, Clifton Grove - Lot 165 DP 251390.

The subject site is located within the R5 Large Lot Residential zone. The proposed development is defined as a secondary dwelling and is not permitted in this zone under the OLEP 2011 but is permissible under the SEPP (Housing) 2021. This application is seeking consent under the SEPP (Housing) 2021. The secondary dwelling has a GFA of 89m^2 and as such the applicant has requested a variation to the minimum area development standard of 60m^2 contained with the SEPP (Housing) 2021 for secondary dwellings. An assessment of this variation has been included in the body of this report and concludes that the proposed variation is reasonable in the context of the locality with consideration of the conflicting development restrictions across the various residential zones within Orange City Council area.

The proposed development is advertised development pursuant to Council's Community Participation Plan 2019 and Schedule 1 of the Environmental Planning and Assessment Act 1979. At the completion of the exhibition period, no submissions were received.

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 land use. 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 COMMENTS

The major issue in the assessment of this application relates to the need for a Section 4.6 variation to a development standard that will permit the secondary dwelling to be larger than 60m^2. The secondary dwelling proposed is still modest in comparison to the existing main house. We have a history of accepting these variations in Clifton Grove. It's a good use of the land and doesn't significantly change the character of the area. The only reason the variation is required is due to a technical conflict with State Legislation. At some stage in the future, we will include an amendment to the LEP that permits secondary dwellings in the R5 zone (Clifton Grove) to stop the need for these variations.

Whilst the existing block is well surrounded by trees that will ensure that the new cottage would not be seen by the neighbours, a condition of consent is included to push the house 10m away from the neighbours boundary (rather than the proposed 5m setback) to ensure the character of Clifton Grove doesn't change, by having houses too close to their boundaries/neighbours. All other matters are standard and compliant for this proposal.

It is recommended that Council supports the proposed development 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

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council consents to development application DA 80/2023(1) for *Secondary Dwelling* at Lot 165 DP 251390 - 2 Trooper Place, Clifton Grove 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

The proposal involves the construction of a secondary dwelling to the east of the primary residence. The secondary dwelling will comprise two bedrooms, an open plan living space, an upper level storage loft, and a front and rear verandah. The dwelling will have gross floor area of 89m^2, excluding the upper loft storage space and verandahs. The secondary dwelling incorporates a cottage design, to be constructed on weatherboard cladding and Colorbond roofing. The colours selected are "Paper Bark" for the exterior walls, and "Woodland Grey" for the roofing, verandah posts, and trims.

Due to the size, the applicant has requested a variation to the maximum floor area development standard of 60m² contained with the State Environmental Planning Policy (Housing) 2021 for secondary dwellings. The applicant has requested a variation of 48.3%.

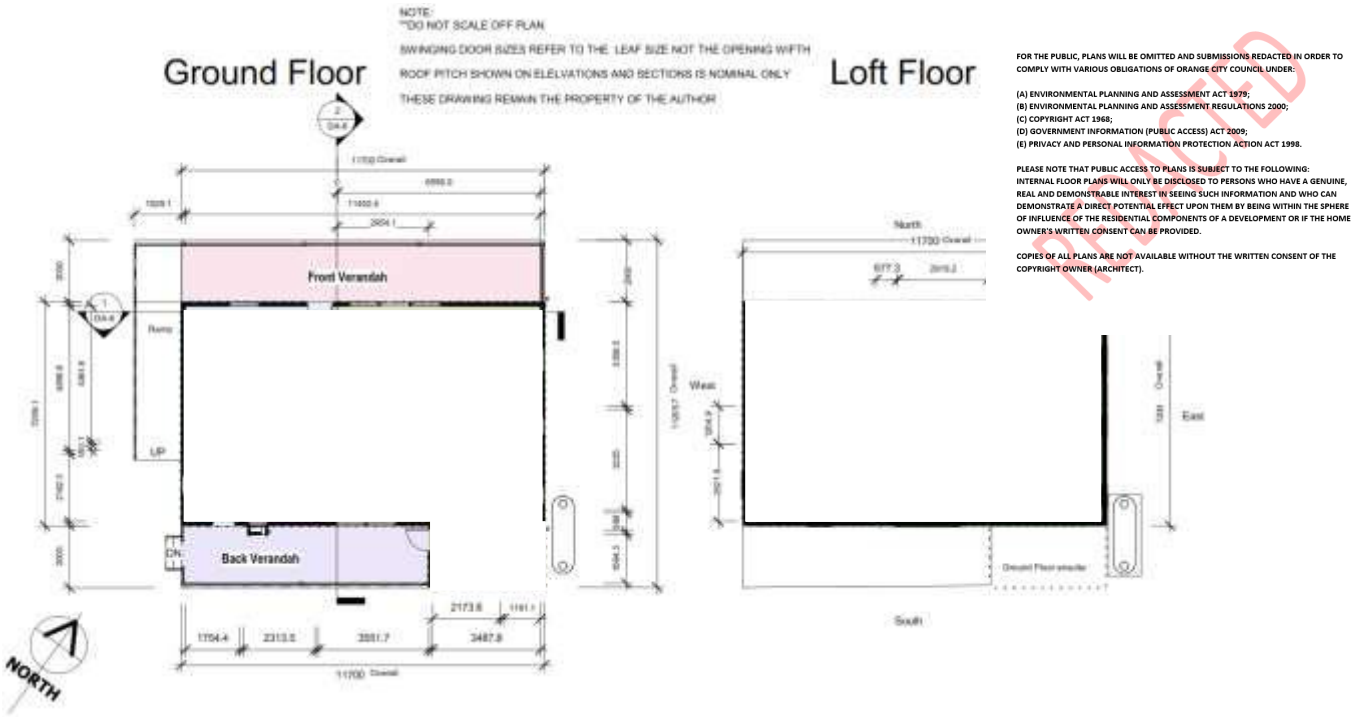


Figure 2 - proposed floor plan

Figure 3 - perspective drawing

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:

(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,

(d) to manage rural land as an environmental resource that provides economic and social benefits for Orange,

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

(f) to recognise and manage valued environmental heritage, landscape and scenic features of Orange.

The application is considered to be consistent with relevant 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:	Land zoned R5 Large Lot Residential
Lot Size Map:	Minimum Lot Size 2Ha
Heritage Map:	Not a heritage item or conservation area
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
Terrestrial Biodiversity Map:	No biodiversity sensitivity on the site
Groundwater Vulnerability Map:	Groundwater vulnerable
Drinking Water Catchment Map:	Not within the drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Flood Planning Map:	Not within a flood planning area

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

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

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

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

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

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

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

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

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

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

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

Part 2 - Permitted or Prohibited Development

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

The subject site is located within the R5 Large Lot Residential zone. The proposed development is defined as a secondary dwelling and is not permitted in this zone under the OLEP 2011 but is permissible under the SEPP (Housing) 2021. This application is seeking consent under the SEPP (Housing) 2021.

Clause 2.3 of LEP 2011 references the Land Use Table and Objectives for each zone in LEP 2011. These objectives for land zoned R5 Large Lot Residential are as follows:

1 - Objectives of the R5 Large Lot Residential Zone

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for student housing in close proximity to the Charles Sturt University.*
- *To ensure development is ordered in such a way as to maximise public transport patronage, and encourage walking and cycling, in close proximity to settlement.*
- *To ensure development along the Southern Link Road has an alternative access.*

The proposed secondary dwelling is not permissible in the R5 Large Lot Residential zone under the Orange LEP although is permissible under the State Environmental Planning Policy (Housing) 2021. The proposed development is not contrary to the objectives of the zone as outlined in this report.

Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards

Clause 4.6 - Exceptions to Development Standards

This clause is applicable as the proposed secondary dwelling has a floor area that is greater than the maximum size allowed under the State Environmental Planning Policy (Housing) 2021. Clause 52(2) of the SEPP sets out maximum total floor area for secondary dwellings, which relevantly states:

(b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.

The proposed secondary dwelling is situated on land within the R5 Large Lot Residential zone, where secondary dwellings are prohibited under the Orange LEP 2011, although they are permissible under Clause 49 of the Housing SEPP.

Accordingly, this clause identifies that a secondary dwelling is limited to a total floor area of not greater than 60m², which the proposed secondary dwelling of this development exceeds.

The proposed total floor area of the secondary dwelling is 89m², representing a variation of 48.3% of the development standard. This floor area excludes the exterior verandahs as well as the loft storage area which does not have a roof high enough to be considered habitable under the Building Code of Australia.

Clause 4.6 is intended to achieve the following objectives:

(a) provide an appropriate degree of flexibility in applying certain development standards

(b) achieve better outcomes for and from development by allowing flexibility in particular circumstances.

At its core, a Clause 4.6 variation may be supported where it can be shown that the objectives of the standard are unreasonable and/or unnecessary to apply in this particular case, and where it can be shown that the objectives of both the plan and the clause to be varied are achieved notwithstanding the non-compliance with the numerical value of the standard.

Clause 4.6 may not be used to routinely seek variation to a standard and may not be used in such a way as to render a development contrary to the intent of the standard or the plan that it relates to. Clause 4.6 may also not be used as a de facto rezoning tool, and cannot be used to bypass permissibility issues that a particular proposal may have.

There are set procedures outlined in guidelines published by the NSW Department of Planning encapsulated in a circular published in 2008, and quite strongly supported and upheld in the Land and Environment Court. For obvious reasons the Department advises all Councils to allow variations only where exceptional circumstances exist and where certain other criteria can be shown to be achieved.

The Clause 4.6 variation submitted with the application generally achieves those outcomes and the procedures outlined in the Department's circulars; and the principals established by the Courts. The main basis for justification advanced in the submission is addressed below.

The permissibility of secondary dwellings in the R5 Large Lot Residential zone was excluded from the Orange LEP on Departmental advice that such development was already permitted under the provisions of SEPP (Affordable Rental Housing) 2009, which has subsequently been replaced by SEPP (Housing) 2021. Although under the provisions of the SEPP, there are limitations on the floor area allowed for secondary dwellings (Clause 52(2)) (max 60m² GFA) whereas in the LEP, secondary dwellings are permissible if they have a total floor area that does not exceed 50% of the floor area of the principal dwelling.

With this in mind, several secondary dwellings have been approved in Clifton Grove with a floor area greater than 60m^2. The application has requested given that the proposed secondary dwelling is compliant with other legislative requirements of the DCP and LEP, and Councils previous approach to secondary dwellings in the R5 Large Lot Residential zone, that Council vary the restriction in this instance.

If we consider the proposal in terms of the 50% restriction of the LEP which is applicable to the other permissible zones, it is considered that the proposed 89m^2 secondary dwelling is well below 50% of the primary dwelling. From aerial imagery, the existing primary dwelling is around 430m^2, which would include a double garage (estimated to be 30-40m^2). On this basis, a secondary dwelling in another permissible zone would allow a floor area of up to approx. 200m^2, which is well above the proposed floor area.

The secondary dwelling development is proposed on a large rural residential parcel (1.7ha) and will not result in an excessive site coverage as it would if it were to be constructed on an urban parcel. The proposed site coverage for the development is considered comparable to that of adjoining rural residential parcels such that the character of Clifton Grove is preserved. The site coverage proposed remains far less than the site coverage typical of secondary dwellings permitted in urban areas, demonstrating that large lot environments have greater capacity to accommodate larger secondary dwellings with the same or lesser impacts compared to urban lots.

As a result, Council may consider including secondary dwellings as permissible in the R5 Large Lot Residential zone with future amendment to the Orange LEP.

Matters to Address in an Application

When applicants lodge development applications and associated requests to vary a development standard, they must give grounds of objection to the development standard. Variation of a development standard may be justified where it is consistent with the objectives that the relevant environmental planning instrument is attempting to achieve.

The application must address:

(i) whether strict compliance with the standard, in the particular case, would be unreasonable or unnecessary and why,

and

(ii) demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard

The applicant has argued that strict compliance with the 60m^2 floor area limit is unreasonable in this instance for the reasons explained below:

- The proposed secondary dwelling satisfies the relevant Planning Outcomes for residential development pursuant to Orange DCP 2004 - 7 Residential Development.

- The residential development is considered a reasonable development for the site considering the large lot nature of the area.
- The proposed secondary dwelling does not exceed the LEP's prescribed standard of being less than 50% of the principal dwellings floor area (<200m^2), and therefore would have been approved if it were permissible in the zone under the LEP.

Further, the applicant has provided numerous examples of secondary dwellings in the Clifton Grove area. Whilst Council does not accept the concept of precedents as each application should be assessed on its merits, it is acknowledged that this indicates an emerging character of the area. While some of these examples may have not been approved by Council this is not required to be considered as part of this application.

There are sufficient **environmental planning grounds** cited to support the variation. These are as follows:

- A variation of the development standard is justified in this case because it can be demonstrated that the proposal satisfies the objectives of the R5 Large Lot Residential zone and the objectives of the secondary dwelling standards under the Housing SEPP.
- The secondary dwelling development has a high degree of compliance with the other relevant LEP and DCP provisions.
- The proposed secondary dwelling is considered compatible with the residential land use pattern in this area. A variation of the maximum floor area to allow the proposed secondary dwelling to be excised on a large lot allotment does not diminish this aspect of the development.
- It is demonstrated that non-compliance with the development standard does not generate unacceptable impacts in the locality.

Written applications to vary development standards need to not only address the above matters, but may also address matters set out in the 'five part test' established by the NSW Land and Environment Court. The NSW Department of Planning strongly advises councils to apply the Five Part Test in their assessments of Clause 4.6 matters.

The Five Part Test

The Five Part Test is anchored in Land and Environment Court Planning Principles. The Department of Planning recommends that consent authorities apply the test in their assessment of Clause 4.6 variations.

The five part test embodies the following:

1 *the objectives of the standard are achieved notwithstanding noncompliance with the standard*

2 *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary*

3 *the underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable*

4 *the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*

5 *the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

With regard to Point (1), Section 52 of SEPP(Housing) 2021 does not contain specific objectives, however, the overall principles in Section 3 of the SEPP include:

(c) ensuring new housing development provides residents with a reasonable level of amenity,

(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,

(e) minimising adverse climate and environmental impacts of new housing development,

(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality.

It is considered that the secondary dwelling on a large residential lot in Clifton Grove will provide residents with reasonable amenity, makes use of existing infrastructure and services, does not adversely impact the climate and given the relationship to the overall size of the lot will read as consistent with the character of Clifton Grove.

With regard to Point (2), it is considered that a variation of the maximum total floor area for secondary dwellings is a development standard that may be considered within the ambit and operation of this clause.

Floor area requirements for secondary dwellings are a blunt assessment tool aimed at achieving good design outcomes, whilst at the same time making efficient use of the land at densities likely to achieve a reasonable return for the development; and at the same time ensuring that neighbourhood character and amenity is not excessively compromised.

The variation is considered acceptable in this case due largely to the size of the large residential allotment and the fact that the secondary dwelling would have an allowable floor area if it were permissible in the zone under the LEP. As the proposed development is a secondary dwelling and is situated on a parcel of land that is not typical of an urban area, the variation is considered to be acceptable in this instance as the effect of the proposal on the surrounding development will be minimal.

With regard to Point (3), it is considered that strict compliance with the 60m^2 standard under the SEPP (Housing) 2021 would not necessarily defeat or thwart the underlying objective or purpose of the development standard. However, the proposal is considered to be consistent with the objectives of the development standard.

With regard to Point (4), the development standard cannot be said to be abandoned. However, it is considered that other land holdings within close proximity to the subject site would most likely encounter this issue themselves.

With regard to Point (5), the zoning of the land is reasonable and appropriate for the proposal. It is considered that insistence on full compliance with Clause 52(2) for this site is unreasonable, and unnecessary in this case.

Council may grant consent only if the concurrence of the Director General of the Department of Planning has been obtained 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.

The written request adequately addresses the variation criteria of the clause.

Department Of Planning's Circular

This circular sets out the circumstance and criteria for applying Council's assumed concurrence to the determination of development standards under Clause 4.6. Council has assumed concurrence to assess and process Clause 4.6 variations of this nature. In this case given the departure exceeds 10% the decision must be extended to the Council as opposed to a delegate of the Council.

In accordance with the requirements of the circular, Council has quarterly reporting obligations as to the number of times it has used Clause 4.6 and for what purposes. The Department wants to keep check on the over use of Clause 4.6 to discourage inappropriate use of the clause on a routine basis. Despite some use of the clause for development in the Orange City LGA, there has been no expressions of concern from the Department about the overuse of the clause.

There are some circumstances where Clause 4.6 is prohibited from being used, but this particular situation is not one of those circumstances.

The land is located within the R5 Large Lot Residential zone, which has the following objectives:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for student housing in close proximity to the Charles Sturt University.*
- *To ensure development is ordered in such a way as to maximise public transport patronage, and encourage walking and cycling, in close proximity to settlement.*
- *To ensure development along the Southern Link Road has an alternative access.*

The proposed development with its non-compliance to Clause 52(2) is not contrary to any of the objectives for the zone, even if it is prohibited under the LEP, it is compliant under the Housing SEPP (subject to the 4.6 variation being granted); neither does the proposed development significantly contravene the DCP's planning outcomes.

Overall, it is considered that the proposed development does not result in any adverse impact on the operation of the LEP or the DCP, and would not result in any significant adverse impact.

It is considered that the proposal, including the variation sought, is consistent with the above objectives.

Part 5 - Miscellaneous Provisions

Not relevant.

Part 6 - Urban Release Area

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

Part 7 - Additional Local Provisions

7.1 - Earthworks

This clause establishes a range of matters that must be considered prior to granting development consent for any application involving earthworks, such as:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development

(b) the effect of the development on the likely future use or redevelopment of the land

(c) the quality of the fill or the soil to be excavated, or both

(d) the effect of the development on the existing and likely amenity of adjoining properties

(e) the source of any fill material and the destination of any excavated material

(f) the likelihood of disturbing relics

(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area

(h) any measures proposed to minimise or mitigate the impacts referred to in Paragraph (g).

The earthworks proposed in the application are limited to the extent of cutting and filling required for the proposed dwelling. 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 and conditions may be imposed requiring the use of verified clean fill only. Excavated materials will be reused onsite as far as possible and conditions may be imposed to require that surplus materials will disposed of to an appropriate destination.

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, conditions may be imposed to ensure that should site works uncover a potential relic or artefact, works will be halted to enable proper investigation by relevant authorities and the proponent required to seek relevant permits to either destroy or relocate the findings.

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

7.3 - Stormwater Management

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

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

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

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

The proposal has been designed to include permeable surfaces and includes onsite retention of stormwater through the use of a rainwater tank. It is therefore considered that the post development runoff levels will not exceed the predevelopment levels.

7.6 - Groundwater Vulnerability

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

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

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

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

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

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

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

The proposal is not anticipated to involve the discharge of toxic or noxious substances and is therefore unlikely to contaminate the groundwater or related ecosystems. The proposal does not involve extraction of groundwater and will therefore not contribute to groundwater depletion. The design and siting of the proposal avoids impacts on groundwater and is therefore considered acceptable.

Clause 7.11 - Essential Services

Clause 7.11 applies and states:

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

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) storm water drainage or onsite conservation,

(e) suitable road access.

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

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Resilience and Hazards) 2021 - Chp 4 Remediation of Land

State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of Land 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.

The site has a long established residential land use, therefore contamination of the site is unlikely. The site currently contains an existing dwelling and the proposed development does not propose a change of use for the site. Inspection of the site does not indicate any areas or sources of potential contamination.

State Environmental Planning Policy (Housing) 2021 - Chp 3 Diverse Housing

Chapter 3 Division 2 Clause 49 applies and states:

Development for the purposes of a secondary dwelling includes the following:

(a) the erection of, or alterations or additions to, a secondary dwelling

(b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

The proposed secondary dwelling meets the definition outlined in the SEPP. The secondary dwelling is not permissible in the R5 Large Lot Residential zone under the Orange LEP although is permissible under the State Environmental Planning Policy (Housing) 2021. The proposed development is not contrary to the objectives of the SEPP as outlined in this report.

Due to the development being prohibited in the zone, the secondary dwelling is being assessed under the SEPP (Housing) 2021, where the <60sqm standard is applied. Due to the development exceeding this measurement, a Clause 4.6 variation has been applied to vary Clause 52(2) of the SEPP (Housing) 2021 which was addressed above.

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

There are no draft EPI's that are applicable to this development or the subject land.

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)

Development Control Plan 2004

Development Control Plan 2004 ("the DCP") applies to the subject land. The relevant chapters are:

- **Part 2** (Natural Resource Management) - The relevant matters have been in the LEP assessment above. No further comments are required.
- **Part 3** (General Considerations) - The relevant matters have been in the LEP assessment above. No further comments are required.
- **Part 7** (Development in Residential Areas) - The proposed development is within the R5 Large Lot Residential zone and requires assessment against the relevant planning outcomes.

These matters have been addressed in the body of this report. The relevant Planning Outcomes requiring further comment are detailed below:

PART 7 - DESIGN ELEMENTS FOR RESIDENTIAL DEVELOPMENT

The DCP sets the following Planning Outcomes in regard to Urban Residential Development.

Residential Design Objectives

- *To ensure that the development fits into its setting and environmental features of the locality.*
- *To ensure that the appearance of housing is of a high visual quality, enhances the streetscape and complements good quality surrounding development.*
- *To ensure that new development complements places with heritage significance and their settings in a contemporary way.*
- *To develop a sense of place with attractive street frontages.*
- *To encourage visually appealing cohesive streetscapes.*
- *To create a safe and secure environment.*
- *To provide consistent design elements that protect private investment.*

The development is not antipathetic to the relevant objectives of this section of the DCP as detailed below.

Neighbourhood Character

The DCP sets the following Planning Outcomes in regard to Neighbourhood Character:

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

The proposed secondary dwelling is not expected to adversely impact on the existing neighbourhood character of the Clifton Grove area. The dwelling shall be located on a vacant space on the site to the east of the primary dwelling. The site has deciduous trees along the street frontage, as well as a row of deciduous trees between the dwelling and the road, which are considered to generally screen the proposed location for most of the year. The dwelling has a cottage shape, and is cladded in weatherboard, which is expected to compliment the larger lot, rural aesthetic of Clifton Grove.

Figure 4 - facing road from site

Figure 5 - facing site from road

Building Appearance

The DCP sets the following Planning Outcomes in regard to Building Appearance:

- *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.*
- *The frontages of buildings and their entries face the street.*
- *Garages and car parks are sited and designed so that they do not dominate the street frontage.*

The proposed dwelling has been designed with regard to the nature and location of the site, incorporating a cottage form, with a weatherboard finish, and Colorbond roofing. While the dwelling will be generally screened from the street throughout most of the year, the dwelling has been oriented to face the street (to the north). The colours proposed are considered to be sympathetic to the surrounding area, proposing 'Paperbark' for the exterior walls and 'Woodland Grey' for the roof, verandah rails, and trims. No garages or carports are proposed.

Setbacks

The DCP sets the following Planning Outcomes in regard to Setbacks:

- *Street setbacks contribute to the desired neighbourhood character, assist with integration of new development and make efficient use of the site.*
- *Street setbacks create an appropriate scale for the street considering all other streetscape components.*

The proposed secondary dwelling is considered sufficiently setback from the street frontage to mitigate any impacts on the neighbourhood character. As discussed above, there is established vegetation that provides screening from the road front as well as adjoining sites.

<u>Bulk and Scale Objectives</u>

- *To allow flexibility in siting buildings and to ensure that the bulk and scale of new development reasonably protects the amenity of neighbouring properties and maintains appropriate neighbourhood character.*
- *To allow adequate daylight, sunlight and ventilation to living areas and private open spaces of new and neighbouring developments.*
- *To encourage the sharing of views, while considering the reasonable development of the site.*

The development in not inconsistent with the above objectives as detailed below.

Visual Bulk

The DCP sets the following Planning Outcome in regard to Visual Bulk:

- *Built form accords with the desired neighbourhood character of the area with:*
  - *side and rear setbacks progressively increased to reduce bulk and overshadowing*
  - *site coverage that retains the relatively low density landscaped character of residential areas*

- *building form and siting that relates to landform, with minimal land shaping (cut and fill)*
- *building height at the street frontage that maintains a comparable scale with the predominant adjacent development form*
- *building to the boundary where appropriate.*

The proposal fits within the bulk and scale envelope and successfully retains the relatively low density nature of the Clifton Grove residential area. The design of the dwelling is not considered to be bulky, and exterior colours and materials have been selected which will be recessive in the setting. The proposal will maintain a site coverage well below the 60% limit, and is of a comparable bulk and scale to the other dwellings in the area.

Walls and Boundaries

The DCP sets the following Planning Outcome in regard to Walls and Boundaries:

- *Building to the boundary is undertaken to provide for efficient use of the site taking, into account:*
  - *the privacy of neighbouring dwellings and private open space;*
  - *the access to daylight reaching adjoining properties;*
  - *the impact of boundary walls on neighbours.*

Building to boundary for the dwelling is not necessary in this instance. The set back of the dwelling from the closest boundary is 5m from the eastern boundary. While this is compliant with the 900mm requirement, it is considered that this is a smaller setback than expected in the Clifton Grove area. The area is zoned as R5 large lot residential and has a rural residential character with large setbacks to boundaries and established vegetation. It is considered that the proposed 5m setback from the eastern boundary is contrary to the rural residential character. A condition has been included on the notice of approval requiring the setback to be amended to 10m from the eastern boundary to retain the existing amenity of the locality.

Daylight and Sunlight

The DCP sets the following Planning Outcome in regard to Daylight and Sunlight:

- *Buildings are sited and designed to ensure:*
  - *daylight to habitable rooms in adjacent dwellings is not significantly reduced*
  - *overshadowing of neighbouring secluded open spaces or main living area windows is not significantly increased*
  - *consideration of Council's Energy Efficiency Code.*

The proposed dwelling is well distanced from adjoining dwellings or private open spaces. The development will not impact on the solar access afforded to the primary dwelling on the site.

Views

The DCP sets the following Planning Outcomes in regard to Views:

- *Building form and design allow for residents from adjacent properties to share prominent views where possible.*
- *Views including vistas of heritage items or landmarks are not substantially affected by the bulk and scale of the new development.*

The proposed development is not anticipated to impact on any important view corridors or vistas.

Privacy and Security Objective

- *To ensure that the siting and design of buildings provide privacy for residents and neighbours in their dwellings and principal private open space.*

The development is not inconsistent with the above objective as detailed below.

Visual Privacy

The DCP sets the following Planning Outcome in regard to Visual Privacy:

- *Direct overlooking of principal living areas and private open spaces of other dwellings is minimised firstly by:*
  - *building siting and layout*
  - *location of windows and balconies*

  and secondly by:
  - *design of windows or use of screening devices and landscaping.*

The proposed dwelling is well distanced from surrounding dwellings and private open space, and is therefore not expected to impact on the visual privacy afforded to the adjoining dwellings or the subject proposal.

Figure 6 - facing East

Figure 7 - facing North

Figure 8 facing South

Figure 9 - facing West

Acoustic Privacy

The DCP sets the following Planning Outcome in regard to Acoustic Privacy:

- *Site layout and building design:*
  - *protect habitable rooms from excessively high levels of external noise*
  - *minimise the entry of external noise to private open space for dwellings close to major noise sources*
  - *minimise transmission of sound through a building to affect other dwellings.*

Existing domestic noise expected to remain.

<u>Site Access and Circulation Objectives</u>

- *To provide convenient and safe access and parking that meets the needs of all residents and visitors.*
- *To encourage the integrated design of access and parking facilities to minimise visual and environmental impacts.*

The development is not inconsistent with the above objectives as detailed below.

Circulation and Design

The DCP sets the following Planning Outcome in regard to Circulation and Design:

- *Accessways and parking areas are designed to manage stormwater.*
- *Accessways, driveways and open parking areas are suitably landscaped to enhance amenity while providing security and accessibility to residents and visitors.*
- *The site layout allows people with a disability to travel to and within the site between car parks, buildings and communal open space.*

It is considered that adequate accessways will be provided to the dwelling to ensure connectivity from the existing dwelling and associated accessways/driveway. The dwelling incorporates a ramp, allowing disability access to the dwelling.

Car Parking

The DCP sets the following Planning Outcomes in regard to Car Parking:

- *Parking facilities are provided, designed and located to:*
  - *enable the efficient and convenient use of car spaces and accessways within the site*
  - *reduce the visual dominance of car parking areas and accessways.*
- *Car parking is provided with regard to the:*
  - *the number and size of proposed dwellings*
  - *requirements of people with limited mobility or disabilities.*

The SEPP (Housing) 2021 Cl 53 states that "The number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.", therefore no additional parking spaces are required. Although there are no specific car parking requirements for secondary dwellings as stipulated in the SEPP (Housing) 2021, it considered that there is sufficient space onsite for an additional carparking demand.

Private Open Space

The DCP sets the following Planning Outcomes in regard to Private Open Space:

- *Private open space is clearly defined for private use.*
- *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.*
- *Private open space is:*
  - *capable of being an extension of the dwelling for outdoor living, entertainment and recreation*
  - *accessible from a living area of the dwelling*
  - *located to take advantage of outlooks; and to reduce adverse impacts of overshadowing or privacy from adjoining buildings*
  - *orientated to optimise year round use.*

Useable open space for the development continues to be available for the development. The development will result in minimal loss of private open space.

DEVELOPMENT CONTRIBUTIONS PLAN 2017

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

Open Space and Recreation	One additional 2-bedroom dwelling @ 2,641.00	2,641.00
Community and Cultural	One additional 2-bedroom dwelling @ 765.89	765.89
Roads and Traffic Management	Excluded in Rural residential areas.	
Local Area Facilities	-	-
Plan Preparation and Administration	One additional 2-bedroom dwelling @ 206.79	206.79
TOTAL:		**$3,613.68**

Please note that contributions in relation Roads and Cycleways and stormwater drainage do not apply to land used for rural residential purposes. These figures are indexed quarterly, in accordance with the Plan. Conditions of consent are recommended requiring payment of these development contributions prior to the issuing of a Construction Certificate.

Section 64 Headworks Charges

Pursuant to the *Local Government Act 1993* and the *Water Management Act 2000* headworks charges for water supply, sewerage, and stormwater also apply to the proposal. The calculations will be based on one two-bedroom dwelling for Water and for Sewer.

INFILL GUIDELINES

The proposed development is not located in a heritage area and as such does not require assessment against the infill guidelines.

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 water, thermal comfort and energy.

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

- **Context and Setting** - The subject site is located within an established rural residential area. The proposed development is considered unlikely to adversely impact the surrounding area. There is an emerging character of secondary dwellings in Clifton Grove that exceed the 60m^2 floor area. It is considered that the proposed development will be consistent with this character and will be acceptable in the context of the area.

- **Land Use Conflict** - It is considered that the proposal is compatible with the area and is not expected to have negative impacts on neighbouring land uses.
- **Access and Traffic** - The site is considered to have sufficient existing access to service both the existing and proposed dwellings. The proposed development is not considered to require additional parking.
- **Utilities** - Electricity and telephone services are available to the site. The scale of the development does not require upgrading of any existing services.
- **Surface Water and Groundwater** - The site is identified on the groundwater vulnerable land map, however it is expected that the proposed earthworks will not generate any adverse impacts.
- **Soils** - The proposed development is expected to involve excavation required for the construction of the dwelling on the site however it is not expected to generate any significant impacts.
- **Safety Security and Crime Prevention** - The proposal does not pose a safety security or crime prevention risk.
- **Social Impact in the Locality** - Due to the type and scale of the proposed development, the social impacts of the development are not significant. No adverse impacts are assessed.
- **Economic Impact in the Locality** - Due to the type and scale of the proposed development, the economic impacts of the development are not significant. No adverse impacts are assessed.
- **Cumulative Impacts** - The proposal is generally consistent with the Orange Local Environmental Plan 2011 and Council's Development Control Plan 2004. The proposal is surrounded by other residential properties of similar size and features. It is assessed that the cumulative impacts of the proposed development are not such that the application should be refused.

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

The site is considered suitable for the proposed secondary dwelling. All utilities including water supply, sewerage and electricity are available to the subject site.

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

The proposed development is defined as "advertised development" under the provisions of the LEP. The application was advertised for the prescribed period of 14 days and at the end of that period no submissions were received.

PUBLIC INTEREST s4.15(1)(e)

The 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, D23/26967⇩
2 Plans, D23/25413⇩
3 BASIX Certificate, D23/26062⇩

ORANGE CITY COUNCIL	**ORANGE CITY COUNCIL** Development Application No **DA 80/2023(1)** NA23/199 Container PR12175

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Development Application	
Applicant Name:	Mrs KL Nevins
Applicant Address:	2 Trooper Place CLIFTON GROVE NSW 2800
Owner's Name:	Mr RA and Mrs KL Nevins
Land to Be Developed:	Lot 165 DP 251390 - 2 Trooper Place, Clifton Grove
Proposed Development:	Secondary Dwelling
Building Code of Australia building classification:	Class to be determined by PCA
Determination made under Section 4.16	
Made On:	2 May 2023
Determination:	**CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**
Consent to Operate From:	3 May 2023
Consent to Lapse On:	3 May 2028

Terms of Approval

The reasons for the imposition of conditions are:

(1) To ensure compliance with relevant statutory requirements.

(2) To provide adequate public health and safety measures.

(3) Because the development will require the provision of, or increase the demand for, public amenities and services.

(4) To ensure the utility services are available to the site and adequate for the development.

Conditions

(1) The development must be carried out in accordance with:

(a) Plans numbered 1, 2, and 5, 7, 8, 9 of 9, Job No. 0001, drawn by K. Nevins, dated 24 January 2023.

Sheet 6 of 9, Rev 1, Job No. 0001, drawn by K. Nevins, dated 18 April 2023. (7 sheets)

BASIX Certificate No. 1221096S, dated 24 January 2023.

(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 80/2023(1)

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 the location of the secondary dwelling shall be amended to achieve a setback of 10m from the eastern boundary.

(5) 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.

(6) The payment of $3,613.68 is to be made to Council in accordance with Section 7.11 of the Act and the Orange Development Contributions Plan 2017 (Remainder of LGA) towards the provision of the following public facilities:

Open Space and Recreation	1 additional 2-bedroom dwelling @ 2,641.00	2,641.00
Community and Cultural	1 additional 2-bedroom dwelling @ 765.89	765.89
Plan Preparation & Administration	1 additional 2-bedroom dwelling @ 206.79	206.79
TOTAL:		$3,613.68

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.

(7) **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 for a 2-bedroom dwelling. 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.

PRIOR TO WORKS COMMENCING

(8) 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.

(9) 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.

(10) Soil erosion control measures shall be implemented on the site.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 80/2023(1)

Conditions (cont)

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) 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.

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) 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.

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.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 80/2023(1)

4

***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
Date:	3 May 2023

Cover Sheet

Birdsong Cottage

- Secondary Dwelling -

Trooper Place
Clifton Grove

Sheet List

Sheet Number	Sheet Name	Designed By
DA-0	Cover Sheet	K. Nevins
DA-1a	Site Plan - Survey	Surveyor
DA-1b	Site Plan - septic location	K. Nevins
DA-1c	Site Notification Plan	K. Nevins
DA-2	Floor Plan	K. Nevins
DA-3	North and South Elevations	K. Nevins
DA-4	East and West Elevation	K. Nevins
DA-5	Roof Elevation	K. Nevins
DA-6	Sections A and B	K. Nevins

Room Schedule

Number	Name	Level	Area
1	Living	Ground Floor	22 m²
2	Kitchen/Dining	Ground Floor	21 m²
3	Bedroom 1	Ground Floor	13 m²
4	Bedroom 2	Ground Floor	12 m²
5	Main Bthrm	Ground Floor	6 m²
6	Ensuite1	Ground Floor	6 m²
7	Laundry	Ground Floor	4 m²
8	Storage Loft	Loft - wall of 600mm	38 m²
9	Front Verandah	Ground Floor	23 m²
10	Back Verandah	Ground Floor	16 m²

Cottage Floor Area - internal/external

Name	Area	Area Type
Internal Area Cottage Ground Floor	89 m²	Building Common Area
Internal Area Storage Loft Floor	39 m²	Store Area
External Front and Back Verandah	Not Placed	Exterior Area

EXTERNAL MATERIAL AND COLOUR SCHEDULE

ELEMENT	MATERIAL	COLOUR
Wall Cladding	Weathertex Ruff Sawn Board and Batten	Paper Bark
Downpipes	PVC	Paper Bark
Gutters	Colorbond Steel	Woodland Grey
Fascias	Colorbond Steel	Woodland Grey
Roof Sheeting	Colorbond Custom Orb	Woodland Grey
Posts	Timber	Paper Bark
Railing	Timber	Paper Bark
Doors	Timber	Colorbond Monument
Windows	Timber	Lexicon Quarter
	Aluminium	Colorbond White
	1 Leadlight	
Skylights	Aluminium	
Ramp - entry	Concrete	Natural
Verandah steps	Timber	Natural

THE OWNER BUILDERS LICENSE NUMBER SHOWN ON THIS DRAWING IS NOT TO BE USED FOR ANY PURPOSE

FINAL SIGNED ISSUE.

I/WE ACCEPT THAT THESE PLANS ARE THE FINAL WORKING DRAWINGS - THEY SUPERCEDE ANY PRELIMINARY PLANS & I/WE HAVE CHECKED THAT ALL ALTERATIONS ARE SHOWN & CORRECT.

.....
...
OWNER(S) SIGNATURE(S)

ISSUE	DATE	REASON FOR REVISION

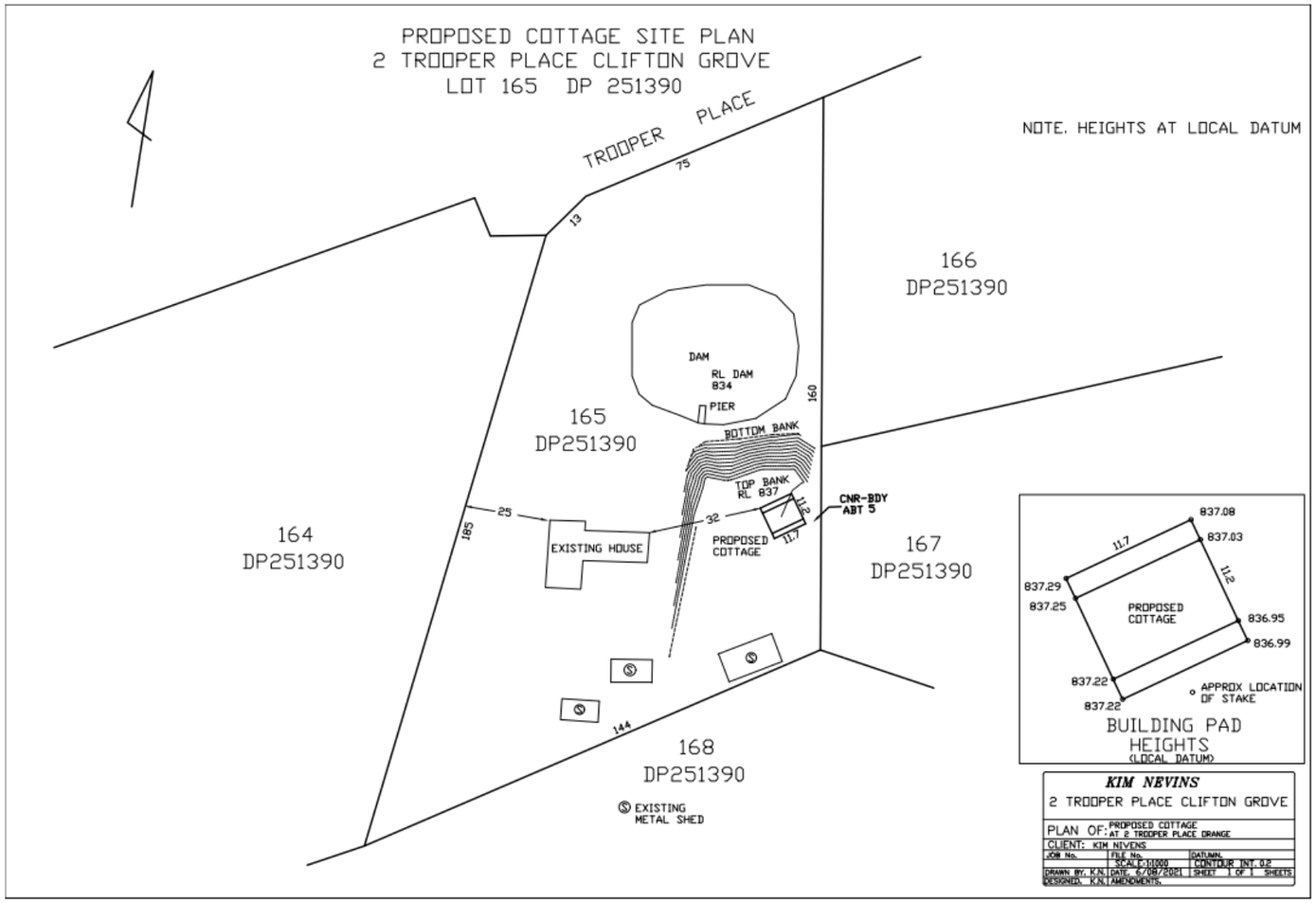
PROJECT NAME: Bird Song Cottage

Client: Mr R & Mrs K Nevins
Project: Lot 165 Trooper Place - Clifton Grove DP: 251390
Drawing: Secondary Dwelling

Job Number: 0001
No. in Set: 9
Sheet No.: 1
Scale: 1:100
Revision No.:
First Drawn: 24/01/2023
Revision Date.:
Drawn: K. Nevins -

Sheet Size: A3

Site Plan



THE OWNER BUILDERS LICENSE NUMBER SHOWN ON THIS DRAWING IS NOT TO BE USED FOR ANY PURPOSE

FINAL SIGNED ISSUE.	ISSUE	DATE	REASON FOR REVISION	PROJECT NAME
I/WE ACCEPT THAT THESE PLANS ARE THE FINAL WORKING DRAWINGS - THEY SUPERCEDE ANY PRELIMINARY PLANS & I/WE HAVE CHECKED THAT ALL ALTERATIONS ARE SHOWN & CORRECT.				Bird Song Cottage
..... OWNER(S) SIGNATURE(S)				

Client: Mr R & Mrs K Nevins	Job Number: 0001		Sheet Size
Project: Lot 165 Trooper Place - Clifton Grove DP: 251390	No. in Set: 9	Sheet No.: 2	A3
	Scale: 1:100	Revision No.:	
	First Drawn: 24/01/2023	Revision Date.:	
Drawing: Secondary Dwelling	Drawn: K. Nevins -		

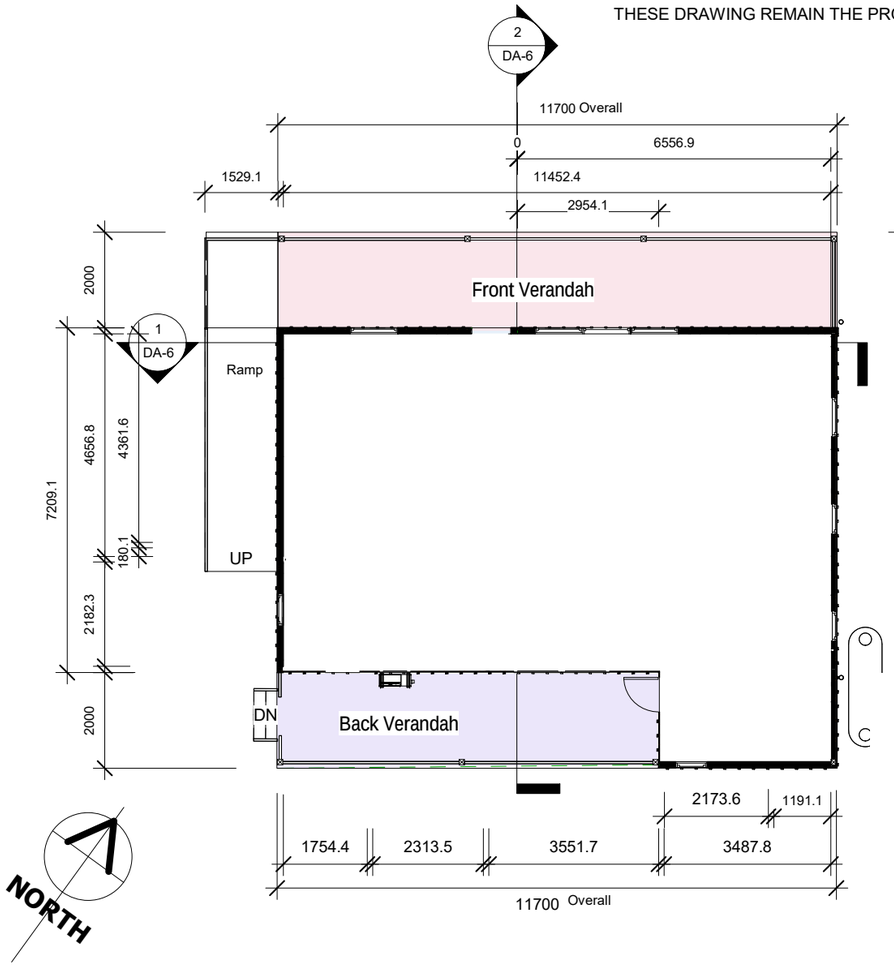
NOTE:
""DO NOT SCALE OFF PLAN

SWINGING DOOR SIZES REFER TO THE LEAF SIZE NOT THE OPENING WIFTH

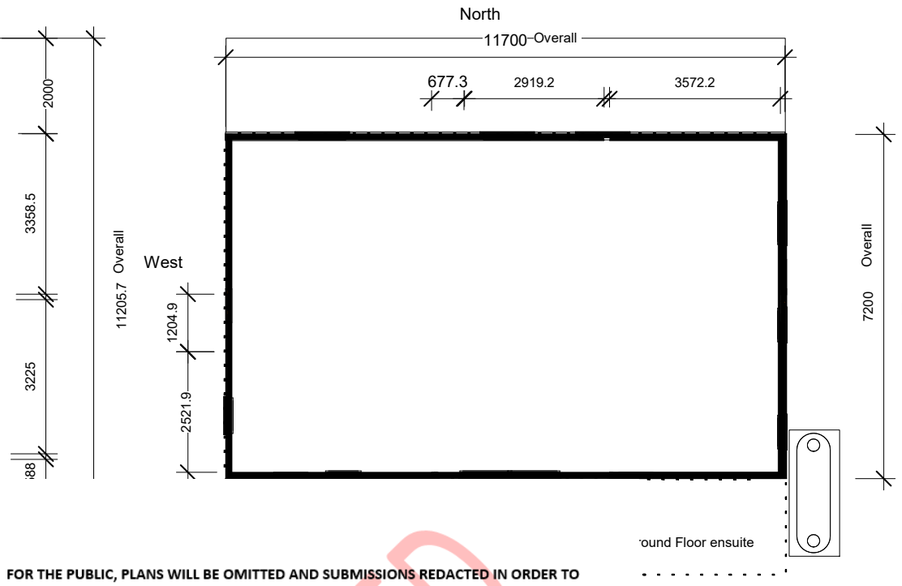
ROOF PITCH SHOWN ON ELELVATIONS AND SECTIONS IS NOMINAL ONLY

THESE DRAWING REMAIN THE PROPERTY OF THE AUTHOR

Ground Floor



Loft Floor



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I/WE ACCEPT THAT THESE PLANS ARE THE FINAL WORKING DRAWINGS - THEY SUPERCEDE ANY PRELIMINARY PLANS & I/WE HAVE CHECKED THAT ALL ALTERATIONS ARE SHOWN & CORRECT.

.....
OWNER(S) SIGNATURE(S)

ISSUE	DATE	REASON FOR REVISION	PROJECT NAME
			Bird S

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

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

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

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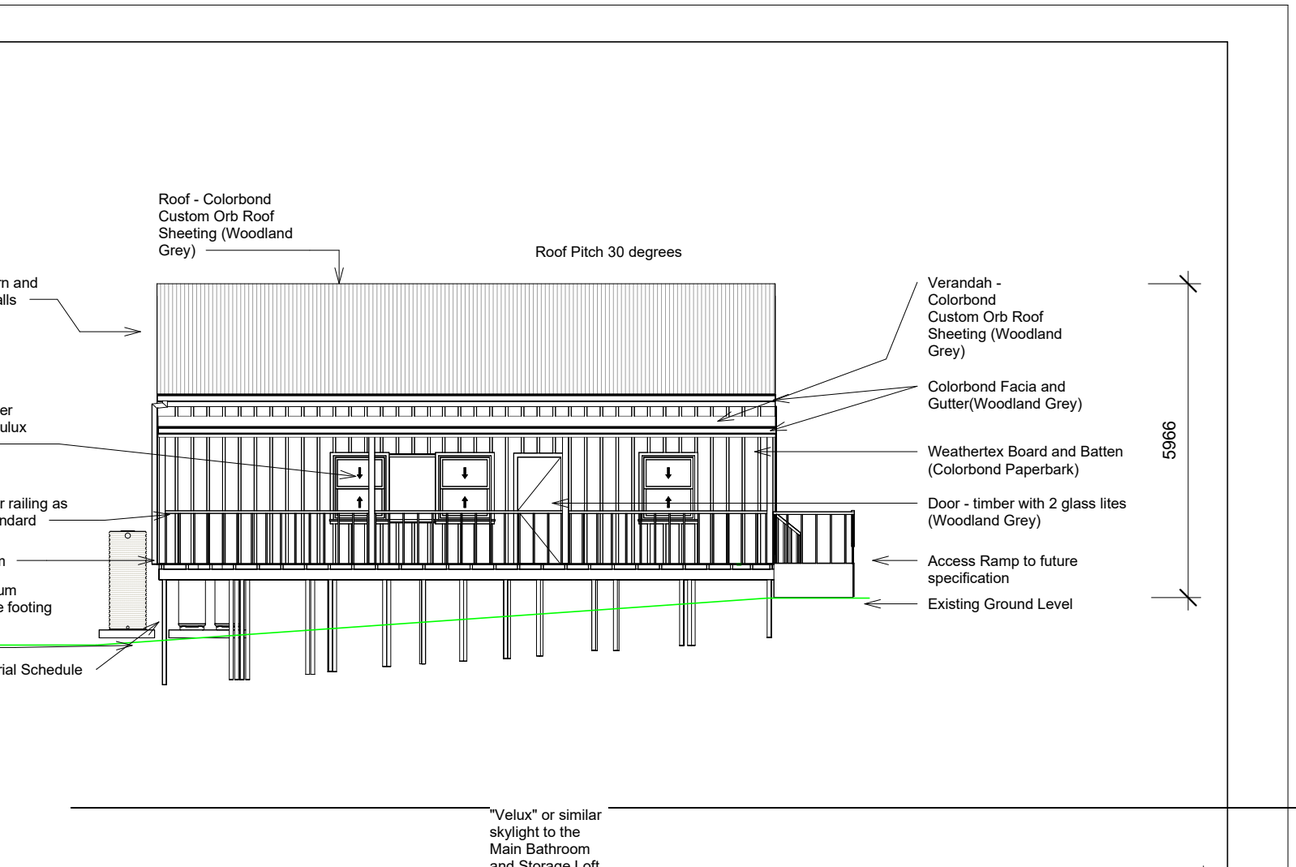
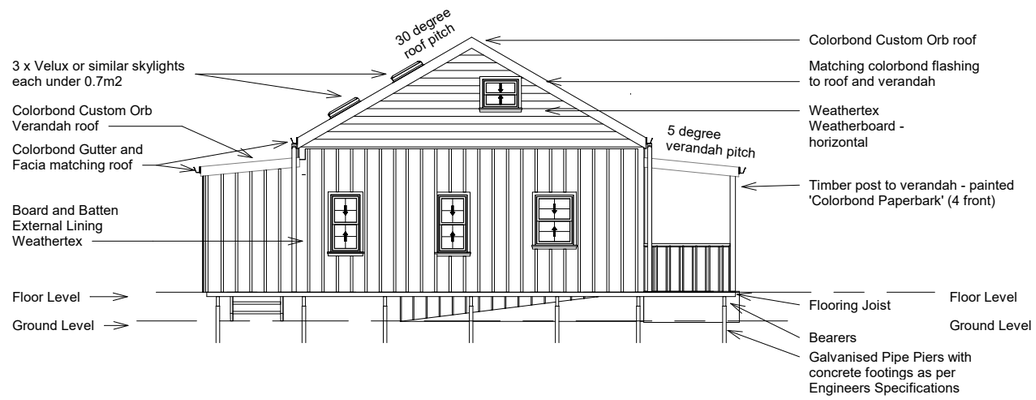


"Velux" or similar skylight to the Main Bathroom and Storage Loft

NOTE:
RIDGE TO GROUND LEVEL 5335MM
TOP OF WALL TO FLOOR 3000MM
ATTIC FLOOR @2400MM

East/left side elevation



NOTE:
""DO NOT SCALE OFF PLAN

SWINGING DOOR SIZES REFER TO THE LEAF SIZE NOT THE OPENING WIFTH

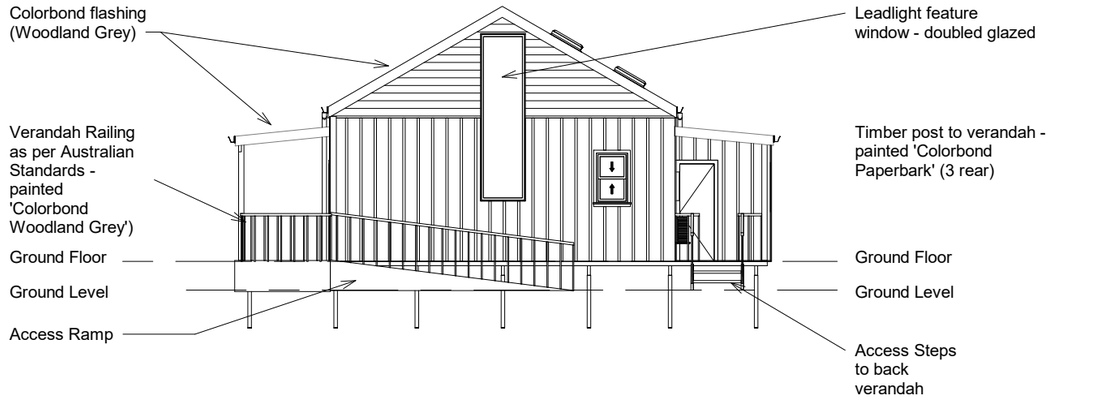
ROOF PITCH SHOWN ON ELELVATIONS AND SECTIONS IS NOMINAL ONLY

THESE DRAWING REMAIN THE PROPERTY OF THE AUTHOR

West/right side elevation

NOTE: External wall - 3000mm high measured from top of floor joist

NOTE: Verandah attached to wall at 2700mm - fall of 5 degrees to 2400mm



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FINAL SIGNED ISSUE.	ISSUE	DATE	REASON FOR REVISION	PROJECT NAME					
I/WE ACCEPT THAT THESE PLANS ARE THE FINAL WORKING DRAWINGS - THEY SUPERCEDE ANY PRELIMINARY PLANS & I/WE HAVE CHECKED THAT ALL ALTERATIONS ARE SHOWN & CORRECT.				Bird Song Cottage	Client: Mr R & Mrs K Nevins	Job Number: 0001		Sheet Size	
					Project: Lot 165 Trooper Place - Clifton Grove DP: 251390	No. in Set: 9	Sheet No.: 7	A3	
						Scale: 1:100	Revision No.:		
						First Drawn: 24-01-2023	Revision Date.:		
..... OWNER(S) SIGNATURE(S)					Drawing: Secondary Dwelling	Drawn: K. Nevins - East and West Elevation			

Roof Elevation

NOTE:
""DO NOT SCALE OFF PLAN

SWINGING DOOR SIZES REFER TO THE LEAF SIZE NOT THE OPENING WIFTH

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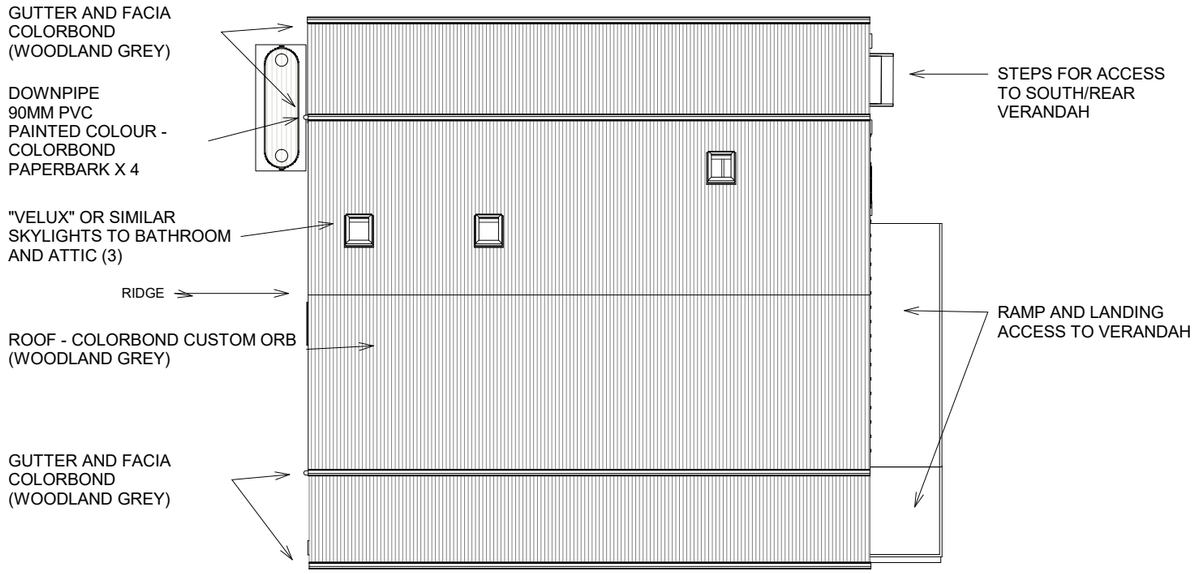

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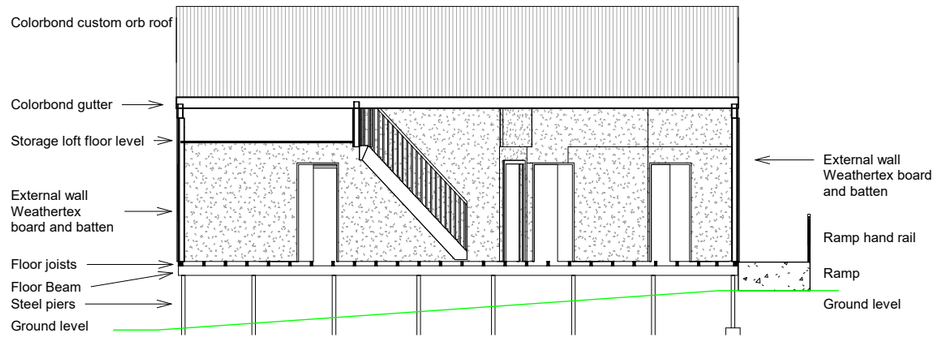
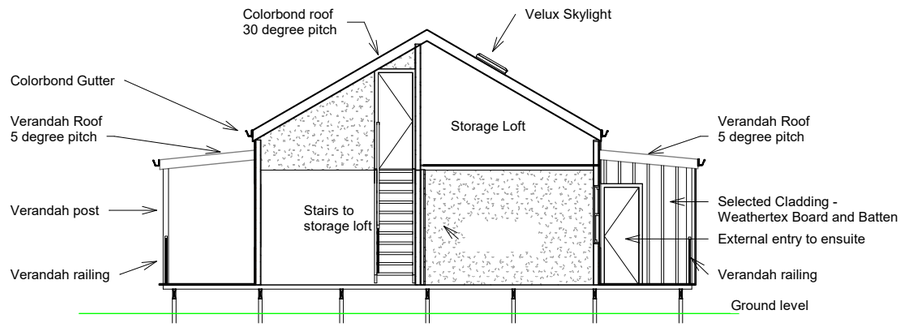
						Scale: 1:100	Revision No.:	
						First Drawn: 24/01/2023	Revision Date.:	
..... OWNER(S) SIGNATURE(S)					Drawing: Secondary Dwelling	Drawn: K. Nevins -		

Section A



Section B



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FINAL SIGNED ISSUE.

I/WE ACCEPT THAT THESE PLANS ARE THE FINAL WORKING DRAWINGS - THEY SUPERCEDE ANY PRELIMINARY PLANS & I/WE HAVE CHECKED THAT ALL ALTERATIONS ARE SHOWN & CORRECT.

.....
...
OWNER(S) SIGNATURE(S)

ISSUE	DATE	REASON FOR REVISION

PROJECT NAME

Bird Song Cottage

Client:	Mr R & Mrs K Nevins	Job Number:	0001
Project:	Lot 165 Trooper Place - Clifton Grove DP: 251390	No. in Set: 9	Sheet No.: 9
		Scale: 1:100	Revision No.:
		First Drawn: 24/01/2023	Revision Date.:
Drawing:	Secondary Dwelling	Drawn: K. Nevins -	

Sheet Size A3

BASIX® Certificate

Building Sustainability Index www.basix.nsw.gov.au

Single Dwelling

Certificate number: 1221096S

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Tuesday, 24 January 2023
To be valid, this certificate must be lodged within 3 months of the date of issue.

NSW GOVERNMENT | Planning, Industry & Environment

Project summary		
Project name	Birdsong Cottage (Nevins)	
Street address	2 Trooper Place Clifton Grove 2800	
Local Government Area	Orange City Council	
Plan type and plan number	deposited DP251390	
Lot no.	165	
Section no.	n/a	
Project type	separate dwelling house - secondary dwelling	
No. of bedrooms	2	
Project score		
Water	✔ 42	Target 40
Thermal Comfort	✔ Pass	Target Pass
Energy	✔ 40	Target 35

Certificate Prepared by
Name / Company Name: Kim Nevins
ABN (if applicable): N/A

Description of project

Project address	
Project name	Birdsong Cottage (Nevins)
Street address	2 Trooper Place Clifton Grove 2800
Local Government Area	Orange City Council
Plan type and plan number	Deposited Plan DP251390
Lot no.	165
Section no.	n/a
Project type	
Project type	separate dwelling house - secondary dwelling
No. of bedrooms	2
Site details	
Site area (m²)	16950
Roof area (m²)	135
Conditioned floor area (m2)	78.0
Unconditioned floor area (m2)	10.0
Total area of garden and lawn (m2)	136
Roof area (m2) of the existing dwelling	326
No. of bedrooms in the existing dwelling	5

Assessor details and thermal loads		
Assessor number	n/a	
Certificate number	n/a	
Climate zone	n/a	
Area adjusted cooling load (MJ/m².year)	n/a	
Area adjusted heating load (MJ/m².year)	n/a	
Ceiling fan in at least one bedroom	n/a	
Ceiling fan in at least one living room or other conditioned area	n/a	
Project score		
Water	✔ 42	Target 40
Thermal Comfort	✔ Pass	Target Pass
Energy	✔ 40	Target 35

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 4.5 but <= 6 L/min plus spray force and/or coverage tests) in all showers in the development.		✔	✔
The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.		✔	✔
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.		✔	
The applicant must install basin taps with a minimum rating of 4 star in each bathroom in the development.		✔	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 5000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✔	✔	✔
The applicant must configure the rainwater tank to collect rain runoff from at least 134.85 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✔	✔
The applicant must connect the rainwater tank to:			
• all toilets in the development		✔	✔
• at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)		✔	✔

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
General features			
The dwelling must not have more than 2 storeys.	✔	✔	✔
The conditioned floor area of the dwelling must not exceed 300 square metres.	✔	✔	✔
The dwelling must not contain open mezzanine area exceeding 25 square metres.	✔	✔	✔
The dwelling must not contain third level habitable attic room.	✔	✔	✔
Floor, walls and ceiling/roof			
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.	✔	✔	✔

Construction	Additional insulation required (R-Value)	Other specifications
floor - suspended floor above open subfloor, framed	2.3 (or 3 including construction) (down)	
external wall - framed (weatherboard, fibre cement, metal clad)	3.40 (or 3.80 including construction)	
ceiling and roof - raked ceiling / pitched or skillion roof, framed	ceiling: 5.5 (up), roof: thermocellular reflective	framed; medium (solar absorptance 0.475-0.70)

Note	• Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.
Note	• In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Windows, glazed doors and skylights			
The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✔	✔	✔
The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.	✔	✔	✔
The following requirements must also be satisfied in relation to each window and glazed door:	✔	✔	✔
• For the following glass and frame types, the certifier check can be performed by visual inspection. - Aluminium single clear - Aluminium double (air) clear - Timber/uPVC/fibreglass single clear - Timber/uPVC/fibreglass double (air) clear			✔
• For other glass or frame types, each window and glazed door must be accompanied with certification showing a U value no greater than that listed and a Solar Heat Gain Coefficient (SHGC) within the range of those listed. Total system U values and SHGC must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. Frame and glass types shown in the table below are for reference only.			✔

Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading Device (Dimension within 10%)	Overshadowing
North facing					
W01	1215	1000	timber/UPVC/fibreglass, single, clear	verandah 2000 mm, 2400 mm above base of window or glazed door	not overshadowed
W02	1215	1000	timber/UPVC/fibreglass, single, clear	verandah 2000 mm, 2400 mm above base of window or glazed door	not overshadowed
W04	1215	1000	timber/UPVC/fibreglass, single, clear	verandah 2000 mm, 2400 mm above base of window or glazed door	not overshadowed
W05	1215	1000	timber/UPVC/fibreglass, single, clear	verandah 2000 mm, 2400 mm above base of window or glazed door	not overshadowed
East facing					
W06	1050	800	timber/UPVC/fibreglass, single, clear	none	not overshadowed

Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading Device (Dimension within 10%)	Overshadowing
W07	1200	600	timber/UPVC/fibreglass, single, clear	none	not overshadowed
W08	1200	600	timber/UPVC/fibreglass, single, clear	none	not overshadowed
W09	600	750	aluminium, single, clear	none	not overshadowed
South facing					
W10	1040	650	aluminium, single, clear	none	not overshadowed
W11	1215	1000	timber/UPVC/fibreglass, single, clear	verandah 2000 mm, 2400 mm above base of window or glazed door	not overshadowed
W12	1215	1000	timber/UPVC/fibreglass, single, clear	verandah 2000 mm, 2400 mm above base of window or glazed door	not overshadowed
W13	1040	650	aluminium, single, clear	verandah 2000 mm, 2400 mm above base of window or glazed door	not overshadowed
West facing					
W14	1040	650	aluminium, single, clear	none	not overshadowed
W15	3500	940	U-value: 2.9, SHGC: 0.378 - 0.462 (timber/UPVC/fibreglass, double (air), tint)	none	not overshadowed

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous.	✔	✔	✔
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: ceiling fans + 1-phase airconditioning; Energy rating: 2 star (cold zone)		✔	✔
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: ceiling fans; Energy rating: n/a		✔	✔
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: 3 star (cold zone)		✔	✔
The bedrooms must not incorporate any heating system, or any ducting which is designed to accommodate a heating system.		✔	✔
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✔	✔
Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✔	✔
Laundry: natural ventilation only, or no laundry; Operation control: n/a		✔	✔
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:			
• at least 2 of the bedrooms / study; dedicated		✔	✔
• at least 1 of the living / dining rooms; dedicated		✔	✔
• the kitchen; dedicated		✔	✔

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
• all bathrooms/toilets; dedicated		✔	✔
• the laundry; dedicated		✔	✔
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✔	✔	✔
The applicant must install a window and/or skylight in 2 bathroom(s)/toilet(s) in the development for natural lighting.	✔	✔	✔
Other			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.		✔	
The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.		✔	
The applicant must install a fixed outdoor clothes drying line as part of the development.		✔	

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a ✔ in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a ✔ in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a ✔ in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate(either interim or final) for the development may be issued.

2.5 DEVELOPMENT APPLICATION DA 98/2022(1) - VOLUNTARY PLANNING AGREEMENT - 103 PRINCE STREET

RECORD NUMBER: 2023/590
AUTHOR: Paul Johnston, Manager Development Assessments

EXECUTIVE SUMMARY

An amended Development Application DA 98/2022(1) for part re-development of the former Orange Base Hospital site has been received. The Western Regional Planning Panel (WRPP) considered the initial Development Application in November 2022. At that Panel hearing the WRPP deferred consideration of the Development Application and requested the applicant consider design amendments to the proposal.

The applicant has subsequently submitted amended drawings for consideration of the Panel. The amended proposal continues to involve a two staged development that includes a three lot subdivision, town house development fronting Dalton Street and a separate Residential Flat Building addressing Prince Street. Clause 5.4.2 of DCP 17 - West End Precinct Development Control Plan (DCP) provides for the subdivision of the subject land and dedication to Council of the land zoned for public recreation at the centre of the property.

Council may recall that it adopted a Planning Agreement (AKA 'VPA') in November 2022 as a part of the consideration of this application that involved the dedication of the Public Park; and the carrying out of civil works, landscaping and other embellishments on the park land by the applicant. A specific park plan was not included in the VPA. Rather, the park works were required to be carried out in accordance with the final plans issued pursuant to any development consent. Appropriate flexibility was included in the VPA to accommodate for any further changes to the park design during the assessment process, or in response to any further comments that may be provided by the Planning Panel. The Planning Agreement has subsequently been registered on the title of the subject land.

The amended development amongst other things now proposes an alternate access arrangement by providing a mid-block shared access connection between Prince Street and Dalton Street to service the Residential Flat Building and Town House development and provide pedestrian access to the park. The amended arrangement more closely aligns with the Council adopted Masterplan and DCP for the site.

However, in order to accommodate the amended access arrangement and to overcome permissibility issues in relation to the construction of a shared access road over land zoned for open space purposes, it was necessary to amend the subdivision design in the current application so that the proposed lot (Lot 601) comprising the proposed Residential Flat Building incorporated a small section of land zoned RE1 Public recreation at the rear of the site. The new lot will be created as an L-shaped allotment that would encompass the proposed connecting public access. The new area now required to be incorporated into the Residential Flat Building lot was originally required under the Planning Agreement to be dedicated to Council. A public Right of Carriageway is now proposed over the shared access so as to facilitate and protect public access to the parkland and accommodate legal access between each of the subject lots.

The above-described changes to the proposed access arrangements and subdivision allotment boundaries has implications for the adopted and registered Planning Agreement. The changes to the allotment boundaries will necessitate a small change to the Planning Agreement.

A Letter of Offer to amend the Planning Agreement to reduce the area of open space to be dedicated to Council to accommodate the access has accompanied the amended Development Application. The proposed arrangement and offer raises a question of value and whether or not any additional transaction ought to be required to facilitate the change. As discussed above, it is proposed to impose an easement for public access over the relevant portion that is no longer to be dedicated to Council which will be used as a public access way. In substance, Council can be satisfied that the proposed arrangement will achieve the same outcome in terms of value.

Whilst the consent authority for the development in this case is the WRPP, Council still has a role in the Development Application in terms of considering the applicant's proposal to develop and then dedicate the central park to Council for public use. If Council is of the view to support the Letter of Offer to amend the Planning Agreement it is considered appropriate to inform the WRPP of its decision on this aspect of the development, and request the Planning Panel, if they were of a mind to support the development, to do so via a Condition of Consent that requires the applicant to amend the current VPA, and register an amended VPA on the title prior to the issue of a Construction Certificate consistent with the Letter of Offer made to Council.

A separate information report on the Development Application itself has been included as a separate item in the May 2023 Planning and Development Committee Agenda. The information report will be accompanied by the independent planning consultant report prepared by Andrew Crump Town Planning Pty Ltd.

It is recommended that Council supports the Letter of Offer to amend the VPA and informs the WRPP of its decision in relation to this aspect of the development.

DIRECTOR'S COMMENT

The entry into an amended VPA will continue to provide Council with a fully developed Public Park as required by the Development Control Plan for this precinct. The amended outcome will also facilitate a more appropriate mid-block connection for vehicle and pedestrian access between Dalton Street and Prince Street. Acceptance of the Letter of Offer to amend the VPA does not represent an endorsement of the actual Development Application by Council. The Development Application will be separately determined by the WRPP.

Acceptance of the VPA does not prevent Council from making comments to the WRPP on the overall development at 103 Prince Street. The amended VPA is required as a private road cannot legally go through what will be public land. The amended proposal will keep the road in private land but will retain public access over the road to the Park. That is the public retain the benefit of this land even though it would be privately owned.

Council will be asked in a separate report in the May Planning and Development Committee meeting, as to whether or not it wishes to make a submission to the WRPP regarding the overall development of this site.

It is recommended that Council supports the applicant's offer to amend the Planning Agreement to accommodate the amended vehicle and pedestrian access arrangements.

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

1 **That Council authorises the Chief Executive Officer (CEO) to enter into an amended Voluntary Planning Agreement (VPA) and execute the VPA on behalf of Council.**

2 **That the CEO be authorised to negotiate on behalf of Council and agree to any variations to the VPA prior to execution that may be considered appropriate.**

3 **That Council advise the Western Region Planning Panel (WRPP) of its decision with respect to the Letter of Offer to amend the existing VPA and request the WRPP, if they were of a mind to support the Development Application, that they consider a consent condition that requires the applicant to register an amended VPA on the title prior to the operation of the consent.**

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

Council received a Development Application for part re-development of the former Orange Base Hospital site.

The proposal, which the Development Application relates to, is the residential development which is to be undertaken in two stages:

Stage 1 will involve the Torrens subdivision of the land into three residential lots and the construction on one of those lots of 16 townhouses (multi dwelling housing) fronting Dalton Street.

Stage 2 will involve the development of the remaining two lots for the purposes of a Residential Flat Building and Public Park. The proposed Residential Flat Building will front Prince Street and will include 60 apartments composed of a mix of one, two and three bedroom apartments.

Given the capital investment value of the proposed development and the fact that Council currently has a financial interest in the property, the consent authority for the development is the Western Regional Planning Panel (WRPP).

In order to address potential conflict of interest issues Council commissioned Andrew Crump Town Planning Pty Ltd to carry out an independent planning assessment of the above-described Development Application, given that Council has an ownership interest in the land.

A copy of the independent Planning Assessment by Andrew Crump Town Planning Pty Ltd has been tabled as a separate Planning and Development Committee Agenda Item for Council's information. The Planning Report has been sent to the Planning Panel for determination. It is anticipated that the Planning Panel will consider the Development Application in May 2023.

Clause 5.4.2 of DCP 17 - West End Precinct Development Control Plan (DCP) provides for the subdivision of the subject land and dedication to Council of the land zoned for public recreation at the centre of the property.

Figure 1 - existing zoning map

The amended development, amongst other things, now proposes an alternate access arrangement by providing a mid-block shared access connection between Prince Street and Dalton Street to service the Residential Flat Building and Town House development and provide pedestrian access to the park. The amended arrangement more closely aligns with the Council adopted Masterplan and DCP for the site.

However, in order to accommodate the amended access arrangement and to overcome permissibility issues in relation to the shared access road over land zoned for open space purposes, it was necessary to amend the subdivision design in the current application so that the proposed lot comprising the proposed Residential Flat Building (Lot 601) incorporated a small section of land zoned RE1 Public recreation at the rear of the site. The new lot will be created as an L-shaped allotment that would encompass the proposed connecting public access. The new area to be dedicated will comprise land included in proposed Lot 602.

Figure 2 - subdivision design

The new area (rear section of land zoned RE1 Public recreation) now required to be incorporated into Lot 602 (the Residential Flat Building lot) was originally required under the Planning Agreement to be dedicated to Council. A public Right of Carriageway is now proposed over the shared access so as to facilitate public access to the parkland and accommodate legal access between each of the subject lots.

The above-described changes to the proposed access arrangements and subdivision allotment boundaries has implications for the adopted and registered Planning Agreement. The changes to the allotment boundaries will necessitate a small change to the Planning Agreement. A Letter of Offer to amend the Planning Agreement to reduce the area of open space to be dedicated to Council to accommodate the access has accompanied the amended Development Application (Lot 602).

The proposed arrangement and offer raises a question of value and whether or not any additional transaction ought to be required to facilitate the change. As discussed above, it is proposed to impose an easement for public access over the relevant portion that is no longer to be dedicated to Council which will be used as a public access way. In substance, Council can be satisfied that the proposed arrangement will achieve the same outcome in terms of value.

In order to assist with the Planning Panel's consideration of this aspect of the development, Council is now required to determine if it supports the proposed amendment to the adopted Planning Agreement (see attached Letter of Offer) that has been offered by the proponent. The developer has offered the following at no cost to Council:

- dedication of the public park (Lot 602); and
- the carrying out of civil works, landscaping and other embellishments on the park land.

The VPA is in addition to any monetary contributions payable in respect of the development. Under the VPA, the dedication of the park to Council and the works must be carried out by the earliest of the following dates:

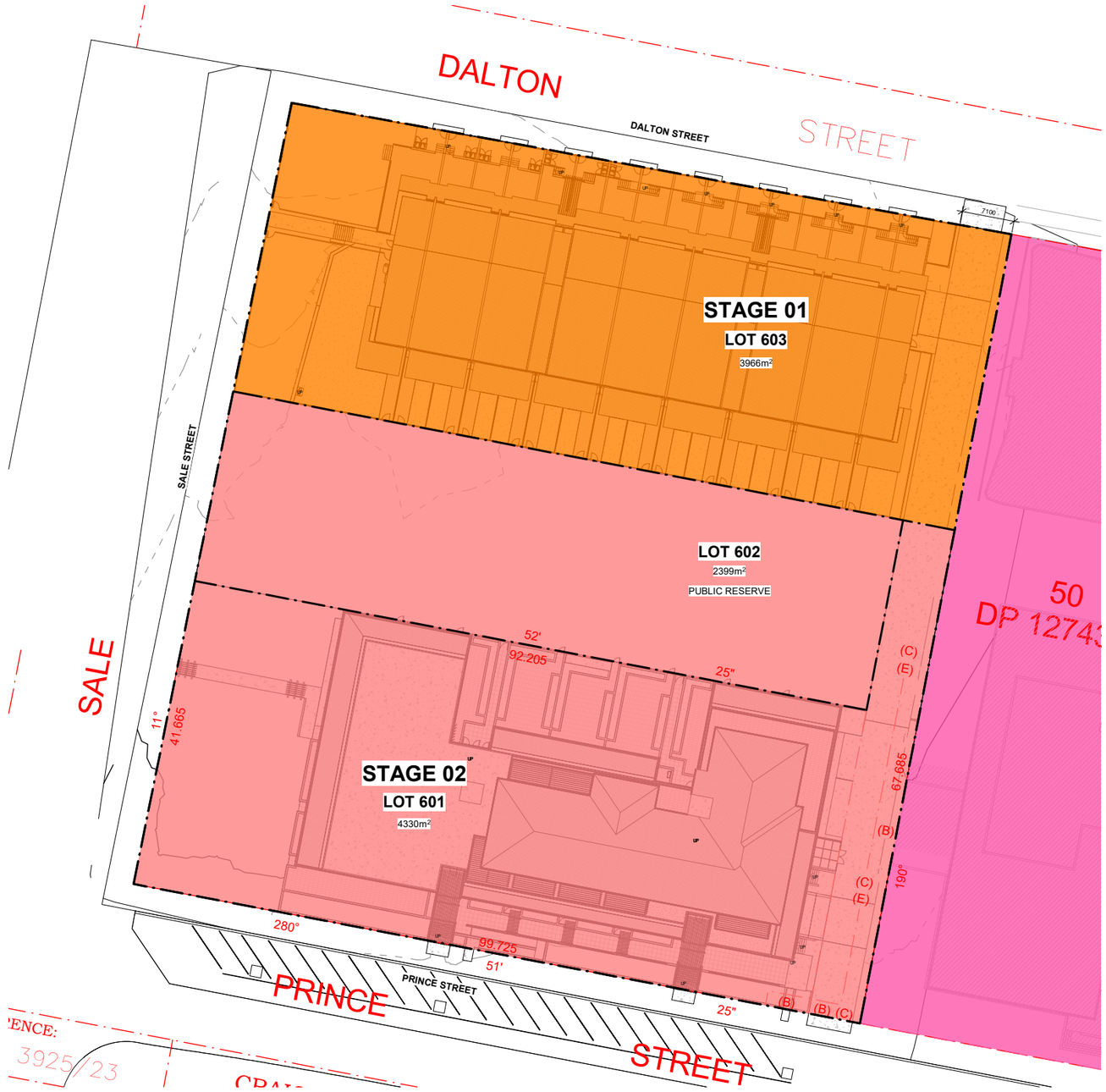
- prior to any of the units being occupied in the Residential Flat Building the subject of Stage 2; or
- two years after completion of the townhouses the subject of Stage 1.

It is recommended that Council supports the Letter of Offer to enter into an amended VPA, with appropriate flexibility for the Chief Executive Officer to undertake any final negotiations and execution of the Agreement.

It should be noted that support for an amended VPA does not represent an endorsement of the Development Application by Council. It is separate to the assessment and determination of the Development Application which is being carried out independently. It also does not prevent Council from making comments on, or raising concerns with, the proposal to the Panel when the Development Application is considered for determination. While the VPA may be taken into account by the Panel in its assessment, it is only one of many aspects of the assessment.

ATTACHMENTS

1 Subdivision Plan, D23/27296⇩
2 Letter of Offer, D23/26907⇩



STAGE 01:
3 LOT SUBDIVISION AND TOWNHOUSES

STAGE 02:
RFB AND PUBLIC PARK

MIXED USE ZONE

EJE ARCHITECTURE
ACN 002 912 843| **ABN** 82 644 649 849
Nominated Architect - Bernard Collins | NSW Architects Registration No: 4438
P +61 2 4929 2353 | **E** mail@eje.com.au | **W** www.eje.com.au
A 412 KING STREET, NEWCASTLE, NSW 2300

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REV	DATE	COMMENTS
0	24/01/2023	REVISED DA ISSUE
1	10/03/2023	REVISED DA ISSUE

DRN	CHKD	VRFD
NJH	JS	
NJH	JS	

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **STAGING PLAN**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS
C:\Users\mlewis\Documents\13956 - Orange Multi Residential - R21_mlewis5WB2.rvt

DRAWN :	DATE :	SCALES :
JE	MAY 2022	As indicated @ A1 @ A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-070	1

EJE architecture

MAAS
MAAS GROUP PROPERTIES

4th April 2023

Orange City Council
PO BOX 35
ORANGE NSW 2800

Attn: Paul Johnson
Voluntary Planning Agreement – Amendments in Support of DA98/2022(1) PAN-205916
LOT 501 DP 1249083 – 103 PRINCE ST, ORANGE

Dear Paul

Further to Council's correspondence dated 24th February 2023 and Maas Group's responding documentation lodged on the 16th March 2023 it is acknowledged and agreed that the currently endorsed Voluntary Planning Agreement (VPA) will require amendment to align with the abovementioned documentation.

Variation to the draft plan of subdivision tiggers the VPA to be amended in line with the latest subdivision update and Maas will undertake the amendments to the VPA as required.

If you have any questions, please do not hesitate to contact the undersigned via

Kind Regards,

Helen Saunders
Maas Group

www.maasgroupproperties.com.au
PO Box 404, Dubbo NSW 2830 sales@maasgroup.com.au 6881 9364
Sales Office: 28 Azure Avenue, Southlakes Estate, Dubbo NSW 2830

2.6 DEVELOPMENT APPLICATION DA 98/2022(1) - 103 PRINCE STREET

RECORD NUMBER: 2023/589
AUTHOR: Paul Johnston, Manager Development Assessments

EXECUTIVE SUMMARY

Reference is made to the Development Application submitted to Orange City Council in relation to land that formed part of the former Orange Base Hospital site being legally described as Lot 501 DP 1249083, known as 103 Prince Street, Orange. Council may recall that the Western Regional Planning Panel (WRPP) considered the Development Application in November 2022. The matter was deferred by the Panel in order to have the applicant re-design the development to improve access, setbacks, streetscape, the external materials of the development and matters pertaining to tree protection on the site.

The applicant has since submitted an amended Development Application in response to the matters raised. The application was re-exhibited and during the public exhibition period Council received an additional two submissions. A copy of these submissions are attached to the report and have been addressed by Council's Planning consultant in the attached Planning Assessment Report.

The amended proposal now seeks consent of the WRPP for:

- **Stage 1:** Multi Dwelling Housing (16 Townhouses) and Torrens Title Subdivision (3 Lots).
- **Stage 2:** Residential Flat Building (60 Apartments) and Recreation Area (Public Park).

The amended development in part proposes an alternate access arrangement by providing a mid-block accessway to service the Residential Flat Building and the Town House development. The amended arrangement more closely aligns with the Council adopted Masterplan for the site. In order to accommodate the amended access arrangement to the rear of the public park, and to overcome permissibility issues in relation to the shared access road over land zoned for open space purposes, it was necessary to amend the subdivision design such that the lot incorporating the Residential Flat Building included a small section of land zoned RE1 Public Recreation at the rear of the site. A public access will be maintained with a Right of Carriageway that is proposed over the shared access so as to facilitate public access to the parkland and accommodate legal access between each of the subject lots.

A Planning Agreement relative to the construction and dedication to Council of the central park was adopted by Council last year. The Planning Agreement involved the development of the central RE1 zoned land for the purposes of a Public Park and the dedication of that land to Orange City Council. The above-described changes to the proposed access arrangements and subdivision boundaries necessitates a change to the adopted Planning Agreement. A Letter of Offer reflecting the required changes from the applicant to amend the Planning Agreement has accompanied the amended Development Application. A separate report regarding the Letter of Offer to amend the Planning Agreement itself has been tabled for Council's consideration in a separate Agenda Item of the Planning and Development Committee. The outcome of that decision will be forwarded to the WRPP for their consideration in determining this application.

Independent planning consultant, Andrew Crump Town Planning Pty Ltd has been further engaged by Council to carry out the required additional Planning Assessment of the amended Development Application following the resolution of the WRPP. The decision to engage a planning consultant to carry out that assessment was to address matters in relation to a potential "conflict of interest", given land to which the application relates was the subject of a financial transaction (sale) between Orange City Council and the applicant MAAS Group Properties.

The amended Development Application is again required to be referred to the WRPP for final determination pursuant to State Environmental Planning Policy (Planning Systems) 2021.

The Assessment Report prepared by Andrew Crump Town Planning Pty Ltd, together with plans and submissions are attached for Council's information. As required, the Assessment Report and its associated documents have been submitted to the WRPP for their consideration and determination. The Planning Assessment Report recommends that the WRPP approve the development, subject to the adoption of the attached draft Notice of Determination.

The purpose of this report is to make Council aware that the abovementioned amended Development Application has been tabled for the determination of the WRPP.

Council may resolve to provide a written submission relating to the proposed development and the attached independent Planning Assessment Report to the WRPP.

It is understood that the WRPP will meet to consider the Development Application in May 2023.

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 resolves:

1 That the information contained in the report by Andrew Crump Town Planning for Development Application DA 98/2022(1) - proposed *Multi Dwelling Housing (16 dwellings) and Subdivision (three lot residential - Torrens title) (Stage 1); and Residential Flat Building (60 apartments) and Recreation Area (public park) (Stage 2)* - 103 Prince Street, Orange be acknowledged.

2 That Council determine whether or not it makes a submission upon this application to the Western Regional Planning Panel (WRPP).

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

An amended Development Application has been made to Orange City Council in relation to land that formed part of the former Orange Base Hospital site being legally described as Lot 501 DP 1249083, known as 103 Prince Street, Orange. The Western Regional Planning Panel (WRPP) considered the initial Development Application in November 2022. The matter was deferred by the panel in order to have the applicant re-design the development, namely:

- Amend the design to include the north/south access along the eastern boundary of the site.
- Re-design and reposition the Residential Flat Building to provide a front setback commensurate with the adjoining Department of Primary Industries building.
- Re-design the southern and western elevations of the Residential Flat Building to reduce the dominance of projecting balconies and include external materials which are more compatible to the context and setting (i.e. introducing more brickwork and other compatible materials, whilst reducing the extent of painted surfaces).
- Re-design of the Residential Flat Building to ensure the retention of significant vegetation including Tree 16 (Cedrus Deodora).

The applicant has since submitted an amended Development Application pursuant to Clause 37 of the Environmental Planning and Assessment Regulation 2021.

The amended proposal to which the Development Application relates involves residential development to be undertaken in two stages:

Stage 1 will involve the Torrens subdivision of the land into three lots and the construction on one of those lots of 16 Townhouses (multi dwelling housing) fronting Dalton Street.

Stage 2 will involve the development of the remaining two lots for the purposes of a Residential Flat Building and Public Park. The proposed Residential Flat Building will front Prince Street and will include 60 apartments composed of a mix of one, two and three bedroom apartments.

The proposed Townhouse (multi dwelling housing) development and Residential Flat Building will each be serviced by a basement car park with a shared vehicle/pedestrian road access provided to and from a mid-block connection between Dalton and Prince Streets. The site is currently zoned as both R3 Medium Density Residential and RE1 Public Recreation under the land use zoning provisions of Orange Local Environmental Plan (LEP) 2011. The proposed development seeks to vary the maximum height standard prescribed by Clause 4.3 of Orange LEP 2011.

The following identifies the principal amendments that the applicant has undertaken following the initial Panel hearing:

- All vehicle access points to the basement car parks within the development are via the proposed internal shared laneway along the eastern boundary.
- All loading and unloading; and garbage collection is to occur via the internal laneway.

- The Residential Flat Building has been repositioned on the site to better relate to the immediate context and setting.
- The Residential Flat Building's south and west elevations have been extensively re-designed to reduce the prominence of balconies.
- A more varied pallet of external materials comprising a mix of brick and light weight cladding has been incorporated into the design.
- The Residential Flat Building has been repositioned to ensure the retention of the significant trees within the Sale Street Frontage.
- The internal layout of the Residential Flat Building has been re-designed to accommodate the above changes and consequently the overall number of units has reduced by three down to 60 units.
- The dwelling mix within the Residential Flat Building has been adjusted such that the number of three bedroom units has been reduced by seven and the number of one and two bedroom units has increased by two respectively.
- The number of dwellings within the multi dwelling housing has been reduced by one, to 16 dwellings in total on the northern lot.

A Planning Agreement relating to the construction and dedication to Council of the central park was adopted by Council last year. The Planning Agreement involved the development of the central RE1 zoned land for the purposes of a Public Park and the dedication of that land to Orange City Council. The proposed Public Park in the amended application has since been reduced to 2,399m² in size. The amended development now proposes an alternate access arrangement by providing a mid-block shared access way to service the Residential Flat Building and Town House development. The amended arrangement more closely aligns with the Council adopted Masterplan for the site.

In order to accommodate the amended access arrangement to the rear of the public park, and to overcome permissibility issues in relation to the shared access road over land zoned for open space purposes, it was necessary to amend the subdivision design so that the proposed lot comprising the proposed Residential Flat Building incorporated a small section of land that encompassed the area zoned RE1 Public Recreation.

Public access will be maintained with a Right of Carriageway that is proposed over the shared access so as to facilitate public access to the parkland and accommodate legal access between each of the subject lots.

The above-described changes to the proposed access arrangements and subdivision boundaries will necessitate a required change to the adopted planning agreement. A Letter of Offer reflecting the required changes from the applicant to amend the Planning Agreement has accompanied the amended Development Application. A separate report regarding the Letter of Offer to amend the Planning Agreement itself has been tabled for Council's consideration in a separate Agenda Item of the Planning Development Committee. The outcome of that decision will be forwarded to the WRPP for their consideration in determining this application.

Independent Planning Consultant, Andrew Crump Town Planning Pty Ltd has been further engaged by Council to carry out the required additional planning assessment of the amended Development Application following the resolution of the WRPP.

A decision to engage a planning consultant to carry out that assessment was to address matters in relation to a potential "conflict of interest", given that land to which the application relates was the subject of a financial transaction (sale) between Orange City Council and the applicant MAAS Group Properties.

The amended Development Application is again required to be referred to the WRPP for final determination pursuant to State Environmental Planning Policy (Planning Systems) 2021 as the development is categorised as a Council related development over $5million. The application falls within the meaning of "*Council related development*" as Council was the owner of the land at the time in which the application was made.

The Development Application was exhibited on three separate occasions during the assessment phase. During the exhibition period of the amended development application Council received two written submissions. The matters raised in the submissions have been addressed in the planning assessment reports prepared in relation to this matter.

The Assessment Report prepared by Andrew Crump Town Planning Pty Ltd, together with plans and submissions are attached for Council's information. As required, the Assessment Report and its associated documents have been submitted to the WRPP for their consideration and determination. The report outlines an assessment of the extent of the environmental impacts, with recommendations presented within the report for the WRPP's consideration. The key issues identified in the assessment relate to:

- Streetscape and material finishes (heritage)
- Height of the proposed Residential Flat Building (4.6 Variation)
- Parking arrangements
- Access to the proposed development and connection to the public park
- Protection of existing trees
- Waste management

The report recommends that the WRPP approve the development subject to the adoption of the attached draft Notice of Determination.

The purpose of this report is to make Council aware that the abovementioned amended Development Application has been tabled for determination of the WRPP.

The Panel Secretariat has advised that the application is likely to be listed for consideration by the WRPP in May 2023. The WRPP Meeting will be managed by the Panel Chairman and conducted in accordance with the Panel's Protocols.

If Council were to make a submission to the WRPP, Council could make comment on any issues relating to the proposal. The submission may or may not support the proposal, or provide comments that are a mixture of the two positions. There is not a need for Council to determine a single position.

Contents of Consultant's Documents

Document 1:

- Consultant's Planning Assessment Report

Document 2:

- Annexure A - ADG Compliance Table
- Annexure B - DCP Compliance Table
- Annexure C - Architectural Plans
- Annexure D - Landscape Masterplan

Document 3:

- Annexure E - Draft Notice of Approval
- Annexure F - Clause 4.6 Request to Vary a Development Standard
- Annexure G - Public Submissions
- Annexure H - Subdivision Plan
- Annexure I - BASIX Certificate
- Annexure J - Shared Laneway Plans
- Annexure K - VPA Letter of Offer

ATTACHMENTS

1 Consultant's Document 1 (Planning Assessment Report), IC23/9899⇩
2 Consultant's Document 2 (Annexures A-D), IC23/9900⇩
3 Consultant's Document 3 (Annexures E-K), IC23/9901⇩

PLANNING ASSESSMENT REPORT

SUBDIVISION, MULTI DWELLING HOUSING, RESIDENTIAL FLAT BUILDING, RECREATION AREA AND ROAD

103 PRINCE STREET, ORANGE

ANDREW CRUMP
TOWN PLANNING

PREPARED ON BEHALF OF:
ORANGE CITY COUNCIL

Planning Assessment Report
DA98/2022(1)
103 Prince Street, Orange

Document Control

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Project No. 201022.1

Author	Version	Reviewer	Status	Date
ADC	0.1	DC	DRAFT	7/4/2023
ADC	0.2	**PJ & MH (OCC)**	Client Review	24/4/2023
ADC	**1.0**	**--**	**FINAL**	**24/4/2023**

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- **Annexure C** – Architectural Plans
- **Annexure D** – Landscape Masterplan
- **Annexure E** – Draft Notice of Approval
- **Annexure F** – Clause 4.6 Request to Vary a Development Standard
- **Annexure G** – Public Submissions (redacted)
- **Annexure H** – Subdivision Plan
- **Annexure I** – Basix Certificate
- **Annexure J** - Shared Laneway Plans
- **Annexure K** - VPA Letter of Offer

Executive Summary

Table 1: Application Particulars

Development Application No.	DA98/2022(1)
Lodgement Date of application	24/3/2022
Applicant	Maas Group Properties 103 Prince Pty. Limited
Owner/s	Maas Group Properties 103 Prince Pty. Limited
Title particulars and address	Lot 501 DP1279083 103 Prince Street, Orange
Brief description of development	**Stage 1:** Multi Dwelling Housing (16 Townhouses) & Torrens Title Subdivision (3 Lots (including a road)). **Stage 2:** Residential Flat Building (60 Apartments), Recreation Area (Public Park) and Road.
Estimated Cost of Development	$26, 074, 105.00

The Development

A development application has been made to Orange City Council in relation to land that is legally described as Lot 501 DP1249083, known as 103 Prince Street, Orange and seeks consent for:

- **Stage 1:** Multi Dwelling Housing (16 Townhouses) & Torrens Title Subdivision (3 Lots). A road is proposed over the right of way over the RE1 zoned Land.
- **Stage 2:** Residential Flat Building (60 Apartments), Recreation Area (Public Park) and Road.

Background

This is an assessment report of development application DA98/2022(1) and is a subsequent assessment report to the report that went before the Western Region Planning Panel (the Panel hereafter) on 15 November 2022.

The matter was deferred by the panel subject to redesign of certain elements of the development, namely:

- Amend the design to include the north / south shared access road along the eastern boundary of the site.
- Redesign and reposition the RFB to provide a front setback commensurate with the adjoining DPIE building.

- Redesign the southern and western elevations of the RFB to reduce the dominance of projecting balconies and include external materials which are more compatible to the context and setting (i.e. introducing more brickwork and other compatible materials, whilst reducing the extent of painted surfaces).
- Redesign of the RFB to ensure the retention of significant vegetation including tree 16 (Cedrus Deodora).

The applicant has submitted an amended development application pursuant to clause 37 of the Environmental Planning and Assessment Regulation 2021.

The author is of the opinion that the applicant has satisfactorily addressed the matters of deferral and accordingly, as detailed throughout this report, the development is recommended for approval subject to the conditions contained within the attached Draft Notice of Approval.

Planning Agreement

A planning agreement (VPA) between the applicant and Council has been entered into. The VPA relates to the development and dedication of the centrally located public open space land. The amended subdivision layout as described below, will necessitate a revised planning agreement.

The applicant has submitted a letter of offer indicating their willingness to enter in to a VPA which addresses the amended subdivision layout.

The VPA is subject to a separate resolution of Council which is to be dealt with separately to this report.

Independent Planning Assessment Engagement

Andrew Crump Town Planning Pty. Ltd. (the Author hereafter) have been engaged by Orange City Council to carry out an independent planning assessment of the development application on behalf of Council given the land to which the application relates was previously in the ownership of Orange City Council.

Notwithstanding the above, Orange City Council staff have fulfilled certain normal functions such as internal referrals and advice from SMEs including:

- Technical Services – Assistant Development Engineer.
- Technical Services – Manager Waste Services and Technical.

- Development Services – Environmental Health and Building Surveyor.
- Development Services – Environmental Health Officer.
- Corporate and Community Services – Manager City Presentation.

Council's appointed Heritage Advisor has also provided SME advice in relation to Heritage and Urban Design matters.

Council staff also completed the mandatory administrative functions such as uploading the application to the NSW Planning Portal (WRPP), Advertising and Exhibition requirements and obtaining any necessary external / agency referrals.

The Proposal

The development application seeks consent for an initial three lot Torrens title subdivision of the subject land and the construction of sixteen, part 2 and part 3 storey dwellings (characterised as a multi dwelling housing development) and basement carpark (providing 32 spaces) that will be situated on the resultant lot fronting Dalton Street (proposed lot 603)

Subsequent to this initial stage, the application also involves the construction of a part 4, part 5 and part 6 storey residential flat building (RFB hereafter) comprising 60 apartments and basement carpark (providing 92 spaces (one additional space is provided as a visitor space in the shared accessway) on the resultant lot fronting Prince Street.

In addition to this, the application also includes the installation of hard and soft landscape elements within the central lot (proposed lot 602) for the purposes of a public park which is intended to be dedicated to Council as part of a planning agreement.

A planning agreement has been entered into as part of the development application. The planning agreement involves the development of the central RE1 zoned land for the purposes of a public park and the dedication of that land to Orange City Council.

The Planning Agreement obligates the applicant to undertake certain embellishment works as approved on the endorsed landscape plan[1] within proposed lot 602 and then dedicate the land to Council.

[1] Recommended conditions of consent seek to require an amended landscape plan prior to the issue of a construction certificate under stage 2 of the consent.

The development application is referred to the Western Regional Planning Panel (the Panel hereafter) for determination pursuant to State Environmental Planning Policy (Planning Systems) 2021 as the development is categorised as a Council related development over $5million.

The application falls within the meaning of "*Council related development*" as Orange City Council was the owner of the land at the point in time when the development application was lodged.

Orange Local Environment Plan 2011 applies to the land.

The land is zoned partly R3 – Medium Density Residential and partly RE1 – Public Recreation. The development is characterised as; *Subdivision of land, Multi Dwelling Housing, Residential Flat Building, Recreation Area and Road.*

All of the aforementioned land-uses are permissible uses within the respective zones.

Summary of Consequential Changes

The following identifies the principal amendments that the applicant has undertaken following the initial Panel hearing:

- All vehicle access points to the basement car parks within the development are via the proposed internal shared laneway along the eastern boundary.
- All loading and unloading; and garbage collection is to occur via the internal shared laneway.
- The RFB has been repositioned on the site to better relate to the immediate context and setting.
- The RFB's southern and western elevations have been extensively redesigned to reduce the prominence of balconies.
- A more varied pallet of external materials comprising a mix of face brick and light weight cladding has been incorporated into the design of the RFB.
- The RFB has been repositioned to ensure the retention of the significant trees within the Sale Street frontage.
- The internal layout of the RFB has been redesigned to accommodate the above changes and consequently the overall number of units has reduced by 3 down to 60 units.

- The dwelling mix within the RFB has been adjusted such that the number of 3-bedroom units has been reduced by 7 and the number of one-bedroom and two-bedroom units has increase by two respectively.
- The number of dwellings within the multi dwelling housing has been reduced by 1, to 16 dwellings in total on the northern lot.

This is further summarised in the below table.

Table 2: *Comparison Table*

	Description			
	Residential Flat Building		Multi Dwelling Housing	
Component	**Original**	**Current**	**Original**	**Current**
Number of Buildings	1	No Change (NC)	1	NC
Number of storeys	Part 4, Part 5, Part 6 Storeys	NC (although, the configuration and arrangement of the storeys has changed)	Part 2 and Part 3 Storeys	NC
Basement	Yes – single level	Access now from internal shared laneway	Yes – single level	Access now from internal shared laneway
Overall Building Height	21.45m[2]	NC	~10.5m	NC
Total apartments / dwellings	63	60	17	16
Unit Mix			17 x 3-bedroom dwellings	16 x 3-bedroom dwellings

	Original		Current	
Unit Type	**No.**	**%**	No.	%
1 Bedroom units	4	6.3	6	10
2 Bedroom Units	25	39.7	27	45
3 Bedroom Units	34	54	27	45

[2] Height of building determined with guidance from *Tony Legge v Council of the City of Sydney* [2016] NSWLEC 1424

Vehicular access	Sale Street	Internal Shared Laneway	Sale Street	Internal Shared Laneway
Parking (no. of on-site parking spaces)	105	93	34	32
Garbage Collection	Private agreement, collection in Sale Street	Collection via internal shared access under a private agreement.	Kerb side, Dalton Street	NC

The following development standards under Orange LEP 2011 apply to the land:

Table 3: *Summary of applicable development standards*

Development Standard	Numerical Standard	Compliance
Minimum Lot size (multi dwelling housing)	800m^2	Yes
Floor Space Ratio	1.8:1	Yes
Height of Building	**Part 16m**	**No (RFB only)**
	Part 25m	Yes

The development contravenes the applicable height of buildings development standard and accordingly a clause 4.6 request has been submitted with the application.

A detailed analysis of the clause 4.6 request to vary the development standard is provided within the body of the report.

Chapter 17 – West End Development Control Plan is a site specific DCP within Orange DCP 2004 and applies to the land. An assessment of the development against the relevant provisions of the DCP is provided within the body of the report along with a compliance table at **annexure B**.

The previous iteration of the development application was exhibited on two separate occasions. A third exhibition period was triggered given the submission of an amended application, with such changes sufficient to warrant re-exhibition.

The formal exhibition periods are summarised below:

Table 4: *Summary of Exhibition Periods*

Exhibition	Exhibition Period	No. of Submissions
First	Monday, 20 June 2022 to Monday, 18 July 2022.	7
Second (revised proposal)	Monday 19 September 2022 to Monday 3 October 2022.	2
Third Exhibition	Monday, 27 March 2023 to Thursday, 20 April 2023[3]	2

The submissions received during the first two exhibition periods were considered as part of the report that went before the Panel in November 2023.

Summary of Matters Raised In Submissions Received in the Third Exhibition Period.

Submission 1

- Overshadowing of the adjoining commercial building.
- Traffic Impacts.

Submission 2

- Height of Building / appropriateness of cl. 4.6 variation request
- Security, landscaping and safety of pedestrians using the shared accessway.

Detailed consideration of the two submissions is provided below.

[3] Period extended to account for the easter holiday period.

Resolution of Critical Issues Identified in the Previous Assessment

The following table provides an analysis of the resolution of the previously identified issues or deficiencies within the application as detailed in Planning Report to the WRPP dated 24 October 2022.

***Table 5**: Resolution of Previously Identified Critical Issues.*

Critical Issues Identified in Previous Assessment	Resolution
The adequacy of the Clause 4.6 request to vary the height of buildings development standard.	A revised clause 4.6 has been provided which meets the legislation requirements of clause 4.6 as further detailed below.
The identified departures from the West End Precinct DCP, particularly: • the vehicular access and pedestrian arrangements / absence of the north / south internal shared accessway and the resultant tree loss attributed to the proposed entrances off Sale Street, • the setbacks of the RFB, particularly the setback to Prince Street as detailed further in the dot point below; and • The materiality, building form and architectural detailing of the RFB as raised by Council's Heritage Advisor.	The amended design incorporates the following: • required north / south shared access along the eastern boundary. • The setbacks of the RFB within Prince Street are commensurate with the adjoining commercial building. • The materiality of the RFB has been amended to include extensive use of brick and other compatible light weight cladding materials.
The revised siting of the RFB within the Prince Street frontage being ~2.6m further forward than the original submission and DCP requirements. This has occurred as a result of a flaw in the general design / layout of the development as originally submitted where the RFB extended into the RE1 land rendering the development impermissible. To remedy this, the applicant has simply responded by repositioning the RFB ~2.6m closer to Prince Street to avoid the RE1 land. This has the effect of amplifying the overall	The amended design sites the RFB in line with the adjoining DPIE building. The siting of the RFB is considered acceptable.

bulk and scale of the building within Prince Street.	
The waste collection arrangements for the RFB.	The waste collection arrangements now involve collection of 1100L MGBs via the shared accessway. The collection vehicle is able to enter the site via Prince Street and exit via Dalton Street (i.e., a forward direction).
The departure from the DCP in terms of apartment mix within the RFB.	The apartment mix has improved in terms of a greater number of one-, and two-bedroom units and a reduction in the number of three-bedroom units. There are no objections to the proposed apartment mix.

As can be observed from the above table, the amended design satisfactorily resolves the previously identified issues without generating any significant new issues or issues that aren't able to be resolved via conditions of consent. Accordingly, the development is recommended for approval.

RECOMMENDATION

That the Western Region Planning Panel consents to DA98/2022(1) for *Multi Dwelling Housing (16 dwellings) , Subdivision (three lots), Residential Flat Building, Recreation Area and Road* at Lot 501 DP1249083 – 103 Prince Street, Orange pursuant to the conditions of consent in the attached Notice of Approval.

1 Introduction and Background

1.1 The Application

Development consent has been sought for the following:

- A three-lot Torrens title subdivision comprising two residential lots and a central Public Recreation lot.
- Construction of 16, 3-storey dwellings and basement car park (consisting of 32 parking spaces) as part of a multi dwelling housing development.
- Construction of a part 4, part 5 and part 6-storey Residential Flat Building (RFB hereafter) providing 60 apartments and a basement carpark (92 parking spaces).
- Development of the central lot for the purposes of a public park comprising soft landscaping, pathways, seating, children's play equipment etc. This parcel is to be dedicated to Council as part of a planning agreement.

The application relates to land legally described as Lot 501 DP1249083, known as 103 Prince Street, Orange.

1.2 Background / Design Iterations

The evolution of this application has continued to be an iterative process with further design amendments to both the dwellings and the RFB following the previous Panel hearing.

The most recent design changes are detailed below.

1.2.1 Multi Dwelling Housing

The general siting of the dwellings and their internal layout has remained largely unchanged throughout the life of the application. The changes following the panel hearing relate to redirecting the entrance to the basement car park from the shared access way and reducing the number of dwellings from 17 down to 16.

The overall siting, form and building appearance remains largely unchanged from that previously considered by the panel, save for the change to the basement car park to allow access via the shared accessway and the reduction in the number of dwellings.

Figure 1: *MDH – Amended Design - Perspective view(north-west corner)*

Figure 2: *MDH – Amended Design - Dalton Street Perspective*

Figure 3: *MDH – Amended Design – Sale Street Perspective (south-west corner)*

***Figure 4**: MDH – Amended Design – Interface with Public Park*

An assessment of the most recent version of the plans relating to the multi dwelling housing component of the application is provided below under the heading Heritage, Streetscape and Tree removal.

1.2.2 Subdivision

The layout of the three-lot subdivision has been amended to facilitate the shared accessway along the eastern boundary.

The southern (RFB) lot, proposed Lot 601, has been amended to include the portion of access way that would have been on the central park lot into Lot 601.

This arrangement will avoid complex arrangements that would arise under the Local Government Act in relation to easements over community land. Easements can be registered over community land only in certain circumstances (section 46). Where those circumstances apply, the easements generally need to be specifically authorised under a plan of management which must first be publicly exhibited with consideration by Council of any public submissions prior to adoption. There are also potential additional notification requirements under section 47 of the Local Government Act 1993 which in some circumstances include a requirement for approval of the Minister.

These requirements would have provided a level of uncertainty within the consent, which is now avoided by the applicant retaining a portion of the central lot and including the necessary rights of access and positive covenants.

1.2.3 RFB

The design, siting and layout of the RFB has undergone substantial changes following the Panel hearing. Most notably:

- Vehicular access is now proposed via the shared accessway along the eastern boundary.
- Garbage collection will occur wholly within the site via the shared accessway: Garbage truck is able to enter via Prince Street and leave via Dalton Street.
- The siting of the building has been adjusted to avoid further tree losses and also align the front of the building commensurate with the front building line of the adjoining DPE building.

As observed in the below figures (Figures 6 and 7) showing the comparative change between the current design the previous design considered by the panel, the most notable changes relate to the form, materiality and general appearance of the RFB. The amended building design incorporates extensive use of face brick, significantly reduced areas of painted surfaces and integrates balconies that are less dominant in the appearance of the building.

***Figure 5**: Comparison of designs*

***Figure 6:** Comparison of designs*

Further detailed commentary on the RFB building is provided below.

1.2.4 Public Open Space

The open space area remains largely unchanged from the previous design that was considered by the panel, save for the necessary adjustments to incorporate the shared accessway (which is now proposed on lot 601).

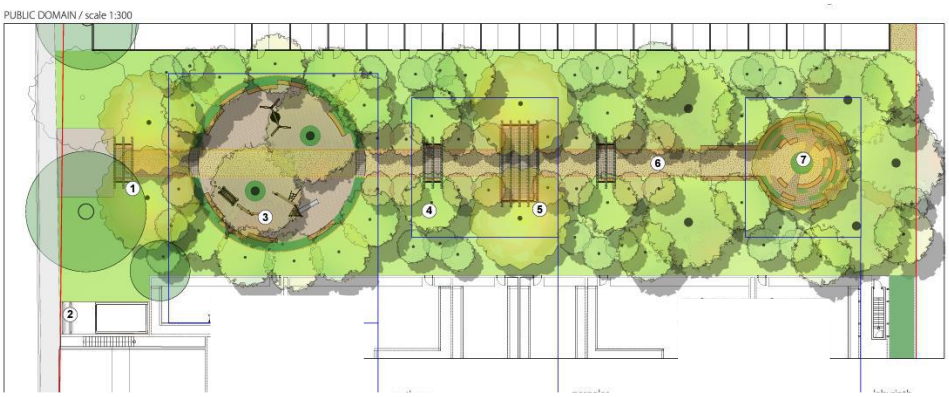

Figure 7: *Public Park - Amended Design*

Its noted that a BBQ area is still omitted from the design. Further commentary on the proposed public park is provided below.

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

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1.3 Supporting Documentation

The following documentation has been submitted in support of the application and has been considered as part of this planning assessment report (superseded documents have not been referenced here):

1.3.1 Application Material Initially Lodged

- Access Report prepared by Accessed
- Noise Assessment prepared by MAC Acoustics.
- Tree Assessment Report prepared by Terras Landscape Architects.
- Community Consultation Report
- Waste Cycle Strategy prepared by BG&E.
- Construction waste management plan.
- Operational Waste Management Plan.
- Stormwater Design prepared by BG&E

1.3.2 Additional Information Documents

- Heritage Impact Statement prepared by Carste Studio Pty. Ltd.
- Heritage Interpretation Strategy prepared by Carste Studio Pty. Ltd.
- Amended Traffic Impact Assessment prepared by Seca.
- Ecological Assessment prepared by Firebird ecoSultants Pty. Ltd.
- Site Audit Statement prepared by Geosyntec.
- CEMP prepared by Maas Property Group.
- Geotechnical Investigation Report.
- Preliminary Services prepared by Maas Property Group.
- Housing Needs and Diversity Study prepared by Umwelt.
- Response to Submissions

1.3.3 AMENDING DOCUMENTATION

The following documents have been submitted in the latest submission from the applicant.

- Cover letter Maas Property Group dated 16 March 2023
- Statement of Environmental Effects prepared by Maas Property Group dated March 2023.
- Cl.4.6 – (amended) Request to Vary Development Standard prepared by Maas Properties Group dated January 2023.
- Architectural plans prepared by EJE Architecture – Project No. 13956:

Dwg. No.	Title	Rev	Date
A-000	COVERSHEET	1	17/04/2023
A-010	EXISTING SITE PLAN	0	24/01/2023
A-011	SITE ANALYSIS	0	24/01/2023
A-012	SITE PLAN	1	10/03/2023
A-020	BASEMENT PLAN	1	10/03/2023
A-021	GROUND FLOOR PLAN	1	10/03/2023
A-022	LEVEL 1 PLAN	1	10/03/2023
A-023	LEVEL 2 PLAN	1	10/03/2023
A-024	LEVEL 3 PLAN	1	10/03/2023
A-025	LEVEL 4 PLAN	1	10/03/2023
A-026	LEVEL 5 PLAN	1	10/03/2023
A-027	LEVEL 6 PLAN (ROOF PLAN)	0	24/01/2023
A-030	ELEVATION – SHEET 1	1	10/03/2023
A-031	ELEVATION – SHEET 2	1	10/03/2023
A-035	PRINCE ST. ELEVATION	1	10/03/2023
A-036	DALTON STREET ELEVATION	0	24/01/2023
A-040	SECTIONS – SHEET 1	0	24/01/2023
A-041	SECTIONS – SHEET 2	0	24/01/2023
A-051	SITE PLAN 3D – SHEET 1	0	24/01/2023
A-052	SITE PLAN 3D – SHEET 2	1	10/03/2023
A-053	BUILDING ENVELOPE DIARGAMS	0	24/01/2023
A-060	SHADOW DIAGRAMS	0	24/01/2023
A-061	SHADOW DIARAMS	0	24/01/2023
A-070	STAGING PLAN	1	10/03/2023

A-080	GROUND FLOOR AREA PLAN	1	10/03/2023
A-081	LEVEL 1 AREA PLAN	1	10/03/2023
A-082	LEVEL 2 AREA PLAN	1	10/03/2023
A-083	LEVEL 3 AREA PLAN	1	10/03/2023
A-084	LEVEL 4 AREA PLAN	1	10/03/2023
A-085	LEVEL 5 AREA PLAN	1	10/03/2023

A-090	SOLAR ACCESS & CROSS FLOW – GROUND FLOOR	1	10/03/2023
A-091	SOLAR ACCESS & CROSS FLOW – LEVEL 1	1	10/03/2023
A-092	SOLAR ACCESS & CROSS FLOW – LEVEL 2	1	10/03/2023
A-093	SOLAR ACCESS & CROSS FLOW – LEVEL 3	1	10/03/2023
A-094	SOLAR ACCESS & CROSS FLOW – LEVEL 4&5	1	10/03/2023

A-100	LIFT OPTION PLANS	0	24/01/2023
A-102	SILVER LEVEL UNIT	0	24/01/2023

A-110	PERSPECTIVES – SHEET 1	1	10/03/2023
A-111	PERSPECTIVES – SHEET 2	1	10/03/2023
A-112	PERSPECTIVES – SHEET 3	0	24/01/2023
A-113	PERSPECTIVES – SHEET 4	0	24/01/2023
A-114	PERSPECTIVES – SHEET 5	0	24/01/2023
A-115	PERSPECTIVES – SHEET 6	0	24/01/2023
A-116	PERSPECTIVES – SHEET 7	0	24/01/2023
A-117	PHOTOMONTATGE	0	24/01/2023
A-120	MATERIAL IMAGES	1	10/03/2023

- Landscape Masterplan Documentation Prepared by Terras Landscape Architects Job No. 13956.5:

Dwg. No.	Title	Versions
L100	MASTERPLAN – LANDSCAPE APPROACH	K
L101	MASTERPLAN - LANDSCAPE DESIGN	M
L201	STREET TREE AUGMENTATION	L
L301	TOWNHOUSES - LANDSCAPE DESIGN	L
L302	TOWNHOUSES - DETAIL PLANS	K
L303	APARTMENTS - LANDSCAPE DESIGN	M
L304	APARTMENTS - DETAIL PLANS	K
L400	PUBLIC DOMAIN - APPROACH	F
L401	PUBLIC DOMAIN - LANDSCAPE DESIGN	M
L402	PUBLIC DOMAIN - PERGOLAS	K
L403	PUBLIC DOMAIN - LABYRINTH	K
L404	PUBLIC DOMAIN - PLAYGROUND	K
L405	PUBLIC DOMAIN – PLAYGROUND IMAGES	K
L406	PUBLIC DOMAIN – POCKET PARK	L
L407	PUBLIC DOMAIN – TREE STRATEGY	K

- Draft Subdivision Plan prepared by Craig Jaques and Associates:

Dwg. No.	Title	Date
3925/23	Plan of Proposed Subdivision of Lot 501 DP1249083 – Prince, Sale and Dalton Streets, Orange	08/03/2023

- Shared Zone Driveway plans prepared by MAAS Group Properties – project no. 22037:

Dwg. No.	Title	Rev	Date
DR-01	Shared Zone Driveway – Part A	01	08/03/2023
DR-02	Shared Zone Driveway – Part B	01	08/03/2023
DR-03	Shared Zone Driveway – Part B	01	08/03/2023

- Exterior Lighting plan prepared by Electrical Projects Australia Project no. 22059:

Dwg. No.	Title	Date
E21	Site Plan – Electrical Layout	08/03/2023

- BASIX Certificate Number: 1288407M_02
- SEPP 65 – Design Verification Statement by EJE Architects dated January 2023.
- Waste vehicle swept paths prepared by MAAS Group Properties.
- Street Interface arrangement prepared by MAAS Group Properties.
- Cover letter from the project arborist dated 6 March 2023.

2 The Site and Surrounding Context

2.1 Site Location

The land forms part of what is informally known as the former Orange Base Hospital site and sits to the west of the existing DPE building (which also formed part of the former Base Hospital site).

The site has three road frontages to the following streets:

- Prince Street to the south.
- Sale Street to the West
- Dalton Street to the north.

The site is a large regular shaped parcel of some 10069m^2.

The site comprises the remnant vegetation associated with the former Base Hospital along the western boundary.

The topography of the land is generally flat with a high point in the north western corner of the site with the site sloping gently from north to south.

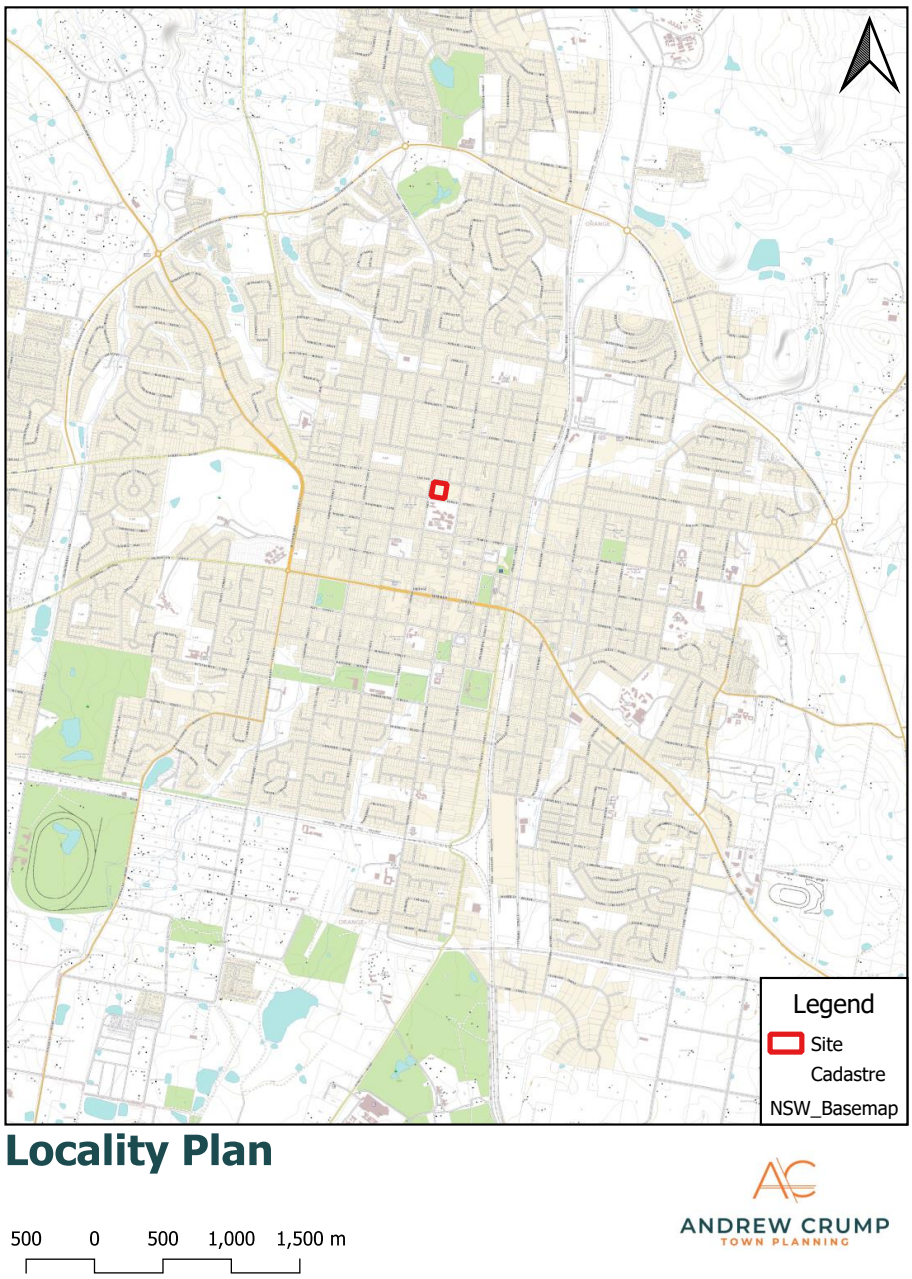

Figure 8: *Locality Plan*

2.2 Surrounding Development Pattern

The surrounding development pattern is mixed and comprises the following:

North – The development to the north comprises mostly single storey detached dwellings, some have been adaptively reused for medical purposes.

East – The subject land shares its eastern boundary with the DPE Building which is a 4-storey contemporary office building fronting Prince Street with a multi-level carpark in the Dalton Street frontage.

South – The development to the south comprises the Orange TAFE which consists of numerous institutional style buildings ranging in age from the 1930s through to modern buildings, with heights ranging from one to three storeys.

West – To the west of the site is the former nurse's quarters and two former dwellings. To the southwest there is the pharmacy located on the corner and other commercial uses.

Figure 9: *Subject site looking towards the south along the eastern boundary.*

Figure 10: *Adjoining DPE building and multi-storey carpark*

Figure 11*: Period cottages opposite site in Dalton Street*

Figure 12: *Period cottages opposite site in Dalton Street*

Figure 13: *Non-residential uses within Sale Street*

Aerial Image

25 0 25 50 75 100 m

ANDREW CRUMP
TOWN PLANNING

Figure 14: *Aerial Image*

3 The Proposal

3.1 Overview

The proposal involves the following:

- A three-lot Torrens title subdivision comprising two residential lots and a public recreation Lot.
- Construction of 16, part 2 and part 3 storey dwellings and basement carpark as part of a multi dwelling housing development within the resultant lot fronting Dalton Street.
- Construction of a part 4, part 5 and part 6 storey RFB providing 60 apartments and a basement carpark providing 92 parking spaces.
- Development of the central lot for the purposes of a public park comprising soft landscaping, pathways, seating, children's play equipment, etc. This parcel is to be dedicated to Council as part of the planning agreement.

The submitted architectural plans accompany this report at **annexure C** and a summary of the key development statistics is provided in the below tables.

3.1.1 Key Development Statistics

Table 6: *Key development statistics - subdivision*

Lot	Size	Zone	Future Land-use
601	4330m^2	R3 – Medium Density Residential	RFB
602	2399m^2	RE1 – Public Recreation	Dedicated Public Open Space
603	3966m^2	R3 – Medium Density Residential	Multi Dwelling Housing

Planning Assessment Report
DA98/2022(1)
103 Prince Street, Orange

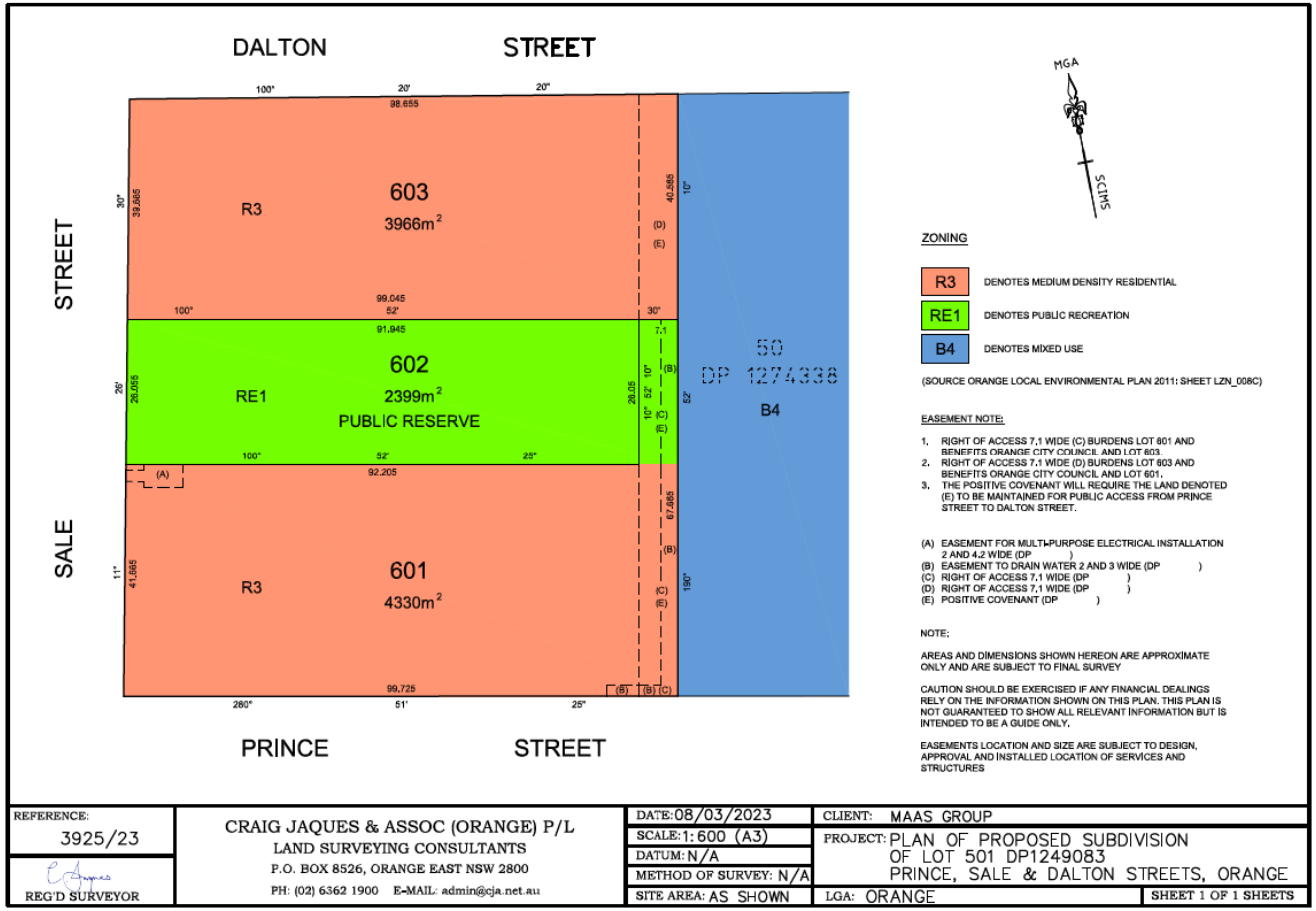

***Table 7**: Key Development Statistics - Residential Accommodation*

	Description		
Component	**RFB**		**Multi Dwelling Housing**
Number of Buildings	1		1
Number of storeys	Part 4, Part 5, Part 6 Storeys		Part 2 and Part 3 Storeys
Basement	Yes – single level		Yes – single level
Overall Building Height	21.45m[4]		~10.5m
FSR	1.31:1		
Total apartments / dwellings	60		16
Unit Mix	**No. of each dwelling type**	**%**	16 x 3-bedroom dwellings
	6 x 1 Bedroom units 27 x 2 Bedroom Units 27 x 3 Bedroom Units	10 45 45	
Vehicular access	Two-way Shared accessway connecting with Dalton and Prince Streets		Two-way Shared accessway connecting with Dalton and Prince Streets
Parking	93 parking spaces		32 parking spaces
Garbage Collection	Private agreement, collection via shared accessway		Kerb side, Dalton Street

[4] Height of building determined with guidance from *Tony Legge v Council of the City of Sydney* [2016] NSWLEC 1424

3.2 Detailed development description

The following sections provide a detailed description of the residential accommodation.

3.2.1.1 Multi-dwelling Housing

Concurrently with the initial three lot subdivision, it is proposed to construct multi-dwelling housing comprising:

- 16, part 2 and part 3 storey dwellings, with basement level parking providing 32 off-street parking spaces, and individual storage lockers. The dwellings are effectively split level and are afforded ground level access to the front and rear of each dwelling. The various levels are shown in the below section.

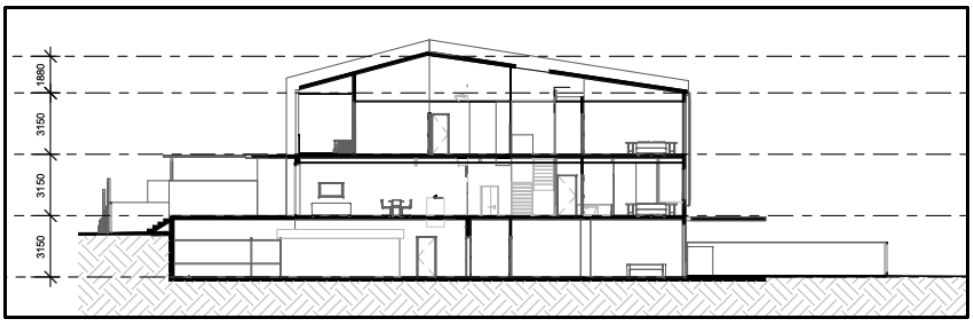

***Figure 15**: Section(Dalton Street to the left of image)*

- The topography of Dalton Street slopes up from east to west, meaning the eastern dwellings are more elevated than those at the western end. This is also a consequence of ensuring the levels and heights of the basement and first floor work practically at the western end of the dwellings (meaning part of the basement is above ground level at the eastern end).
  This results in additional stairs / elevated first floor from the front courtyards for those eastern dwellings – highlighted in the figure below.

***Figure 16:** Dalton Street Elevation*

- Save for dwelling 1 and dwelling 16 (which are a replicated layout of the respective dwellings they adjoin), the remaining 14 dwellings are arranged in back-to-back pairs, effectively mirror reversed layouts.
- Each dwelling has a ground floor living room, laundry and circulation space directly leading from the basement parking.

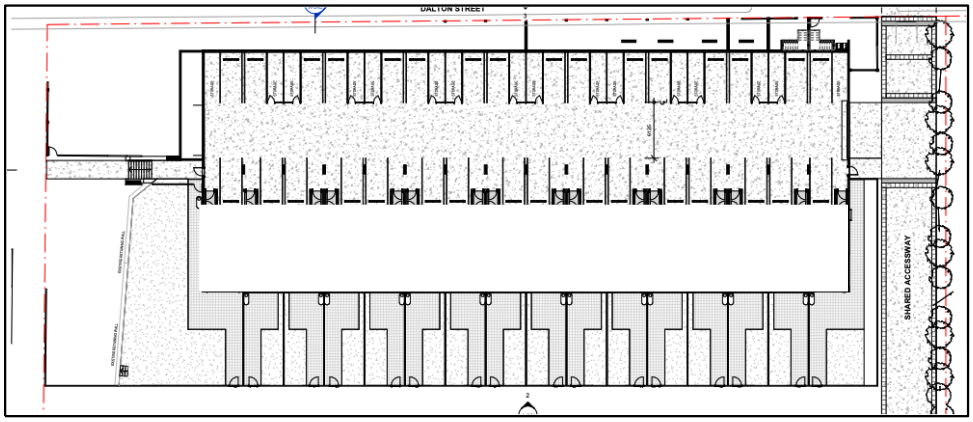

Figure 17: *Floor Plan (Excerpt) - Basement and Ground Floor*

- Level 1 comprises a south facing bedroom with ensuite and WIR and an open plan kitchen / living / dining area occupies the northern portion of each dwelling. The stairwell separates the two spaces. Direct pedestrian access is provided from Dalton Street from this level.

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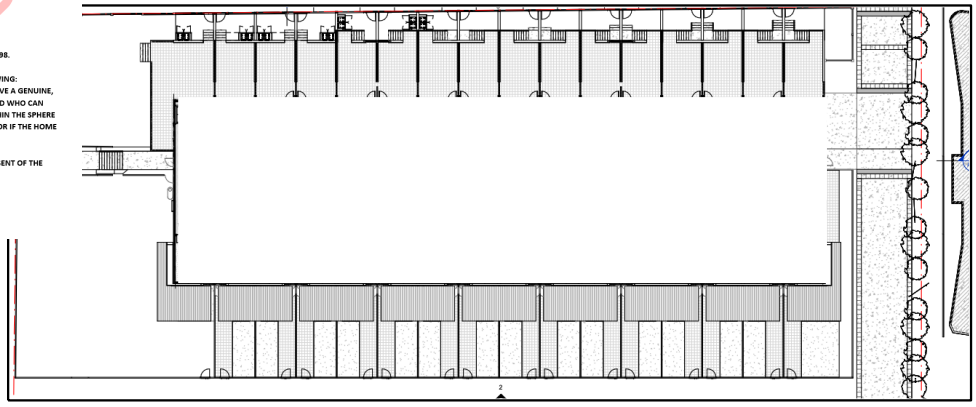

Figure 18: *Floor Plan (Excerpt) - 1st Floor / Street level.*

- Level 2 also comprises a south facing bedroom with ensuite and WIR and a master bedroom occupies the northern portion of the dwellings, and again, the stairwell separates the two spaces.

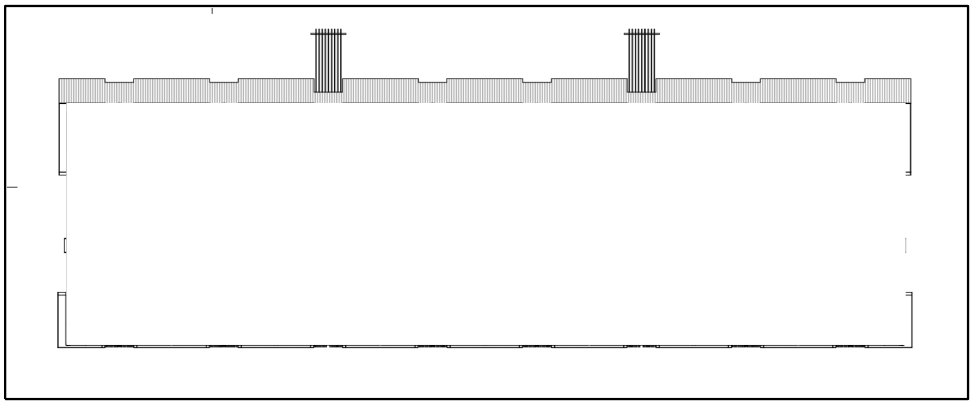

***Figure 19**: Floor Plan (Excerpt) - Level 2*

- Each dwelling is afforded a front and rear private courtyard. The front courtyards are terraced and provide direct access to Dalton Street via stairs down to a smaller courtyard which also houses the respective dwelling's bins. The rear courtyards are partly paved and partly provided with soft landscaping. Each dwelling is provided with direct PA access to the public park at the rear. There appears to be a discord between the latest architectural drawings and the landscape plans in terms location of the terracing and stair location and orientation. This is further addressed below.

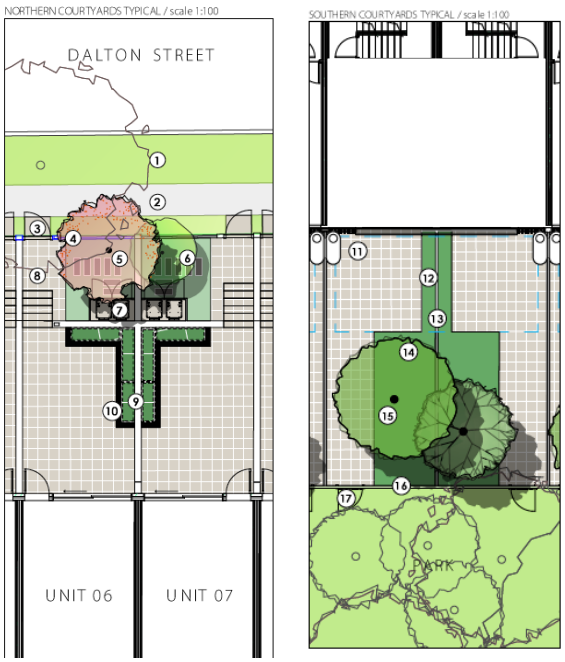

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***Figure 20a and 19b:** Front and Rear landscaped courtyards*

In terms of the built form and visual appearance of the multi-dwelling housing, as previously described in the report to the panel, the building is articulated through the use of pitched roofs, expressed vertical dividing walls and recessed portions that combine to fractionate the long linear north and south elevations into three separate, but cohesive elements as shown below.

Figure 21: *Dalton Street elevation - showing the articulated front facade.*

3.2.1.2 RFB

The Residential Flat Building is a part 4, part 5 and part 6 storey building. The building steps down in the number of storeys from east to west.

The building comprises 60 units across six levels and 92 parking spaces within the basement carpark.

In addition to parking, the basement also includes storage cages, the starting level of two central cores within the building providing lift access and stairwell, as well providing an area for utilities and garbage storage

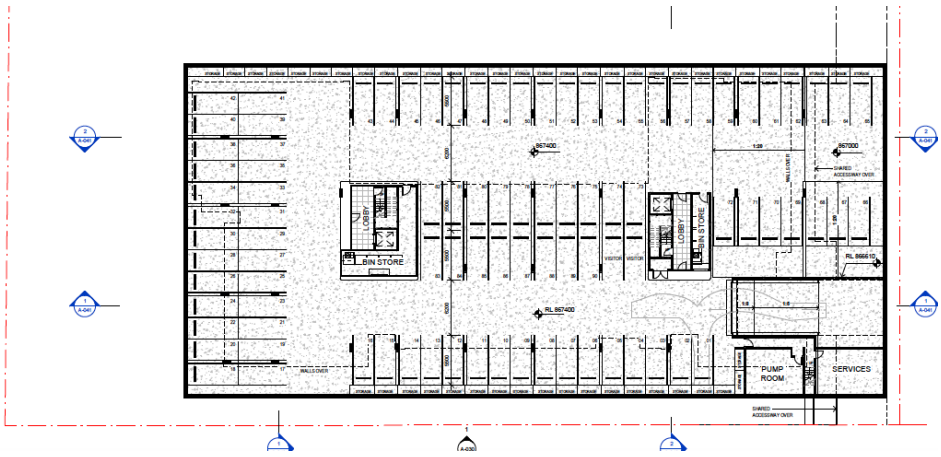

Figure 22: *Basement Level*

There are 10 ground floor units (7 x two-bedroom and 3 x three-bedroom units). The ground floor also provides common access for residents to Prince and Dalton Streets, as well as access to the open space to the north and the shared accessway to the east.

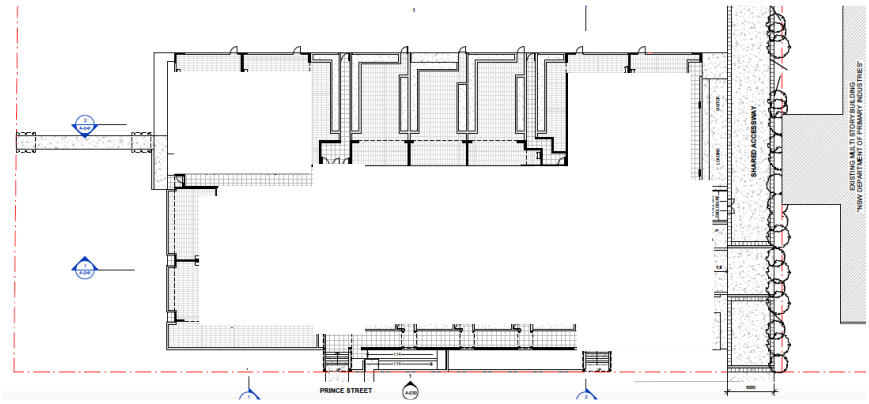

Figure 23: *RFB-Ground Floor*

Level 1 contains 13 units, comprising 3 x one bedroom units, 5 x two bedroom units and 5 x three bedroom units.

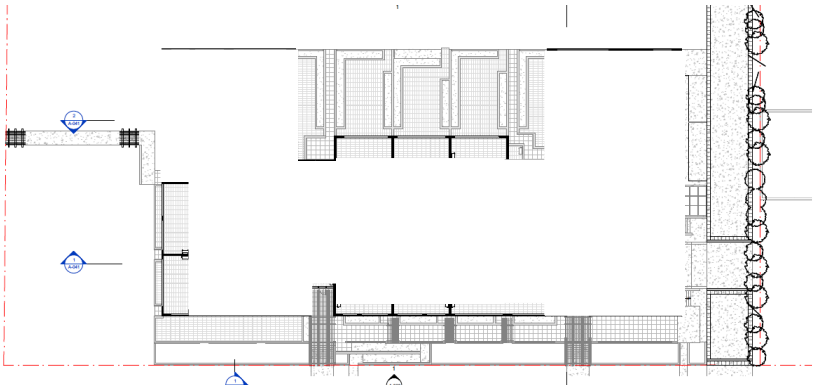

Figure 24: *RFB Levels 1*

Levels 2 and 3 are duplicate floor plates containing 12 units, comprising 1 x one bedroom unit, 5 x two bedroom units and 6 x three bedroom units per level.

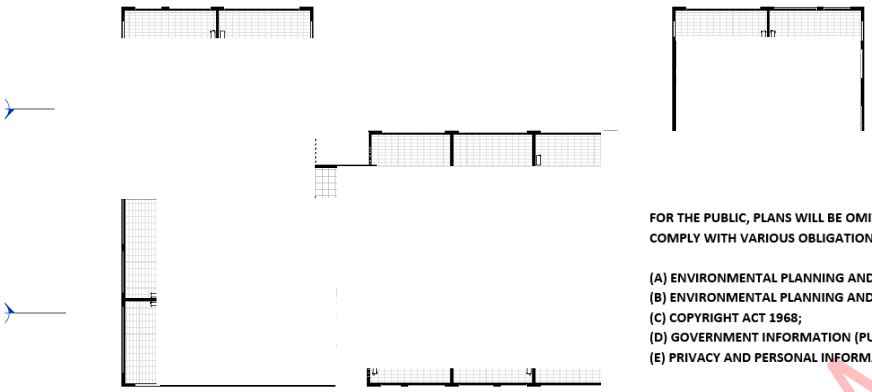

Figure 25: *RFB Levels 2 and 3 (level 2 shown)*

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Level 4 contains 11 units in total (1 x one bedroom, 5 x two bedroom units and 5 x three bedroom units), along with a common terrace area comprising an enclosed BBQ area and covered balcony. All balconies on this level include circular columns arranged in pairs as part of the colonnade detail recommended by Council's Heritage Advisor.

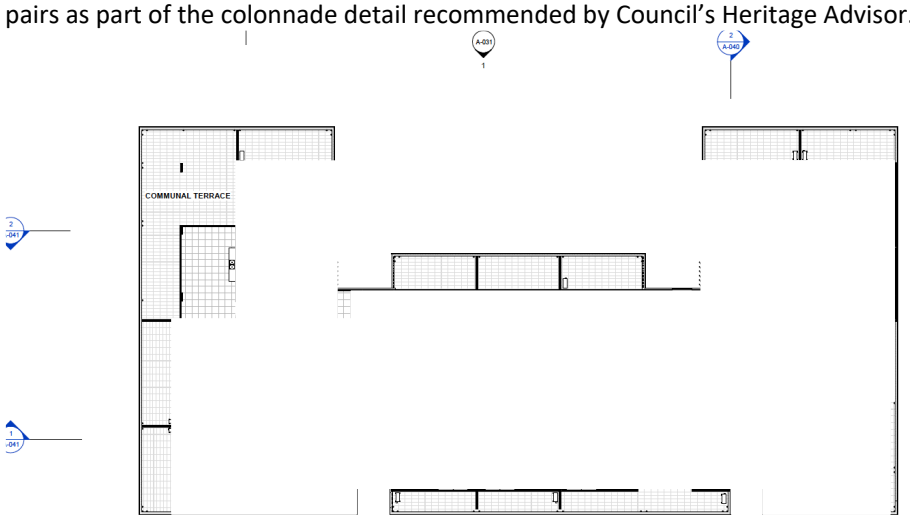

Figure 26: *RFB - Level 4*

Level 5 comprises two x 3 bedroom penthouses positioned over the eastern half of the building below.

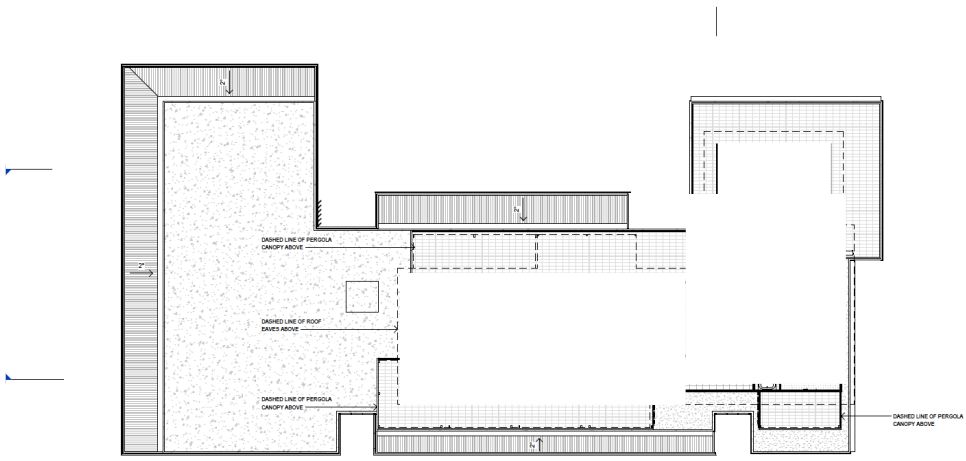

Figure 27: *RFB - Level 5 (penthouses)*

The roof over the penthouses comprises a traditional pitched roof (5 degrees) and incorporates the colonnade / pergola structures around the perimeter.

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The materiality of the RFB comprises predominately masonry (face brick) from Ground Level to Level Three.

The Ground Level comprises a darker blue-grey coloured brick as a base while the middle three levels are further fractionated into three elements through the use of a deferring brick colour for the central section of building to the eastern and western portions. The eastern and western portion of brickwork through these middle levels is further modulated through the use of the blue-grey coloured base brick, which continues up from the ground level as a differentiating corner pier element.

The elevations through the middle levels of the building are further modulated through the use of horizontal corbel banding adding depth, texture and visual interest to the facade.

The fourth level adopts a lighter style of construction as means of replicating a roof-like structure, with wall cladding comprising standing seem material in Colorbond Gully (a mid-grey colour).

The roof over the balconies continues the lightweight appearance with the use of parapet fascia supported on circular columns arranged in pairs.

The level 5 penthouses comprise standing seem wall cladding, pitched roof and timber colonnade / pergola structures around the perimeter.

At street level the blue-grey brick has been adopted for raised garden beds which delineate the private and public spaces, the pedestrian ramps and access stairs. The use of timber pergola structures over the pedestrian access points and front courtyards of the ground floor units fronting Prince Street provide continuity through the overall design of the building.

Figure 28: *3D view of RFB - Prince Street Frontage*

3.3 Staging of the development

The applicant requests consideration of the application arranged in the following sequencing:

Stage 1

- Completion of the proposed 3-lot Torrens title subdivision and associated infrastructure works.
- **Proposed Lot 603** - Construction of the 16 dwellings (as multi dwelling housing) and associated basement carpark, provision of infrastructure, landscaping, fencing, etc.

The draft consent has been arranged to allow the subdivision to occur concurrently with the construction of the dwellings.

Stage 2

- **Lot 601 -** Construction of the part 4, part 5 and part 6 storey RFB comprising 60 apartments and associated basement car park, provision of infrastructure (including services, mechanical plant and the like), landscaping, fencing, etc.
- **Lot 602** (centrally located open space land) - embellishments and dedication of land to Council as public open space (i.e. a public park).

4 Strategic Context

4.1 Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan guides the NSW Government's land use planning priorities and decisions over the next 20 years and provides an overarching framework to guide further strategic plans and decision making.

The Plan includes priority actions as well as medium and longer-term actions to coincide with population and economic change within the region.

Of relevance is Direction 25: *Increase Housing Diversity and Choice which includes the following relevant actions:*

> *25.2 Increase housing choice in regional cities and strategic centres at locations near or accessible to services and jobs.*
>
> *25.4 Locate higher density development close to town centres to capitalise on existing infrastructure and increase housing choice.*

As detailed below, this development will assist in achieving these actions in relation housing diversity.

4.2 Central West and Orana Regional Plan (DRAFT) 2041

The Central West and Orana Regional Plan (Draft) is similar to the current plan in that it seeks to establish a consistent strategic planning framework, vision and direction for land use, addressing future needs for housing, jobs, infrastructure, a healthy environment, access to green spaces and connected communities (DPE 2022).

Of particular relevance to this application is Objective 8 – *Plan for diverse affordable, resilient and inclusive housing.*

The proposed development is broadly consistent with this objective of the plan. The development provides a type of housing that occupies the often referred to "missing middle" of the housing market.

4.3 Orange City Council Community Strategic Plan 2018-2028

The Community Strategic Plan sets a 10-year vision for the city which is underpinned by a number of long-term strategic goals

The vison for future housing delivery within the city seeks to ensures a healthy, safe and inclusive vibrant community.

4.4 Orange Local Strategic Planning Statement

Orange Local Strategic Planning Statement is a 20-year vision for land-use planning for the Orange Local Government Area.

Specifically, *the LSPS acts as a link between the strategic priorities identified at a regional or district level, and the finer-grained planning at a local level expressed in council's local environmental plan and development control plans, to ensure consistency in strategic planning approaches. While mainly related to land use planning from the State to the local level the LSPS is also intended to connect and align with Council's broader role via the Community Strategic Plan.*

The LSPS identifies 19 Planning Priorities to achieve the Council's vision for Orange, along with actions and the means for monitoring and reporting on the delivery of the actions.

Specifically relating to the subject development, the LSPS includes the following planning priority:

> *Provide diverse housing choices and opportunities to meet changing demographics and population needs, with housing growth in the right locations.*

4.5 Orange City Council – Orange Local Housing Strategy

The Orange Local Housing Strategy was adopted by Council in June 2022. The strategy helps guide the decision making of Council and the private sector in order to deliver a greater diversity of housing which can accommodate the existing and future population and address the demographic changes being experienced in the LGA. The Housing Strategy also guides the design and location of housing into the future.

The strategy provides the following vision:

> *The Housing Strategy supports a housing market that meets the diverse and changing needs of the Orange community. It enables a sustainable supply of housing for everyone, at all income levels, that has access to jobs and services, and that respects Orange's unique landscape comprising scenic, ecological and agricultural values. Supported by community facilities and open space housing ultimately needs to contribute to Orange's future as a liveable city* (Orange City Council).

The underlying endeavours of all of the strategies referenced above relate to the provision of a diverse range of housing within the community that protects the important social, environmental and economic foundations of the City.

The proposed development is not inconsistent with this pursuit. The development will increase the amount of housing stock within the city and introduce housing typologies to the market that have historically been underrepresented within Orange.

5 Consideration

5.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act (the Act hereafter) (Part 4) and the accompanying Regulations provide the principal statutory framework for the assessment of development applications in NSW.

In particular, the Consent Authority must take certain matters into consideration when determining a development application.

The following sections of this document provide an assessment of the mandatory heads of consideration listed in section **4.15 – Evaluation** of the Act as summarised in the below table.

5.1.1 Matters for Consideration under the EP&A Act

Matter for Consideration	Commentary
The provisions of: *(i) any environmental planning instrument, and* *(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority …, and* *(iii) any development control plan* *(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and* (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*	(i)The provisions of Orange LEP 2011 are addressed below. Of note, the development contravenes the height of building development standard. Relevant SEPPS are also addressed below. (ii)There are no draft EPIs applicable. (iii) Orange DCP 2004, specifically ch. 17-West End Precinct DCP has been addressed. Refer below and to the DCP compliance table at **Annexure B**. (iiia) a planning agreement has been entered into in relation to the public park. This is considered below under **section 5.8.** (iv)the development is not inconsistent with the prescribed matters.
(*b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*	The likely impacts of the development are considered under **section 5.10** below**.**
(c) the suitability of the site for the development,	Suitability of the site for the proposed development is considered under **section 5.11** below**.**
(d) any submissions made in accordance with this Act or the regulations,	The amended development application was formally exhibited and a total of 2 submissions were received, and the matters raised are addressed below under **section 5.12**
(e) the public interest.	The proposal is not inconsistent with any relevant policy statements, planning studies, and guidelines etc. that have not been considered in this assessment.

5.2 Section 1.7 – Application of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994.

Section 1.7 of the Act refers to Part 7 of the Biodiversity Conservation Act and Part 7A of Fisheries Management Act. These Acts require consideration of the development's effect on Terrestrial and Aquatic Environments.

Specifically, the referenced Acts contain four triggers under which a development is to be assessed under the Biodiversity Offset Scheme. These are detailed in the below table:

Table 8: *BC Act and Fisheries Act Matters*

Trigger	Commentary
1. Development that occurs on land mapped on the Biodiversity Values Map (OEH) (clause 7.1 of BC Regulation 2017).	The development is not proposed on land identified on the NSW Biodiversity Values Map. Accordingly, the development does not trigger this clause.
2. Clearing Threshold exceedance (clauses 7.1 and 7.2 of BC Regulation 2017).	Although it is proposed to remove a number of exotic trees , the development does involve the clearing of any native vegetation and accordingly, the development does not trigger this clause.
3. Development that is likely to have a significant effect on threatened species	An ecological report has been prepared in support of the development which explores the development's potential to impact upon endangered ecological communities, threatened species and habitats. The report found the development to be satisfactory. The development will not have a significant effect on threatened species, nor will the development impact on any endangered ecological communities or habitat. In this regard: • The subject land is a brownfield site having been previously used for the purposes of a public hospital. • The development does not involve any clearing of native vegetation. • The development will not engender any water quality issues of any nearby sensitive waterways. • The land is not mapped as high value biodiversity land under the NSW Biodiversity Conservation Act.

	• The land is not mapped high biodiversity under Orange LEP 2011. • A nesting box is located in one of the subject trees to be removed, conditions of consent are recommended to deal with the relocation of the nesting box. Given the foregoing assessment, the development will not have a significant effect on any endangered ecological communities, threatened species or habitat.
4. Development proposed in an area of Outstanding Biodiversity Value	N/A – the land is not an area categorised as Outstanding Biodiversity Value.

Given the foregoing assessment, it can be demonstrated that the development is consistent with the requirements of section 1.7 of the Act (and related Acts). Moreover, the development is not required to be assessed against the Biodiversity Offset Scheme and a Biodiversity Development Assessment Report is not required for the development.

The development is considered acceptable with regards to Section 1.7 of the EP&A Act.

5.3 Designated Development

The Environmental Planning and Assessment Regulations (the Regs) contain provisions for certain large scale or offensive development that are to be categorised as designated development.

With reference to schedule 3 within the Regs, this development is not categorised as designated development.

5.4 Integrated Development

Certain types of development will require additional approvals or licences under other Acts as part of the carrying out of a development.

With reference to Section 4.46 of the Act, this development is not integrated development.

5.5 PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.151)(a)(i)

5.5.1 Orange Local Environmental Plan 2011

Orange Local Environmental Plan 2011 (the LEP hereafter) applies to the subject land.

5.5.1.1 Summary of Development Standards and Other Local Provisions

The following table summarises the applicable LEP provisions. Further commentary of those that are applicable (identified in **BOLD** text) is provided below.

***Table 9**: LEP Summary Table*

Standard / Provision	Applicability
Zone	**R3 – Medium Density Residential** **RE1 – Public Recreation**
Min. Lot Size (clause 4.1B)	**800m^2**
Height of Building	**16m** **25m**
FSR	**1.8:1**
Heritage Item or Conservation Area	**Heritage Conservation Area**
Earthworks	**Yes – Basement Car Parks**
Flood Related Planning Controls	N/A
Terrestrial Biodiversity	N/A
Ground Water Vulnerable	**Yes**
Drinking Water Catchment	N/A
Airspace Operations	N/A
Essential Services	**Yes**

5.5.1.2 Aims of the Plan

The LEP provides the following aims of the plan:

(1) This Plan aims to make local environmental planning provisions for land in Orange in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(a) to encourage development that 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 the needs of present and future generations to be met by implementing the principles of 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 development is consistent with aim (e) in that a diverse range of housing is proposed under the application, housing typologies that have historically been underrepresented within the local housing market.

The development is consistent with aim (f) of the plan. The development, as articulated within this report, has been satisfactorily redesigned to relate appropriately to local context and is appropriate in the heritage setting.

The development is not inconsistent with the remaining aims of the plan.

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

Clause 1.9A provides that any agreement, covenant, or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose, with the exception of:

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

Based on a title search for subject parcel, the author is not aware of any covenants, agreements or instruments affecting the land that would unduly constrain the proposed development.

5.5.1.4 Zoning and Permissibility

The land is zoned Part R3 Medium Density Residential and Part RE1 Public Recreation as shown in the below figure.

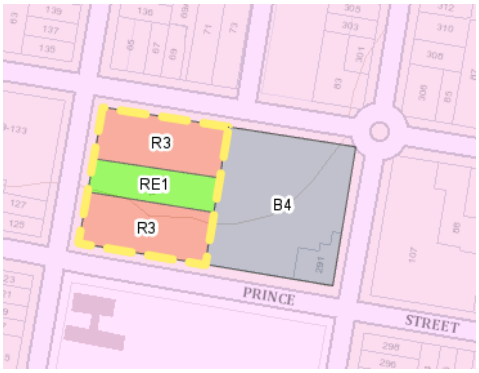


Figure 29: *Zoning Mapping (subject land shown yellow outline)*

The development is characterised as a *subdivision of land, Multi Dwelling Housing, Residential Flat Building*, *Recreation Area and Road.*

Section 6.2 of the EP&A Act defines subdivision of land as:

> *the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected—*
>
> *(a) by conveyance, transfer or partition, or*
>
> *(b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.*

The dictionary contained within the LEP defines Multi Dwelling Housing, Residential Flat Buildings, Recreation Areas and Roads as follows:

> ***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.*
>
> ***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.*
>
> ***recreation area*** *means a place used for outdoor recreation that is normally open to the public, and includes—*
>
> *(a) a children's playground, or*
>
> *(b) an area used for community sporting activities, or*
>
> *(c) a public park, reserve or garden or the like,*
>
> *and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).*
>
> ***Road*** *means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.*

Subdivision of land is permissible in any zone pursuant to clause 2.6 of the LEP.

Multi dwelling housing is explicitly permissible within the R3 zone with development consent.

Residential flat buildings are not expressly listed as permissible (nor are they listed as prohibited) in the R3 zone, however, residential accommodation is expressly listed as permissible for which RFBs are a subset land-use and are thus, permissible in the zone with development consent.

Recreation areas are explicitly permissible within the RE1 zone with development consent.

Specially in relation to the road, this relates to the area of the shared access way over the RE1 land. Roads are expressly permitted in the RE1 zone with development consent.

This development application is seeking consent.

5.5.1.4.1 Zone objectives

The objectives of the R3 Medium Density Residential zone are listed as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure development is ordered in such a way as to maximise public transport patronage, and encourage walking and cycling, in close proximity to settlement.*

The development is not inconsistent with the objects of the R3 Medium Density Residential zone as follows:

- In regard to the first objective, the development will increase the amount of housing stock within the city in a general sense, but more specifically, increase the amount of housing stock within certain segments of the housing market that have historically been undersupplied.
- In regard to the second objective, the development will add to the diversity of housing choices within the city, providing housing types that are typically underrepresented in the Orange Housing Market.
- The third objective is not applicable.
- In respect of the fourth objective, the development site is appropriately located such that it is easily accessible via public transport; or by walking and cycling from the CBD and other areas of the city.

The objectives of the RE1 Public Recreation zone are listed as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.*
- *To ensure development along the Southern Link Road has alternative access.*

The development is not inconsistent with the objects of the RE1 Public Recreation zone as follows:

- In regard to the first objective, the land will be dedicated to Council as part of the planning agreement as public open space.
- In regard to the second objective, the open space will provide for a range of active and passive uses catering for a broad range of needs.
- In regard to the third objective, the subject parcel will be fully landscaped in line with the landscape masterplan which provides appropriate plant species for Orange's climate. Note the commentary below which seeks an amended plan.
- In regards to the fourth objective, the development will result in an area of public open space that is appropriately located such that it can be enjoyed by people who live and work in the area.
- The fifth stated objective is not relevant to the application.

5.5.1.5 Principal Development Standards under the LEP

The following principal development standards under part 4 of the LEP apply to the assessment of the Development Application:

- *Clause 4.1B – Minimum Lot size for dual occupancy, multi dwelling housing and residential flat buildings.*
- *Clause 4.3 – Height of Buildings*
- *Clause 4.4 – Floor Space Ratio*

The above clauses are addressed separately below.

5.5.1.5.1 Clause 4.1B - Minimum Lot size for dual occupancy, multi dwelling housing and residential flat buildings.

Clause 4.1B provides requirements for minimum lot sizes for certain types of residential development in certain residential zones.

Relevantly, the clause requires land to be a minimum of 800m^2 when multi dwelling housing is proposed in R3 Medium Density zoned land.

Proposed lot 603 is 3966m^2 and thus meets the development standard.

5.5.1.5.2 Clause 4.3 – Height of Buildings

The subject land comprises two height controls of 16m and 25m as shown below.

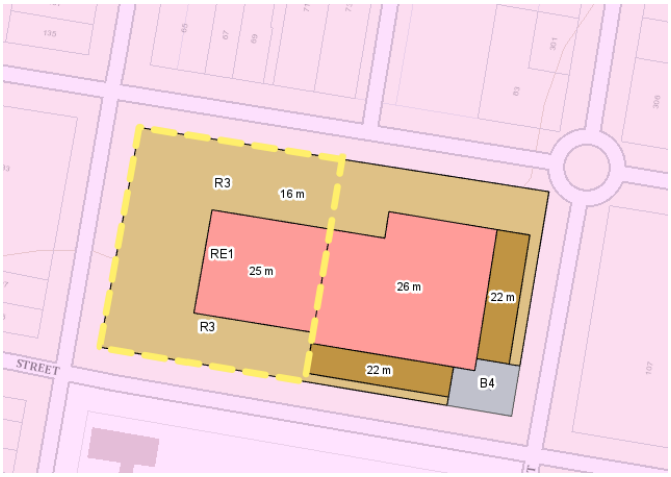
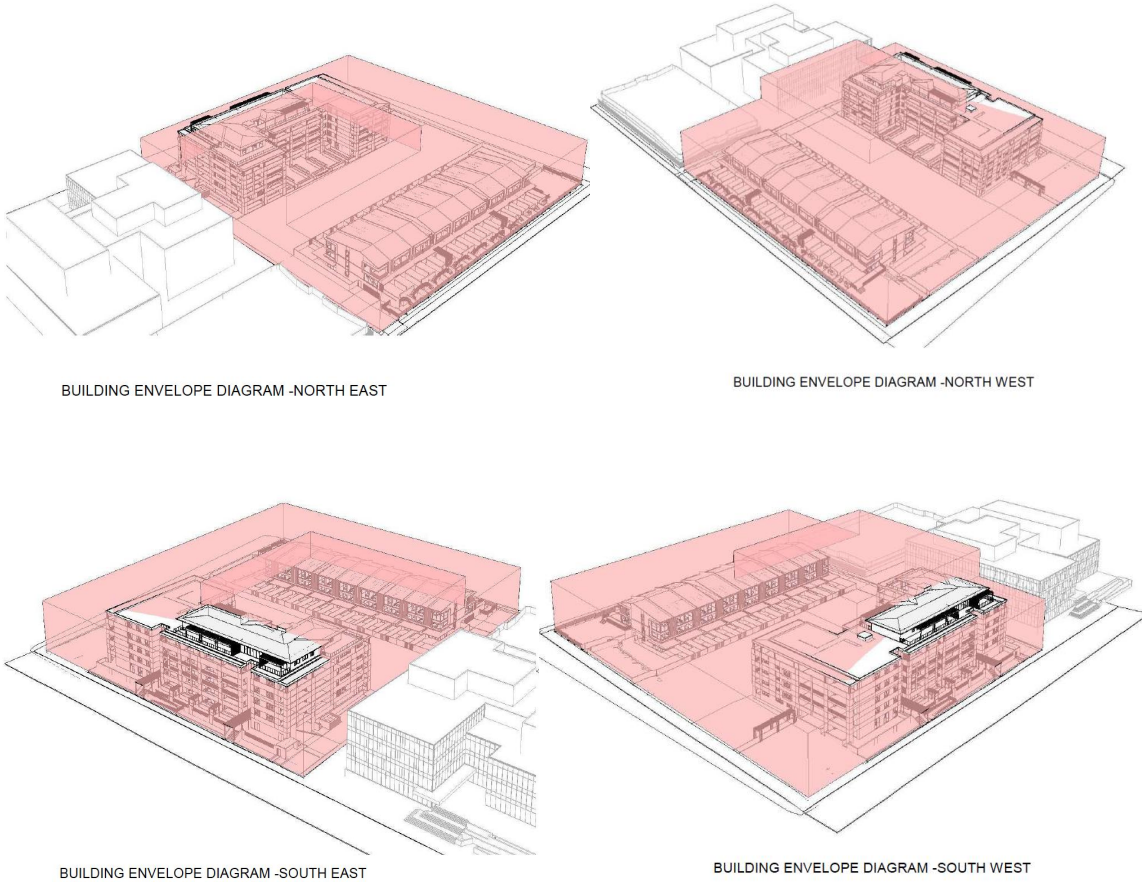


Figure 30: *LEP Mapping - Height of Buildings*

As observed in the above figure, the height controls have obviously been arranged to distribute the height in the centre of the site and provide a perimeter of buildings with a lower height as a means of transitioning to the lower scale / lower density of the surrounding development pattern and to respond to the context and setting within the broader locality.

The applicant is proposing a building (RFB) which contravenes the development standard, specially the 16m height control.

As can be observed in the below figures, the contravention relates to the level 5 units (penthouses) as well as the upper portion of level 4 as shown in the below building height envelopes submitted with the application.



Figures 31(a-d) : Building Envelope Diagrams

As a consequence of the contravention, a clause 4.6 request to vary the development standard has been prepared in support of the development application. Clause 4.6 is separately addressed below.

5.5.1.5.3 Clause 4.4 Floor Space Ratio

The floor space ratio applying to the site is 1.8:1 – refer below.

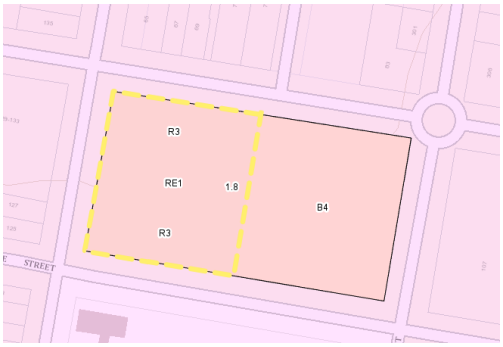


***Figure 32**: LEP Mapping – FSR*

The FSR calculations can be summarised as follows:

***Table 10**: FSR Calculations*

Lot	Site Area (m^2)	FSR	Allowable GFA	Proposed GFA(m^2)	Actual FSR
501	8,296[5]	1.8:1	14,932.8	10,851	**1.31:1**

As can be observed from the above table, the development does not contravene the FSR development standard applying to the land.

[5] Accounting for the exclusions as detailed in clause 4.5(4)(b).

5.5.1.5.4 Clause 4.6 – Exceptions to Development Standards

As established above, the proposed development contravenes **clause 4.3 Height of Building** development standard of OLEP 2011 and as such clause 4.6 is relevant to the assessment of the development.

The applicant has submitted a request to vary the above-mentioned development.

Objectives of the Standard being varied.

> *(1) The objectives of this clause are as follows—*
>
> *(a) to provide for taller buildings in the City centre and to enable a transition in building height in response to varying urban character and function,*
>
> *(b) to protect the amenity of neighbouring properties and public places, with particular regard to visual bulk, scale, overshadowing, privacy and views.*

Numerical Value to be Varied.

The clause 4.6 requests states:

> *Clause 4.3 and its supporting Height of Buildings Map restricts development to 16m and 25m. The numeric value of the Development Standard to which variation is sought is 16m.*

Percentage of Breach

The Clause 4.6 states:

> *The proposed new residential flat building will have the following:*
>
> - *Maximum Building Height = 19.65m Ridgeline (lift overrun 20.25m)*
> - *Actual Height Variation = 1.47m – 3.65m*
> - *Percentage variation = 9.2% – 22.8%*
> - *The non-compliance, varies from a minor encroachment of the level 4 façade up to the level 5 apartment encroachment.*
> - *The level 4 façade breach varies from 0.68m to its maximum 1.47m for only 22.1% of the footprint of the building.*
> - *The level 5 apartment breach varies from 1.47m to its maximum 3.65m for only 20.6% of the footprint of the building.*

- *The total breaching area consumes 7.8% of the site of which the remaining 92.2% of the site is compliant.*
- *It is noted no buildings are sought over the RE1 zoned land which comprises a 25m height of buildings development standard.*

The Following figures show the extent of the encroachment:

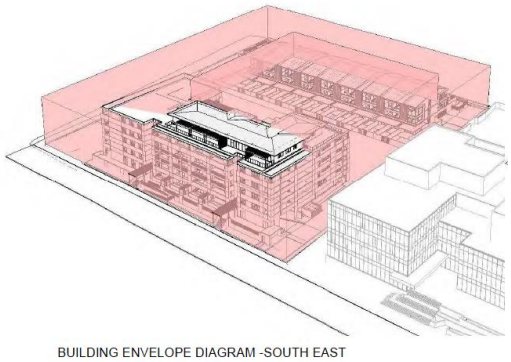


Figure 33: *Building envelopes – height of building control.*

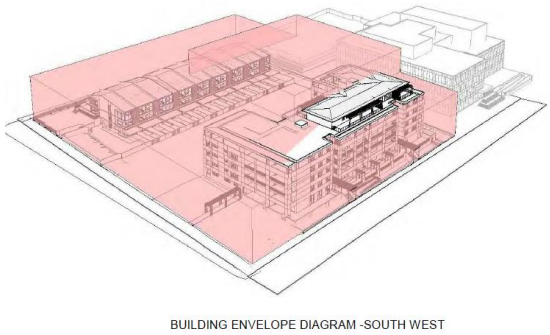


Figure 34*: Building envelopes – height of building control.*

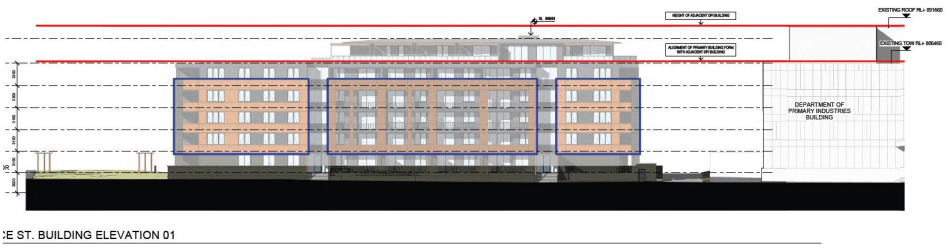


Figure 35*: Elevation showing relationship with adjoining commercial building.*

Consideration

The following assessment is guided by the court of appeal decision *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (Initial Action),

Clause 4.6(2) gives legal power to a consent authority to grant development consent for a development that contravenes a development standard. However, clause 4.6(2) is subject to pre-conditions as set out in clauses 4.6(3) and 4.6(4).

Clause 4.6(4) establishes preconditions that must be satisfied before the consent authority can exercise the power to grant consent to a development that contravenes a development standard.

The first precondition, in cl 4.6(4)(a) (as established in *Initial Action*) is that the consent authority, in exercising their functions, must form two positive opinions of satisfaction under cl 4.6(4)(a)(i) and (ii) these are addressed below; the second precondition (cl.4.6(4)(b)) requires the consent to obtain the concurrence of the Planning Secretary, this is also address below.

Two Positive Opinions of Satisfaction (cl. 4.6(4)(i)&(ii))

The first being that the applicant has adequately addressed the matters required by clause 4.6(3). *These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (cl 4.6(3)(a)) and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b)). The written request needs to demonstrate both of these matters* (Initial Action).

In meeting the first element of the first precondition, consideration must be given to the applicants cl.4.6 request in that whether or not it "adequately demonstrates" firstly:

> *(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.*

Wehbe v Pittwater Council established 5 ways an applicant may demonstrate the unreasonable or unnecessary test including:

The first and most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard: Wehbe v Pittwater Council *at [42] and [43].*

The applicant's cl.4.6 request has relied on the above to demonstrate the unreasonable or unnecessary test[6] as follows:

> *(a) to provide for taller buildings in the City centre and to enable a transition in building height in response to varying urban character and function,*
>
> ***Response:***
>
> *The proposal contributes positively to the desired medium residential density of the transitioning CBD and surrounding area. The medium-rise residential apartment building is positioned on the south of the site to assist the transition from the residential neighbourhood to the north and west up to the higher density commercial and educational uses to the east and south towards the city centre. The proposal will provide a development with a compliant building setback and facade line equal to that of the adjoining commercial development at 105 Prince Street as demonstrated in Appendix 3. The footprint of the upper level is set back from the outer walls of the level below and the height of the parapet to the levels below is consistent with the streetscape RL of 105 Prince Street. Therefore, the proposal fits contextually within the scale of adjoining development and the transition from the City centre.*
>
> (b) to protect the amenity of neighbouring properties and public places, with particular regard to visual bulk, scale, overshadowing, privacy and views.
>
> ***Response:***
>
> *Exceedance of the height control will not create additional building bulk that results in environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity and a reduction in the height would not create additional benefit for adjoining properties or the locality.*

[6] The construction of clause 4.6(3)(a) is such that an applicant needs only to demonstrate one or the other, unreasonable *or* unnecessary, it does not need to demonstrate both.

Visual Bulk and Scale:

- *The proposed development provides an articulated building form that minimises perceived bulk and scale impacts when viewed from Sale Street, Prince Street and the surrounds of the site.*
- *The proposal will provide a development, which is consistent with the envisaged transitioning scale of the adjoining developments and is of an appropriate visual bulk for the locality, responding to the commercial uses to the east and south as the key transition from the residential use to the adjoining commercial uses and city centre.*
- *The proposal is compliant with the floor space ratio requirements set out under the OLEP 2011.*
- *The proposed bulk and scale of the development is in keeping with the planning ambitions for this location to support medium density residential development.*
- *The encroachment consists of a small portion of the buildings façade roofline and also a section of the level 5 penthouse apartments. The penthouse apartments have been recessed from the streetscape elevations. Placing these apartments with considerable setbacks from the building line results in minimal bulk and scale impact from the proposed variation.*
- *I have formed the considered opinion that most observers would not find the proposed developments height encroachment, by virtue of its height unsympathetic having regard to the existing and desired future built form characteristics of adjoining development. The visual catchment effect of the development would have an equal impact with or without the proposed encroachment.*

Overshadowing:

- *The proposal will not result in unreasonable overshadowing of adjoining properties. In particular, it is noted that the height breach at the penthouse level does not result in any additional loss of solar access to adjoining properties and the proposal is fully compliant with the solar access controls for adjoining properties and the development itself. The proposed development increases the provision of public open space offerings for surrounding residents through the provision of an additional open space offering. The breaching element of the development is located to the south of the additional offering and would not contribute to overshadowing of the open space area.*

- *The breaching element only results in minor additional overshading of the neighbouring commercial premises from 3pm and 4pm winter solstice 21st June as demonstrated in Appendix 4. Outside this 2 hour period during winter solstice the development, in either a compliant built form or with the breaching element, produce the same overshowing effect.*

Privacy:

- *-The proposal will provide a development, which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained.*
- *The breaching element has been designed to ensure visual and acoustic privacy of adjoining properties is maintained as the uppermost dwelling and its living areas are 'tucked into and centred' upon the roof level concealed by the roof and floor level of the those below.*
- *Given the separation distances of the penthouse level from surrounding properties, the breach will not result in the loss of privacy for adjoining properties.*
- *The proposed and existing landscaping will further soften and screen perceived privacy impacts from adjoining dwellings. It should be noted that the majority of surrounding properties in Prince Street, Sale Street and Dalton Street have a traditional private open space arrangement upon their lots located within their rear yards. It should also be noted that a large number of these dwellings operate commercially with a variety of business throughout Sale Street and Dalton Street not untilsed as dwellings.*
- *The proposed penthouse level has been designed to minimise impacts in terms of the acoustic or visual privacy of adjoining properties being located to ensure that sightlines are not directly available to private open space or windows to habitable spaces of adjoining properties by providing generous setbacks from the edge of the level below and in effect concealed by the parapet level below.*
- *The proposed penthouse level does not increase the privacy impacts (visual or acoustic) of the proposed development on adjoining properties or the surrounding neighbourhood. Removal of the proposed height encroachment does not reduce the visual or acoustic impact of the proposed development.*

Views:

- *The proposed penthouse level will not result in any increased loss of views from surrounding development due to its setback location and limited footprint.*
- *The encroachment will not result in loss of views from the public domain. Non-compliance with the standard does not contribute to adverse environmental impacts when viewed from the public domain.*

The proposed height encroachment will not have any additional impacts on the amenity of neighbouring properties or public spaces within the locality therefore a reduction in the proposed height will not result in improved amenity for adjoining properties.

The above commentary is adequate in demonstrating *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (cl4.6(3)(a)).*

The second arm of cl.4.6(3) requires the applicant to *adequately demonstrate* there is sufficient environmental planning grounds to justify the contravention.

In this regard the applicant provides the following:

There are sufficient planning grounds to justify contravening the development standard as the additional height can be accomplished without adverse impacts upon its surrounds whilst also achieving the objects in Section 1.3 of the EPA Act.

The proposed development achieves the objects identified in Section 1.3 of the EP&A Act 1979, specifically:

- *The proposal promotes the orderly and economic use and development of land (1.3(c)).*
- *The development represents good design and amenity of the build environment (1.3(g)).*
- *The building as designed facilitates its proper construction and will ensure the protection of the health and safety of its future occupants (1.3(h)).*

The proposed development is consistent with the provisions of orderly and economic development of land, in that it proposes to provide new medium density housing with a high level of design and amenity, in a manner, which meets the objectives of those applicable controls. This new residential accommodation over its economic life is consistent with the promotion and coordination of the orderly use and development of land.

The proposed height can be achieved without adverse impacts for the following reasons:

- *The proposed penthouse level will not result in any increased loss of views from surrounding development due to its setback location and limited footprint.*
- *Given the separation distances of the penthouse level from surrounding properties, the breach will not result in the loss of privacy for adjoining properties.*
- *The proposal will not result in unreasonable overshadowing of adjoining properties. In particular, it is noted that the height breach at the penthouse level does not result in any additional loss of solar access to adjoining properties and the proposal is fully compliant with the solar access controls for adjoining properties and the development itself.*
- *The proposal will provide a development, which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained.*
- *The proposal will provide a development, which is consistent with the envisaged transitioning scale of the adjoining developments and is of an appropriate visual bulk for the locality.*
- *The development as proposed fits contextually with the site and streetscape as the intensity of the development is appropriate and acceptable, having regard to existing adjoining development and envisaged scale transition towards the CBD.*
- *Non-compliance with the standard does not contribute to adverse environmental impacts and when viewed from the public domain, the appearance of the development will make a positive contribution to the streetscape.*
- *The proposed development provides an articulated building form that minimises perceived bulk and scale impacts when viewed from Sale Street, Prince Street and the surrounds of the site.*

- *Reduction in the proposed height will not result in improved amenity for adjoining properties.*
- *Given the consistency of the proposal against the zone objectives and height objectives, consideration that the height can be achieved without adverse impacts on adjoining properties and that the development achieves the objects in Section 1.3 of the EP&A Act in my considered opinion there are sufficient environmental planning grounds to justify contravening the development standard.*

The above commentary adequately demonstrates there are sufficient environmental planning grounds to justify the contravention.

Having reached the necessary level of satisfaction required under clause 4.6(4)(i), the legislation now turns to the consent authority to be directly satisfied that *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

<u>Objectives of the Standard</u>

(a) to provide for taller buildings in the City centre and to enable a transition in building height in response to varying urban character and function,

The development is not inconsistent with the above object. In this regard:

- The subject land is in proximity to the city centre, the immediate context with the 4 and 5 storey commercial building immediately adjacent to the site is a prominent and defining element in the urban character of the locality.
- The highest part of proposed building is concentrated to the south-east corner of the site in close proximity to the existing tall buildings within the precinct, primarily the DPIE building, but also, to a lesser extent, the TAFE buildings to south.
- The 5th level is recessed from the floors below which reduces the apparent bulk and assists with the transition in height to the lower scale buildings in the vicinity. Also, the built form on level 5 extends only partway along the southern elevation as a further means of transitioning the building height to relate to the lower density environment, primarily to the west of the site.

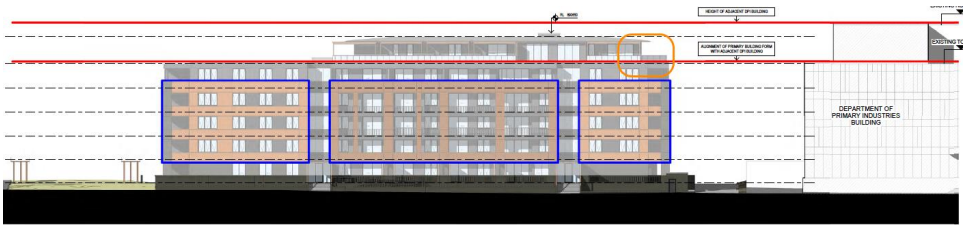
- The contravening elements at the 4th level of the building are appropriately treated in terms of materiality to respond as roof-like element which also acts as means of reducing the bulk and assist with the transition in height.
- The urban character to the west and north of the site is primarily characterised as a tradition single storey residential environment. The generous setbacks to the west where there are examples of buildings with a single storey / residential character results in numerous benefits, one of which is it retains the existing and mature trees which than acts as a vegetative / visual buffer between the higher buildings to the east and those buildings with a residential character to the west.

(b) to protect the amenity of neighbouring properties and public places, with particular regard to visual bulk, scale, overshadowing, privacy and views.

The additional built form on level 5 is not expected to adversely impact upon the amenity of neighbouring prosperities and public places due to the following:

- The upper levels (levels 4 and 5) of the RFB have been collaboratively designed through extensive dialogue with Council's Heritage Advisor who has offered a number of recommendations in relation to roof form, materiality of the upper levels, overall composition of the building, continuity between the vertical tripartite parts, colours and details of external materials, architectural treatments such as colonnades and balustrade treatments, all geared towards reducing the visual bulk and apparent height of the building.
  The applicant has successfully incorporated these recommendations and what has resulted is a building that, although it contravenes the height of building standard, is considered to be contextually appropriate in the setting, a building that sits comfortably in the streetscape with a compatible design outcome considering the immediate context.
- In terms of overshadowing, the applicant has presented shadowing diagrams which clearly demonstrate that the extra height does not engender any adverse environmental impacts by why of overshadowing upon any neighbouring properties.

- In terms of privacy, the level 5 floor plate is recessed from the southern and eastern edges of the building below which serves to reduce the apparent bulk of the building by making the built form on level 5 less visible, however, it also serves to assist with reducing visual privacy impacts. As can be observed in the below figure, level 5 sit approximately in line with the roof of Level 4 of the adjoining building, noting there is built form above this height on the adjoining building although its non-habitable (plant room). Given the relationship between the two buildings, there is no direct overlooking, but downward overlooking. Recessing the penthouses means that any opportunity to overlook level 4 of the adjacent building in a downward direction and is obstructed by the projecting part of the building directly below. As such, there is limited overlooking opportunities created as a direct result of the extra height. It is acknowledged that there is an east facing balcony on the 5th level. However, the subject balcony is situated in the non-contravening part of the site towards the centre of the site[7].



- In terms of views, there are no iconic or important views that would be interrupted as a direct result of the extra height. It's noted that the closest recognised iconic view is Mount Canobolas which is located to the south-west of the site and therefore built form to the immediate west would not interrupt these views.

Given the forgoing, the development, with specific reference to the contravening portion of the building, despite the noncompliance, is consistent with the objects of the height of building development standard.

[7] Out of completeness, the referenced balcony complies with the ADGs in terms of building separation.

Objectives of the Zone

The objectives of the R3 Medium Density Residential zone are listed as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure development is ordered in such a way as to maximise public transport patronage, and encourage walking and cycling, in close proximity to settlement.*

The development is not inconsistent with the objects of the R3 Medium Density Residential zone as follows:

- In regard to the first objective, the development will increase the amount of housing stock within the city in a general sense, but more specifically, increase the amount of housing stock within certain segments of the housing market that have historically been undersupplied.
- In regard to the second objective, the development will add to the diversity of housing choices within the city, providing housing types that are typically underrepresented in the Orange Housing Market. It's noted that the ADGs specifically encourage penthouses being incorporated into the design of an RFB.
- The third objective is not applicable.
- In respect of the fourth objective, the development site is appropriately located such that it is easily accessible via public transport; or by walking and cycling from the CBD and other areas of the city.

As observed from the above, the development is consistent with the objectives of the zone.

Given the above, the Panel can form the necessary level of satisfaction that the development is in the public interest because it is consistent with the objects of the standard and consistent with the objectives of the zone.

In relation to the requirement to obtain concurrence of the Planning Secretary, as per planning circular PS 20-002 the Panel may assume the concurrence of the Secretary.

Accordingly, the panel can be satisfied that the preconditions contained within cl.4.6(4) have been met, and the Panel would therefore be within power to grant consent.

Clause 4.6(7) is a matter for Council.

A copy of the clause 4.6 request is appended to this report.

5.5.1.6 Miscellaneous Provisions

5.5.1.6.1 Heritage Conservation

The subject land is located within the Bletchington Heritage Conservation Area and is in proximity to numerous local heritage items as shown below.

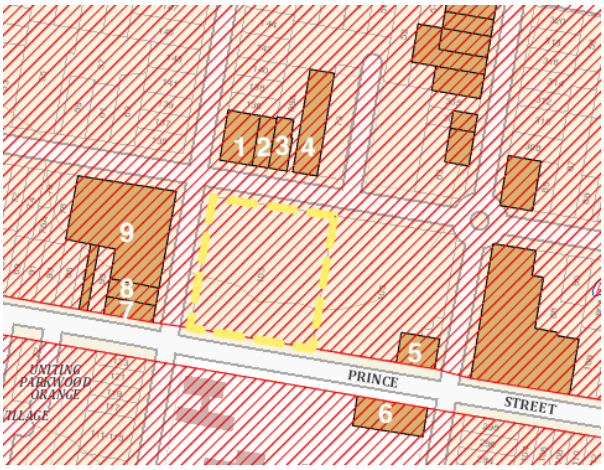


Figure 36: *Heritage Listings*

1. 65 Dalton Street
2. "Twilight" – 67 Dalton Street
3. "Waroon" – Dalton Street
4. 71 Dalton Street
5. Former Ambulance Station – 291 Anson Street
6. "Kingsciere" Flats
7. 125 Sale Street
8. "Nganbirra" – 127 Sale Street
9. Cladwell House and Former Nurses' quarters[8]

As such, clause 5.10 – Heritage Conservation is applicable, specifically the following clauses.

[8] Approved to be demolished.

(1) ***Objectives*** *The objectives of this clause are as follows—*

(a) to conserve the environmental heritage of Orange,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

In regards to the objects of the clause, as detailed below under heading **5.10.1.- Heritage, Streetscape and Tree Removal**, Council's heritage advisor has indicated that the development, specifically the RFB, will result in a satisfactory heritage outcome within Prince and Sale Streets. Accordingly, the development application is consistent with the above objective (b). Refer to the below section for further commentary.

(2) ***Requirement for consent*** *Development consent is required for any of the following—*

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

(iii) a building, work, relic or tree within a heritage conservation area,

…

(e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area,

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, [emphasis added].

The above clause requires development consent to demolish trees, subdivide land and erect a building on land that is within a heritage conservation area.

This application is seeking consent.

(4) ***Effect of proposed development on heritage significance*** *The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

(5) ***Heritage assessment*** *The consent authority may, before granting consent to any development—*

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b)

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

In regard to the above clauses, a detailed heritage impact statement was submitted in support of the application.

Further detail is provided below under the heading ***5.10.1.*** - ***Heritage Impacts.***

5.5.1.7 Additional Local Provisions

The following Additional Local Provisions listed under part 7 of the LEP apply to the assessment of the Development Application:

- Clause 7.1 – Earthworks
- Clause 7.3 – Stormwater Management
- Clause 7.6 – Ground Water Vulnerable
- Clause 7.11 – Essential Services

The above clauses are addressed separately below.

5.5.1.7.1 Earthworks

The development involves the construction of two basement carparks and accordingly clause 7.1 is applicable to the assessment of the application.

In regards to the above clause, before granting consent to which this clause applies, the consent authority must consider the following:

Matter for consideration	Comment
(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,	The development is unlikely to affect any existing drainage patterns, nor will the development contribute to, or exacerbate any existing, soil erosion in the locality.
(b) the effect of the development on the likely future use or redevelopment of the land,	The development is unlikely to jeopardise the future redevelopment capacity of the subject land.
(c) the quality of the fill or the soil to be excavated, or both,	A geotechnical report has been prepared which identified the site as comprising areas of uncontrolled fill relating to the former hospital, but the report does not identify any serious impediments to a project such as the one proposed in this application. Notwithstanding, it is likely that further Geotechnical investigations would be required to inform the detailed design stage of the development.
(d) the effect of the development on the existing and likely amenity of adjoining properties,	The development involves the excavation of an underground basement for parking which is not expected to result in any adverse amenity impacts to adjoining properties.,
(e) the source of any fill material and the destination of any excavated material,	Conditions are recommended in relation to the importation and exportation of fill material to and from the site.
(f) the likelihood of disturbing relics,	Given the recent demolition of the hospital, and the highly disturbed nature of the site, the likelihood of encountering a relic is low. Notwithstanding, if the Panel is disposed to approving the application, relevant conditions are recommended in relation to the discovering of relics and the need for an unexpected finds procedure.
(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area, *(h) any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).*	The site is not in proximity to any waterway, drinking water catchment or environmentally sensitive area. Notwithstanding, relevant conditions of consent are attached in relation to sediment and erosion control.

5.5.1.7.2 Stormwater Management

Clause 7.3 of Orange LEP 2011 seeks 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.*

The clause contains a pre-condition on the grant of development consent as follows:

> *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—*
>
> *(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
>
> *(b) includes, where practical, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
>
> *(c) avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact*

Council's Technical Services have advised that the predevelopment runoff levels will be determined based on the site being 100% pervious.

In regards to sub clause (a) above, the development provides extensive areas of pervious surfaces such as the landscaped area in the southwestern corner of the site, the central public park and the areas of deep soil landscaping within both the MDH and RFB developments. The extent of retained permeable surfaces is satisfactory and there is no evidence currently to suggest that the soil characteristic of those areas would restrict water infiltration through the existing (and proposed in the deep soil landscaping areas) soil profiles.

In regards to sub clause (b) above, the dwellings on lot 603 are all required by BASIX to have a minimum of 3000L water tank installed and plumbed to toilets and laundries as an alternative to mains water supply. Additionally, a 5000L tank is required to collect roof water for irrigation of landscaping within the common areas of the RFB site.

In regards to sub clause (c) above, a detailed stormwater design was submitted in support of the development. The indicative stormwater design presented an option where an underground OSD tank is to be installed at the front and centre of the RFB below the front entry stairs and forecourt area.

Council Technical Services have reviewed the stormwater concept design and have not raised objections to the proposed arrangements, however, a detailed suite of conditions have been recommended to deal with stormwater in terms of both collection, retention and discharge, as well as water quality leaving the site.

Given the foregoing, the development is considered satisfactory with regards to stormwater management.

5.5.1.7.3 Essential services

Clause 7.11 of Orange LEP 2011 states that development consent must not be granted unless all necessary services for that development are, or will be, in place when required.

In regard to the above-referenced clause, it is noted that all necessary services are either connected to the site or are in proximity and able to be connected if required.

5.5.2 State Environmental Planning Policies (SEPPs)

The following State Environmental Planning Policies apply to the land. Those SEPPs in BOLD text specifically apply to the assessment of the DA:

- **SEPP (Biodiversity and Conservation) 2021**
- **SEPP (Building Sustainability Index: BASIX) 2004**
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing) 2021
- **SEPP (Industry and Employment) 2021**
- **SEPP (Planning Systems) 2021**
- SEPP (Primary Production) 2021
- **SEPP (Resilience and Hazards) 2021**
- SEPP (Resources and Energy) 2021
- **SEPP (Transport and Infrastructure)**
- **SEPP No 65—Design Quality of Residential Apartment Development**

5.5.2.1 SEPP (Biodiversity and Conservation) 2021

SEPP (biodiversity and Conservation) 2021 is applicable to the subject development as the proposal requests consent to demolish (remove) trees in non-rural areas of the State. Part 2.3 of the SEPP applies to vegetation in any non-rural area of the State that is declared by a Development Control Plan to be vegetation that Council can issue a permit to a landholder to be cleared.

Chapter 0 Transitional Provisions of the Orange DCP 2004 (the DCP) prescribes the kinds of trees and other vegetation that are subject to Clause 2.9(2) of the SEPP.

Notwithstanding this mechanism to receive a permit to remove certain trees, given the demolition is to occur within an HCA, development consent is required under the LEP. This applicant is requesting consent to remove this vegetation.

It is therefore considered that the requirements of the SEPP (biodiversity and Conservation) 2021 have been met.

5.5.2.2 SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Building Sustainability Index: BASIX) 2004 is applicable to the assessment of the Development Application given the proposal is to construct residential accommodation.

An amended BASIX certificate has been submitted in support of the application and relevant conditions of consent are attached.

5.5.2.2.1 SEPP (Industry and Employment) 2021

SEPP (Industry and Employment) 2021 is applicable to the assessment of the application given the development's proximity to electrical infrastructure.

In accordance with Clause 2.45, the development was referred to Essential Energy for comment.

Essential Energy responded indicating no objections to the development and provided their requirements. These are attached to the draft Notice of Approval.

5.5.2.3 SEPP (Planning Systems) 2021

SEPP (Planning Systems) 2021 is applicable to the assessment of the application. The development application is considered regionally significant development being a Council related development over $5million.

The application falls within the meaning of "*Council related development*" as the owner of the land at the time of lodgement of the development application was Orange City Council.

It is noted that in the intervening period between lodgement of the application and consideration by the Panel, the ownership has transferred to MAAS Group Properties Limited.

5.5.2.4 SEPP (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) is applicable to the development application; and at clause 4.6 it requires that a consent authority must not consent to the carrying out of development of land unless it has firstly considered whether or not the land is contaminated.

If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state for the development that is proposed; or, if the land requires remediation to be made suitable for the proposed development, it is satisfied that the land will be remediated before the land is used for that purpose.

Furthermore, SEPP (Resilience and Hazards) requires that before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying findings of a preliminary investigation of the land concerned.

In respect of the above, the subject land was previously used for the purposes of a public hospital.

Council issued development consent DA251/2016 for *Demolition (former Orange Base Hospital and associated infrastructure, including Category 1 remediation works)* on 18 October 2016.

The demolition and remediation works have been completed and a site audit was prepared by Geosyntec Consultants Pty. Ltd.

The site audit concludes that the site is suitable for residential land-uses.

Given the foregoing, the site is considered suitable for the proposed development and no further investigation is warranted.

5.5.2.5 SEPP No 65—Design Quality of Residential Apartment Development

The development involves the construction of a residential flat building of more than 3 storeys and comprising more than 4 dwellings. Accordingly, SEPP No 65—Design Quality of Residential Apartment Development applies to the assessment of the application. (RFB component only).

Relevantly clause 28(2) states:

> *2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration)—*
>
> *(a) the advice (if any) obtained from the design review panel, and*
>
> *(b) the design quality of the development when evaluated in accordance with the design quality principles, and*
>
> *(c) the Apartment Design Guide.*

In relation subclause 2(a), Orange City Council has not appointed a design review panel and therefore the clause is not applicable.

In relation to subclause (2)(b), table 10 below provides an evaluation of the design quality of the development as assessed against the design quality principles. Based on the comments in the below table, the development is not inconsistent with Design Principles for Residential Apartment Developments.

Table 11: *SEPP 65 - Evaluation of the RFB Against the Design Principles*

Principle	Response
Principle 1: Context and neighbourhood character *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.* *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.* *Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*	As detailed below under the heading **5.10.1 Heritage, Streetscape and Tree Removal,** the proposed RFB responds appropriately to the context and setting. The amended design includes front setbacks from Prince Street commensurate with the adjoining commercial building and adopts external materials that complement the heritage character of the area, particularly through the use of face brick which directly references buildings such as Caldwell House, the TAFE buildings and the prevailing residential character of the broader locality. The amended design also allows for retention of the important vegetated western edge of the site which is a fundamental contributor to the character of the locality. The development is consistent with **Principle 1.**
Principle 2: Built form and scale *Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.* *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.* *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.*	As detailed below under the heading **5.10.1 Heritage, Streetscape and Tree Removal** the proposed RFB is considered appropriate in terms of built form and scale. The design of the RFB now responds appropriately to the surrounding development pattern with front setbacks commensurate with the adjoining commercial building and a generous secondary setback to the west allowing retention of the vegetated western edge. Additionally, the greater setback to the DPIE building provides for an improved urban environment. The general form and composition of the RFB will result in a building that is compatible within the streetscape and the overall design of the building is appropriate in the context and setting. The development is consistent with **Principle 2.**
Principle 3: Density *Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.* *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.*	The development is generally consistent with the density requirements under the DCP, and with reference to the ADG compliance table at annexure A, it can be demonstrated that the proposed RFB will provide an adequate level of residential amenity for future occupants. The additional density proposed under this development can be sustained by; the existing infrastructure within the locality (or through upgrades to services as required by conditions of consent), provision of existing public transport within the vicinity of the site, access to employment opportunities, noting the site's proximity to the CBD and the CBD fringe employment generators.

	The development is consistent with **Principle 3.**
Principle 4: Sustainability *Good design combines positive environmental, social and economic outcomes.* *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.*	The development generally complies with this principle. The apartments are consistent with the ADC in terms of cross-ventilation. In terms of access to sunlight refer to below comments. A BASIX certificate has been submitted in support of the development which demonstrates compliance with the NSW Government's Water and Thermal efficiency targets. In relation to waste management, the author had previously requested, as part of the very first review of the application, to amended the design to include provision of recycling bins on each floor. This was undertaken by the architect as part of the earlier iterations and has subsequently been omitted again under the current design (or at least it's unclear if provision for recycling has been provided in the current design). Notwithstanding, a condition is recommended that requires the CC plans to clearly show provision for recycling bins in proximity to each elevator / lobby / waste chute on each floor. The Development is consistent with **Principle 4.**
Principle 5: Landscape *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 developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.* *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, micro-climate, tree canopy, habitat values and preserving green networks.* *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.*	The proposed landscaping within the communal areas at ground level along the Prince Street frontage as well as the landscaping in the open space in the southwestern corner of the site is considered appropriate and will achieve the objectives of this principle. Additionally, the landscaped edge along the eastern boundary adjacent to the shared accessway will provide a level of softening and screening of the development at the interface with the adjoining commercial building. The development is consistent with **Principle 5.**
Principle 6: Amenity *Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive*	With reference to the ADG and the SEPP 65 Design Verification Statement, the future occupants of the proposed units will be afforded an acceptable level of residential amenity. Each unit provides:

living environments and resident well-being. *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.*	• adequately sized living areas and outdoor spaces /balconies, • Indoor and outdoor spaces which are directly connected to provide a level of indoor/outdoor integration. • Reasonable movement of air through the apartments. • Reasonable levels of direct sunlight to at least 70% of apartments. • Bedrooms of an appropriate size and shape. • Adequate provision of storge spaces within each unit. Communal areas: • Are efficiently designed for the movement of people. • Provide adequate means of vertical circulation through the building. • Have access to natural light and ventilation. • Ae sufficiently proportioned to provide ease of access for all age groups. Additionally, a variety of communal open space types and locations (ground level open space and communal BBQ area on level 4) enhance the well-being of future occupants of the RFB. The development is consistent with **Principle 6.**
Principle 7: Safety *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.* *A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.*	Refer to CPTED considerations below. The development is generally compliant with this principle. In the regard: • Habitable rooms within apartments overlook public or communal areas, allowing for natural surveillance of those areas. • The use of raised garden beds, well defined entry points, boundary fencing, differing pavement treatment to the shared accessway, etc. assist to easily demarcate the areas of public and private space. • Entry points are easily identifiable and are located in high traffic areas. • The layout of external communal areas provide good sight lines to reduce opportunities for seclusion and hiding. • External lighting within the shared accessway, communal areas within the RFB and within the public park will provide added security and safety for users of the area. The development is consistent with **Principle 7.**
Principle 8: Housing diversity and social interaction *Good design achieves a mix of apartment sizes, providing housing*	Refer to discussion below on the proposed unit mix within the development.

choice for different demographics, living needs and household budgets. *Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.* *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.*	With reference to that discussion, the author is of the opinion that the apartment mix within the development is acceptable. The development provides for the housing needs of a variety of social demographics. It provides a type of housing within the City that has historically been underrepresented in the market, as evidenced in the housing needs study submitted in support of the development. The development is consistent with **Principle 8.**
Principle 9: Aesthetics *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.* *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.*	As detailed below under the heading **5.10.1 Heritage, Streetscape and Tree Removal**, the amended design results in a building that is contextually appropriate with satisfactory aesthetics. In this regard the amended design incorporates the following: • Balconies which are more appropriately integrated into the overall form of the building. • A simpler and more modest building form has been adopted. • More contextually appropriate materials such as face brick with contrasting colours which define the base and middle portions of the building and lighter weight construction of the upper storeys define the top of the building. This design approach serves to modulate the building and defines the building into the important tripartite parts of a base, middle and top. The above measures combine to result in a building that is well-designed and an appropriate fit in local context. The development is consistent with **Principle 9.**

In relation to subclause (2)(c), consideration of the development against the ADGs is provided in table form attached to this report (provided at **Annexure A**).

As can be observed in the attached table, the development is considered to be generally compliant with the relevant objectives set out in sections 3 and 4 of the ADG, save for the access to sunlight provisions as further detailed below.

It is noted that the submitted design verification statement indicates compliance with the solar access provisions, however, the referenced provision is incorrect. The Sydney, Newcastle and Wollongong provision has been referenced which allows a lesser standard for direct sunlight to living areas of 2 hours, as opposed to the correct provision which requires 3 hours for areas outside of those mentioned above.

Consequently, the author of this report has completed an assessment of access to sunlight for each apartment which concludes the following:

- Units with a northerly aspect exceed sunlight requirements.
- Unit 111 receives an estimated 1.5 to 2 hrs direct sunlight given the acute angle of the sun created by the adjoining unit to the north and the overshadowing of the adjoining commercial building.
- Units with the last two digits 03 and 04 across levels G to 4 receive an estimated 2 – 2.5 hrs direct sunlight(between 12:30pm/1pm and 3pm. This is due to the western orientation and the acute angle of the sunlight created by the unit to the north which projects out to the west.

The above analysis means:

- 60% (36 of 60) of the units receive the requisite direct sunlight for the full three hours.
- 77% (46 of 60) (i.e. including #03 and #04 digit units) of units receive at least 2 to 2.5hrs direct sunlight.
- Unit 111 sits outside of the above and below referenced categories of units as it receives some direct sunlight, but less than 2-2.5 hrs.
- 22% (13 of 60) of units receive no direct sunlight.
- Only one of the six, one-bedroom units receives any direct sunlight (unit 111).

It's noted that the applicant's submission via the design verification statement indicates: ***Just over 14% receive no direct sunlight in mid- winter***. It's unclear how this figure has been arrived at given the above analysis. It could be a carryover from the previous design which sat at around 15% of units that would have received no direct sunlight.

In relation to those units #03 and #04 across levels G to 4, given they are west facing, it is reasonable to suggest that the sun beyond 3pm (mid-winter) still retains some value in terms of solar gains and amenity for at least 30mins – 60mins. On this basis, it would be reasonable to conclude that the development achieves the relevant objective which states: *To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.*

In response to the number of south facing units or units that receive no direct sunlight, the applicant has submitted the following:

> *For south facing apartments, there are significant views to the south, overlooking Prince Street. Living spaces are oriented to capture the views for these apartments. An enclosed communal recreation room has been provided on Level 4 of the apartment building which receives adequate sunlight during the winter months. Residents can use this room at any time if they would like more access to sunlight.*

Whilst the number of units which do not receive any sunlight is less than desirable, particularly given Orange's cool temperate climate, it is likely this has arisen as an unintended consequence of addressing the constraints of the site (given the existing part 4 and part 5 storey commercial building to the east); as well as meeting the applicable planning controls for the site (setbacks, retention of trees, etc.) and the matters raised in the Panels Notice of Deferral.

On balance however, given the development's level of conformity in all other respects (acknowledging the cluse 4.6 request) and the considerable lengths the applicant has gone to address the panel's deferral matters, the development as a whole, still presents as an acceptable development and is recommended for approval. The Panel may form a different view however.

5.6 PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(ii)

The author is not aware of any draft EPIs affecting the land.

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

5.7.1 Orange Development Control Plan 2004

Orange DCP 2004 applies to the land. The DCP contains a site specific DCP titled the West End Precinct DCP which is addressed below. In addition to the West End Precinct DCP, the following additional chapters are also applicable:

- Chapter 00 – Orange LEP 2010 (sic)
- Chapter 03 – General Considerations
- Chapter 04 – Special Considerations
- Chapter 05 – General Considerations
- Chapter 07 – Development in Residential Areas
- Chapter 13 – Heritage
- Chapter 15 – Car Parking

5.7.1.1 West End Precinct DCP

The West End Precinct DCP applies specifically and exclusively to the subject land.

The DCP is founded and underpinned by sound planning principles which seek to achieve a certain level of amenity as part of the desired future character for the area.

The stated design principles for the site broadly convert diagrammatically to the below figure.

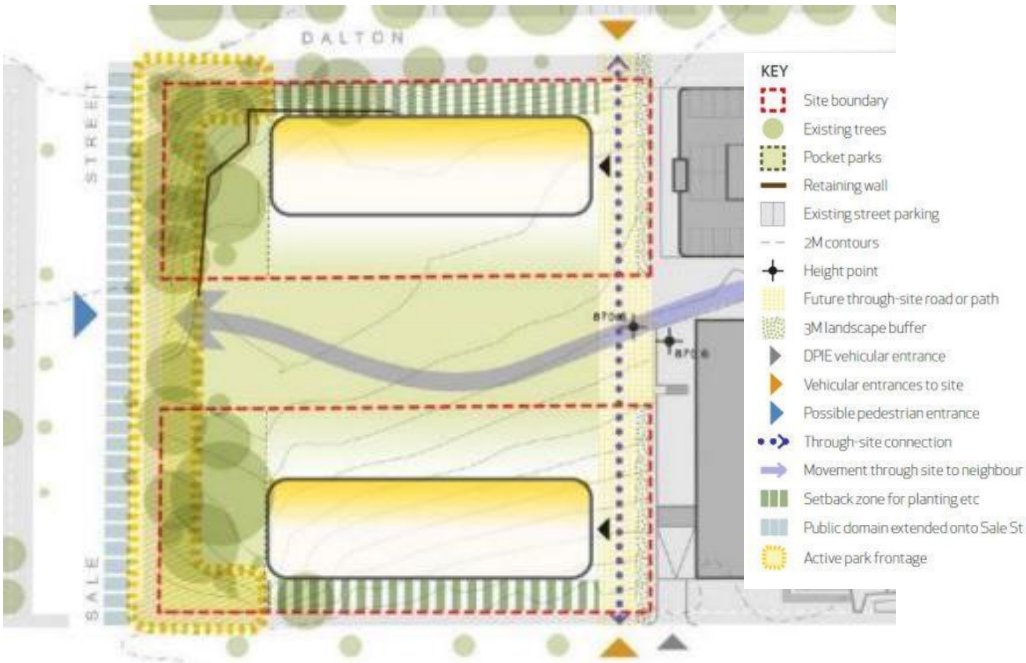


Figure 37: *Design Principles*

Broadly, the DCP separates the site into three key parts; namely, residential development at the north and south, with the higher density accommodation to the south to avoid overshadowing impacts. The centre of the site is to be developed as a public park and dedicated to Council.

Access to the site, both pedestrian / cycling and vehicular, is to occur via a shared laneway along the eastern boundary which in turn provides permeability through the site across all axis, whilst protecting the extant remnant trees along the western edge.

The positioning of the buildings; and their visual appearance and form, is to respond in an appropriate way to the context and setting, with particular attention required to the heritage characteristics of the locality.

A detailed analysis of the DCP controls is provided at **annexure B.**

The key elements are explored further below.

Internal Shared Accessway

The deisgn has been amended to include the internal shared accessway. The access is 6m in width with a 1.5m landscpae strip along the eastern boundary.

The area is to be treated as a shared environment, meaning a 10km/h speed limit for vehicles.

Council's Technical Services initially requested a garde separated 1.2m-1.5m wide pedestrain path along the eastern side of the accessway.

The applciant's traffic engineer responded with the following:

> *From our review of the plan, we consider that the driveway will act as a shared zone for the movement of vehicles, cyclists and pedestrians and as such should be designated as a shared zone with a posted speed limit of 10 km/h. In this way, the requirement for a separate footway is not required. This driveway will provide access for the future residents of the development site only and there will be little if any demand for the general public to walk along this driveway. The low traffic volumes on this driveway, together with the low pedestrian demands will ensure that this shared zone can operate in a safe manner.*
>
> *It is noted that there is separate pedestrian access to the buildings provided direct off both Dalton Street and Prince Street which will further reduce the need for pedestrians to walk along this driveway.*
>
> *The plans allows for a landscape zone to one side, the 6.0 m wide driveway acting as a shared zone and allows for this shared zone to have a different surface treatment to highlight the different character of this driveway, plus appropriate signage at both ends and traffic control devices.*
>
> *From our review of the plans provided we consider that this driveway can operate in a safe and appropriate manner as a shared zone to allow for vehicles, cyclists and pedestrians.*

Council's Technical Services accepted the above and have recommended condtions of consent in relation sigange and pavement treatments. Council's Technical Services have explicitly procluded speed humps as they present a trip hazard.

The shared accessway also provides for the collection of waste. There is also a loading area for delieveries and the like and single visitor space.

The inclusion of the shared accessway within the deisgn results is a significant improvement in the overall deisgn of the devlopment and elimninates a number of undesirable consequnces that would have arose in the absence of the laneway.

Heirtage Considerations

The heritage considerations are addressed below under the heading *Heritage, Streetscape and Tree Removal.*

Setbacks

The DCP requries the following setbacks:

Table 12: *Setback Analysis*

Street	Setback (m) required by DCP	Actual Setback (m)
Dalton Street	6.5	7.7
Prince Street	6.5	6.5
Sale Street	21.4	16.4m (townhouses) 20.4m
DPI	3 plus 10.5 for shared access way	10.5m to the building proper.
Setbacks above 4 storeys	5	Level 4 / 5th storey, no increased setback. Level 5 / 6th storey penthouses are recessed from the edge of building below.

As can be observed from the above table, the development is generally compliant with regards to setbacks. The setback to Prince Street was seen as a critical aspect of the previous assessment which is now satisfactorily resolved.

This is further addressed below under the heading ***5.10.1 – Heritage, Streetscape and Tree Removal.***

Housing Needs / Unit Mix

One of the underpinning objectives of the DCP is:

> *The integrated design is to achieve a mix of medium density housing including town houses apartment types, sizes and orientations to increase housing choice*.

Accordingly, the DCP specifies the following apartment mix for the RFB:

Table 6-3 Mix of units to be included in apartment building

Dwelling Type	Dwelling Design
1 bedroom units	20%
2 bedroom units	70%
3 bedroom units	15%

The applicant proposes an alternative to the above as detailed below.

Table 13: *Unit Mix Comparison*

Dwelling Type	DCP Requirement	Required no. [9]	No. of units / type	% (rounded)	% change
1 bedroom	20%	12.6 (12)	6	10%	-50%
2 bedrooms	70%	44.1 (43)	27	45%	-37%
3 Bedrooms	15%	9.45 (8)	27	45%	+237.5%
Totals	105%	66.15 (63)	60	100%	--

Owing to the significant departure from the DCP that was proposed in the previous design, it was requested (as part of the Panel briefing notes) that the applicant amend the development commensurate to the DCP or, that further justification be provided in support of the departure.

In response, a dwelling needs study prepared by Umwelt was provided.

As previously noted, the study undertakes the following tasks:

- a literature review of applicable strategic planning documents,
- undertakes population projections,
- interrogates the market demand data derived from an EOI conducted by MAAS; and
- provides a breakdown of existing housing types within the Orange housing market and compares those to the proposed development.

[9] Adjusted to account for the 105%.

The report concludes that:

- there is generally an undersupply of units such as those proposed in comparison to the amount of conventional single dwellings in the market.
- Within the units / apartments segment there is an oversupply of 2-bedroom units and an undersupply of 3 bedroom.

Table 5.1 Dwelling composition comparison

Dwelling type	WEDCP recommendation	103 Prince St Proposal	Existing Orange unit Composition	Existing Orange townhouse Composition
1-bedroom dwellings	20%	6%	30%	17%
2-bedroom dwellings	70%	40%	55%	58%
3-bedroom dwellings	15%	54%	11%	23%

Figure 38: *Dwelling Composition comparison (source: umwelt)*

Whilst the author does not dispute the findings of the above referenced study, its noted that the study still offers little to support the applicants request to provide, now 6 x one-bedroom units within the RFB.

The study conflates the number of 1- and 2-bedroom units when comparing to 3-bedroom units which strengthens the argument to support additional 3-bedroom units but provides limited commentary on the appropriateness of the number of 1-bedroom units proposed.

Notwithstanding the above, it should be noted that this style of higher density housing will be a relatively new entrant in the housing market in Orange, noting that the market has not experienced an RFB such as this in the past.

Accordingly, the author is of the view that whilst not strictly compliant with the DCP, the development, as amended, presents an improved outcome in terms of apartment mix . The development meets the overarching principles of the housing strategy (and other relevant strategic planning studies) by adding to the diversity of housing stock through the provision of a mix of apartment types and sizes. The then provides a range of residential accommodation options in the market and additional lifestyle choices for residents within the city.

5.7.1.2 Chapter 00 – Orange LEP 2010 (sic)

Chapter 00 contains, inter alia, tree preservation provisions, which specify tree species which are exempt from the order, but also specifies the requirements for when tree removal is proposed including the requirement for advice from an arborist.

In this regard, a detailed assessment has been provided by Terras Landscape Architects.

Notwithstanding, as the subject trees are located within a HCA, development consent is required under Clause 5.10 of the LEP.

The development is not inconsistent with the requirements of Chapter 00.

5.7.1.3 Chapter 03 – General Considerations

Chapter 3 provides planning outcomes of a general nature. Those of relevance to this assessment relate to cumulative impacts, energy efficiency and waste generation. Cumulative impacts and waste generation are both addressed below under the heading "Likely Impacts". Energy efficiency is addressed with refence to BASIX considerations. The other matters within Chapter 3 not listed here are not relevant to the assessment.

5.7.1.4 Chapter 04 – Special Considerations

Chapter 4 deals with, inter alia, contaminated land. This matter is considered above under the SEPP (Resilience and Hazards) considerations. The other matters within Chapter 4 not listed here are not relevant to the assessment.

5.7.1.5 Chapter 07 – Development in Residential Areas

A review of the chapter 7 provisions has been undertaken. There are no provisions of relevance within chapter 7 that have not been identified within the consideration of the West End Precinct DCP or elsewhere within the report.

5.7.1.6 Chapter 13 – Heritage

The subject land is located within a heritage conservation area.

Heritage Impacts likely to arise from the development are addressed below under the heading **5.10.1 – Heritage, Streetscapes and Tree Removal.**

5.7.1.7 Chapter 15 – Car Parking

This chapter provides the applicable car parking requirements of certain development types.

The DCP specifies parking for residential development at the following rates:

- One-bedroom unit 1.0 space per unit
- Two-bedroom unit 1.2 spaces per unit
- Three (or more-bedroom unit) 1.5 spaces per unit
- Visitors 0.2 spaces per unit

Multi Dwelling Housing

Table 14: *Parking Calculations - Multi Dwelling Housing*

Dwelling Type	No. Dwellings	Applicable Rate	Required No.	Proposed
3 or more beds	16	1.5 / dwelling + 0.2 / dwelling	25 + 3.2	32 0
		Total	**28.2**	**32**

With reference to the attached plans, 32 on-site parking spaces are provided within the basement carpark. Thus, the development provides a theoretical surplus of 3.2 parking spaces.

However, the way the applicant is proposing to distribute the parking is by allocating two spaces per dwelling, and consequently, the development is deficient in the number of required visitor spaces.

It is open to the panel to include a condition that requires 3.2 spaces (or conservatively 3 whole spaces) set aside as visitor parking within the basement meaning that 3 dwellings would only be assigned 1 space.

Alternatively, the panel may form the view that the two spaces per dwelling is satisfactory, and the surplus under the per dwelling rate would off-set a situation where residents (of those 3 dwelling with only one parking space) with two vehicles need to park one of their vehicles on the street.

Given the direct frontage of these dwellings within Dalton Street, it is considered acceptable in this circumstance to forego the requisite visitor spaces in lieu of providing the extra resident parking.

RFB

Table 15:*Parking Calculations - RFB*

Dwelling Type	No. Dwellings	Applicable Rate	Required No.	Proposed
1 Bedroom Units	6	1/ unit	6	6
2 Bedroom Units	27	1.2/unit	32.4	30
3Bedroom Units	27	1.5 /unit	40.5	54
Visitor	60	0.2 /unit	12	3[10]
Total	**60**	**--**	**90.9**	**93**

With reference to the attached plans, 92 on-site parking spaces are provided within the basement car park a number of which are arranged in a tandem or stacked arrangement. Meaning each stacked space will need to be assigned as pair of tandem / stacked spaces.

The development provides a surplus of **2.1 spaces.**

However, the applicant is proposing the parking to be distributed in a way whereby all three-bedroom units are allocated 2 spaces, a number of two-bedroom units are allocated 2 spaces and the remaining two-bedroom units and the one-bedroom units are allocated 1 space each. The pairs of stacked parking are all allocated to three-bedroom units. 3 parking spaces are nominated as visitor parking, with 2 spaces located within the RFB basement and the third is located to the north of the loading area, adjacent to the shared accessway.

[10] One of the three proposed visitor spaces is proposed within the shared accessway.

The stacked arrangement is not ideal and could become tedious and inconvenient over time and thus, underutilised by the future residents. Notwithstanding, the development does provide the requisite number of parking spaces, however, the allocation of those spaces is contrary to the DCP. It is open to the panel to require 12 visitor spaces within the development site as a condition of consent. Any such condition would have to ensure the following outcomes are achieved:

- Every unit is allocated at least one parking space.
- Visitor spaces are not located within the area of stacked / tandem spaces.

5.8 PROVISIONS OF ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4 (s4.15(1)(a)(iiia))

A planning agreement (aka a VPA) pursuant to section 7.4 of the EP&A Act has been entered into and applies to land described as Lot 501 DP1249083. The VPA is titled "103 Prince Street Planning Agreement" and is Dated 11 October 2022.

The terms of the current VPA obligate the applicant to:

- the dedication of land with an area of not less than 2,620sqm for a public park (Park Land); and
- the carrying out of civil works, landscaping and other embellishments on the Park Land.

The landscape treatments and dedication of land are consistent with s7.4(1)(b) and s7.4(2)(a) of the EP&A Act.

The VPA is consistent with s7.4(3).

The VPA was exhibited concurrently with the development application. No public submissions were received directly relating to the VPA when previously exhibited.

The VPA has been executed and is referenced on the title pursuant to section 7.6 of the EP&A Act.

As the subdivision plan has been amended to facilitate the proposed development, which is subsequent to the VPA being executed, the applicant has provided Council with a letter of offer indicating their willingness to enter into an amended planning agreement to reflect the change in subdivision layout.

The following relevant condition is attached addressing this issue:

> Prior to the issue of a construction certificate, evidence shall be provided to Council that demonstrates the beneficiary of the consent has entered into a Planning Agreement in accordance with the letter offer dated 4 April 2023 and evidence shall be provided that the planning agreement (as amended) has been registered on the title of the land the subject of the VPA.

5.8.1 S7.11 – Development Contributions

Pursuant to section 7.11 of the EP&A Act, Orange Development Contributions Plan applies to the land and given the proposed residential land-use, development contributions are to be levied.

The following tables summarise the applicable contribution.

Relevant conditions of consent would need to be attached to a notice of determination if the Panel is minded to approve the development in its current form.

5.8.1.1 Three Lot Subdivision

Development contributions are applicable to one additional residential lot[11], pursuant to Orange Development Contributions Plan 2017 (Development in remainder LGA) as follows:

Table 16: *Development Contributions - Subdivision*

Component of plan	Rate	Amount
Open Space and Recreation	$4,459.51 x 1 additional lot	$4,626.04
Community and Cultural	$1,293.24 x 1 additional lot	$1,341.53
Roads and Traffic Management	$5,886.40 x 1 additional lot	$6,106.21
Local Area Facilities	--	--
Local Area Facilities	$349.16 x 1 additional lot	$362.19
TOTAL		**$12,435.97**

5.8.1.2 Multi dwelling housing.

Development contributions are applicable to the 16 x 3-bedroom dwellings (less the existing credit), pursuant to Orange Development Contributions Plan 2017 (Development in remainder LGA) as follows:

[11] The planning assessment relating to DA312/2018(1) acknowledged that a single development contribution credit was applicable to the land the subject of this development application.

Table 17: *Development Contributions - MDH*

Component of plan	Rate	Amount
Open Space and Recreation	$4,626.04 x 15 additional 3-bedroom dwelling	$69,390.60
Community and Cultural	$1,341.53 x 15 3-bedroom dwelling	$20,122.95
Roads and Traffic Management	$6,106.21 x 15 3-bedroom dwelling	$91,593.15
Local Area Facilities	--	--
Local Area Facilities	$362.19 x 15 3-bedroom dwelling	$5,432.85
TOTAL		**$186,539.55**

5.8.1.3 RFB

Development contributions are applicable to the 60 x units (less the existing credit required under the initial subdivision stage (to account for this, the number of three-bedroom units levied a contribution has been reduced by one down to a total of 26 units)), pursuant to Orange Development Contributions Plan 2017 (Development in remainder LGA) as follows:

Table 18:*Development Contributions - RFB*

Component of plan	Rate	Amount
Open Space and Recreation	$1,951.35 x 6(1 bedroom) $2,641.00 x 27 (2 bedroom) $4,626.04 x 26 (3 bedroom)	$11,708.10 $71,307.00 $120,277.04
Sub total		**$203,292.14**
Community and Cultural	$565.87 x 6 (1 bedroom) $765.89 x 27 (2 bedroom) $1,341.53 x 26 (3 bedroom)	$3,395.22 $20,679.03 $34,879.78
Sub total		**$58,954.03**
Roads and Traffic Management	$2,873.47 x 6 (1 bedroom) $3,591.89 x 27 (2 bedroom) $6,106.21 x 26(3 bedroom)	$17,240.82 $96,981.03 $158,761.46
Sub total		**$272,983.31**
Local Area Facilities	--	--
Local Area Facilities	$152.80 x 6 (1 bedroom) $206.79 x 27 (2 bedroom) $362.19 x 26 (3 bedroom)	$916.80 $5,583.33 $9,416.94
Sub total		**$15,917.07**
TOTAL		**$551,146.55**

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, Orang. The above figures are relevant as at 23 April 2023.

5.8.2 Water and sewer headworks charges

Council's Assistant Development Engineer has recommended conditions of consent requiring the payment of water and sewer headworks charges for both types of residential accommodation proposed.

5.9 PROVISIONS PERSCRIBED BY THE REGULATONs s4.15(1)(a)(iv)

Clause 61 - Additional matters that consent authority must consider.

Clause 61 (4) provides:

> *In determining a development application for development for the purposes of a manor house or multi dwelling housing (terraces), the consent authority must consider the Low Rise Housing Diversity Design Guide for Development Applications published by the Department in July 2020.*

However, subclause (5) states:

> *Subsection (4) applies only if the consent authority is satisfied there is not a development control plan that adequately addresses the development.*

The West End DCP specifically applies to the Land. The DCP envisages townhouse development to the north of the site and comprises specific provisions for such development.

In this regard, the Panel can be satisfied that there is a development control plan in place for the site *that adequately addresses the development.*

The development is not inconsistent with the provisions perscribed by the Regulations.

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

5.10.1 Heritage, Streetscape and Tree Removal

As detailed above, the applicant has amended the development in response to the deferral notice issued by the WRPP.

The majority of matters relating to Heritage, Streetscape and Tree Removal identified in the previous report to the Panel have been adequately resolved as detailed below.

Council's Manger City Presentation has provided the following analysis of the trees to be removed and the trees to be retained.

The following tree numbers correspond to the Terras plan no. L200 Ver. H (these reference numbers have carried through all subsequent plans).

Tree	Comment	Recommendation
Tree 1 – *Cedrus deodar*	*A tree of sound form and structure. Note that a nesting box installed in the specimen has an active beehive.*	Removal now accepted
Tree 2 – *Chamaecyparis* sp	*A tree of reasonable form and structure*	Removal now accepted.
Tree 3 – *Pistacia chinensis*	tree is of poor form/dead.	Removal supported
Tree 4 – *Chamaecyparis* sp	Marked as being retained.	TPZ in accordance with AS4970 – 2009 shall be established prior to site construction works.
Tree 5 – *Cedrus deodara*	**A tree of sound form and structure, its loss is disappointing and not supported.**	**Tree now retained as a result of the amended MDH design.**
Tree 6 – *Liriodrendron tulipifera*	a tree of poor vigour and structure it <u>should not</u> be retained.	Shall be replaced with like for like at minimum 200Litre container size.
Tree 7 – *Chamaecyparis* sp	**a tree of reasonable health and structure in competition with Tree 6; helps create that urban forest linking of canopies.**	**Tree now retained as a result of the amended MDH design**
Tree 8 – *Liriodendron*	Marked as being retained.	Remedial pruning required. TPZ in accordance with AS4970 – 2009 shall be established prior to site construction works.
Tree 9 - *Liriodendron*	Marked as being retained.	Remedial pruning required. TPZ in accordance with AS4970 – 2009 shall be

		established prior to site construction works.
Tree 10 - *Liriodendron*	Marked as being retained.	Remedial pruning required. TPZ in accordance with AS4970 – 2009 shall be established prior to site construction works.
Tree 11 – *Fraxinus sp*	reasonable form and health. Marked as being retained	TPZ in accordance with AS4970 – 2009 shall be established prior to site construction works.
Tree 12 – *Salix matsudana var tortuosa*	a specimen of poor vigour and health, significant tip dieback and epicormic type growth.	Tree should not be retained.
Tree 13 – *Chamaecyparis lawsoniana*	Marked as being retained.	TPZ in accordance with AS4970 – 2009 shall be established prior to site construction works.
Tree 14 – *Liriodendron*	poor vigour, significant tip dieback.	Removal Supported
Tree 15 – *Melia azedarach*	poor vigour, significant tip dieback	Removal Supported
Tree 16 - *Cedrus deodar*	**a tree of sound form and structure; its loss is very disappointing**	**Tree now retained as a result of the amended RFB design**
Tree 17	DEAD	Removal supported
Tree 18 – *Acer buergerianum*	marked as being retained.	TPZ in accordance with AS4970 – 2009 shall be established prior to site construction works.
Tree 19	marked as being retained.	TPZ in accordance with AS4970 – 2009 shall be established prior to site construction works.
Tree 20 – *Prunus*	marked as being retained.	TPZ in accordance with AS4970 – 2009 shall be established prior to site construction works.
Tree 21 – *Lagerstroemia indica*	marked as being retained.	TPZ in accordance with AS4970 – 2009 shall be established prior to site construction works.
Tree 22 – *Magnolila grandiflora*	A tree of reasonable structure considering past history, exhibiting apical tip dieback.	No recommendation made.
Tree 23 –	doesn't exist.	N/A

As can be observed in the above table, significant trees (previously sought to be removed, but not supported by Council staff) are now retained under the amended design, specially Trees 5, 7 and 16.

Landscape Plan L201 – Street tree augmentation provides for the replacement trees noted above.

In relation to the provision of street trees, relevant conditions are attached requiring the trees within Dalton Street to be installed prior to the issue of an occupation certificate for stage 1 and be planted within Council's preferred tree cell structures.

In relation to the street trees within Prince Street, the positioning of the trees appears to relate to the previous design, consequently, trees are shown in unsatisfactory positions such as in front of entrance points and in the way of the Prince Street vehicle access point.

As such, a condition is attached requiring an amended plan showing the trees within Prince Street clear of any pedestrian or vehicle access points. The trees within Prince Street will be required to be planted (within Council's preferred tree cell structure) prior to an Occupation Certificate under stage 2.

Conditions are also attached requiring TPZs in accordance AS4970 – 2009 to be established around all existing trees that are to be retained on the site prior to works commencing.

TPZs are to be implemented by a project arborist in consultation with Council's Manager City Presentation and remain in place for the duration of the development.

<u>Heritage and Streetscape Considerations</u>

Multi Dwelling Housing – As detailed above, the design of the multi dwelling housing has evolved throughout the life of the application.

The long linear north and south elevations of the building are now appropriately articulated through the use of expressed vertical walls and recessed elements which fractionates the building in to three separate but joined parts.

The building design and presentation is considered acceptable.

RFB – Council's Heritage Advisor reviewed the amended design and advised that the amended design in relation to the siting and form/ composition of the building is now satisfactory subject to a number of recommended minor amendments to the materials including:

- the introduction of a second complimentary brick colour for the outer two portions of the middle levels of the building,
- continuation of the blue/grey base brick vertically on the corners of the building as a pier element,
- provision of additional windows at the eastern end of the southern elevation through levels 1 – 4;
- and inclusion of circular columns on level 4 as a continuation of the colonnade on level 5.

Council's Heritage Advisor has indicated that, subject to resolution of the above matters, the development is able to be supported on heritage grounds.

The above-mentioned recommended design amendments have been included in the latest set of architectural drawings.

The design is thus considered satisfactory in terms of heritage and streetscape matters.

Heritage Interpretation

A heritage interpretation plan (HIP) has been submitted in support of the application. The HIP will adopt a variety of materials, media and devices to convey the following:

1. *Recognition of the site being part of the traditional lands of the Aboriginal Wiradjuri peoples.*
2. *Recognise the early layout of the 1933 hospital building.*
3. *Record and present important historical themes and associated persons.*
4. *Illustrate the character and development of the early Base Hospital precinct.*
5. *Present a gallery of historical and social images associated with the site.*

Council's Heritage Advisor has reviewed the HIP and indicated that the HIP is consistent with NSW Heritage Office guidelines and is generally acceptable. However, the following are recommended conditions of consent during construction of the RFB:

- The applicant shall create a website or on-line platform for presenting the content identified in the HIP.

- The applicant shall consult with the Aboriginal community on the final content of any heritage interpretation material and the location of the proposed totem poles.
- The applicant shall consult with the Orange & District Historical Society as part of the final review of the content for the interpretation material.
- The applicant shall install five interpretive sculptural objects from local artists nominated for the central park landscape. This is to occur following consultation with Council's CEO or his delegate.
- The applicant shall stall interpretive images related to the strategy within the two lobbies/common areas of the apartment building.
- The applicant shall prepare a detailed design for the main interpretive panel proposed for the "Respite Park" on the corner of Sale and Prince Streets to ensure that it is fully accessible for viewing. The post mounted sign as shown in the HIP will not meet this criterion. The location of the panel shall be such that it is visible from the public realm.

5.10.2 Landscaping and Public Space

5.10.2.1 Public Open Space

The landscape masterplan for the public open space has been reviewed by Council's Manger City Presentation. There are no fundamental objections to the amended landscape plans however, conditions of consent are recommended to include the following:

- A detailed landscape plan of the public open space on proposed lot 602 shall be prepared by a landscape architect and submitted to Council's Manager Development Assessments for approval prior to the issue of the first Construction Certificate for the residential flat building (stage 2) and incorporate the following requirements:
    - The detailed landscape plan shall be generally in accordance with Landscape Masterplan (in terms of indicative number of plants, species, spacing of plants, etc.) plans number L401 Rev M; L402 Rev K; L403 Rev K; L404 Rev K; L405 Rev K; L407 Rev K - job No. 13956.5 prepared by Terras Landscape Architects; except as amended by the following:
        - The plan shall include a detailed schedule of all selected trees, shrubs and ground covers including botanical name, size at maturity, pot size and number of each species.

- A BBQ area shall be installed and shown on the plans adjacent to the central path mid-way between the children's play equipment and the central pergola. The BBQ area shall provide suitable electric BBQs for public use..
- A perimeter pathway shall be installed around the outer edge of the park with secondary paths branching off the perimeter path that adjoin each private access gate in a common boundary with the public open space. The perimeter path shall be sufficiently offset from the boundary to allow for gate swing. All paths required under this condition shall be decomposed granite or similar.

Supplementary conditions are attached which obligates the applicant to complete the works as shown in the approved landscape plan prior to the issue of an occupation certificate for the residential flat building or as required by the terms of the VPA.

5.10.2.2 Landscaping within the residential development

No objections have been raised in relation to the proposed landscape masterplan as they relate to the multi dwelling housing and RFB.

A similar set of conditions (excluding the requirement for the BBQ area and pathways) to the one detailed above are required for both stages 1 and 2 of the consent to ensure the intent of the landscape masterplan is implemented appropriately.

5.10.2.3 Pocket Park

The landscape plans have been amended to include a "pocket park" in the southwestern corner of the site. There is some ambiguity in the DCP as to the future intent of this area.

It is understood Council does not wish to take ownership of the pocket park.

However, the heritage interpretation plan seeks to install some form of heritage interpretation panel in this space.

Heritage interpretation of the former public hospital should be available for the general public to enjoy and to support the ongoing understanding of the heritage significance and history of the site.

As such, a public positive covenant is recommended to be registered against the title of the property in accordance with section 88E or 88B of the Conveyancing Act 1919. The covenant would allow public access into the "pocket park". The covenant would require certain additional conditions relating to matters such as ongoing maintenance, requirement for the area to be kept in a safe and healthy condition, etc.

5.10.3 Traffic, Parking and Access

Traffic

A traffic Impact statement has been submitted in support of the development.

Council's Technical Services have not raised any objections to the amended traffic arrangements.

Traffic associated with the development will be via the entry / exit points from the shared accessway within Prince and Dalton Streets.

The access point (cars turning right) from Prince Street is appropriately situated so as not to impact the functional area of The Prince Street / Anson Street intersection.

Access via the north of the site for vehicles travelling east are able to turn across the centre line of the road without being impacted by any existing street trees.

All vehicles associated with the development are able to enter and leave the site in a forward direction.

The amended access arrangements will reduce the impacts on the Sale Street intersections, particularly the Sale Street / Prince Street intersection.

Parking

As detailed above, the development meets the requirements of the DCP in terms of off-street parking, save for the commentary around allocation of visitor spaces.

Council Technical Services have not raised any objections to the parking arrangements or layout.

Relevant conditions of consent are attached in relation to parking.

Pedestrian Access

Pedestrian access into the respective buildings is adequate. Access into each of the townhouses is provide directly from Dalton Street in accordance with the DCP. Likewise, several access points into the RFB are provided from Prince Street including an accessible ramp and also via Sale Street.

Active travel within the surrounding street network comprises mostly sealed footpaths within the road reserves. Council's Technical Services have recommended conditions of consent that require footpath upgrade works within the frontage of the development site within Dalton, Sale and Prince Streets.

Pedestrian permeability through the precinct has significantly improved through the provision of the shared accessway.

The safety of pedestrians using the shared accessway is enhanced through the use of differing pavement treatments and signage to bring to the attention of drivers that it's a shared environment. The speed limit of the shared zone is 10km/h.

5.10.4 Waste Management

5.10.4.1 Construction Waste Management

Council's Environmental Health and Building Surveyor has recommended a condition of consent that obligates the applicant to prepare a detailed waste management plan with the express objective of reducing waste generated during the construction phase of the development.

5.10.4.2 Operational Waste management

Multi Dwelling Housing

The ongoing waste arrangements for the end users within the Multi Dwelling Housing is considered acceptable.

The applicant amended the proposal to relocate the storage of bins from the rear yards of the respective dwellings to the front courtyard area.

This arrangement is far more practical than the arrangement that was initially proposed. Under the current arrangement residents of the dwellings are able to walk their bins a short distance directly to the kerb side in Dalton Street under a conventional kerb-side agreement.

RFB

The amended design provides for an amended arrangement for the collection of waste associated with the RFB. The amended arrangement will involve:

- Two vertical waste chutes are provided in the common areas of each level allowing residents to dispose of general waste which travels down into bins which are stored in the waste storage area within the basement.
- 2 x 240L recycling bins are to be provided on each level adjacent to the general waste chutes. Relevant conditions are attached as the current plans do not appear to make provision for the recycling bins.
- The building manager is responsible for the management of all bins and the waste arrangements generally.
- The two bin storage areas within the basement provide storage capacity of 9 x 1100L Mobile Garbage Bins (MGBs) in total.
- A temporary bin storage area is now provided adjacent to the internal shared accessway.
- A small motor vehicle will be required to tow the bins from the basement, up the ramp and to the storage area.
- A garbage truck is now able to enter the site via Prince Street, collect all waste (general or recycling waste) depending on the collection and exit via Dalton Street.

A detailed drawing has been prepared which depicts how the bins will be emptied into the garbage truck provided below:

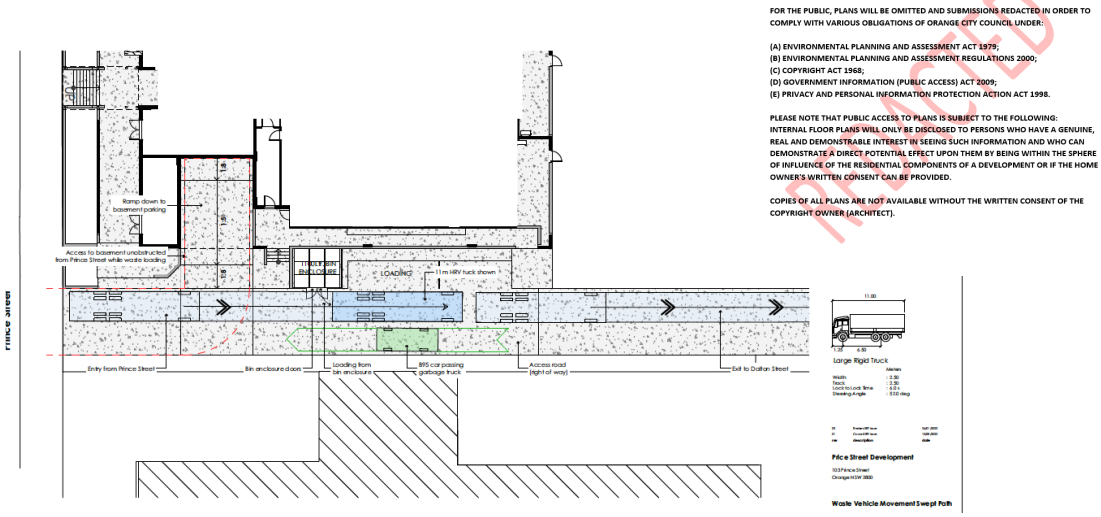


***Figure 39**: Garbage Collection Arrangements*

As can be observed in the plan:

- the proposed arrangements allow for vehicles to pass during collection activities.
- The collection vehicle, when in the process of collecting waste, does not obstruct vehicle or pedestrian entrances or the entrance to the basements.
- Northbound vehicles entering via Prince Street or exiting the RFB basement during collection would be able to safely drive around the truck given the low speed, low traffic volumes expected to use the laneway.

This arrangement is considered superior to the previously proposed arrangement whereby waste was to be collected in Sale Street.

Relevant conditions are attached that require the beneficiary of the consent provide evidence to Council that a collection agreement with a local waste contractor has been entered into for the collection of both general waste and recycling via the shared accessway.

Additionally, a plan of management is required that outlines the way the waste collection arrangements will be managed to ensure all bin storage areas are maintained and kept in a clean and tidy manner, additional measures shall be implemented to ensure that bins are only stored in the external bin enclosure on collection days.

A further condition is recommended that requires the collection of waste (general waste and recycling) associated with the RFB to be in accordance with the Plan of Management in perpetuity.

5.10.5 Noise Impacts

A Noise Assessment (NA) has been prepared by MAC acoustics and has been submitted in support of the development.

The NA identified sensitive receivers, recorded background noise levels, provided operational noise criteria (Intrusive noise levels, etc.) and construction noise criteria, modelled applicable scenarios during both construction and operational phases and, at the end of which, the following results were obtained:

5.10.5.1 Construction Phase

Table 18 presents the results of modelled construction noise emissions. Predictions identify that emissions from construction have the potential to be marginally (up to 3dBA) above the noise management levels at the closest assessed residential receivers. Accordingly, the following practical recommendations are provided to reduce the impact of construction noise on surrounding receivers:

- all plant should be shut down when not in use. Plant to be parked/started at farthest point from relevant assessment locations;
- operating plant in a conservative manner (no over-revving);
- selection of the quietest suitable machinery available for each activity;
- avoidance of noisy plant/machinery working simultaneously where practicable; and
- minimisation of metallic impact noise.

Table 18 Combined Noise Predictions

Receiver	Receiver Type	Predicted Noise Level dB $LA_{eq(15min)}$	PNTL dB $LA_{eq(15min)}$	Compliant
R1	Residential	57	55	x
R2	Residential	57	55	x
R3	Residential	50	55	✓
R4	Residential	58	55	x
R5	Residential	58	55	x
ED1	Educational	53	55[1]	✓
C1	Commercial	57	70	✓
C2	Commercial	64	70	✓
C3	Commercial	57	70	✓
C4	Commercial	55	70	✓
C5	Commercial	58	70	✓
C6	Commercial	54	70	✓

Note 1: External level based on 10dB with windows open for adequate ventilation (NPI).

5.10.5.2 Operational Phase

6.1 Operational Noise Assessment

Noise predictions from all sources have been quantified at surrounding residential receivers to the project site and are presented in **Table 16**.

Table 16 Noise Predictions – All Receivers

Location	Period[1]	Predicted Noise Level dB LAeq(15min)	PNTL dB LAeq(15min)	Compliant
R1	Day	32	50	✓
	Evening	32	43	✓
	Night	<30	40	✓
R2	Day	<30	50	✓
	Evening	<30	43	✓
	Night	<30	40	✓
R3	Day	<30	50	✓
	Evening	<30	43	✓
	Night	<30	40	✓
R4	Day	38	50	✓
	Evening	38	43	✓
	Night	35	40	✓
R5	Day	30	50	✓
	Evening	<30	43	✓
	Night	<30	40	✓
ED1	When in use	34	43[2]	✓
C1	When in use	34	63	✓
C2	When in use	35	63	✓
C3	When in use	30	63	✓
C4	When in use	33	63	✓
C5	When in use	37	63	✓
C6	When in use	30	63	✓

Note 1: Day - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm ; Night - the remaining periods.

Note 2: External level based on 10dB with windows open for adequate ventilation (NPI).

Council's Environmental Health Officer has reviewed the NA and has not raised any objections to the development in relation to noise impacts. However, certain conditions of consent are recommended to ensure compliance with the terms of the NA.

Additionally, a condition is attached prior to occupation certificates being issued under both stages that require a commissioning report to be prepared that demonstrates compliance with the NA and relevant noise policies.

5.10.6 Safety, Security and Crime Prevention

The safety, security and crime prevention considerations for a development can be assessed using the crime prevention through environmental design (CPTED) principles of natural surveillance, access control, territorial reinforcement and space management as follows:

Natural Surveillance

An appropriate level of natural surveillance opportunities will be afforded to future residents of the RFB.

Windows and /or balconies within all units within the RFB and multi dwelling housing are oriented to achieve reasonably clear sight lines between private and public areas.

The primary entries to the RFB are clearly identifiable from the street.

Notwithstanding the above, unavoidable practical realities may arise within the design of an RFB that results in areas of possible entrapment opportunities, concealed areas providing hiding spots, or the like. In such circumstances, it's important that mitigation measures such as exterior lighting, CCTV, etc. are implemented to reduce the risk as discussed below.

The public open space proposed within the application now has multiple points of entry or if necessary, escape. The amended design provides for an improved safety and security outcome.

It is noted that NSW Police have provided comment previously on the development as detailed below. They have not provided comment in relation to the amended design.

Access Control

Access control is the principle which deals with physical and symbolic barriers used to attract, channel, avert or control the movement of people in an attempt to minimise criminal behaviour. The access controls implemented for the development are listed as follows:

- Clear entry points are provided to all buildings.
- Access to the rear yards of ground floor units where they adjoin directly with the public realm are controlled by lockable gates.

- Access into the basement car parks will be restricted to residents or their guests.
- The public open space will be an attractive and inviting place for people to congregate.

Territorial Reinforcement

Fencing to external boundaries and within the development site between units is considered acceptable to demarcate the area of public and private open space areas.

Space Management

The exterior of the buildings will be well maintained and well-presented and will be appropriately illuminated at night. Any occurrences of graffiti is required to be removed promptly, and faulty exterior lighting, must be repaired as soon as practicable.

The applicant submits that the RFB will be managed by an appointed building manager. It will be their responsibility to ensure the above building maintenance is undertaken.

In terms of the maintenance of the public open space, as this land will be dedicated to Council, it will become Council's responsibility to manage the park as required by the provisions within the Local Government Act.

NSW Police Referral

The development was referred to NSW Police for review and comment in relation to the development's appropriateness with regards to CPTED principles.

Central West Police District's Crime Prevention Officer has reviewed the Development and identified the following Crime Risks:

> *The identified crime risks for residential areas are Break and Enter offences, Stealings, Malicious Damage and Domestic Violence offences. The proposed development would be expected to increase the reporting of these offences but only insofar as the increase in population density occurs.*

The specific crime risks that occur within a housing development with basement storage cages are increased stealing offences specifically where the storage cages are not designed adequately. This rise has been evident in metropolitan areas that see an increase in these sorts of developments.

The public greenspace will attract its own set of crime risks if care is not taken in the design to prevent certain crimes from occurring.

Based on the above, the Crime Prevention Officer provides the following recommendations:

- *The party responsible for the public greenspace install lighting at the rear (eastern end) of the plot to allow for vision from the street in hours of darkness*
- *CCTV be installed at entrance/ exit to Unit block basement*
- *Public areas on all parts of development be adequately lit during hours of darkness*
- *A strong consideration for CCTV being installed in public areas of all buildings.*

It should be noted that the above comments relate to the design which omitted the shared accessway.

With refence to the above, the applicant has submitted a detailed external lighting plan which shows lighting within the Public open space as well as within the shared accessway and the communal areas of the RFB.

The above recommendations from NSW Police have been adjusted as required and included as recommended conditions of consent.

Based on the foregoing, coupled with the imposition of conditions of consent as recommended, the proposed development presents an acceptable level of safety, security and crime prevention.

5.10.7 Economic Impacts

The development has the potential to generate positive economic impacts during both the construction phase and the operational phase of the development.

The development is likely to stimulate the local economy during the construction phases of the development through the procurement of local tradespeople and the use of local suppliers.

Post-construction the development will increase the amount of housing stock within the local housing market, providing housing typologies that have largely been unrepresented in the past.

5.10.8 Social Impacts

The development has the potential to result in positive social impacts.

The development includes a VPA which requires the developer to develop the public recreation land and dedicate the land to Council. This will provide a material public benefit and will provide a social meeting place for people living and working in the area to use.

The design of the RFB will create social inclusion and opportunities for residents to meet and interact within the areas of communal open space, with particular reference to the roof terrace on level 4 and the “pocket park” in the southwest corner of the site (in addition to the public open space land).

The development provides a variety of housing types to meet the needs of a range of social demographics within the City.

5.10.9 Cumulative impacts

Cumulative impacts of a development can arise under four typical scenarios, namely:

- time crowded effects where individual impacts occur so close in time that the initial impact is not dispersed before the proceeding occurs

- space crowded where impacts are felt because they occur so close in space, they have a tendency to overlap
- nibbling effects occur where small, often minor impacts, act together to erode the environmental condition of a locality; and
- synergistic effects, where a mix of heterogeneous impacts interact such that the combined impacts are greater than the sum of the separate effects.

Whilst it would be possible for one or more of the above scenarios to occur; particularly during the construction phase of the development, appropriate conditions of consent recommended by Council's Environmental Health Officer as detailed above, will ensure such a situation does not arise, or if it were to arise, it would not occur at levels that would not cause adverse impact or harm within the locality.

The development is therefore considered acceptable with regards to cumulative impacts in the locality.

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

The site would be suitable for some form of medium density residential redevelopment given the following:

- RFBs and multi dwelling housing are both permissible within the R3 zones.
- The objectives of the zone encourage residential development at a higher density than other parts of the city.
- A detailed site specific DCP applies to the land that seeks to ensure a certain desired future character is achieved when the land is further developed.
- The site is conveniently located in proximity to the CBD to encourage walking and cycling and reduce motor vehicle dependency.
- The author is not aware of the site being affected by any physical, natural or technological hazards that have not been identified within the report.

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

5.12.1 Third Exhibition Period

The following provides detailed consideration of the submissions received during the third and most recent exhibition period. Submissions received in relation to the earlier iterations of the development were considered in the report to the Panel in November 2022.

The submissions are numbered in corresponding order to those in the redacted version at **annexure G.**

Submission Summary	Consideration
Submission 1 The submission raises concerns in relation to: • overshadowing of the adjoining commercial building and • increases in traffic and parking impacts.	Overshadowing In relation to overshadowing, as noted in the previous assessment report to the panel on this issue, Council's DCP or any other Council policy does not give weight to the overshadowing effects of development on adjoining commercial development. Secondly, the shadow caused by the proposed development relates to a western elevation only. No north facing windows of the development are impacted. Finally, as observed from the submitted shadow diagrams, the shadow caused by the development does not impact the building until after 3pm which is outside the standard period for which overshadowing is measured (i.e. 9am – 3pm). Noting there is a minor shadow cast on the building at 2pm. This is considered inconsequential when taking into account the amount of the western elevation that is not in shadow. Traffic / Parking Traffic and parking matters are addressed in detail in the body of the report.

Submission 2	The submission provides the following general comments: *DPE acknowledges the revisions that have been made by the applicant and considers the revisions an overall improvement on the proposed development. The revised design has in part addressed a number of the issues raised by DPE in previous correspondence.* The submitter's remaining concerns are addressed below.

The submission raises concerns in relation to:
• The appropriateness of the clause 4.6 request / height of building, specifically in relation to privacy and overshadowing.
	<u>Height of building – Privacy</u>
	In relation to the privacy impacts on the adjoining property to the east directly attributed to the level 5/penthouses, the following is noted:
	• The floor level of level 5 will align (approximately) with the top of wall height (of level 4) of the adjoining commercial building (refer Sheet A-030 EJE Plans), meaning there will be no direct overlooking.
	• The level 5/penthouses floor plate is recessed from the southern and eastern edges of the building below. Given the siting of the penthouses relative to the building below, and considering the point above, there will be no direct overlooking opportunities from internal areas of units on level 5 of the RFB to the commercial building or visa versa.
	• The east facing balcony on level 5 could present an overlooking issue however, the following is noted:
	  ○ The subject balcony is within the area of the site that does not contravene the development standard.
	  ○ With specific reference to objective 3F-1 of the ADG, the development exceeds the requirements with regards to building separation.

	<u>Height of Building – Overshadowing</u> In relation to the overshadowing directly attributed to the level 5 penthouses the following is noted: • The overshadowing of the adjoining commercial building relates to its western elevation only. • With reference to the submitted shadow diagrams, the shadow from the RFB does not impact the adjoining building until after 3pm (thus, outside the typical assessment period), save for a small amount at 2pm in the low southern corner of the building (considered negligible when taking into account the extent of wall not in shadow). • The extent of shadow shown in the shadow (elevation) diagrams shows the full extent of the shadow from the built form on level 5. However, it should be noted that a large proportion (~50%) of the shadow relates to the portion of building that does not contravene the development standard. For the reasons outlined above, the author does not agree with the concluding comments in the submission relating to the height variation / level 5 penthouses which states: *The height variation, design and orientation of the penthouses do not appear to be consistent with the guidance in the Apartment Design Guide for minimising overshadowing and impacts on privacy.*
• Concerns relating to the shared accessway; specifically relating to security, landscaping and pedestrian pathway/safety concerns.	The concerns raised in the submission are addressed separately below. **Security** – detailed consideration has been given to the security, safety and crime prevention aspects of the amended design which conclude the development is acceptable. Specially in relation to the security in the shared accessway, the following is noted:

	• Habitable rooms from both the MDH and RFB address the shared laneway allowing for natural surveillance. • A detailed external light plan has been submitted in support of the development which will provide suitable illumination of the shared accessway to ensure a safe and inviting space through the night-time period. • NSW Police have recommended conditions of consent in relation to CCTV which have been included within the draft consent. **Landscaping** – The author agrees that the landscaping masterplan lacks detail specifically relating to the laneway plantings. As such, a condition is attached that requires a detailed landscape plan to be provided (relevant to each stage) that provides details of the type of (evergreen) species selected for the eastern side of the accessway, along with the number of plants, centres and pot size. Consideration will need to be given to growth habit when selecting the particular species taking into account the constrained growing conditions. Pedestrian pathway – it is a correct statement that Council's Technical Services preferred treatment in the shared accessway is a grade separated 1.2m wide pedestrian path. However, Council's Technical Services have accepted the proposed arrangements (without a grade separated pathway) comprising signage and pavement treatment, noting the relevant conditions preclude speed humps from being installed as they present a trip hazard.

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

The proposal is not inconsistent with the aims of the EP&A Act, nor is it inconsistent with any relevant policy statements, planning studies, and guidelines etc. that have not been considered in this assessment. The development is therefore in the public interest.

5.14 GENERAL COMMENTS

This report has been informed by SME advice from the following council officers / contractors.

Table 19: *Summary of internal referrals*

Title / Position	Area of Expertise
Assistant Development Engineer	Council and Non-council infrastructure and services. Traffic and Parking.
Environmental, Health & Building Certifier	NCC, POEO Act and EP&A Act.
Environmental Health Officer	POEO Act (Noise, Dust, sediment control).
Manager City Presentation	Landscaping, public open space, trees and other vegetation.
Manager Waste Services & Technical	Waste collection arrangements
Heritage Advisor	Heritage Conservation and Urban Design

Expert advice form the following External Agencies was also received:

- NSW Police relating to Crime Prevention Through Environmental Design
- Essential Energy relating to the safety and ongoing operation of the local electricity network.

6 Summary

In Summary, Andrew Crump Town Planning Pty. Ltd. have carried out a planning assessment of a development application at 103 Prince Street, Orange against the requirements of Section 4.15 of the Environmental Planning and Assessment Act 1979.

The author notes the significant design amendments undertaken by the applicant to address the matters that were detailed in the Panel's notice of deferral. The amended design is now far more consistent with Council's relevant planning controls applying to the land, and despite the identified non-compliance with the ADGs in relation to access to sunlight, the development is considered satisfactory in this regard.

The development, particularly regarding the RFB, is considered to be contextually appropriate in the setting and the development will not engender any adverse environmental impacts in the locality.

The provision of a public park and the publicly accessible through site links, provide significant positive public benefits for the City.

This assessment has also considered the submitted clause 4.6 request to vary the height of building standard. The request meets the preconditions under clause 4.6(3). In addition, the consent authority can be satisfied that the proposed development is in the public interest as it is consistent with the objectives of the development standard and the objectives of the zone.

Given the foregoing, on the balance of all issues, the development is considered satisfactory and is thus, recommended for approval.

End.

Annexure A

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
3A Site Analysis				
Objective 3A-1 *Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context*		***Design Guidance*** *Each element in the Site Analysis Checklist should be addressed (see Appendix 1)*	A site analysis plan has been submitted in support of the development	Yes
3B Orientation				
3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development.		*Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1).*	The building is orientated to front Prince Street. The building is also appropriately designed to address the secondary street frontage (Sale Street).	Yes
		Where the street frontage is to the east or west, rear buildings should be orientated to the north.		
		Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the		

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
		street frontage should be orientated to the east and west (see figure 3B.2).		
3B-2 Overshadowing of neighbouring properties is minimised during midwinter.		*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.*	The development will not present an adverse impact in terms of overshadowing of neighbouring properties.	Yes
		Solar access to living rooms, balconies and private open spaces of neighbours should be considered.		
		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%.		
		If the proposal will significantly reduce the solar access of neighbours, building separation should		

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
		be increased beyond minimums contained in section 3F Visual privacy.		
		Overshadowing should be minimised to the south or downhill by increased upper level setbacks.		
		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.		
		A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.		
3C Public Domain Interface				
3C-1 Transition between private and public domain is achieved without compromising safety and security		*Terraces, balconies and courtyard apartments should have direct street entry, where appropriate*	Ground floor units fronting Prince Street are afforded direct secure private access via front courtyards.	Yes

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
		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 (see figure 3C.1)	The terraced and landscaped front setback area will provide adequate privacy whilst still providing opportunities for natural surveillance.	Yes
		Upper level balconies and windows should overlook the public domain	All upper-level balconies will either overlook a street frontage (Prince or Sale Streets), the public open space or the shared accessway.	Yes
		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	Fencing at the front of the site comprises a terrace arrangement where the lower levels either side of the stairs and access ramp will be heavily landscaped, and the terrace above incorporates open style balustrade consistent in style with the balustrade on the floor above. Front fences to ground floor units facing the street are setback into the site and include raised landscape beds to provide privacy.	Yes
		Length of solid walls should be limited along street frontages	Low solid walls are softened by extensive deep soil landscaping at the street edge. The basement carpark does not extend beyond the structural footprint of the building.	Yes

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
		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	The front of the RFB is designed to include a linear shaped communal forecourt-like area presenting numerous opportunities for social interaction.	Yes
		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: *• architectural detailing* *• changes in materials* *• plant species* *• colours*	N/A	
		Opportunities for people to be concealed should be minimised	Refer to commentary within the report in relation to CPTED principles.	Yes

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
3C-2 Amenity of the public domain is retained and enhanced		*Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking*	Refer to comments above, the front of the site is terraced and softened through landscaping.	Yes
		Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided	Mailbox are proposed in the lobby areas from Prince Street leading to the two central cores.	Yes
		The visual prominence of underground car park vents should be minimised and located at a low level where possible	No vents are proposed.	Yes
		Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view	There are no utility spaces are visible from a public place.	Yes
		Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels	An accessible ramp is located at the site frontage. This is required due to the ground floors relating the surface levels of the central public park to provide a level transition between the two spaces.	Yes

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
			The way the floor levels have been set within the site, which thus necessitates the provision of the ramp, is considered acceptable.	
		Durable, graffiti resistant and easily cleanable materials should be used	Face brick has been adopted at street level which is considered acceptable.	Yes
		Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions: *• street access, pedestrian paths and building entries which are clearly defined* *• paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space* *• minimal use of blank walls, fences and ground level parking*	The north elevation shows solid walls interfacing with the central park at balustrade height and screened with landscaping for privacy of ground floor units where possible. This an acceptable design solution.	Yes
		On sloping sites protrusion of car parking above ground level should be	N/A	

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
		minimised by using split levels to step underground car parking		
3D Communal and Public open space				
3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	*. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)*	*Communal open space should be consolidated into a well-designed, easily identified and usable area*	Communal open space provided as part of the development comprises the public open space; as well as the "pocket park" in the south-west corner of the site and the communal bbq area on level 4. The provision of communal open spaces is appropriate and provides for broad range of user grounps and a range of passive and active recreation activities.	Yes
	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 9 am and 3 pm on 21 June (mid winter)	*Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions*		
		Communal open space should be co-located with deep soil areas		
		Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies		

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
		Where communal open space cannot be provided at ground level, it should be provided on a podium or roof		
		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: *• provide communal spaces elsewhere such as a landscaped roof top terrace or a common room* *• provide larger balconies or increased private open space for apartments* *• demonstrate good proximity to public open space and facilities and/or provide contributions to public open space*		
3D-2 Communal open space is designed to allow for a range of activities, respond	*Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and*		Refer to comments above regarding the variety of communal open space offerings.	Yes

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
to site conditions and be attractive and inviting	*spaces), incorporating some of the following elements:* *• seating for individuals or groups • barbecue areas* *• play equipment or play areas* *• swimming pools, gyms, tennis courts or common rooms*			
	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			
	Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks			
3D-3 Communal open space is designed to maximise safety	*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: • bay windows*		Refer to comments in the report in relation to CPTED principles. The proposal is considered satisfactory with regard to safety and security.	

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
	• corner windows *• balconies*			
	Communal open space should be well lit		Refer to conditions of consent relating to external lighting	Yes
	Where communal open space/facilities are provided for children and young people they are safe and contained			
3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	*The public open space should be well connected with public streets along at least one edge*		The central public open space area is considered a positive public benefit. The amended design whereby the North / South accessway is provided improves the accessibility to the open space.	Yes
	The public open space should be connected with nearby parks and other landscape elements			
	Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid			
	Solar access should be provided year round along with protection from strong winds			

Annexure A

ADG Compliance Table

<table>
<tr><th>Objective</th><th>Design Criteria</th><th>Design Guidance</th><th>Assessment</th><th>Satisfactory</th></tr>
<tr><td></td><td>Opportunities for a range of recreational activities should be provided for people of all ages</td><td></td><td></td><td></td></tr>
<tr><td></td><td>A positive address and active frontages should be provided adjacent to public open space</td><td></td><td></td><td></td></tr>
<tr><td></td><td>Boundaries should be clearly defined between public open space and private areas</td><td></td><td></td><td></td></tr>
<tr><td colspan="4">3E – Deep Soil Zones</td><td></td></tr>
<tr><td>3E-1 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</td><td>Deep soil zones are to meet the following minimum requirements:
<table>
<tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr>
<tr><td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr>
<tr><td>650m² - 1,500m²</td><td>3m</td></tr>
<tr><td>greater than 1,500m²</td><td>6m</td></tr>
<tr><td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr>
</table></td><td>On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:
• 10% of the site as deep soil on sites with an area of 650m2 - 1,500m2
• 15% of the site as deep soil on sites greater than 1,500m2</td><td>Extensive areas of deep soil landscaping are provided in compliance with this objective.</td><td>Yes</td></tr>
<tr><td></td><td></td><td>Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems,</td><td></td><td></td></tr>
</table>

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ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
		providing anchorage and stability for mature trees. Design solutions may include: *• basement and sub basement car park design that is consolidated beneath building footprints* *• use of increased front and side setbacks* *• adequate clearance around trees to ensure long term health* *• co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil*		
		Achieving the design criteria may not be possible on some sites including where: *• the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high*		

Annexure A

ADG Compliance Table

<table>
<tr><th>Objective</th><th>Design Criteria</th><th>Design Guidance</th><th>Assessment</th><th>Satisfactory</th></tr>
<tr><td></td><td></td><td>density areas, or in centres)
• there is 100% site coverage or non-residential uses at ground floor level Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure</td><td></td><td></td></tr>
<tr><td colspan="4">3F – Visual Privacy</td><td></td></tr>
<tr><td>3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</td><td>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:
<table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><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></table></td><td>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</td><td>The proposed RFB is appropriately separated from other buildings.
Notably, the RFB is setback in excess of 9m from the eastern boundary where it adjoins the DPIE building.
It’s also noted that the adjoining building to the east is setback a similar distance from the common boundary.</td><td>Yes</td></tr>
<tr><td></td><td></td><td>For residential buildings next to commercial buildings, separation</td><td></td><td></td></tr>
</table>

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
		distances should be measured as follows: *• for retail, office spaces and commercial balconies use the habitable room distances* *• for service and plant areas use the non-habitable room distances*		
		New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include: *• site layout and building orientation to minimise privacy impacts (see also section 3B Orientation)* *• on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4)*		
		Apartment buildings should have an increased separation distance of 3m (in addition to the		

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
		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 (figure 3F.5)		
		Direct lines of sight should be avoided for windows and balconies across corners		
		No separation is required between blank walls		
3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	*Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include:* *• setbacks* *• solid or partially solid balustrades to balconies at lower levels*		The design reduces possible conflicts between common areas and private spaces.	Yes

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
	• fencing and/or trees and vegetation to separate spaces *• screening devices* *• bay windows or pop out windows to provide privacy in one direction and outlook in another* *• raising apartments/private open space above the public domain or communal open space* *• planter boxes incorporated into walls and balustrades to increase visual separation* *• pergolas or shading devices to limit overlooking of lower apartments or private open space* *• on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies*			
	Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open			

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
	circulation space by the apartment's service areas			
	Balconies and private terraces should be located in front of living rooms to increase internal privacy			
	Windows should be offset from the windows of adjacent buildings			
	Recessed balconies and/or vertical fins should be used between adjacent balconies			
3G – Pedestrian Access and Entries				
3G-1 Building entries and pedestrian access connects to and addresses the public domain	*Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge*		Multiple access points are provided to the building – access is provided to the RFB at ground level from all four sides.	Yes
	Entry locations relate to the street and subdivision pattern and the existing pedestrian network			
	Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries			

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
	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			
3G-2 Access, entries and pathways are accessible and easy to identify	*Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces*		Primary access points are accentuated through the use of Pergola structures.	Yes
	The design of ground floors and underground car parks minimise level changes along pathways and entries			
	Steps and ramps should be integrated into the overall building and landscape design			
	For large developments 'way finding' maps should be provided to assist visitors and residents (see figure 4T.3)			
	For large developments electronic access and audio/video intercom should be provided to manage access			
3G-3 Large sites provide pedestrian	*Pedestrian links through sites facilitate direct connections to*		The design has been amended to include the north / south shared accessway.	Yes

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
links for access to streets and connection to destinations	*open space, main streets, centres and public transport*			
	Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate			
3H – Vehicle Access				
3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	*Car park access should be integrated with the building's overall facade. Design solutions may include:* *• the materials and colour palette to minimise visibility from the street* *• security doors or gates at entries that minimise voids in the facade* *• where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed*		The design has been amended to accord with the DCP in terms of vehicle access points. Detailed commentary is provided in the body of the report in relation to the shared accessway in terms of functionality and safety.	Yes

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
	Car park entries should be located behind the building line			
	Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout			
	Car park entry and access should be located on secondary streets or lanes where available			
	Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided			
	Access point locations should avoid headlight glare to habitable rooms			
	Adequate separation distances should be provided between vehicle entries and street intersections			
	The width and number of vehicle access points should be limited to the minimum			
	Visual impact of long driveways should be			

Annexure A

ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
	minimised through changing alignments and screen planting			
	The need for large vehicles to enter or turn around within the site should be avoided			
	Garbage collection, loading and servicing areas are screened			
	Clear sight lines should be provided at pedestrian and vehicle crossings			
	Traffic calming devices such as changes in paving material or textures should be used where appropriate			
	Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include: *• changes in surface materials* *• level changes* *• the use of landscaping for separation*			
3J – Bicycle and car parking				
3J-1 Car parking is provided based on proximity to public transport in	*For development in the following locations:* *• on sites that are within 800 metres of a railway station or*	*Where a car share scheme operates locally, provide car share parking spaces within the development.*	A car park assessment has been provided in the body of the report.	Yes

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ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
metropolitan Sydney and centres in regional areas	*light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres 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 The car parking needs for a development must be provided off street*	*Car share spaces, when provided, should be on site*		
		Where less car parking is provided in a development, council should not provide on street resident parking permits		
3J-2 Parking and facilities are provided for other modes of transport	*Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters*		Separate provision for the parking of motorbikes and scooters has not been incorporated into the design. However, sufficient parking has been provided and residents with a scooter or motorbike	Yes

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ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
			would simply park in their allocated car space. Should the Panel be minded to require such parking facilities, it would be necessary to include a relevant condition of consent.	
	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas			
	Conveniently located charging stations are provided for electric vehicles, where desirable			
3J-2 Parking, and facilities are provided for other modes of transport		*Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters*	Refer to commentary within the report.	Yes
		Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas		
		Conveniently located charging stations are	No EV charging stations have been nominated. A condition of consent would	

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ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
		provided for electric vehicles, where desirable	be required if the panel consider an EV charge station to be required.	
3J-3 Car park design and access is safe and secure		*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*	The basement car parking is considered satisfactory with regard to the location and access arrangements. The design of the basement includes provision for waste storage, pump room and services.	Yes
		Direct, clearly visible and well lit access should be provided into common circulation areas		Yes
		A clearly defined and visible lobby or waiting area should be provided to lifts and stairs	The lobbies within the basement are clearly identifiable and easily accessed.	Yes
		For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards	N/A	
3J-4 Visual and environmental impacts of underground car parking are minimised		*Excavation should be minimised through efficient car park layouts and ramp design*	The location and arrangement of the basement car park is considered acceptable and achieves the objective.	Yes

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ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
		Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles	Refer to commentary in the report in relation to the use of stacked/tandem parking.	
		Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites	The adopted floor levels have been determined more to do with providing at grade transition between the ground floor level and the public park, as opposed to the levels of the basement.	Yes
		Natural ventilation should be provided to basement and sub basement car parking areas		
		Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design		
3J-5 Visual and environmental impacts of on-grade car parking are minimised		*On-grade car parking should be avoided*	N/A	

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ADG Compliance Table

Objective	***Design Criteria***	***Design Guidance***	***Assessment***	***Satisfactory***
3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised		*Exposed parking should not be located along primary street frontages*	N/A	

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
Solar and Daylight Access				
4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	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 9 am and 3 pm at mid winter	The design maximises north aspect and the number of single aspect south facing apartments is minimised	Refer to commentary within the body of the report in relation to access to direct sunlight.	Yes
		Single aspect, single storey apartments should have a northerly or easterly aspect		
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	Living areas are best located to the north and service areas to the south and west of apartments		**Design criteria not met. Refer to commentary within the report.**
		To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used: • dual aspect apartments • shallow apartment layouts • two storey and mezzanine level apartments • bay windows		
		To maximise the benefit to residents of direct sunlight		

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		within living rooms and private open spaces, a minimum of 1m2 of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes		
		Achieving the design criteria may not be possible on some sites. This includes: • where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source • on south facing sloping sites • where significant views are oriented away from the desired aspect for direct sunlight Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective		
4A-2 Daylight access is maximised where sunlight is limited		Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms		
		Where courtyards are used :		

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		• use is restricted to kitchens, bathrooms and service areas • building services are concealed with appropriate detailing and materials to visible walls • courtyards are fully open to the sky • access is provided to the light well from a communal area for cleaning and maintenance • acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved		
		Opportunities for reflected light into apartments are optimised through: • reflective exterior surfaces on buildings opposite south facing windows • positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light • integrating light shelves into the design • light coloured internal finishes		

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
4A-3 Design incorporates shading and glare control, particularly for warmer months		A number of the following design features are used: • balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas • shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting • horizontal shading to north facing windows • vertical shading to east and particularly west facing windows • operable shading to allow adjustment and choice • 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)	The arrangement of balconies is sufficient to provide summer shading in most instances. The west facing bedroom windows are recommended to have awnings or window hoods installed.	Yes, subject to conditions of consent.
4B – Natural Ventilation				
4B-1 All habitable rooms are naturally ventilated		The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms	All habitable rooms comprise openable windows to allow for natural ventilation. The objective is achieved.	Yes
		Depths of habitable rooms support natural ventilation		

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		The area of unobstructed window openings should be equal to at least 5% of the floor area served		
		Light wells are not the primary air source for habitable rooms		
		Doors and openable windows maximise natural ventilation opportunities by using the following design solutions: • adjustable windows with large effective openable areas • a variety of window types that provide safety and flexibility such as awnings and louvres • windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors		
4B-2 The layout and design of single aspect apartments maximises natural ventilation		Apartment depths are limited to maximise ventilation and airflow (see also figure 4D.3)	Single aspect units have reduced depths to ensure air movement is able to be maximised.	Yes
		Natural ventilation to single aspect apartments is achieved with the following design		

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		solutions: • primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) • stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries • 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		
4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	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	The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths	68% (41 of 60) of units achieve natural cross ventilation. Dual aspect apartments, cross through apartments and corner apartments have been included in the design as far as practicable.	Yes
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the	The depth of cross-over apartments measures slightly under 18m.	Yes

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		external window and door opening sizes/areas on the other side of the apartment (outlet side) (see figure 4B.4)		
		Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow		
		Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow		
4C Ceiling heights				
4C-1 Ceiling height achieves sufficient natural ventilation and daylight access	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Minimum ceiling height for apartment and mixed use buildings 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 used areas: 3.3m for ground and first floor to promote future flexibility of use	Ceiling height can accommodate use of ceiling fans for cooling and heat distribution	All units meet the minimum ceiling heights. The objective is achieved.	Yes.
4C-2 Ceiling height increases the sense of space in apartments and		A number of the following design solutions can be used: • the hierarchy of rooms in an apartment is defined using changes in ceiling heights and		

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
provides for well proportioned rooms		alternatives such as raked or curved ceilings, or double height spaces • well-proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings • 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		
4C-3 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 (see figure 4C.1).		
4D-1 The layout of rooms within an apartment is functional, well organised and	Apartments are required to have the following minimum internal areas:	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space)	All apartments exceed minimum areas and layouts achieve minimum standards in terms of depth to height and maximum depths of living areas.	Yes

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
provides a high standard of amenity	<table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table>			
	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	A window should be visible from any point in a habitable room	All habitable rooms are provided with at least one window.	Yes
		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		
4D-2 Environmental performance of the apartment is maximised	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths		

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	All living areas and bedrooms should be located on the external face of the building		
4D Apartment size and Layout				
4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs	Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space)	Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas	A sample of bedrooms have been tested in terms of area and dimension using a scale plan in Archicad. The majority of bedrooms either meet or exceed the minimum requirements, a number are slightly under sized (~100mm). Notwithstanding this, they present a negligible non-compliance and will still provide a usable and functional bedroom space. Appropriately sized wardrobes are provided to all bedrooms.	Yes
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	All bedrooms allow a minimum length of 1.5m for robes		
	Living rooms or combined living/dining rooms have a minimum width of:	The main bedroom of an apartment or a studio apartment should be provided		

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
	• 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments	with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high		
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Apartment layouts allow flexibility over time, design solutions may include: • dimensions that facilitate a variety of furniture arrangements and removal • spaces for a range of activities and privacy levels between different spaces within the apartment • dual master apartments • dual key apartments 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 • room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1)) • efficient planning of circulation by stairs, corridors and through		

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ADG Compliance Table

<table>
<tr><th>Objective</th><th>Design Criteria</th><th>Design Guidance</th><th>Assessment</th><th>Satisfactory</th></tr>
<tr><td></td><td></td><td>rooms to maximise the amount of usable floor space in rooms</td><td></td><td></td></tr>
<tr><td colspan="4">4E Private open space and balconies</td><td></td></tr>
<tr><td>4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity</td><td>All apartments are required to have primary balconies as follows:
<table>
<tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr>
<tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr>
<tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr>
<tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr>
<tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr>
</table>
The minimum balcony depth to be counted as contributing to the balcony area is 1m</td><td>Increased communal open space should be provided where the number or size of balconies are reduced</td><td>Above ground floor balconies comply with the minimum dimensions.
Ground floor units G02, G08 and G10 are slight under the minimum depth of 3m, notwithstanding, they present a negligible non-compliance and will still provide a usable area and provide an appropriate level of residential amenity.</td><td>Yes</td></tr>
<tr><td></td><td>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</td><td>Storage areas on balconies is additional to the minimum balcony size</td><td></td><td></td></tr>
<tr><td></td><td></td><td>Balcony use may be limited in some proposals by:
• consistently high wind speeds at 10 storeys and above
• close proximity to road, rail or other noise sources • exposure</td><td></td><td></td></tr>
</table>

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		to significant levels of aircraft noise • heritage and adaptive reuse of existing buildings In these situations, juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated		
4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents		Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space	The arrangement of balconies with the overall design of the RFB is acceptable. All balconies link directly with living spaces, in some instances access to a balcony is also provided from a bedroom.	Yes
		Private open spaces and balconies predominantly face north, east or west	Compliance generally achieved, except as noted above under the solar access provisions.	Yes
		Primary open space and balconies should be orientated with the longer side facing	The orientation of balconies is generally acceptable.	Yes

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		outwards or be open to the sky to optimise daylight access into adjacent rooms		
4E Private open space and Balconies				
4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building		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	Balcony design was a critical issue arising from the previous panel hearing. The amended design is considered satisfactory with regards to balcony design. The development complies with the objective.	Yes
		Full width full height glass balustrades alone are generally not desirable		
		Projecting balconies should be integrated into the building design and the design of soffits considered		
		Operable screens, shutters, hoods and pergolas are used to control sunlight and wind		
		Balustrades are set back from the building or balcony edge where overlooking or safety is an issue		

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		Downpipes and balcony drainage are integrated with the overall facade and building design		
		Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design		
		Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design		
		Ceilings of apartments below terraces should be insulated to avoid heat loss		
		Water and gas outlets should be provided for primary balconies and private open space		
4E-4 Private open space and balcony design maximises safety		Changes in ground levels or landscaping are minimised		
		Design and detailing of balconies avoids opportunities for climbing and falls	This will be addressed under BCA considerations.	Yes
4F Common circulation and spaces				

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments	The maximum number of apartments off a circulation core on a single level is eight	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	The design criterion is achieved. Two central cores are provided, the maximum number of units served by one elevator is eight on level 1, all other levels are seven or less. Length of circulation corroders are appropriately designed, will be well lit during daylight hours and able to be naturally ventilated, lengths of corridors are not considered excessive.	Yes
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Daylight and natural ventilation should be provided to all common circulation spaces that are above ground		
		Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors		
		Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include: • a series		

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		of foyer areas with windows and spaces for seating • wider areas at apartment entry doors and varied ceiling heights		
		Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments		
4F-2 Common circulation spaces promote safety and provide for social interaction between residents		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	The common circulation within each level is considered acceptable.	Yes
		Tight corners and spaces are avoided	There are no tight corners that would present an issue for moving large items of furniture or white goods.	Yes
		Circulation spaces should be well lit at night	Conditions are attached in relation to the use of sensor lighting with timers.	Yes
		Legible signage should be provided for apartment numbers, common areas and general wayfinding	Compliance readily achievable.	Yes

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided		
		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		
		Where external galleries are provided, they are more open than closed above the balustrade along their length		
4G Storage				
4G-1 Adequate, well designed storage is provided in each apartment	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table>		Adequate storage is provided to each apartment via separate built-ins, floor to ceiling cupboards and in some cases, additional storage is provided in the laundry.	Yes.
4G-2 Additional storage is conveniently		Storage not located in apartments is secure and clearly allocated to specific apartments	Storage within the basement is easily accessible.	

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
located, accessible and nominated for individual apartments				
		Storage is provided for larger and less frequently accessed items	Compliance achieved. Additional storage is provided in the basement.	
		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	Compliance achieved.	Yes
		If communal storage rooms are provided they should be accessible from common circulation areas of the building	Additional storage areas are provided on the ground level. These are appropriately designed and are not visible from a public place.	Yes
		Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain	Additional storage areas are provided on the ground level. This are appropriately design and are not visible from a public place.	Yes
4H Acoustic Privacy				
4H-1 Noise transfer is minimised through the siting of buildings and building layout		Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F	Building separation requirements exceed.	Yes

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		Building separation and section 3F Visual privacy)		
		Window and door openings are generally orientated away from noise sources		Yes
		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	Unit G09 is located adjacent to a common circulation corridor. However, the subject corridor/covered pedestrian access is not expected to be heavily used.	Yes
		Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources		Yes
		The number of party walls (walls shared with other apartments) are limited and are appropriately insulated	Party walls will be appropriately insulated.	Yes
		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	Unit G09 is located adjacent to a common circulation corridor. However, the subject corridor/covered pedestrian access is not expected to be heavily used.	Yes
4H-2 Noise impacts are mitigated within		Internal apartment layout separates noisy spaces from	Compliance generally achieved.	Yes

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
apartments through layout and acoustic treatments		quiet spaces, using a number of the following design solutions: • rooms with similar noise requirements are grouped together • doors separate different use zones • wardrobes in bedrooms are co-located to act as sound buffers		
		Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions: • double or acoustic glazing • acoustic seals • use of materials with low noise penetration properties • continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements	Compliance generally achieved.	Yes
4J Noise and Pollution				
4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through			N/A	

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
the careful siting and layout of buildings				
4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission			N/A	
4K Apartment Mix				
4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future		A variety of apartment types is provided	Refer to detailed commentary on apartment mix within the body of the report.	Yes
		The apartment mix is appropriate, taking into consideration: • the distance to public transport, employment and education centres • the current market demands and projected future demographic trends		

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		• the demand for social and affordable housing • different cultural and socioeconomic groups		
		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		
4K-2 The apartment mix is distributed to suitable locations within the building		Different apartment types are located to achieve successful facade composition and to optimise solar access (see figure 4K.3)	This is provision is achieved.	Yes
		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	The penthouse units are large ,three-bedroom units with generous private open space. Ground floor units are a mix of two and three bedrooms.	Yes
4L Ground Floor Apartments				
4L-1 Street frontage activity is maximised where ground floor apartments are located		Direct street access should be provided to ground floor apartments	This is achieved for the majority of ground floor apartments. (not achieved for G03 and G04).	Yes

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include: • both street, foyer and other common internal circulation entrances to ground floor apartments • private open space is next to the street • doors and windows face the street	A number of ground floor apartments have private open space to the front of the building in compliance with this provision.	Yes
		Retail or home office spaces should be located along street frontages	N/A	
		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	N/A	
4L-2 Design of ground floor apartments delivers amenity and safety for residents		Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:	Privacy within ground floor units will be satisfactory.	Yes

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		• elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4) • landscaping and private courtyards • window sill heights that minimise sight lines into apartments • integrating balustrades, safety bars or screens with the exterior design		
		Solar access should be maximised through: • high ceilings and tall windows • trees and shrubs that allow solar access in winter and shade in summer	Deciduous trees are nominated in the Landscape masterplan.	Yes
4M Façades				
4M-1 Building facades provide visual interest along the street while respecting the character of the local area		Design solutions for front building facades may include: • a composition of varied building elements • a defined base, middle and top of buildings • revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of elements	Refer to detailed commentary in the body of the report.	Yes

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		Building services should be integrated within the overall facade	Building services are not visible from the front elevation.	
		Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings	Refer to detailed commentary in the body of the report.	Yes
		Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights	Refer to commentary in report relating to height of buildings.	Yes
		Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals	This is achieved.	Yes

Annexure A

ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
4M-2 Building functions are expressed by the facade		Building entries should be clearly defined	The entries to the building, particularly in Prince Street, are well defined through the use of pergola structures over entrance stairs.	Yes
		Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height	Advice from Council's Heritage Advisor has consistently emphasised the important Prince / Sale Street corner. The amended design, including the most recent amendments to include the last set of recommendations from Council's heritage adviser, ensure the identified corner of the building is treated appropriately for the context and setting.	Yes
		The apartment layout should be expressed externally through facade features such as party walls and floor slabs	The amended design includes extensive use of face brick and other materials. The façade is expressed both vertically (base, middle and top) and horizontally through the use of two complimentary brick colours and detailed corbel banding.	Yes
4N Roof				

Annexure A

ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
4N-1 Roof treatments are integrated into the building design and positively respond to the street		Roof design relates to the street. Design solutions may include: • special roof features and strong corners • use of skillion or very low pitch hipped roofs • breaking down the massing of the roof by using smaller elements to avoid bulk • using materials or a pitched form complementary to adjacent buildings	The applicant has amended the roof form in accordance with advice from Council's Heritage Advisor. The roof form comprises tradition hip roof with integrated pergola / colonnade structures. The roof above level 4 is a parapet arrangement and considered acceptable.	Yes
		Roof treatments should be integrated with the building design. Design solutions may include: • roof design proportionate to the overall building size, scale and form • roof materials compliment the building • service elements are integrated	Roof treatments are appropriate.	Yes.
4N-2 Opportunities to use roof space for residential accommodation and open space are maximised		Habitable roof space should be provided with good levels of amenity. Design solutions may include: • penthouse apartments • dormer or clerestory windows	Two penthouse apartments are included as part of the development.	Yes

Annexure A

ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		• openable skylights		
		Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations		
4N-3 Roof design incorporates sustainability features		Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include: • the roof lifts to the north • eaves and overhangs shade walls and windows from summer sun	The roof over level 5 comprises a pergola structure and eave overhangs to provide shade in Summer.	Yes
		Skylights and ventilation systems should be integrated into the roof design	N/A	
40 Landscape Design				
4O-1 Landscape design is viable and sustainable		Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating: • diverse and appropriate planting • bio-filtration gardens • appropriately planted shading trees	A landscape masterplan has been submitted in support of the development; the plan provides sufficient detail at a conceptual level. Accordingly, a condition is attached requiring a detailed landscape plan to be prepared. This addressed in detail in the body of the report.	Yes

Annexure A

ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		• areas for residents to plant vegetables and herbs • composting • green roofs or walls		
		Ongoing maintenance plans should be prepared	A maintenance plan is required. A condition of consent is recommended.	Yes
		Microclimate is enhanced by: • appropriately scaled trees near the eastern and western elevations for shade • a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter • shade structures such as pergolas for balconies and courtyards	A landscape masterplan has been submitted in support of the development; the plan provides sufficient detail at a conceptual level. Accordingly, a condition is attached requiring a detailed landscape plan. This addressed in detail in the body of the report.	Yes
		Tree and shrub selection considers size at maturity and the potential for roots to compete (see Table 4)	Noted. The table is referenced in the condition where relevant.	Yes
4O-2 Landscape design contributes to the streetscape and amenity		Landscape design responds to the existing site conditions including: • changes of levels • views	A landscape masterplan has been submitted in support of the development; the plan provides sufficient detail at a conceptual level. Accordingly, a condition is attached requiring a detailed landscape	Yes

Annexure A

ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		• significant landscape features including trees and rock outcrops	plan. This addressed in detail in the body of the report.	
		Significant landscape features should be protected by: • tree protection zones (see figure 4O.5) • appropriate signage and fencing during construction	Conditions relating to TPZs are attached.	Yes
		Plants selected should be endemic to the region and reflect the local ecology	This provision is reflected in the condition requiring a landscape plan.	Yes
4P Planting on Structures				
4P-1 Appropriate soil profiles are provided			N/A	
4P-2 Plant growth is optimised with appropriate selection and maintenance			N/A	
4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces			N/A	
4Q Universal Design				

Annexure A

ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members		Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features	13% of units are specified as silver level. A further 4 units would need to be included to achieve this provision. A condition is attached requiring a minimum of 12 units to comply with the silver level design features.	Yes, subject to conditions of consent.
4Q-2 A variety of apartments with adaptable designs are provided		Adaptable housing should be provided in accordance with the relevant council policy	Council does not have a specific policy.	
		Design solutions for adaptable apartments include: • convenient access to communal and public areas • high level of solar access • minimal structural change and residential amenity loss when adapted • larger car parking spaces for accessibility • parking titled separately from apartments or shared car parking arrangements	A number of units would be able to achieve these provisions.	Yes
4Q-3 Apartment layouts are flexible and accommodate a		Apartment design incorporates flexible design solutions which may include: • rooms with multiple functions	Whilst the general layout of each apartment is more or less fixed though the position of internal walls, location of	Yes

Annexure A

ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
range of lifestyle needs		• dual master bedroom apartments with separate bathrooms • larger apartments with various living space options • open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom	services for kitchens / bathrooms, etc. The size and shape of living rooms will allow a degree of flexibility in terms of furniture choice and arrangement/placement.	
4R Adaptive reuse				
4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place			N/A	
4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse			N/A	
4S Mixed Uses				
4S-1 Mixed use developments are provided in appropriate locations and provide active street			N/A	

Annexure A

ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
frontages that encourage pedestrian movement				
4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents			N/A	
4T Awnings and Signage				
4T-1 Awnings are well located and complement and integrate with the building design			N/A	
4T-2 Signage responds to the context and desired streetscape character			N/A	
4U Energy Efficiency				
4U-1 Development incorporates passive environmental design		Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access)	Habitable rooms are located with external walls where natural light can be achieved.	Yes

Annexure A

ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
			All habitable rooms are provided with at least one window.	
		Well located, screened outdoor areas should be provided for clothes drying	There are no clothes drying areas specified on the plans. A screened area could be provided on the western side of the building on the northern side of the pedestrian path to Sale Street. A relevant condition is recommended.	Yes, subject to a condition of consent.
4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		A number of the following design solutions are used: • the use of smart glass or other technologies on north and west elevations • thermal mass in the floors and walls of north facing rooms is maximised • polished concrete floors, tiles or timber rather than carpet • insulated roofs, walls and floors and seals on window and door openings • overhangs and shading devices such as awnings, blinds and screens	The development meets BASIX requirements in regard to Thermal comfort.	Yes

Annexure A

ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement)	Each unit will have a split system with the condenser units located discretely on balconies. Conditions of consent require a commissioning report post consent to ensure noise criteria are achieved and the development is consistent with relevant noise policy.	Yes
4U-3 Adequate natural ventilation minimises the need for mechanical ventilation		A number of the following design solutions are used: • rooms with similar usage are grouped together • natural cross ventilation for apartments is optimised • natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible	The design of the individual apartments are sufficient to allow for adequate ventilation / air flow. All habitable rooms comprise openable windows / doors.	Yes
4V Water Management and conservation				
4V-1 Potable water use is minimised		Water efficient fittings, appliances and wastewater reuse should be incorporated	Refer BASIX certificate.	Yes
		Apartments should be individually metered	Not specified. A condition of consent can be attached if the Panel is minded doing so.	Yes, subject to a condition of consent.

Annexure A

ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		Rainwater should be collected, stored and reused on site	BASIX requires 5000L rainwater tank used for irrigation purposes of communal open space.	Yes
		Drought tolerant, low water use plants should be used within landscaped areas	A detailed landscape plan is required as a condition of consent in which consideration is to be given to the use of low water use plants.	Yes
4V-2 Urban stormwater is treated on site before being discharged to receiving waters			The stormwater management for the development is addressed in detailed in the body of the report	Yes
4V-3 Flood management systems are integrated into site design			N/A	
4W Waste Management				
4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents			The ongoing waste management arrangements are addressed in detailed in the body of the report.	Yes

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ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling		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	All kitchens will include sufficient area to accommodate waste receptacles.	Yes
		Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core	Waste is discussed in the body of the report.	Yes
		For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses	N/A	
		Alternative waste disposal methods such as composting should be provided	N/A	
4X Building Maintenance				
4X-1 Building design detail provides protection from weathering		A number of the following design solutions are used: • roof overhangs to protect walls • hoods over windows and doors to protect openings • detailing horizontal edges with drip lines to avoid staining of surfaces • methods to eliminate or reduce planter box leaching	The development is generally consistent with this objective. Applicant submits: *Drained balconies are used provide (sic) protection of doorways,* *Finishes include robust materials with integral surface colours to minimise*	Yes

Annexure A

ADG Compliance Table

Objective	Design Criteria	Design Guidance	Assessment	Satisfactory
		• appropriate design and material selection for hostile locations	*maintenance and protect against weathering.*	
4X-2 Systems and access enable ease of maintenance				Yes
4X-3 Material selection reduces ongoing maintenance costs		A number of the following design solutions are used: • sensors to control artificial lighting in common circulation and spaces • natural materials that weather well and improve with time such as face brickwork • easily cleaned surfaces that are graffiti resistant • robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors	The development is generally consistent with this objective. The materials selected to meet the streetscape and heritage considerations are also hard wearing and will weather well (i.e. face brick). Conditions are attached in relation to sensor lighting in the common circulation areas internally within the building.	Yes

End.

Annexure B

ANNEXURE B

West End Precinct DCP – Compliance Table

Section	***Design Principles***	**Commentary**	**Compliance**
		4. Desired future character	
	• *Contribute to a vibrant street network while ensuring safe pedestrian and cycle movements throughout the site..* • *Establish a new north-south pedestrian and bike-friendly link connecting Dalton and Prince Streets.* • *Ensure that carpark entrances are appropriately located in accordance with the street network and slope of the site*	As detailed throughout the body of the report, the applicant has amended the design to provide a north / south accessway which has resulted in a significantly improved design. As detailed in the report, the development is now considered satisfactory and is recommended for approval.	Yes
	• Provide safe and accessible entries to the open space at the centre of the site and include key elements including active and passive recreational spaces, walking and cycling paths, seating opportunities in sun and shade, security and lighting for safety. • Ensure high amenity and safety to the new public open spaces for new and existing residents.	Refer above in relation to pedestrian links. The central open space will provide for a broad range of users with active and passive recreation options. In relation to the cross-boundary link with the DPE building, it is understood the tenants of the adjoining building do not wish for the formal link to be provided due to security concerns but would be open to a secured gate for employees to directly access the open space. Refer to submissions section of the report. The design and siting of the proposed buildings will ensure the public open space is not significantly overshadowed.	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

	• Provide on-grade pedestrian links between the public park and the DPIE site. • Ensure any new built form will not significantly overshadow publicly accessible open space.		
	• Provide a high standard of functional multi dwelling residential development offering various densities that sympathetically relates to existing adjoining development and surrounding residential areas. • Encourage innovative design with particular emphasis on the integration of buildings, open space and landscaped areas for community recreational uses. • Ensure that the built form relates to the surrounding scale by establishing transitions in height. • Provide buildings that are diverse in scale and articulation. \	As detailed in the body of the report, the multi dwelling housing at the northern end of the site has undergone numerous design amendments with the current design now considered acceptable. The applicant has undertaken a suite of design amendments to the RFB building in terms of materiality, composition and form. The changes result is a building that is suitable in the context and setting. The changes have resulted in support from Council's Heritage Advisor. The other matter design principles listed are addressed as part of considerations relating the ADGs.	Yes

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ANNEXURE B

West End Precinct DCP – Compliance Table

	• Configure built form to ensure building entries are able to be clearly identified from public streets. • Deliver a built form that delivers high yield on site without compromising amenity.		
	• Ensure new built form is best orientated to minimise removal of existing vegetation on site. • Design apartment and townhouse layouts to maximise cross-ventilation and reduce reliance and use of air-conditioning. • Ensure windows and walls are both well-insulated to maximum heat retention in winter and well-shaded to minimise heat gain in summer. • Choose materials, colours and fixtures that are low in net carbon footprint and require minimal maintenance.	The residential development, both the RFB and the multi dwelling housing is appropriately arranged and orientated to maximum solar access where possible. However, refer to detailed commentary in the body of the report in relation to solar access for the RFB. The orientation of the buildings does not contribute to the removal of significant trees. The multi dwelling housing has been designed to provide an appropriate level of cross ventilation. The RFB is compliant with the ADG in terms of the number of units required to achieve cross ventilation. The development meets BASIX requirements. The requirement for external materials that are contextually appropriate in the setting has taken precedence over materials that have low carbon footprint. Refer to ADGs compliance table for further discussion on these issues.	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

Infrastructure Provision				
Section	***Objectives***	**Controls**	**Commentary**	**Compliance**
Staged Development	*Ensure existing infrastructure is adequate to meet required levels of service, without impacting on existing amenity.*	Ensure compliance with Clause 7.11 of the OLEP 2011 including all requirements necessary for the provision of essential services including water, sewer management, stormwater drainage, electricity and telecommunications.	All necessary services are available.	Yes
		Augmentation or enhancement of local infrastructure is to be at the developers cost and in accordance with the West End DCP.	Noted – relevant conditions recommended by Council's Technical Services.	N/A
		Location of local infrastructure is to be as per the requirements of the relevant agency or authority.	Noted – relevant conditions recommended by Council's Technical Services.	N/A
		A Servicing Strategy is required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale of development.	A preliminary servicing plan has been submitted with the application.	Yes
		Buildings and structures are to be located clear of utility infrastructure.	Noted	N/A
		Stormwater arrangements shall be designed to a gravity system	Relevant conditions recommended by Council's Technical Services.	Yes
		Refer to Council's Engineering Guidelines Developments for design requirements.	Noted	N/A
		The proponent is responsible for consulting with Essential Energy, natural gas and telecommunications agencies and authorities regarding the provision of services.	Noted - Relevant conditions recommended by Council's Technical Services.	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

		Power lines are to be located underground where possible.	Noted - Relevant conditions recommended by Council's Technical Services. Refer to comment on impacts upon existing utilities section in report.	Yes
Section	***Objectives***	**Controls**	**Commentary**	**Compliance**
Excavation	• *Minimise the impact of excavation on the natural environment, neighbouring properties, and streetscape.* • *Ensure minimal site disturbance and geotechnical stability of landfill and excavation works.*	New development is to respond to the local topography and slope of the site.	The proposed townhouses are split level in response to the topography. The RFB is built up in Prince Street so as to achieve a level transition into the public open space.	Yes
		Utilise the slope at the north eastern corner of site to locate servicing and parking, minimising its visual impact	Appropriate access points for parking have been adopted for the MDH.	Yes
		Existing natural vegetation and trees should be retained and incorporated as landscape features on the site in order to maintain the natural character of the landscape.	Significant trees are now retained as part of the amended design.	Yes
		Trees are to be protected through any earthworks to prevent soil compaction and root damage.	Relevant conditions are recommended in relation to the implementation of the TPZs.	Yes
		Fill is not to be used to raise the ground level.	Noted	Yes
		Avoid and minimise excavation where possible.	Both residential buildings have adopted basement carparks. No objections to the use of basement carparks.	Yes
		If fill is to be transported on site and used the fill must be virgin excavated natural material (VENM).	Noted- relevant conditions are attached.	Yes

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West End Precinct DCP – Compliance Table

		Fill must be managed on site, where possible, limiting fill moving off site.	Noted- relevant conditions are recommended.	Yes
		Ground levels for new development should reference the existing levels of the site, and any proposed levels that may arise from using fill or excavation.	The design of the townhouses responds appropriately to existing ground levels, adopting a split-level design where both the front and rear have direct access to ground level all be it at separate levels within the building. As noted in the body of the report, the eastern townhouses are more elevated at ground level due to the slope and the levels associated with the basement car park. Notwithstanding this, the extra bulk at the street level is not considered to present a detrimental impact. The RFB has adopted its finished ground levels to achieve a level transition between the rear of the ground level units and the public open space. These aspects of the design are acceptable.	Yes
		Earthworks undertaken within close proximity to the DPI building must protect the foundations.	Prescribed conditions relating to foundations on adjoining properties are recommended as conditions of consent. Additionally, Council's Environmental Health and Building surveyor has recommended conditions	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

			requiring dilapidation reports to be prepared.	
		Consideration is required regarding appropriate excavation depths and potential impact on local groundwater vulnerability.	A geotechnical investigation report has been submitted in support of the application which did not identify any groundwater issues. Further geotechnical investigation will be required at the detailed design stage	Yes
Section	***Objectives***	**Controls**	**Commentary**	**Compliance**
Public domain	*Ensure the public domain area and assets are designed, managed and protected for future recreational community use.*	The public domain areas including streets, roadside reserves, and public open spaces are to receive a consistent level of embellishment to enhance the character of the precinct, in consultation with Council.	Relevant conditions are attached in relation to the Planning Agreement. Council's Technical Services have recommended footpath upgrades within the respective frontages of the development.	Yes
		Land identified for the RE1 Public Recreation Zone is to be dedicated to Council as public open space upon subdivision of the parent lot and embellishment.	This is covered off in the VPA and relevant conditions are recommended.	Yes
		Outdoor furniture and open space embellishments area to be approved by Council.	Councils Manager City Presentation has reviewed the submitted landscape plans and provided recommended conditions of consent as detailed in the body of the report.	Yes
Section	***Objectives***	**Controls**	**Commentary**	**Compliance**
Security and lighting	*Enhance public open spaces with lighting to ensure the safety of new residents, pedestrians and community members utilising the public domain area through*	Public open space area landscaping is to be configured to minimise concealment opportunities and maximise passive surveillance to encourage active street environments that enhance the sense of safety.	The amended design which includes the North/South link between Dalton and Prince Streets alleviates the previous safety concerns arising in the absence of the north/south shared accessway.	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

	the application of CPTED principles.		A revised lighting plan has been submitted in support of the development. The development is considered satisfactory with regards to CPTED.	
		Landscaping should consist of low ground cover with trees where low branches are avoided to provide a clear line of sight and avoids concealment opportunities.	The landscape master plan offers appropriate plant species to ensure this control is addressed.	Yes
		Public lighting is to be provided to all areas within the public domain to promote safety and provide an attractive environment at night. Such lighting is to be located and directed to minimise light spill into private areas.	A detailed external lighting plan has been submitted in support of the application, which is considered acceptable, save for requiring external lighting within the open space in the south west corner of the site referred to on the Landscape plans as "pocket park" Conditions of consent are recommended to ensure the plan is implemented.	Yes
		Enhanced levels of lighting are to be installed along the shared zone, within the open space area, pedestrian/cycle pathways	As above.	Yes
Residential buildings				
Section	***Objectives***	**Controls**	**Commentary**	**Compliance**
Built form, scale and articulation	• *Achieve diversity ensuring appropriate building scale and articulation.*	Consideration should be given to options for the inclusion of affordable housing and housing for seniors or people with a disability, within the precinct and building design.	The application does not involve affordable housing or seniors housing.	N/A

ANNEXURE B

West End Precinct DCP – Compliance Table

	• *Ensure new development is sympathetic to adjacent built scale and density.* • *Ensure buildings are designed for accessibility and aging in place.*	Configure built form to ensure building entries are accessible from the open space area and public streets.	The development complies with this control as demonstrated in the body of the report.	Yes
		Figure 6-1 provides diagrammatic sections of the desired character including bulk and scale in context with the surrounding environment. New development will be required to reflect this concept.	The development departs from this control adopting a higher building for the RFB that exceeds the height control as detailed in the body of the report.	No
		The number of dwellings that can be comfortably located on site are indicated in Table 6-1. Development applications will be required to design new development to reflect the number of apartments and townhouses indicated below.	Based on the dwellings per hectare ratio, the southern parcel can cater for 61 units and the northern parcel can cater 19.4 dwellings. The proposal involves provision of 60 units and 16 dwellings. The development is considered acceptable.	Yes
		Apartments		
		Position high amenity doubled-loaded apartments on the southern portion of the site to respond to the transition and adjacent built form including the DPIE site and TAFE site to the south.	The development includes a RFB on the southern side of the site in compliance with this control.	Yes
		Provide sufficient communal open space along the west along Sale Street to preserve existing trees.	As detailed in the body of the report, the design was previously amended to include a pocket park in the southwest corner of the site as a means of retaining additional trees. The pocket park is to remain as part of the RFB land. Further commentary on this issue is contained within the report.	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

		Design apartments to address both Sale Street and Prince Street with access off both roads.	The design incorporates pedestrian access from both Prince and Sale Streets.	Yes
		Provide light and ventilation from multiple elevations to common lobbies and corridors.	The development achieves reasonable cross ventilation and solar access as demonstrated on the submitted plans.	Yes
		Ensure apartment orientation and layout is designed to maximise solar access and support cross ventilation. Provide dual aspect to apartment units where possible	The development achieves reasonable cross ventilation and solar access as demonstrated on the submitted plans. Refer to commentary in the report in relation to solar access.	Yes
		Provide dual aspect to apartment units where possible.	The design incorporates a number of dual aspect units.	Yes

	•	**Townhouses**		
		Develop townhouses along Dalton Street to offer a finer grain of housing choice sympathetic in scale to existing low-density dwellings to the north (many of which are heritage listed).	Refer to commentary in the body of the report in relation to the design of the townhouses fronting Dalton Street.	Yes
		Open space supporting a public park to be located between both housing typologies with integrating features including passive and active recreation including playground and entertaining area	The public open space is proposed to include children's play equipment and other embellishments. A BBQ area or similar is not proposed. Relevant conditions of consent are recommended to address this.	Yes subject to conditions
		Ensure integration with the adjoining DPIE building and surrounding neighbourhood.	Integration of the open Space with the DPIE site is not proposed. It is understood DPIE as tenants of the adjoining building did not wish for the development to include direct and unimpeded access into their site from	No

ANNEXURE B

West End Precinct DCP – Compliance Table

			the public open space for security reasons. Given the amended design now includes the access along the eastern boundary with positive covenants allowing public access, in theory, a through site access (i.e. a gate) could be provided in the future is desired.	
		North facing apartments should maximum solar access.	(Primary) Living areas within the townhouses are provided on level one and are orientated to the north in compliance with this control.	Yes
		Apply narrow building depths to maximise cross ventilation potential.	Townhouses have been designed to achieve a reasonable level of cross ventilation.	Yes
Section	***Objectives***	**Controls**	**Commentary**	**Compliance**
Housing typology and density	The integrated design is to achieve a mix of medium density housing including town houses apartment types, sizes and orientations to increase housing choice.	Achieve a combination of lower density townhouse development on the northern portion of the precinct facing Dalton Street with higher density double loaded apartment living to be located on the southern portion of the precinct facing Prince Street.	The arrangement of the two housing typologies is consistent with this control.	Yes
		New development must be capable of converting units to adaptable housing in accordance with AS4299, Class C level.	The applicant nominates a number of dwellings as adaptable in accordance with the Australian standard.	Yes
		The density and amenity for apartments and townhouse required to be achieved are indicted in Table 6-2.	The development generally complies with the density and amenity requirements.	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

		Apartments		
		Design a mix of units to meet the housing needs of the community as indicated in Table 6-3. Noting that the mix of dwelling below exceeds 100% to provide flexibility dependent on market conditions.	The dwelling mix proposed within the RFB is addressed within the body of the report. It is noted that the amended design provides an apartment mix that, whilst not strictly compliant with the DCP control, is considered satisfactory.	No
		Provide a range of cross-through, dual aspect and corner units to provide options and choice for higher density apartment living.	The design of the RFB includes a range of cross-through, dual aspect and corner units to provide options and choice in compliance with this control and the ADG.	Yes
		All apartments are to be designed to meet or above the requirements specified in the Apartment Design Guide (ADG)	Refer to ADG compliance table.	Yes
		Ensure the living/dining are designed to the standards outlined in the ADG.	Refer to ADG compliance table.	Yes
		Townhouses		
		Townhouses should be designed to the density indicated in table 6-1 Indicative number of dwellings per hectare.	The dwellings per hectare ratio allows 19.4 dwellings on the northern lot. The proposal seeks consent for 16 dwellings.	Yes
		Living and dining areas, located on Level 1 (street level) should have a north-facing porch and entrance from the street with bedrooms positioned above.	With reference to the submitted plans the townhouses are designed in accordance with this control.	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

		Private open space should be allocated as a front garden in keeping with the current character of the Dalton Street frontage.	The townhouses provide front and rear courtyards in accordance with this control.	Yes
		Generous private open space to be provided for the two end townhouses on the western edge fronting Sale Street.	The Western most townhouse is provided with a generous amount of private open space in accordance with this control in order to retain existing trees and with the amended design and reduction in the number of dwelling the easternmost dwelling is also afforded a larger area of open space.	Yes
		Each residence should be allocated at least one dedicated car space with convenient access to the main living quarters on ground and level 1.	Carparking is addressed in the body of the report.	Yes
		Garages and car parks are sited and designed so that they do not dominate the street frontage.	The design incorporates basement carparking for the townhouses and as such, parking does not dominate the street frontage.	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

<table>
<tr><th>Section</th><th>Objectives</th><th>Controls</th><th>Commentary</th><th>Compliance</th></tr>
<tr><td rowspan="2">Building setbacks</td><td rowspan="2">• Setbacks should complement the streetscape and provide sufficient area for landscaping to complement building form.
• Provide transitional spaces that enable engagement between public and private domains.
• Minimise any adverse impacts on adjoining properties such as privacy and overshadowing.</td><td>Setbacks of proposed development are to comply with Table 6-4 Building setbacks.
Table 6-4 Building setbacks
<table>
<tr><th>Street</th><th>Setback in metres (m)</th><th>Comment</th></tr>
<tr><td>Dalton Street</td><td>6.5</td><td>Setback aims to support the strong trees lined median strip along Dalton Street to the north and new landscape planting.</td></tr>
<tr><td>Prince Street</td><td>6.5</td><td>Setback will provide for landscaping on Prince Street to support new building form and any proposed ground floor commercial uses.</td></tr>
<tr><td>Sale Street</td><td>21.4</td><td>Create an open space buffer between proposed development and Sale Street.</td></tr>
<tr><td>DPI building and existing carpark.</td><td>3</td><td>Provide a buffer between existing business development and proposed residential development.
A 10.5 metre width from this 3 metre buffer is required to be allocated to create a link through road through the site from Dalton Street to Prince Street.</td></tr>
<tr><td>Setback above 4 storeys</td><td>5</td><td>This setback is to be measure from the building line and ensures the bulk of the building is minimised.</td></tr>
</table></td><td>Refer to detailed commentary in the body of the report in relation to setbacks.
The development does not achieve strict compliance, however, as detailed in the body of the report, the proposed setbacks are considered acceptable.</td><td>No</td></tr>
<tr><td>Townhouses facing the Dalton Street are to have individual entries from street level.</td><td>This is achieved.</td><td>Yes</td></tr>
<tr><th>Section</th><th>Objectives</th><th>Controls</th><th>Commentary</th><th>Compliance</th></tr>
<tr><td rowspan="3">Private open space and privacy</td><td rowspan="3">Ensure privacy is provided between buildings and avoid overlooking of living spaces and private open space.</td><td>Private open space must be provided for apartments and townhouses on ground level in relation to orientation for solar access.</td><td>Appropriate private open space is afforded to both the townhouses and the RFB.</td><td>Yes</td></tr>
<tr><td>Private open space on ground level for apartments and townhouses must be fenced. Details of the height and style of fencing must accompany the development application.</td><td>The application did not provide specific details on fencing for the rear of the dwellings. Relevant conditions of consent are recommended to address the design and height of fencing at the rear of the MDHs.</td><td>No</td></tr>
<tr><td>Should be directly accessible from a living area and include an alfresco area, balcony or similar at ground level.</td><td>The layout of the upper-level units of the RFB provide indoor/ outdoor integration direct from living areas.</td><td>Yes</td></tr>
</table>

ANNEXURE B

West End Precinct DCP – Compliance Table

		Multi-storey development must locate and size windows to habitable rooms to avoid facing onto windows, balconies or courtyards of adjoining dwellings.	The arrangement and location of windows is appropriate to avoid direct overlooking and visual privacy impacts. Where overlooking may arise the applicant is proposing privacy screens.	Yes
		Windows of any bathroom, ensuite or WC should be treated with frosted or obscure glass.	Relevant conditions are recommended in relation to this control.	Yes
		Direct views from living rooms of dwellings into open space or the interior of other dwellings are to be screened or obscured.	The design of both the RFB and multi dwelling housing is generally compliant in terms of overlooking and visual privacy. Privacy screens are shown on the plans for the RFB. Further detail is required prior to CC and the screens need to be installed prior to OC.	Yes
		If private open space is located on a corner, details of fencing should be provided.	Details of fencing along the Dalton Street frontage have been provided and are acceptable.	No
		Balconies for private open space should meet the requirements of the ADG	Refer to ADG compliance table.	Yes
		Private open space should be designed so as not to overlook into habitable rooms, outdoor entertainment spaces or courtyards.	The design of the RFB is appropriate. Solid ends to the balconies achieve an appropriate level of visual privacy and prevent direct overlooking.	Yes
		Air conditioning units are to be located so that noise measured at the property boundary does not exceed 5dB above ambient night-time background noise.	A noise assessment has been submitted in support of the application which demonstrates compliance. Relevant conditions are attached which require a commissioning report to be furnished to Council prior to occupation	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

			for both the MDH and RFB developments.	
Section	***Objectives***	**Controls**	**Commentary**	**Compliance**
Solar access and overshadowing	Ensure that development does not unreasonably diminish sunlight to adjoining properties including open space areas.	Ensure the configuration of buildings and structures must ensure that minimum of 50% of the area of public open space receive a minimum of 3 hours on 21 June (mid-winter).	The arrangement of buildings within the site whereby the larger building is to the south of the open space results in an acceptable level of sunlight to the public open space lot.	Yes
		New development including the townhouses in the north and apartment building in the south should not reduce the solar access to neighbouring apartments of townhouses.	The development does not impact neighbouring residential properties.	Yes
		Ensure compliance with the ADG in relation to overshadowing of neighbouring apartments.	Refer to ADG compliance table.	Yes
		Position apartments and townhouses to the north for maximum solar access where possible.	Both the townhouses and apartment buildings have been appropriately sited for solar access considering the orientation of the subject land and constraints of the site.	Yes
		Shadow diagrams are required for developments ≥ 2 storeys and need to demonstrate habitable rooms of adjoining dwellings and major part of their landscaped open space to retain a minimum of 4hrs sunlight between 9am-3pm on 21st June (winter solstice). Note: “habitable” refers to rooms capable of occupation and does not include laundry, bathroom or garages.	Shadow diagrams have been prepared in support of the application and demonstrate there will be no adverse impacts to adjoining residential properties.	Yes
Section	***Objectives***	**Controls**	**Commentary**	**Compliance**

ANNEXURE B

West End Precinct DCP – Compliance Table

Building services	• Provide and integrate site services and facilities in a sensitive manner so they integrate with the building and landscape design, enable easy access, and require minimal maintenance. • Minimise visual impact by encouraging building services to be located on the ground floor/basement of buildings, where practicable.	Ensure that building services are integrated into the design of buildings. Building service elements include garbage rooms, mailboxes, fire hydrant boosters, electrical substations, downpipes, and plant rooms and satellite/communications structures.	Building services have been appropriately designed within the RFB. Mailboxes are provided at the entrance to the apartments. Garbage rooms are provided in the basement with collection now able to occur wholly within the site via the shared accessway. The fire hydrant booster assembly is not shown on the plan, however, there would be opportunity to locate the assembly in the south-eastern corner of the site without adversely impacting the streetscape.	Yes
		Provide mailboxes adjacent to the main entrance and integrated into a wall of the building where possible, ensuring that they are secure and can accommodate large articles such as newspapers.	Mailboxes are provided at the entrance to the apartments.	Yes
		Provide adequate space and facilities for outdoor communal clothes drying.	External clothes drying areas have not been nominated within the application. This is addressed via condition of consent.	No
		Locate any ancillary structures such as plant rooms and satellite dishes away from the building entry, communal and private open spaces, and bedrooms.	Refer to related control above.	Yes
Section	***Objectives***	**Controls**	**Commentary**	**Compliance**
Waste Management	To provide domestic waste management systems that allow for ease of use by occupants and safe and	A waste management plan is required for any application that details the number of waste, recycling and organics bins to be provided.	Refer to detailed commentary in relation to waste management in the body of the report. The amended design which includes waste collection	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

	efficient service by collection contractors.		via the internal accessway is considered acceptable.	
		Written evidence is to be provided to Council indicating that the proponent has conversed and co-designed servicing areas that are compatible with the servicing needs of the provider.	Written advice was provided relating to the previous arrangements. No further advice was provided in relation to the amended design. Notwithstanding, the proposed arrangements are considered satisfactory.	Yes
		Adequate storage for waste materials must be provided on site.	The design of the RFB incorporates two waste storage rooms in the basement level that are appropriately sized to meet the requirements of the residents.	Yes
		Waste storage areas and facilities are to be convenient and accessible to the occupants of all dwellings.	Each level is provided with two waste chutes (save for the level 5 which has just the one). The author had previously requested that the submitted floor plans demonstrate that 2x240L recycle bins can be accommodated within close proximity to each garbage chute. This has not occurred as part of the amended plans, a condition is recommended that requires the plans at CC stage to clearly show provision of a min. of 2 x 240L recycling bins.	Yes
		Waste is to be managed within the built form through the basement or suitably designed waste rooms so that there is no visual or odour impacts on the amenity of the shared zone or neighbouring sites.	Refer to detailed commentary in relation to waste management in the body of the report.	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

Section	***Objectives***	**Controls**	**Commentary**	**Compliance**
Public Domain	Establish a vibrant community open space precinct in the centre of the multi dwelling development to encourage passive and active recreation.	Public open spaces that are to be dedicated to Council are to be designed in consultation with Council and appropriate embellished at the developers cost.	Addressed above.	Yes
		The following types of open spaces are required to be considered and included in the design for multi dwelling development and indicated in Figure 7-: • Layered open spaces-private, communal, public and street. • Private open spaces abut the public park to enhance the perceived depth of space available. • Public Playground for new and surrounding residents. • Barbeque and entertainment spaces.	Refer to above.	Yes- subject to conditions.
Section	***Objectives***	**Controls**	**Commentary**	**Compliance**
Landscaping and character	• Provide a landscape design that complements the nature and scale of the development and contributes to the desired streetscape character. • Improve amenity and soften the impact of buildings through a landscaped environment including the retention	Retain the existing deep soil zones to support established vegetation including mature trees and retain hydrological structure of the site.	Refer to detailed commentary in relation to tree removal.	No
		Significant trees along the western boundary of the site are to be maintained to create a new north-south park at the end of RE1 Public Recreation zone.	The amended design ensures	No
		Street trees are to be provided along Dalton and Prince to provide a landscape buffer, with appropriate landscaping, as per Council requirements.	A street tree planting scheme has been submitted in support of the development. Relevant conditions are recommended in relation to street trees.	Yes- subject to conditions.

ANNEXURE B

West End Precinct DCP – Compliance Table

	and/or planting of vegetation. • Assist with site hydrological management and water quality.	Landscape design is to be integrated with water and stormwater management.	The landscape plan and stormwater management plan has been submitted which includes the use of rain gardens in compliance with this control.	Yes
		The open space precinct is to provide for passive recreation for the surrounding residents and workers in the area, including but not limited to: • Tree planting for shade where required. • Low planting. • Hardscape areas for gathering. • An informal natural play area for children. • Seating. • Water Sensitive Urban Design to minimise use of potable water.	Refer to detailed commentary in the body of the report.	Yes- subject to conditions.
		Green walls are to be provided, where suitable to offset the urban heat island effect as well as limit the perceived bulk of the built form.	No green walls are proposed.	N/A
Section	***Objectives***	**Controls**	**Commentary**	**Compliance**
Street networks and site connectivity	• Facilitate convenient movement through the site	Establish a new north-south pedestrian and bike-friendly lane connecting Dalton and Prince Streets.	The amended design now provides the shared zone accessway.	Yes

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ANNEXURE B

West End Precinct DCP – Compliance Table

	via street networks while ensuring safe pedestrian and cycle connections. • Create strong pedestrian linkages between Sale Street and Anson Street and shared zone between Dalton Street and Prince Street. • Provide active frontages, where appropriate, along Prince and Sale Streets and connectivity to public open space to encourage a vibrant urban environment that facilitates community activity and safety. • Provide articulated frontages along Dalton, Prince and Sale Streets.	Footpaths along Dalton, Prince and Sale Streets are to encourage walking and cycling activities.	Council's Technical Services have recommended conditions of consent in relation to footpath upgrades as detailed above.	Yes- subject to conditions.
		Create new pedestrian link from RE1 Public Recreation zone to neighbouring DPI site.	Refer to above. Could be provided at a later stage following consultation with future owners of the RFB (i.e. body corporate).	No
		Accessible, visible and friendly approach to large park at RE1 zone from Sale, Dalton and Prince streets, as well as via new link from neighbouring site.	The amended design to include the north / south shared accessway significantly improves the permeability of the site and provides the north / south connections to the large park from the east. This also improve the safety and security of the whole precinct.	Yes
Section	***Objectives***	**Controls**	**Commentary**	**Compliance**
Site access, shared zones and driveways	• Ensure that vehicular access to and from the development is simple, safe and direct. • Minimise adverse on-site traffic impacts and create pedestrian safe environments	Public pedestrian access to the public park is gained from the following as indicted in Figure 8-1: • Sale Street. • Through site connection at grade from the DPI site. • Prince Street via the shared zone laneway.	This control is now achieved, save for the DPIE connection which the adjoining tenants/owners indicated was not desirable for them.	Yes

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West End Precinct DCP – Compliance Table

		• Dalton Street via the shared zone laneway.		
		Vehicular access		
		Vehicular access is gained from Prince Street.	The amended design now achieves this control. Its noted that vehicle access is gained from both Prince and Dalton Streets as part of the two-way shared zone access along the eastern boundary.	Yes.
		Driveway design shall provide safe and efficient ingress and egress to the site.		
		The design of driveways and parking areas shall minimise the visual impact of hard paved areas.		
		The driveway design shall make provision for service vehicles where practicable.		
		All driveways and open car parking spaces and access ways should be suitably landscaped and lit to enhance the amenity of the site and provide security.		
		Car parking areas and access ways should be designed, surfaced and sloped to facilitate stormwater infiltration on the site.		
		Asphalt is required on approaches to the share way zone, consistent with existing treatment.		
		Parking Areas		
		Basement parking for the apartments in the southern section of the site are to be	The amended design now achieves this control.	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

		accessed from the new shared zone laneway off Prince Street.		
		Townhouse parking in the northern section of the site is to be accessed via the new shared zone laneway off Prince Street.	The amended design now achieves this control.	Yes
		The apartment lobbies may be accessed by pedestrians from multiple points at Prince Street, Sale Street, the new shared zone laneway and the communal open space.	The amended design now achieves this control.	Yes
		Townhouses are to be provided with individual access off Dalton Street and may include secondary pedestrian access to the public open space area.	Pedestrian access arrangements comply with this control.	Yes
		The western townhouses may be accessed off Sale Street, provided the established trees are retained.	Vehicular access for all of the townhouses is provided via the shared accessway. Consolidation of vehicle access to a singular point of access presents a better outcome compared to having two access points.	Yes
		Vehicular access is to be designed to give priority to pedestrians and bicycles by continuing a similar type of footpath material and grade.	Refer to detailed commentary in the body of the report in regard to pavement treatments, traffic calming and signage within the shared zone.	Yes
		Traffic calming treatments are to be incorporated into the onsite shared zone roadway to slow vehicles movements and ensure sufficient safe crossing points.	Refer above.	Yes.
Section	***Objectives***	**Controls**	**Commentary**	**Compliance**

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West End Precinct DCP – Compliance Table

Visual privacy and safety	• Ensure residential amenity is provided within and between new residential developments and open space area. • Minimise opportunities for criminal and anti-social behaviour through the implementation of CPTED principles.	Development should be designed to provide clear sightlines and lighting between public and private places.	Refer to CPTED considerations in the body of the report.	Yes
		Ground level open spaces must not directly look into rooms and private landscaped areas of adjoining properties unless screening can mitigate privacy.	Fencing in combination with landscaping will mitigate any adverse visual privacy impacts.	Yes
		Dwellings should be oriented towards the street with entrances and street numbering clearly visible.	The townhouses all orientate towards Dalton Street. House numbering can be clearly labelled on the respective dwelling's front fence within Dalton Street.	Yes
		Multi-storey development must locate and size windows to habitable rooms to avoid facing onto windows, balconies/courtyards of adjoining dwellings.	The RFB will not overlook any adjoining dwellings.	Yes
		Bollard lighting is to be incorporated into the entrance of walkways and spaced along walkways to reduce antisocial use and remove potential concealment opportunities.	A revised external light plan has been submitted in support of the development and is considered satisfactory.	Yes
		Clear lighting around the approaches to doorways and windows enhance monitoring.	Refer to comments above in relation to exterior lighting.	Yes
		Landscaping should consist of low ground cover with trees where low branches are avoided to provide a clear line of sight and avoids concealment opportunities.	Refer to comments above in relation to landscaping.	Yes
		Fence heights are to be no higher than 1.2m.	Refer to comments above in relation to fencing. Fencing along Dalton Street is depicted on the plans to be higher than	No

ANNEXURE B

West End Precinct DCP – Compliance Table

			1.2m. Notwithstanding, there are no objections to the higher fence as the style of fencing and materials used is considered acceptable in the context and setting. Also, the fence height proposed is more proportionate to the scale of the dwellings.	
		Public entrances to buildings are to be distinct and of a scale consistent with the overall building.	Refer to comments above in relation to pedestrian access into the building. Additionally, refer to comments in the body of the report in relation to pergola treatments within the Prince, Dalton and Sale Streets entrances.	Yes
		On-site parking is to be provided as per the Orange DCP 2004 – DCP 15 Car parking.	Refer to carparking section in the body of the report.	No
		Commercial premises located in the apartment building should have an active frontage to Prince Street to manage patron security.	No commercial uses are proposed.	N/A
		New development must ensure CPTED principles have been applied and informed the design (refer to the NSW Crime Prevention through Environmental Design Guideline).	Refer to comments above in relation to CPTED principals and the referral from NSW Police as further addressed in the body of the report.	Yes- subject to conditions.
Section	***Objectives***	**Controls**	**Commentary**	**Compliance**
Car parking	• Provide adequate and convenient onsite parking for residents and visitors vehicles to maintain the	Car parking is to be provided as per Orange DCP 2004 – DCP 15 Car parking.	Refer to carparking section in the body of the report.	No
		Ensure that carpark entrances are appropriately located in accordance with the street network and slope of the site.	The amended design to include the shared accessway along the eastern boundary provides a better outcome	Yes

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West End Precinct DCP – Compliance Table

	amenity of the adjoining properties and the efficiency of the road network. • Provide for adequate parking for commercial uses that may locate on the site.		then the previous design with access via Sale Street. The proposed access points are considered acceptable. Council's Technical Services have not raised any objections to the proposed access points.	
		Car entry to the apartment building basement is to be accessed from inside the subject site.	These controls are achieved, noting that the townhouses adopt a basement carpark.	Yes
		Basement parking is to be provided to apartments, with townhouses to accommodate under-croft parking utilising the existing slope to minimise excavation.		
		Basement level parking is to be provided along with access to the apartments above and sufficient area for pedestrian circulation.	Access is provided from the basement level to the floors above via two central cores. In compliance with the ADGs, the central cores service less than 8 units per core.	Yes
		The apartment basement should not exceed the structural footprint so as not to encroach into the deep soil zone to allow for adequate space for landscaping and tree planting.	The revised design ensures the area of the basement car park for the RFB does not exceed the structural footprint of the building above, in particular this will ensure opportunities for deep soil landscaping are provided.	
		Townhouses to be designed to provide under-croft parking using the site slope to minimise excavation.	Refer to comments above in relation to parking for the townhouses.	Yes
		Where the topography of the land or constraints of the groundwater table	N/A	N/A

ANNEXURE B

West End Precinct DCP – Compliance Table

		result in the basement parking level projecting above ground level, it is to be designed to: • Not project more than 1.2 m above ground. • Achieve an attractive ground level relationship between the building(s) and the public domain.		
		Garages and parking structures are not to project forward of the building line.	N/A	N/A
		Commercial development		
		N/A	N/A	N/A
Section	***Objectives***	**Controls**	**Commentary**	**Compliance**
Environmental management Environmental management	• Ensure new development within the vicinity of heritage listed items and in proximity to the Heritage Conservation Area reflects and promotes an understanding and appreciation of the heritage significance and setting. • Protect attributes which contribute to the heritage value and character of the area.	Ensure consistency with the objectives of the Orange DCP 13 – 'Heritage' in relation to heritage conservation and management of new residential and commercial development.	Refer to detailed commentary in the body of the report in relation to heritage.	Yes
		Ensure new buildings do not compete in height and scale with existing historical character including the former Orange Abundance Station and surrounding dwellings. Consideration must be given to the relationship of the development adjoining the DPIE building.	Refer to detailed commentary in the body of the report in relation to bulk and scale considerations.	Yes
		Ensure new development respects the required building setback to maintain existing historical streetscape character.	Refer to detailed commentary in the body of the report in relation to setbacks.	Yes
		Interpretive design to new apartment structures is to ensure it is respectful to the historical character of Heritage	Refer to detailed commentary in the body of the report in relation to the	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

		Conservation Area located on the northern fringe of Prince Street.	compatibility of the RFB within the setting.	
		Built form design can mirror or interpret surrounding heritage items and pay homage to the heritage elements through building design, i.e. fenestration and materiality.	Refer to detailed commentary in the body of the report in relation to heritage.	Yes
		Materials for new buildings should be in context with the surrounding brick work, masonry and roofing products.	Refer to detailed commentary in the body of the report in relation to materials and detailing.	Yes
		Maintain space between the building line and front fence and ensure garages and carports are located away from streetscape to maintain character of residential areas.	N/A	N/A
		Maintain and enhance public views through streetscapes and to the heritage conservation area to the south of Prince Street.	Refer to detailed commentary in the body of the report in relation to heritage conservation and setbacks.	Yes

Section	***Objectives***	**Controls**	**Commentary**	**Compliance**
Water and energy efficiency	• Protect and maintain the hydrological functions of the key groundwater systems. • Apply Integrated Water Cycle Management (IWCM) principles for the	Groundwater Vulnerability		
		The site is identified as having ground water vulnerability as indicated by the OLEP 2011 Groundwater Vulnerability Map.	Refer to LEP considerations.	Yes
		New development should avoid or mitigate any significant adverse environmental impact on the hydrological functions of the groundwater system.	Refer to LEP considerations.	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

		Avoid or mitigate potential polluting on site activities to minimise risk to groundwater contamination.	The development does not involve any activities that would lead to contamination on the site.	Yes
		Integrated Water Cycle Management		
	• provision of water services to support IWCM targets. • Apply Water Sensitive Urban Design principles to mitigate water security. Protect the environment by maintaining and/or improving the quality of stormwater runoff. • Apply sustainable energy efficient design to minimise non-renewable energy usage of new buildings.	Ensure the effective and efficient delivery of water and sewer services to the site while promote sustainable water conservation practices for new residents and managing water demand.	Council's Technical Services have recommended relevant conditions in relation to provision of Council and non-council services. Additionally, BASIX certificates have been submitted in support of the development.	Yes
		Manage urban stormwater on site and encourage harvesting for reuse within the open space precinct and landscaping areas.	Irrigation in the public open space is not proposed under the application.	N/A
		Water sensitive urban design (WSUD)		
		Integrate WSUD with surrounding street network and open space area to facilitate stormwater management to manage volumes, quality and runoff velocities to predevelopment levels.	Refer to relevant LEP considerations in the body of the report. Council's Technical Services have recommended relevant conditions in relation to stormwater.	Yes- subject to conditions.
		On-site storm water detention will be required across the whole site.	Council's Technical Services have recommended relevant conditions in relation to stormwater.	Yes- subject to conditions.
		Ensure water moving off-site is of an appropriate quality.	Council's Technical Services have recommended relevant conditions in relation to stormwater.	Yes- subject to conditions.

ANNEXURE B

West End Precinct DCP – Compliance Table

		Off-site water is to be of good quality, any water moving offsite requires a buffer ensure appropriate water quality.	Council's Technical Services have recommended relevant conditions in relation to stormwater.	Yes- subject to conditions.
		Raingardens should be incorporated into public open spaces to manage runoff speeds and water quality.	Raingardens are proposed within the rear yards of the townhouses in compliance with this control.	Yes
		Irrigation of the open space area should be undertaken using harvested stormwater captured on site.	Irrigation is not proposed under the application for the public open space.	N/A
		A WSUD strategy is required to be prepared for the site and include best practice WSUD elements.	Council's Technical Services have recommended relevant conditions in relation to stormwater.	Yes- subject to conditions.
		Energy Efficiency		
		Apply the principles and properties of thermal mass, glazing, insulation and solar energy are to be recognised and incorporated into the design of residential development.	BASIX certificates have been submitted to support the development in relation to energy efficiency. It is recommended that the Panel consider a requirement for the provision of EV charging. Additionally, its noted that PV solar panels are not proposed as part of the application.	Yes

ANNEXURE B

West End Precinct DCP – Compliance Table

		Reduce reliance on artificial lighting and design lighting systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building. Incorporate a timing system to automatically control the use of lighting throughout the building.	Relevant conditions of consent are recommended in relation to the use of sensors for lighting and timing systems to automatically control the use of internal lighting throughout the building.	Yes- subject to conditions.

END

Annexure C

ORANGE MULTI RESIDENTIAL

REVISED DA ISSUE

BUILDING AND SITE INFORMATION

ADDRESS
103 PRINCE STREET, ORANGE, 2800

CLIENT
MAAS GROUP

LOT 501	**DP**	1249083
SITE AREA		10694
LEP BULDING HEIGHT		16m & 25m
LEP ZONING		R3 - Medium Density Residential & RE1 - Public Recreation
WIND CLASSIFICATION		TBC
MINES SUBSIDENCE ZONE		N/a
FLOOD ZONE		N/a
BUSHFIRE ZONE		N/a
HERITAGE SITE		Yes - Bletchinton Heritage Conservation Area Significance: Local

FSR RATIO **ALLOWED:** 1 : 1.8

ACTUAL:

APARTMENTS		TOWNHOUSES	
Total Site Area	4330m²	Total Site Area	3966m²
FSR at 1.8 : 1	7794m²	FSR at 1.8 : 1	7138.8m²
Proposed FSR	7607m²	Proposed FSR	3234m²

BASIX

April 2023 **BSA Reference: 18041**
Building Sustainability Assessments **Ph: (02) 4962 3439**
enquiries@buildingsustainability.net.au **www. buildingsustainability.net.au**

Important Note
The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate. If the proposed construction varies to those detailed below than the Assessor and NatHERS certificates will no longer be valid. Assessments assume that the BCA provisions for building sealing & ventilation are complied with at construction.
In NSW both BASIX & the BCA variations must be complied with, in particular the following:
- Thermal construction in accordance with Vol 1 Section J1.2 or Vol 2 Part 3.12.1.1
- Thermal breaks for Class 1 dwellings in accordance with Part 3.12.1.2(c) & 3.12.1.4(d)
- Floor insulation for Class 1 dwellings as per Part 3.12.1.5(a)(iii), (iii) & (ie) or (c), (d) & (e)
- Building sealing in accordance with Section J3 or Part 3.12.3.1 to 3.12.3.6.

Thermal Performance Specifications (does not apply to garage)

External Wall Construction		*Added Insulation*
Lightweight & Concrete Blockwork (North terraces)		R2.7
Brick Veneer & Lightweight (South unit building)		R2.0
Internal Wall Construction		*Added Insulation*
Plasterboard on studs (internal to units)		None
Plasterboard on studs (Party wall between units and adjacent to common lobbies)		R2.0
Concrete Blockwork + Plasterboard (Walls adjacent to carpark in north terraces)		R2.7
Concrete + Plasterboard (Walls adjacent to lift and stair cores in south unit building)		R2.0
Ceiling Construction		*Added Insulation*
Plasterboard	R3.5 to ceilings adjacent to roof and decks above	
Roof Construction	*Colour (Solar Absorptance)*	*Added Insulation*
Metal	Wallaby (SA0.64)	Foil + R1.0 blanket
Concrete	Conc Default (SA0.70)	None
Floor Construction	*Covering*	*Added Insulation*
Concrete	As drawn (if not noted default values used)	R2.0 to carparks below
Concrete	As drawn (if not noted default values used)	R2.0 to Unit 109 Open below
Timber	As drawn (if not noted default values used)	None to internal timber floor

Windows *Glass and frame type*	*U value*	*SHGC Range*	*Area sq m*
Performance glazing Type B	*2.30*	*0.29 - 0.35*	U01 & U16 (terrace)
Performance glazing Type A	*4.80*	*0.46 - 0.56*	G08. 109, 209, 309, 408, 501 (unit)
Performance glazing Type B	*4.80*	*0.53 - 0.65*	G08. 109, 209, 309, 408, 501 (unit)

Glass and frame type	*U value*	*SHGC Range*	
ALM-001-01 A Aluminium Type A Single clear	*6.70*	*0.51 - 0.63*	All other units/terraces
ALM-002-01 A Aluminium Type B Single clear	*6.70*	*0.63 - 0.77*	All other units/terraces

Type A windows are awning windows, bifolds, casements, tilt 'n 'turn' windows, entry doors, french doors
Type B windows are double hung windows, sliding windows & doors, fixed windows, stacker doors, louvres.

Skylights *Glass and frame type*	*U*	*SHGC*	*Area sq m*	*Detail*

U and SHGC values are according to AFRC. Alternate products may be used if the U value is lower & the SHGC is within the range specified

Shade elements *(eaves, verandahs, awnings etc)*
All shade elements modelled as drawn

Ceiling Penetrations *(downlights, exhaust fans, flues etc)*
Modelled as drawn and/or to comply with the ventilation and sealing requirements of the BCA. Ducting is modelled at 150mm. No insulation losses from downlighting have been modelled.

Additional Notes
Nil

0007109990 18 Apr 2023
Assessor Gavin Chambers
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ARCHITECTURAL DRAWING LIST

NO.	TITLE	REV
A-000	COVERSHEET	1
A-010	EXISTING SITE PLAN	0
A-011	SITE ANAYLSIS	0
A-012	SITE PLAN	1
A-020	BASEMENT PLAN	1
A-021	GROUND FLOOR PLAN	1
A-022	LEVEL 1 PLAN	1
A-023	LEVEL 2 PLAN	1
A-024	LEVEL 3 PLAN	1
A-025	LEVEL 4 PLAN	1
A-026	LEVEL 5 PLAN	1
A-030	ELEVATIONS - SHEET 1	1
A-031	ELEVATIONS - SHEET 2	1
A-035	PRINCE ST. ELEVATION	1
A-036	DALTON ST. ELEVATION	0
A-040	SECTIONS - SHEET 1	0
A-041	SECTIONS - SHEET 2	0
A-027	LEVEL 6 PLAN	0
A-051	SITE PLAN 30 - SHEET 1	0
A-052	SITE PLAN 30 - SHEET 2	1
A-060	SHADOW DIAGRAMS	0
A-061	SHADOW DIAGRAMS	0
A-070	STAGING PLAN	1

ARCHITECTURAL DRAWING LIST

NO.	TITLE	REV
A-080	GROUND FLOOR AREA PLAN	1
A-081	LEVEL 1 AREA PLAN	1
A-082	LEVEL 2 AREA PLAN	1
A-083	LEVEL 3 AREA PLAN	1
A-084	LEVEL 4 AREA PLAN	1
A-085	LEVEL 5 AREA PLAN	1
A-090	SOLAR ACCESS & CROSS FLOW - GROUND FLOOR	1
A-091	SOLAR ACCESS & CROSS FLOW - LEVEL 1	1
A-092	SOLAR ACCESS & CROSS FLOW - LEVEL 2	1
A-093	SOLAR ACCESS & CROSS FLOW - LEVEL 3	1
A-094	SOLAR ACCESS & CROSS FLOW - LEVEL 4 & 5	1
A-100	LIFT OPTION PLANS	0
A-102	SILVER LEVEL UNIT	0
A-110	PERSPECTIVES - SHEET 1	1
A-111	PERSPECTIVES - SHEET 2	1
A-112	PERSPECTIVES - SHEET 3	0
A-113	PERSPECTIVES - SHEET 4	0
A-114	PERSPECTIVES - SHEET 5	0
A-115	PERSPECTIVES - SHEET 6	0
A-116	PERSPECTIVES - SHEET 7	0
A-117	PHOTO MONTAGE	0
A-120	MATERIAL IMAGES	1
A-130	NOTIFICATION PLAN	0

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0 25mm 100mm 200mm ON ORIGINAL A1

REV	DATE	COMMENTS
0	24/01/2023	REVISED DA ISSUE
1	17/04/2023	REVISED DA ISSUE

DRN	CHKD	VRFD
NJH	JS	
NJH	JS	

PROJECT : **ORANGE MULTI RESIDENTIAL**

SITE : **103 PRINCE STREET, ORANGE, 2800**

CLIENT : **MAAS GROUP**

DRAWING : **COVERSHEET**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.
P:\13956 - Orange Multi-Residential (AKF)\EJE Documents\Working Files\Revit Files\13956 - Orange Multi Residential - R21.rvt

DRAWN :	DATE :	SCALES :
NJH	DEC 2021	1 : 5000 @ A1 @ A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-000	1

EJE architecture

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0	24/01/2023	REVISED DA ISSUE	NJH	JS	

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **EXISTING SITE PLAN**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

DRAWN :	DATE :	SCALES :
MAI	JAN 2023	1 : 500 @A1 @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-010	0

EJE architecture

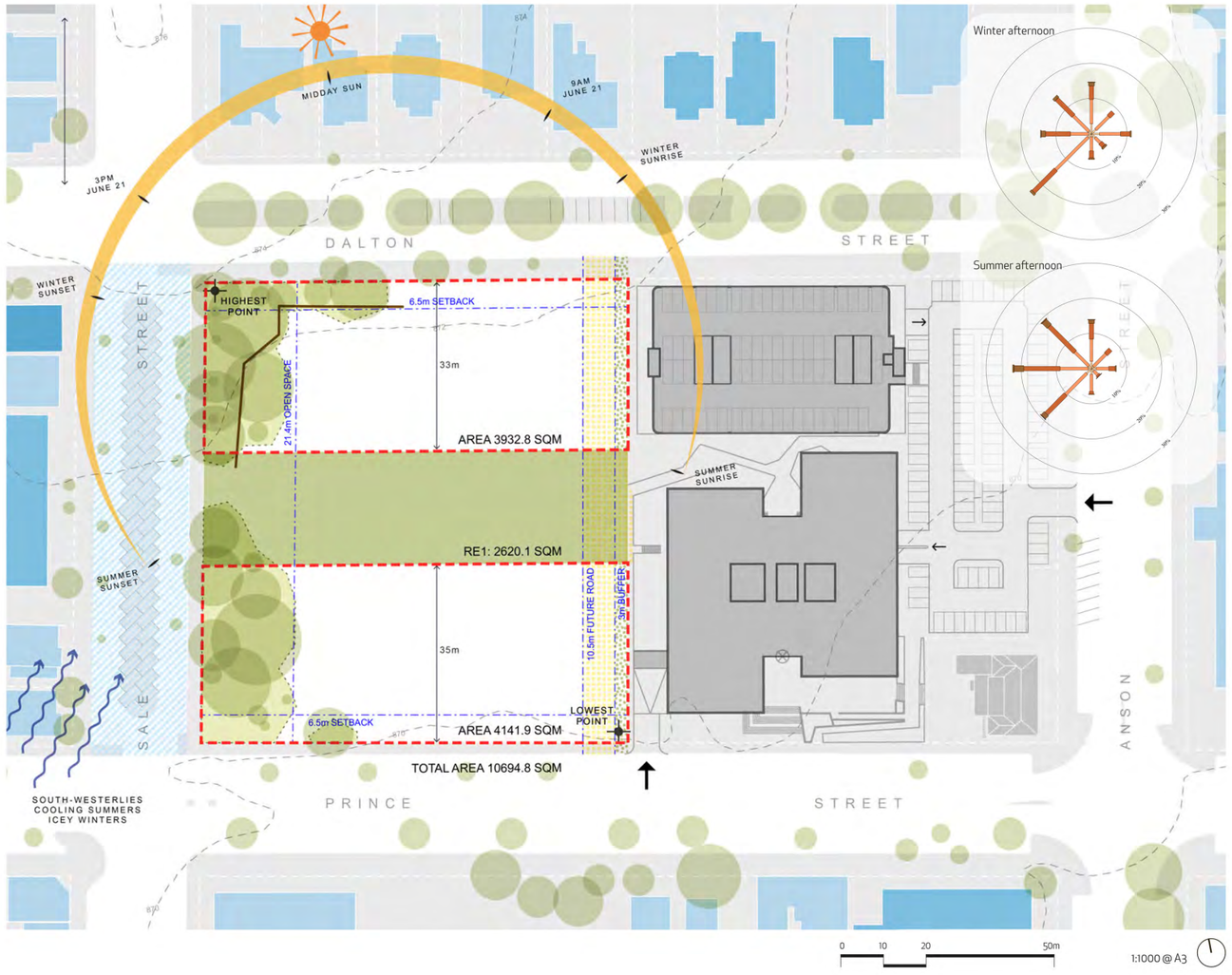
2.7 SITE ANALYSIS

The site and surrounds display the following characteristics:

1. The site is surrounded by low-rise residential typologies, many used by commercial tenancies
2. The site is orientated 10.9° off north
3. A 26.5m wide RE1 zone bisects the site, resulting in a 40m wide northern site and 42m wide southern site
4. There is significant existing vegetation including mature trees to the west
5. A 4-storey commercial building and 2-storey carpark resides to the east with vehicular entrances on Anson and Prince streets as well as a main pedestrian entrance on Prince. There are plans for a through-site link to the RE1 park from the neighbouring site.
6. There is a strong tree-lined median strip on Dalton street to the north, with street parking available between trees
7. Sale Street is a 10km/h shared street with angled parking within the median. There is also street parking available on Prince and Dalton Streets
8. There are a number of heritage listed sites to the west of the site. These include the Nurses' Quarters building and 2 single storey dwellings
9. The TAFE Orange campus is directly south of the site across Prince St.

KEY

- Site boundary
- Existing trees
- Tree line within site
- RE1 zone
- Retaining wall
- Existing street parking
- 10km/h shared zone
- 2M contours
- Height point
- Future through-site road or path
- 3M landscape buffer
- Contextual built form: single storey
- Contextual built form: 2-storeys
- Contextual built form: 3-storeys



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0	24/01/023	REVISED DA ISSUE	NJH	JS	

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **SITE ANAYLSIS**

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DRAWN :	DATE :	SCALES :
MAL	MAR 2022	@A1 @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-011	0

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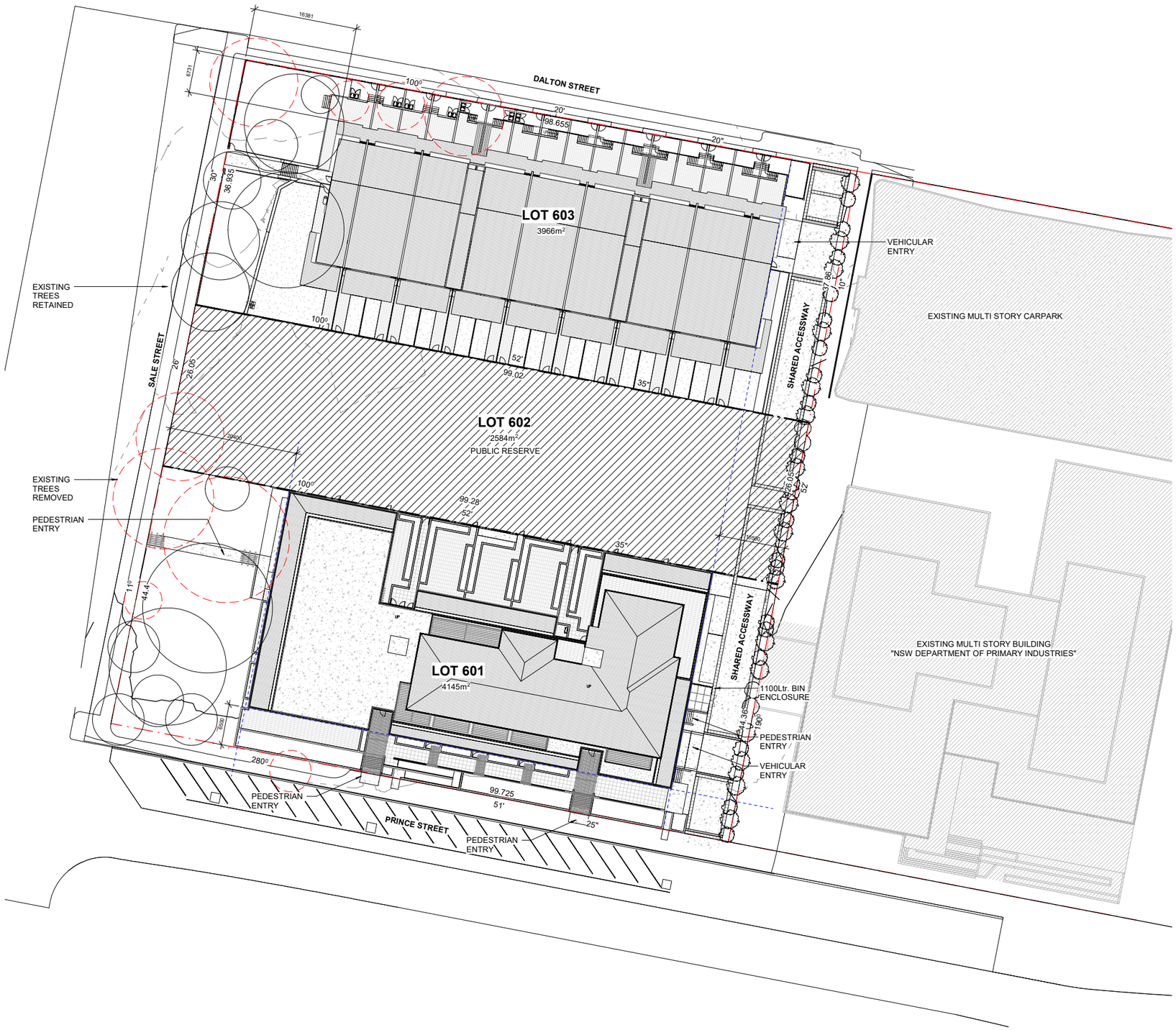

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REV	DATE	COMMENTS	DRN	CHKD	VRFD
0	24/01/2023	REVISED DA ISSUE	NJH	JS	JS
1	10/03/2023	REVISED DA ISSUE	NJH	JS	JS

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **SITE PLAN**

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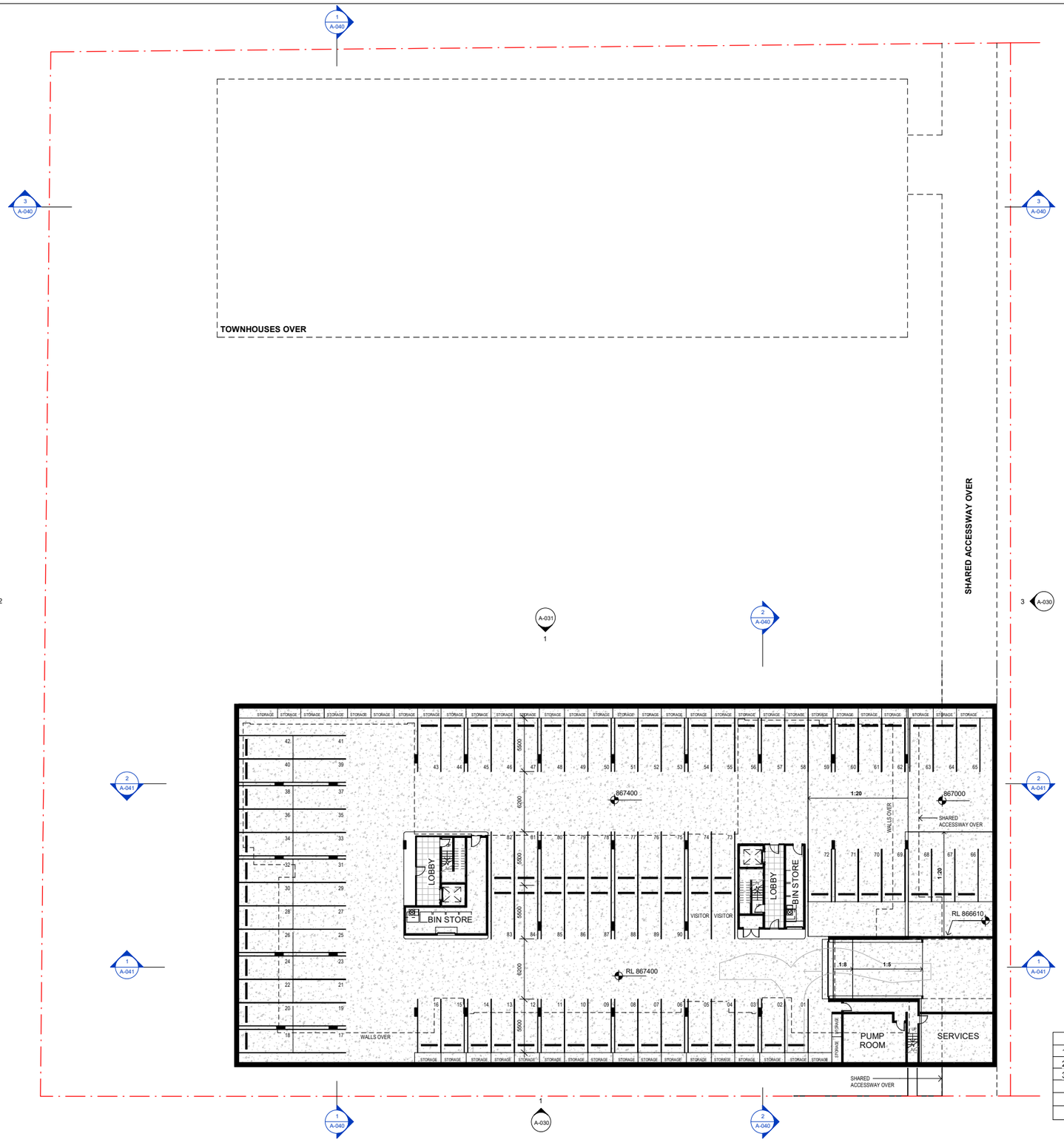
DRAWN :	DATE :	SCALES :
NJH	**DEC 2021**	**1 : 300 @A1** **1 : 800 @A3**

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	**DA**	**A-012**	**1**

EJE architecture



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REV	DATE	COMMENTS	DRN	CHKD	VRFD
0	24/01/2023	REVISED DA ISSUE	NJH	JS	JS
1	10/03/2023	REVISED DA ISSUE	NJH	JS	JS

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **BASEMENT PLAN**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

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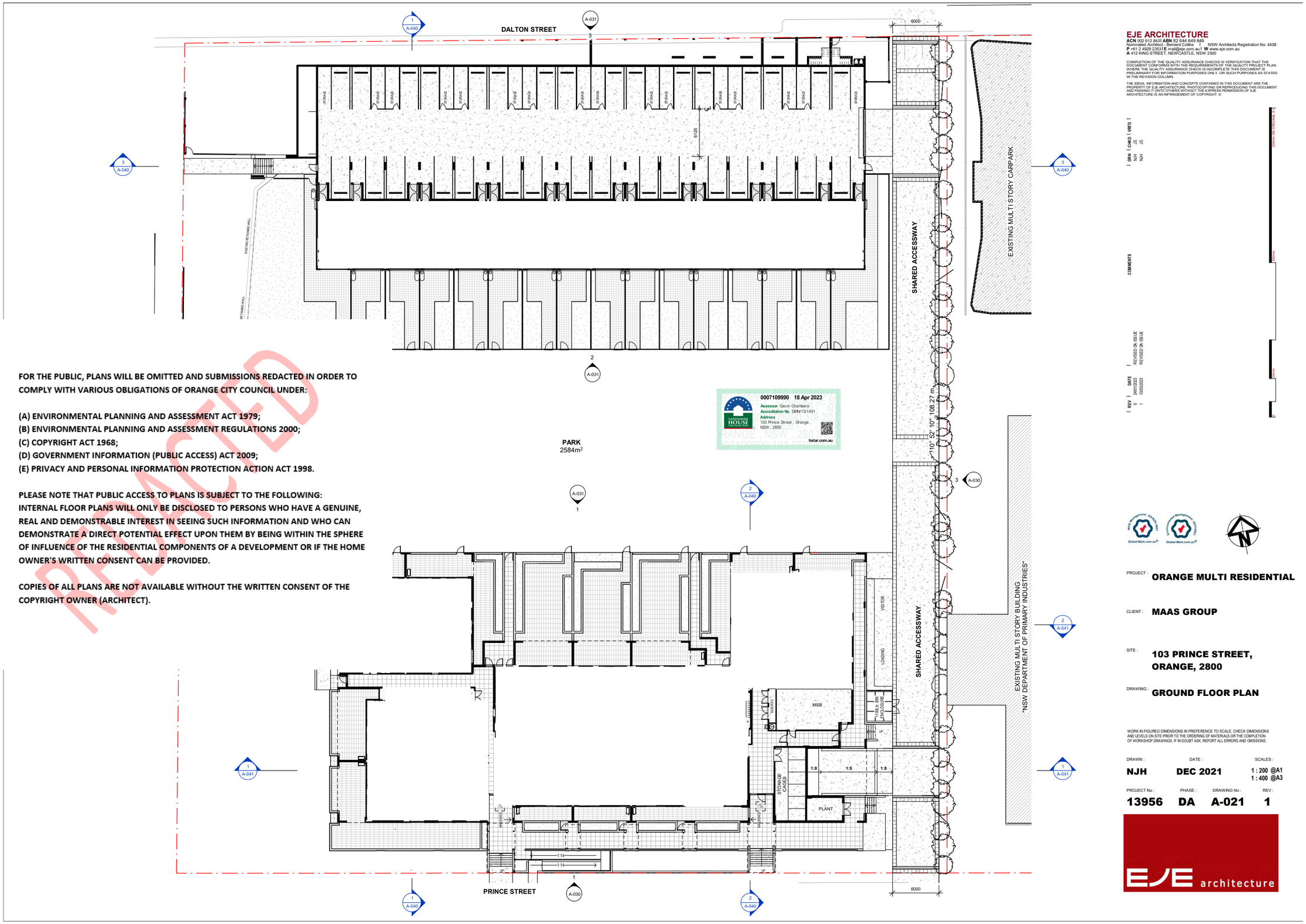
NJH	DEC 2021	1 : 200 @A1 1 : 400 @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-020	1

PARKING TABLE			PROVIDED
1 BEDROOM	6 x 1.0	6	6
2 BEDROOM	27 x 1.2	32.4	33
3 BEDROOM	27 x 1.5	40.5	51
VISITOR	60 x 0.2	12	3
PARKING REQUIRED			92
PARKING PROVIDED			93

EJE architecture



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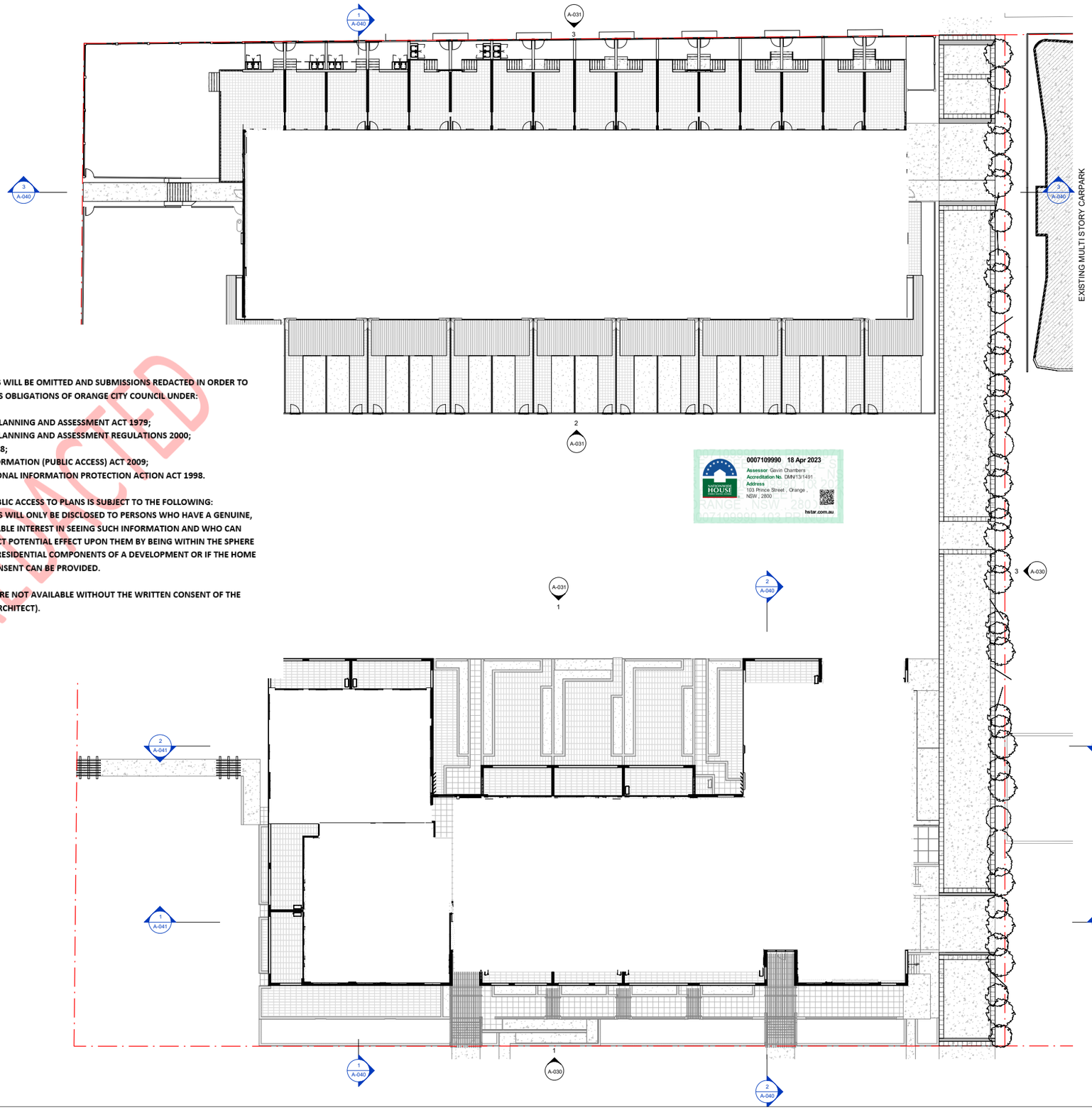

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REV	DATE	COMMENTS	DRN	CHKD	VRFD
0	24/01/2023	REVISED DA ISSUE	NJH	JS	JS
1	10/03/2023	REVISED DA ISSUE	NJH	JS	JS

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **LEVEL 1 PLAN**

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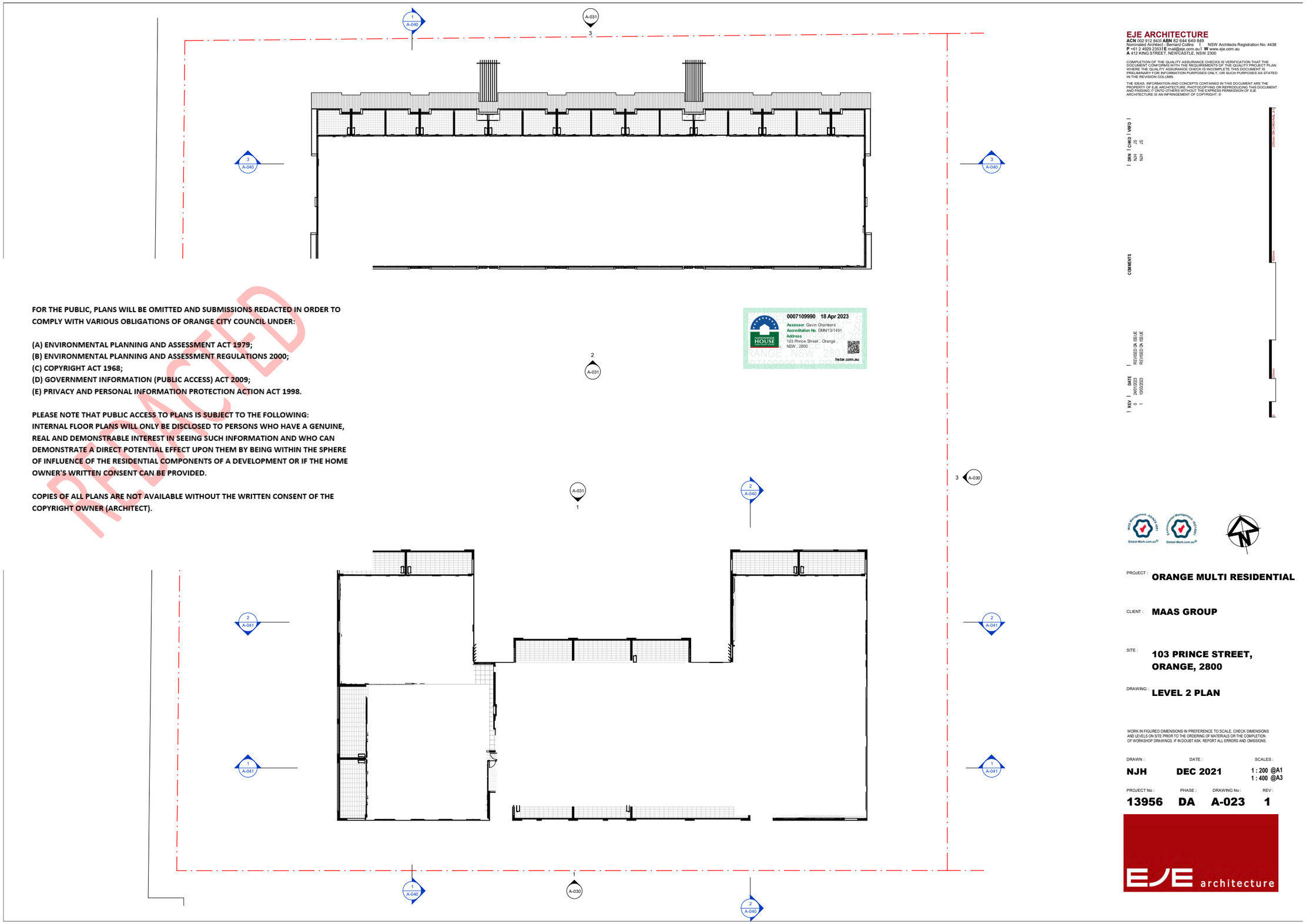
NJH	DEC 2021	1 : 200 @A1 1 : 400 @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-022	1

EJE architecture



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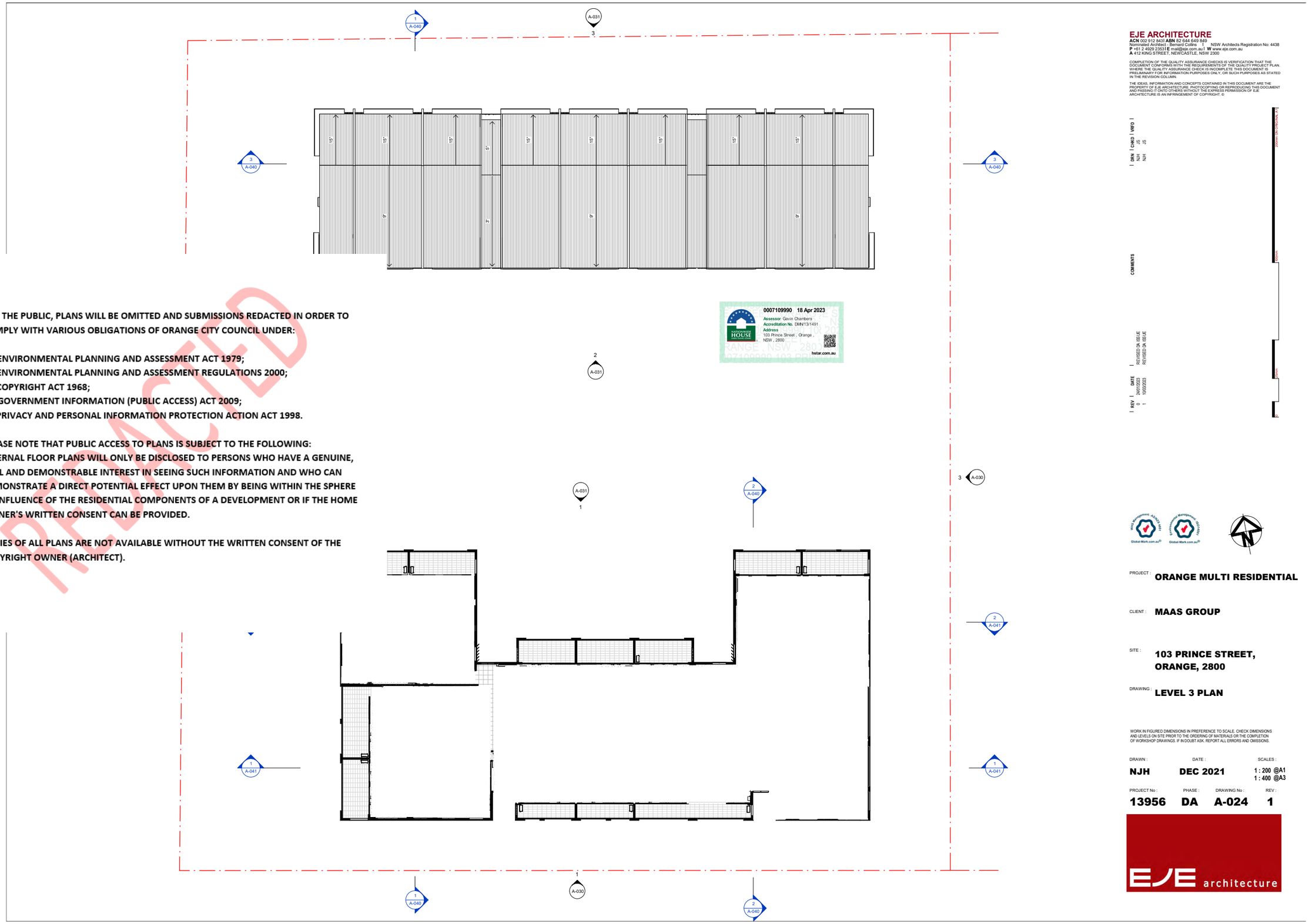

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REV	DATE	COMMENTS	DRN	CHKD	VRFD
0	24/01/2023	REVISED DA ISSUE	NJH	JS	
1	10/03/2023	REVISED DA ISSUE	NJH	JS	

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **LEVEL 3 PLAN**

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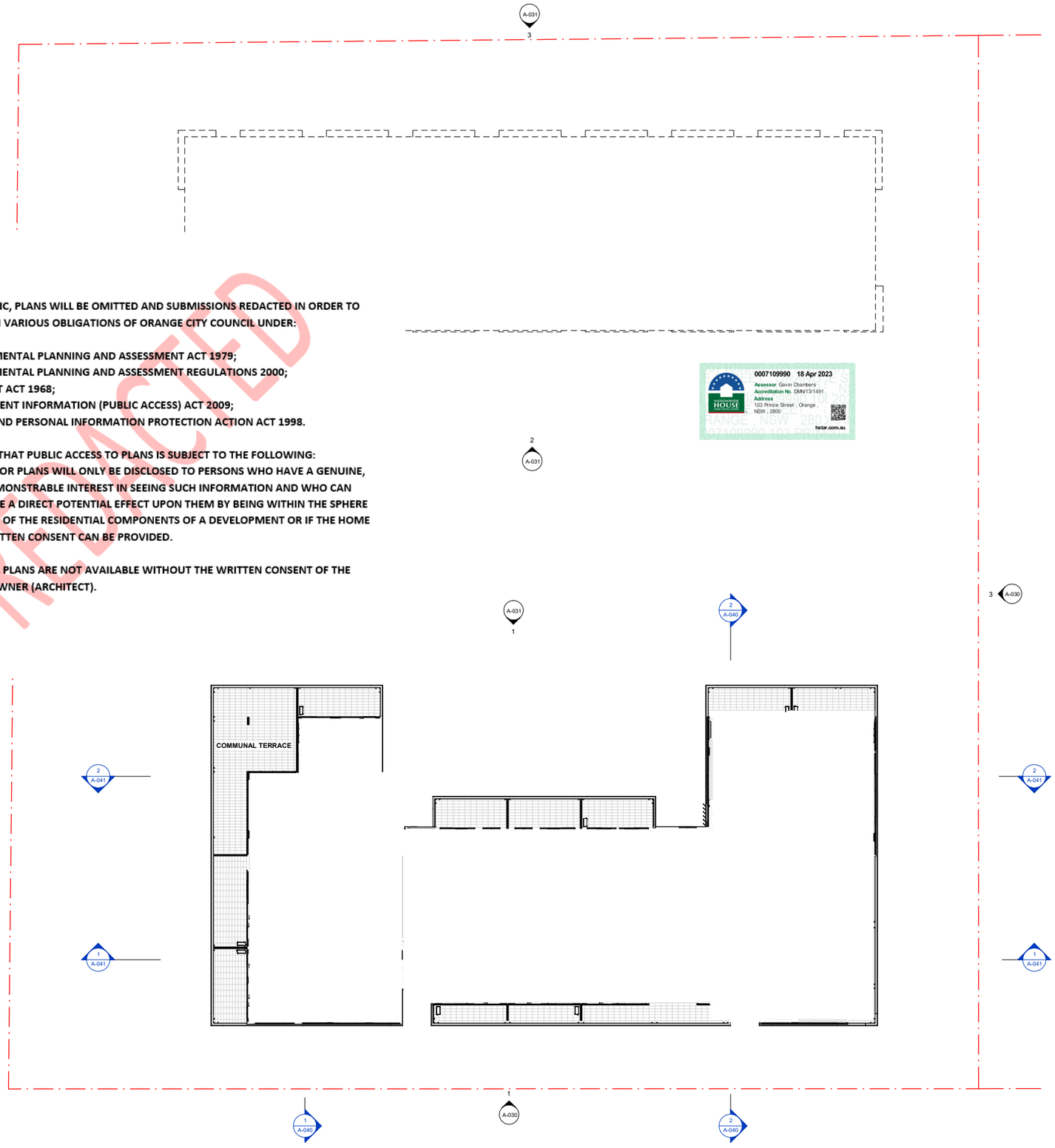
NJH	DEC 2021	1 : 200 @A1 1 : 400 @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-024	1

EJE architecture



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0007109990 18 Apr 2023
NATIONWIDE HOUSE PRICE ADVICE
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0	24/01/2023	REVISED DA ISSUE	NJH	JS	JS
1	10/03/2023	REVISED DA ISSUE	NJH	JS	JS

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **LEVEL 4 PLAN**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

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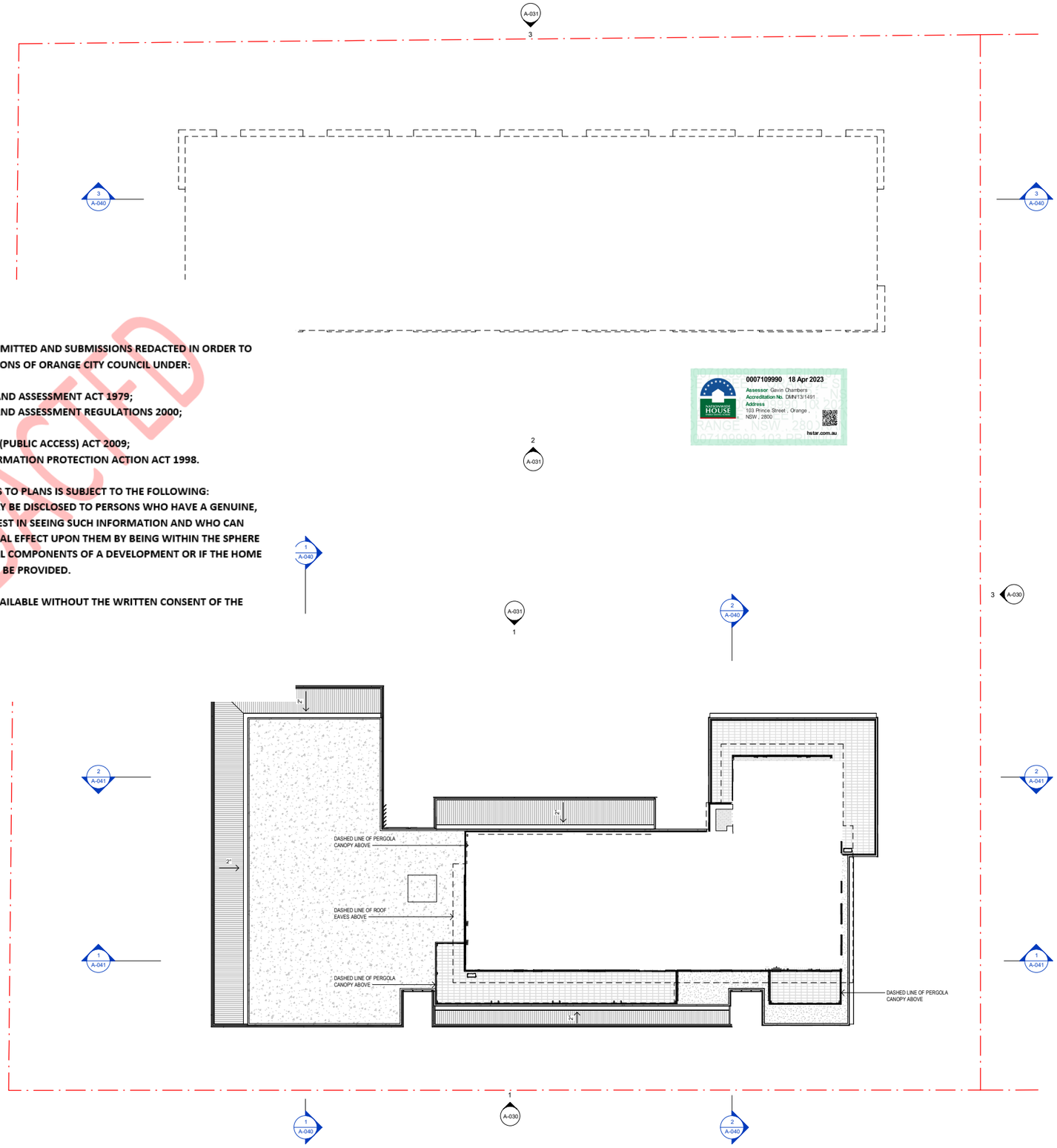
NJH	DEC 2021	1 : 200 @A1 1 : 400 @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-025	1

EJE architecture



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0	24/01/2023	REVISED DA ISSUE	NJH	JS	JS
1	10/03/2023	REVISED DA ISSUE	NJH	JS	JS

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **LEVEL 5 PLAN**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

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NJH	**DEC 2021**	**1 : 200 @A1** **1 : 400 @A3**

PROJECT No :	PHASE :	DRAWING No :	REV :
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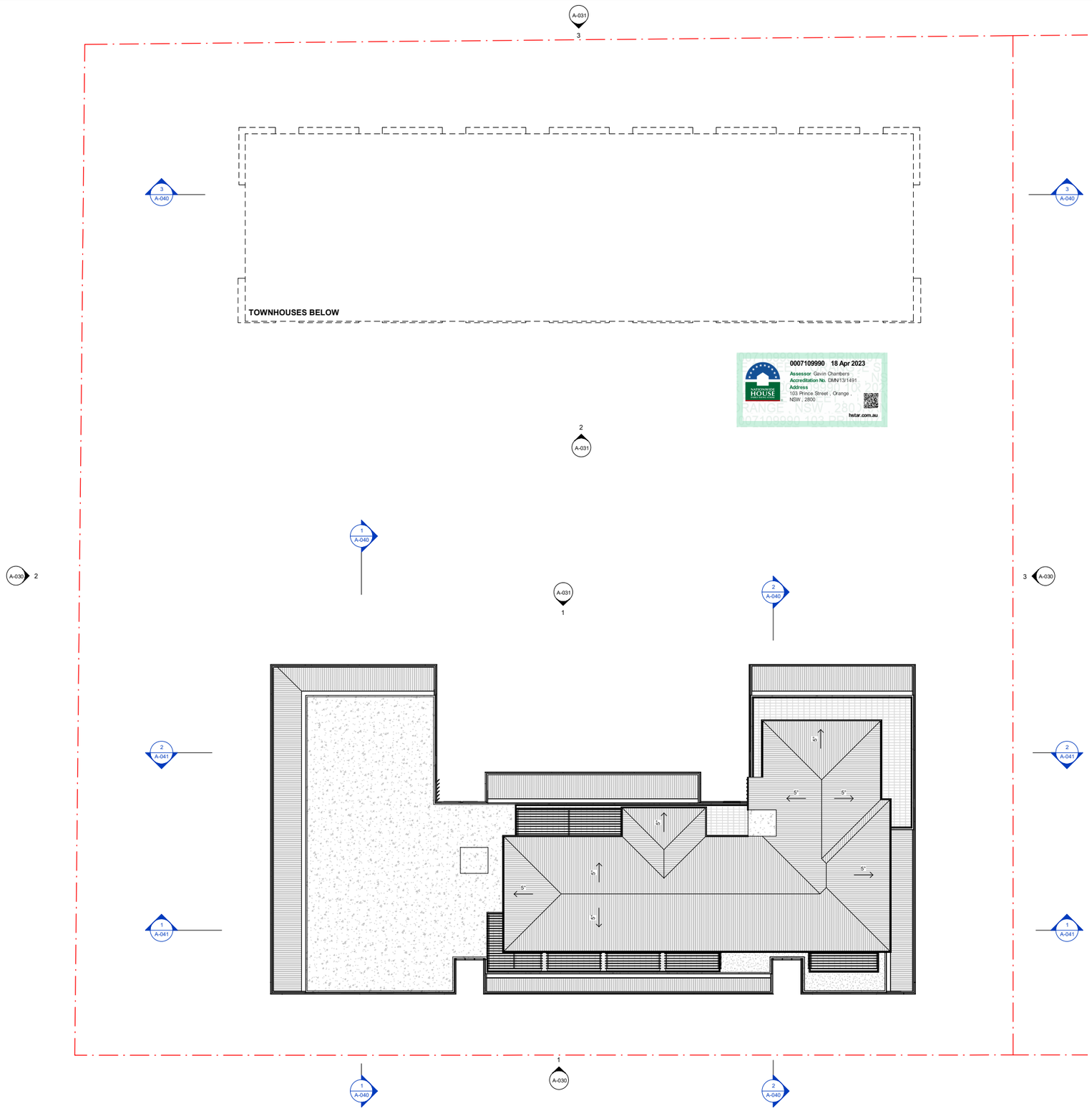
EJE architecture



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0	24/01/023	REVISED DA ISSUE	NJH	JS	

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **LEVEL 6 PLAN**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

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NJH	DEC 2021	1 : 200 @A1 1 : 400 @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-027	0

EJE architecture

1 SOUTH ELEVATION - (PRINCE ST)
1 : 200

2 WEST ELEVATION - (SALE ST)
1 : 200

3 EAST ELEVATION
1 : 200

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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **ELEVATIONS - SHEET 1**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

DRAWN :	DATE :	SCALES :
NJH	DEC 2021	1 : 200 @A1 1 : 400 @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-030	1

EJE architecture

1 NORTH ELEVATION
1 : 200

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2 SOUTH ELEVATION
1 : 200

3 NORTH ELEVATION - (DALTON ST)
1 : 200

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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **ELEVATIONS - SHEET 2**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

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PROJECT No :	PHASE :	DRAWING No :	REV :
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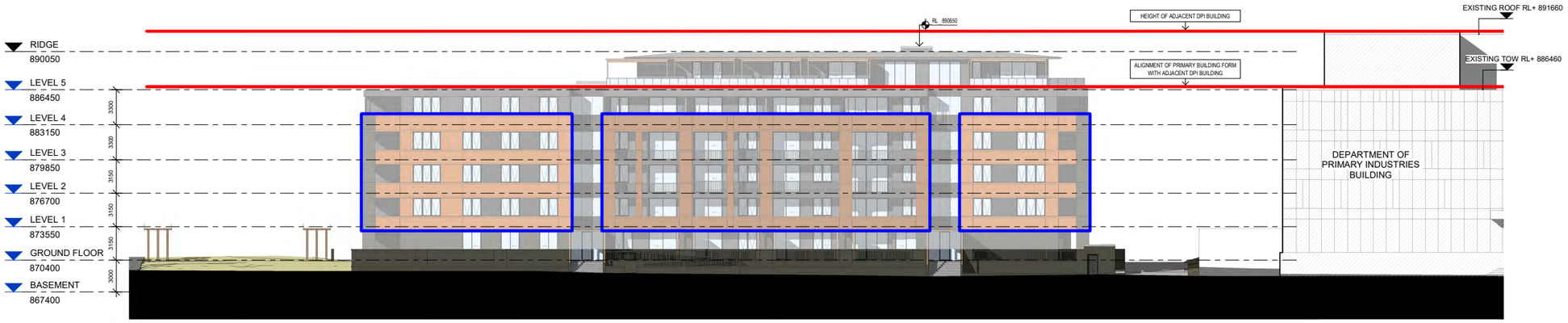
EJE architecture



1 PRINCE ST. BUILDING ELEVATION 01
1 : 200

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2 PRINCE ST. BUILDING ELEVATION 02
1 : 200

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DRN	CHKD	VRFD
NJH	JS	
NJH	JS	

PROJECT : **ORANGE MULTI RESIDENTIAL**

SITE : **103 PRINCE STREET, ORANGE, 2800**

CLIENT : **MAAS GROUP**

DRAWING : **PRINCE ST. ELEVATION**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.
C:\Users\mlewis\Documents\13956 - Orange Multi Residential - R21_mlewisSWB2.rvt

DRAWN :	DATE :	SCALES :
JE	JULY 2022	1 : 200 @ A1 @ A3

PROJECT No :	PHASE :	DRAWING No :	REV :
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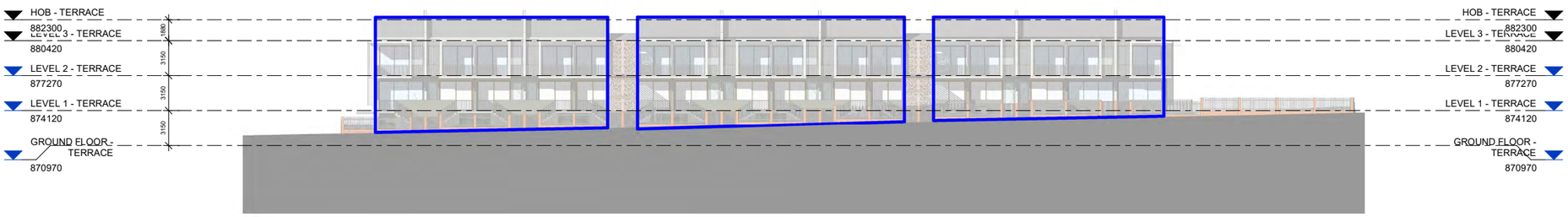
EJE architecture



1 DALTON ST. BUILDING ELEVATION - 01
1 : 200

2 DALTON ST. BUILDING ELEVATION 02
1 : 200

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| DRN | CHKD | VRFD |
| NJH | JS |

PROJECT : **ORANGE MULTI RESIDENTIAL**

SITE : **103 PRINCE STREET, ORANGE, 2800**

CLIENT : **MAAS GROUP**

DRAWING : **DALTON ST. ELEVATION**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.
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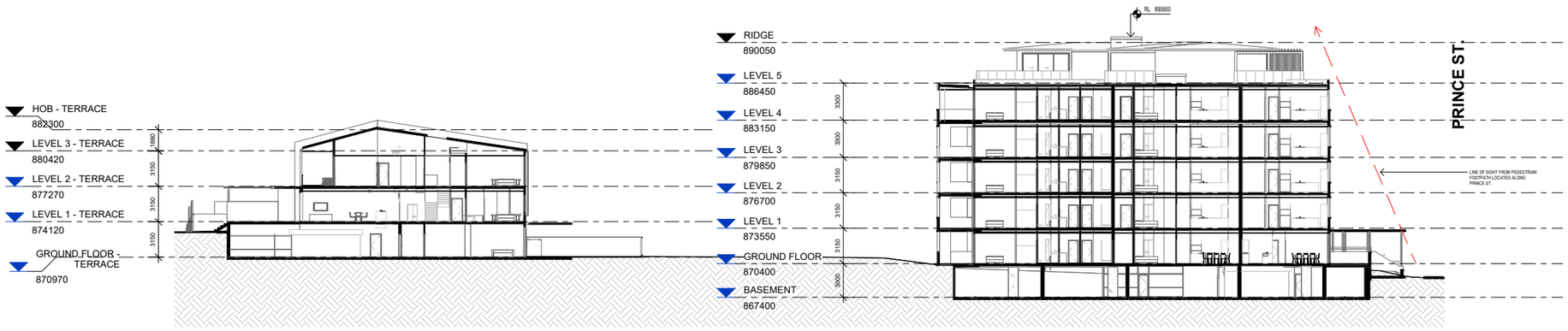
| DRAWN : | DATE : | SCALES : |
| JE | JULY 2022 | 1 : 200 @ A1 @ A3 |

| PROJECT No : | PHASE : | DRAWING No : | REV : |
| 13956 | DA | A-036 | 0 |

EJE architecture



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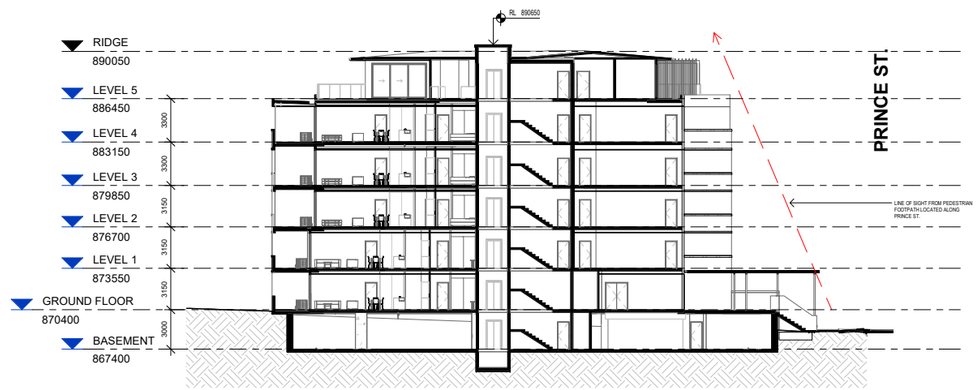

2 BUILDING SECTION 02
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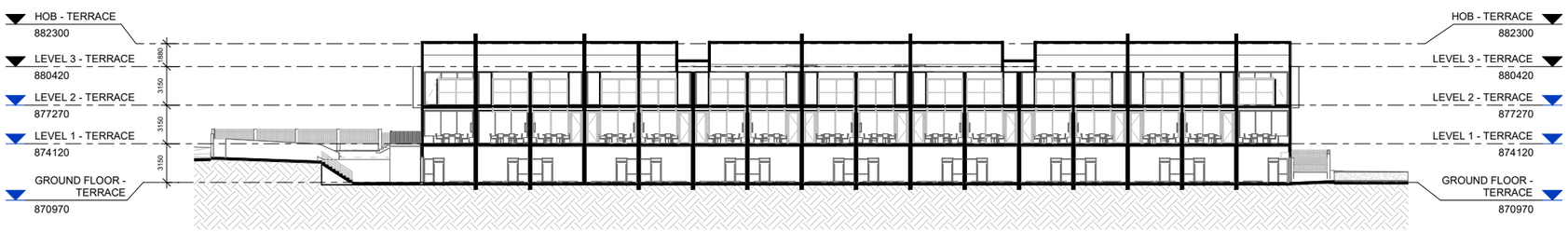

3 BUILDING SECTION 03
1 : 200

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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **SECTIONS - SHEET 1**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

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NJH	DEC 2021	1 : 200 @A1 1 : 400 @A3

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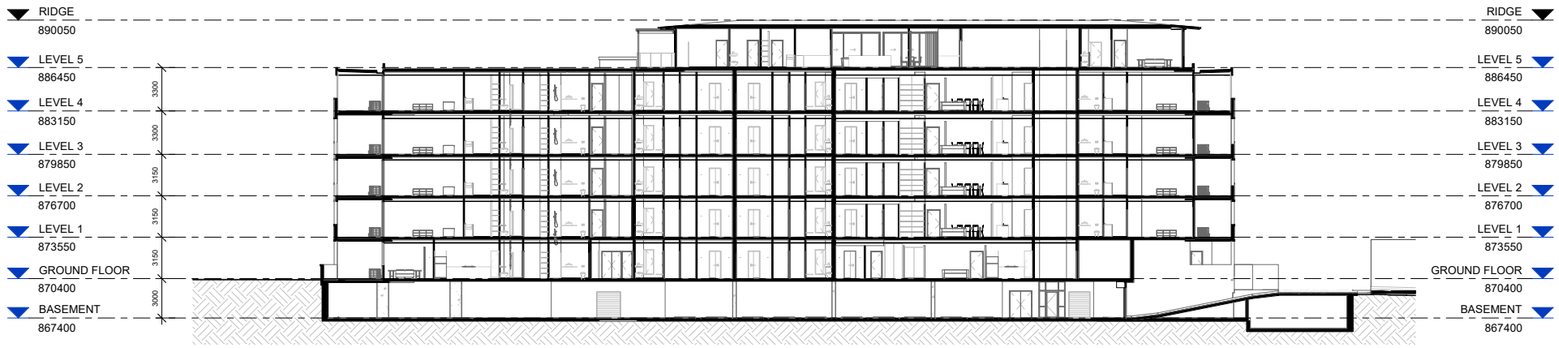
13956	DA	A-040	0

EJE architecture



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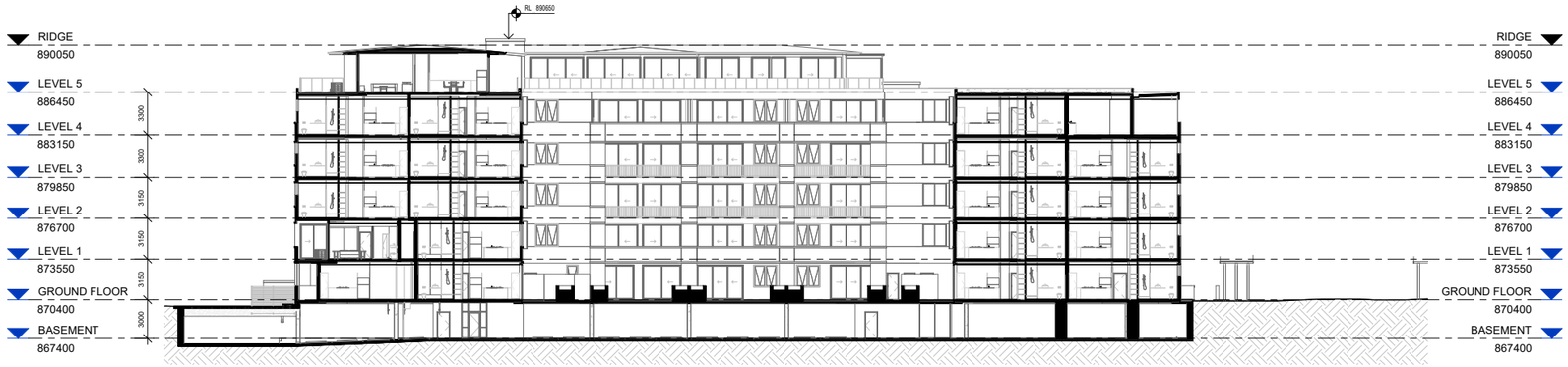

2 BUILDING SECTION 05
1 : 200

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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **SECTIONS - SHEET 2**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

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NJH	DEC 2021	1 : 200 @A1 1 : 400 @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
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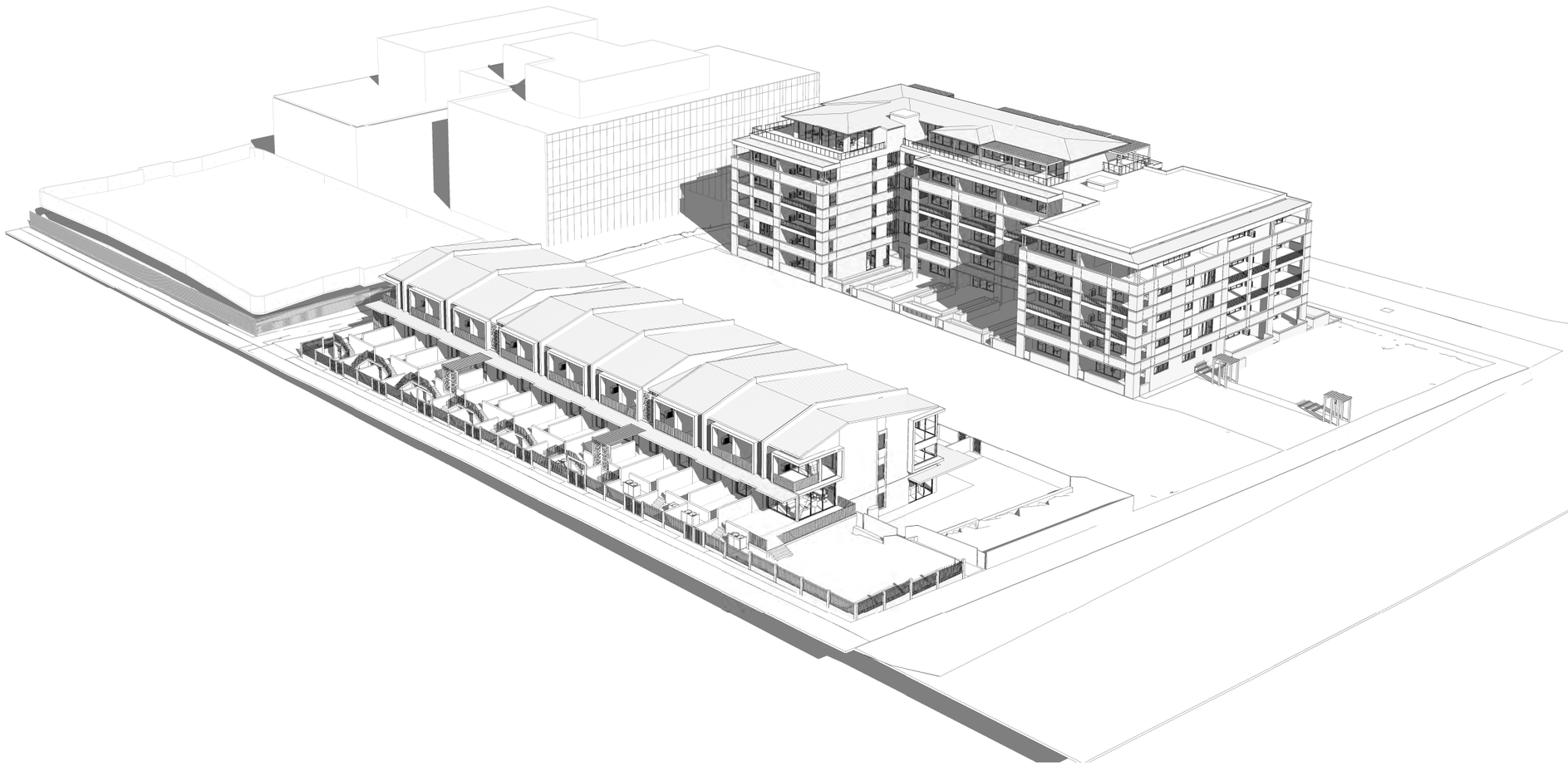
EJE architecture



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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

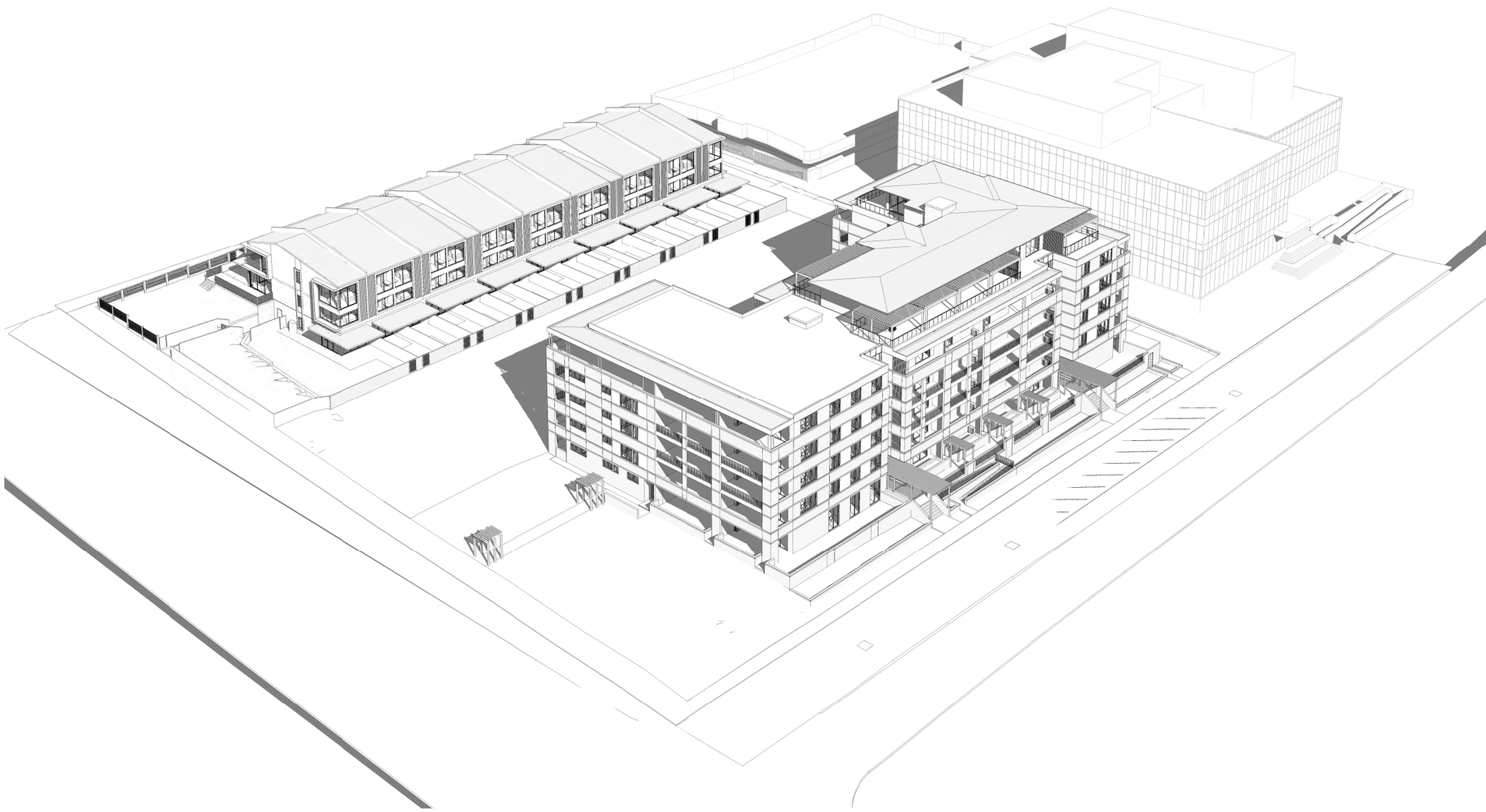
DRAWING : **SITE PLAN 3D - SHEET 1**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

DRAWN :	DATE :	SCALES :
NJH	DEC 2021	@A1 NTS @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-051	0

EJE architecture



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0	24/01/2023	REVISED DA ISSUE	NJH	JS	JS
1	10/03/2023	REVISED DA ISSUE	NJH	JS	JS

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

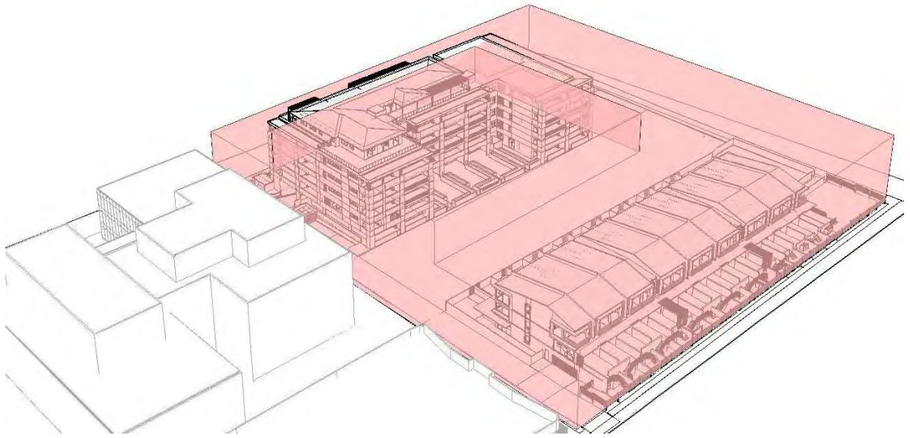
DRAWING : **SITE PLAN 3D - SHEET 2**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

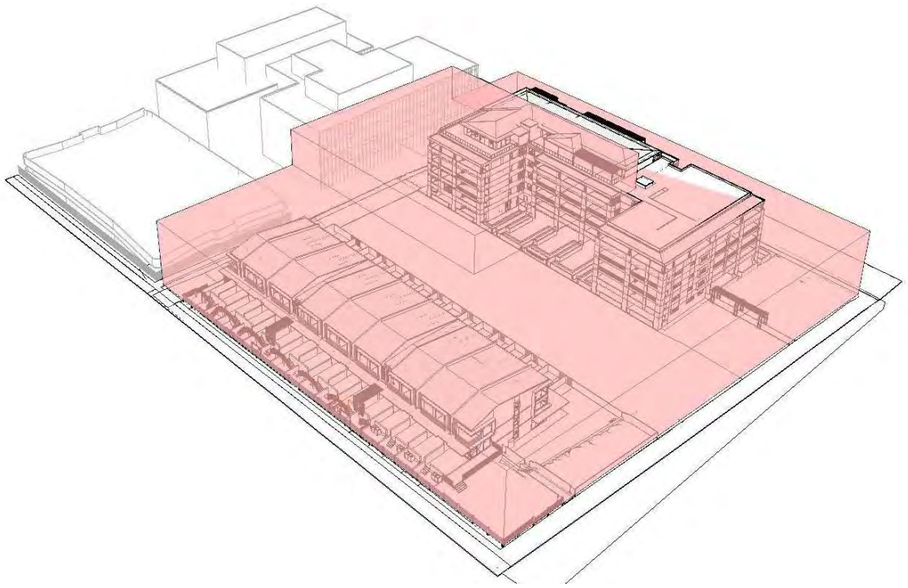
DRAWN :	DATE :	SCALES :
NJH	DEC 2021	@A1 NTS @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-052	1

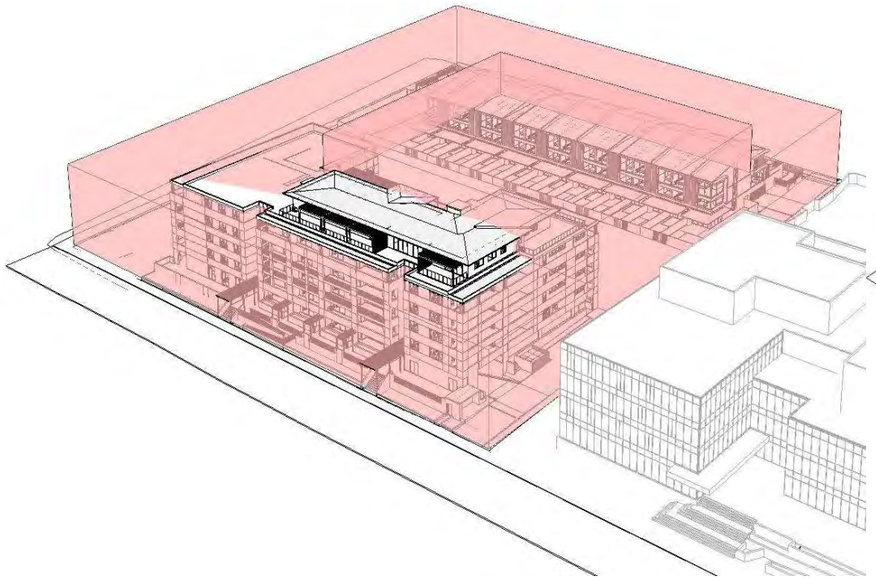
EJE architecture



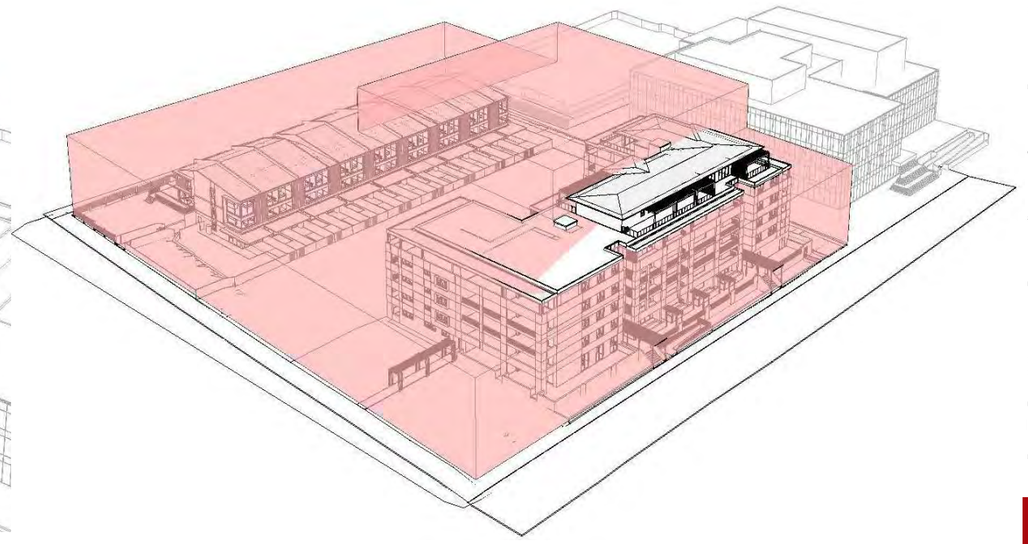
BUILDING ENVELOPE DIAGRAM -NORTH EAST



BUILDING ENVELOPE DIAGRAM -NORTH WEST



BUILDING ENVELOPE DIAGRAM -SOUTH EAST



BUILDING ENVELOPE DIAGRAM -SOUTH WEST

EJE ARCHITECTURE
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Nominated Architect - Bernard Collins I NSW Architects Registration No: 4438
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REV	DATE	REVISED DA ISSUE	COMMENTS	DRN	CHKD	VRFD
0	24/01/023			NJH		JS

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

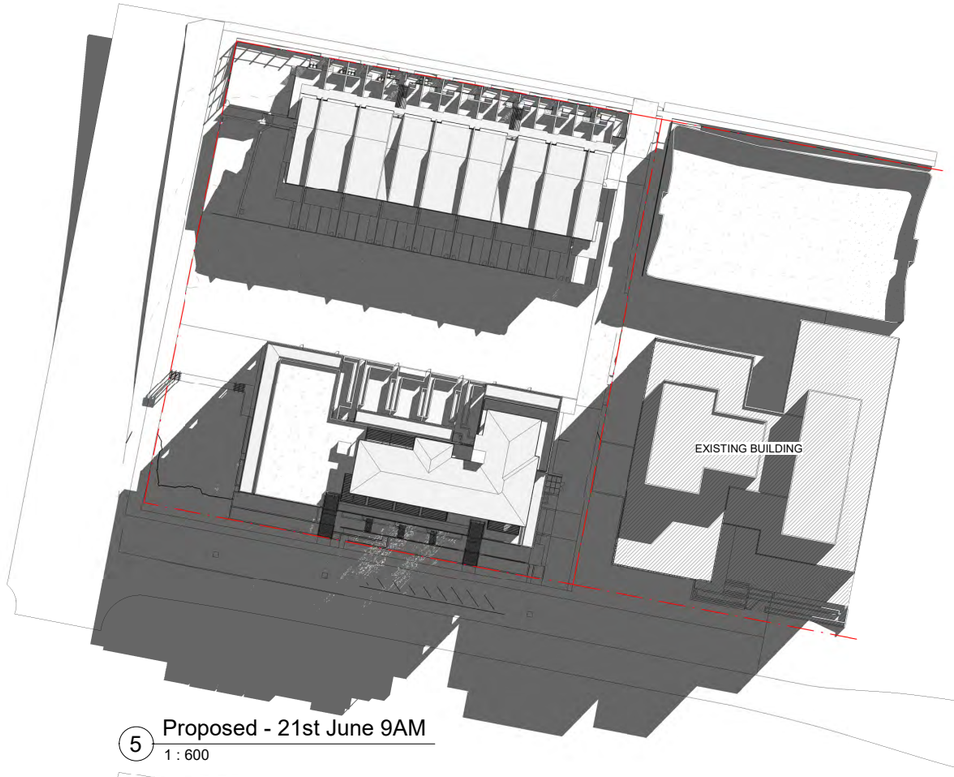
DRAWING : **BUILDING ENVELOPE DIAGRAMS**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

DRAWN :	DATE :	SCALES :
NJH	**DEC 2021**	@A1 @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	**DA**	**A-053**	**0**

EJE architecture



5 Proposed - 21st June 9AM
1 : 600

6 Proposed - 21st June 12PM
1 : 600

4 Proposed - 21st June 3PM
1 : 600

EJE ARCHITECTURE
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REV	DATE	COMMENTS	DRN	CHKD	VRFD
0	24/01/2023	REVISED DA ISSUE	NJH	JS	

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

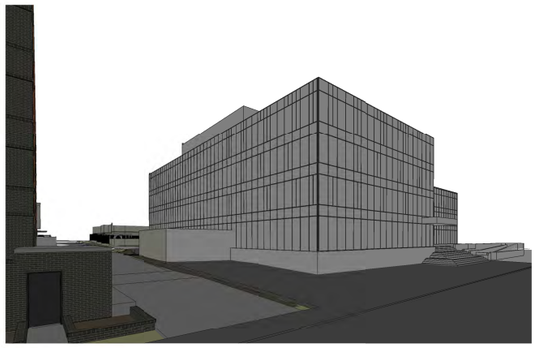
DRAWING : **SHADOW DIAGRAMS**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

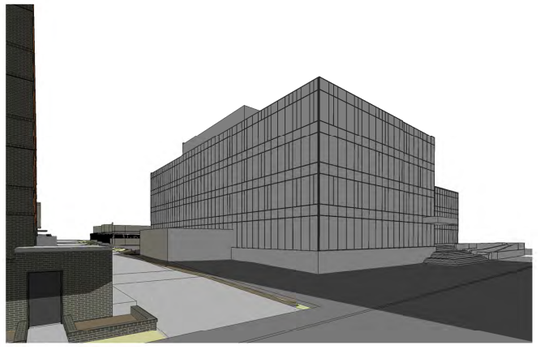
DRAWN :	DATE :	SCALES :
	DEC 2021	**1 : 600 @A1** **1 : 600 @A3**

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	**DA**	**A-060**	**0**

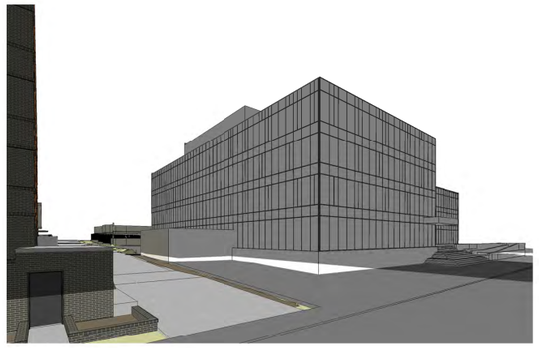
EJE architecture



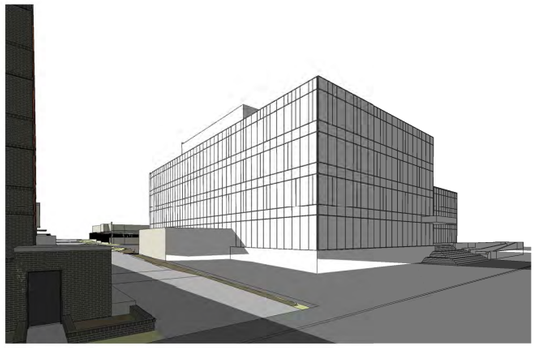
1 Winter Solstice - 21st June 9AM



2 Winter Solstice - 21st June 10AM



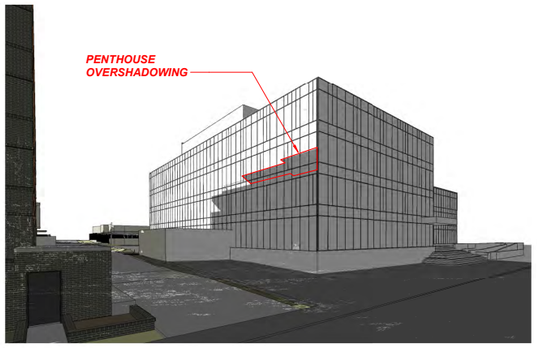
3 Winter Solstice - 21st June 11AM



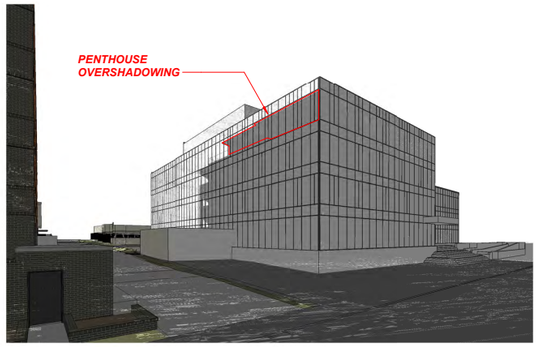
4 Winter Solstice - 21st June 12PM

5 Winter Solstice - 21st June 1PM

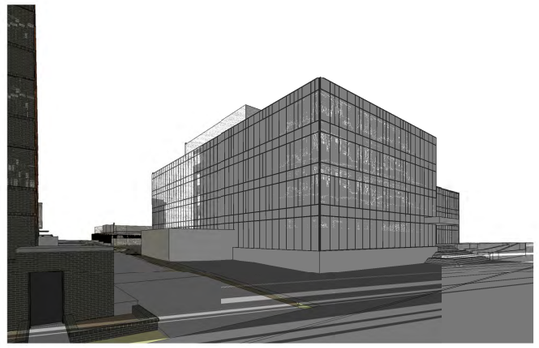
6 Winter Solstice - 21st June 2PM



7 Winter Solstice - 21st June 3PM



8 Winter Solstice - 21st June 4PM



9 Winter Solstice - 21st June 5PM

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REV	DATE	COMMENTS	DRN	CHKD	VRFD
0	24/01/2023	REVISED DA ISSUE	NJH	JS	

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

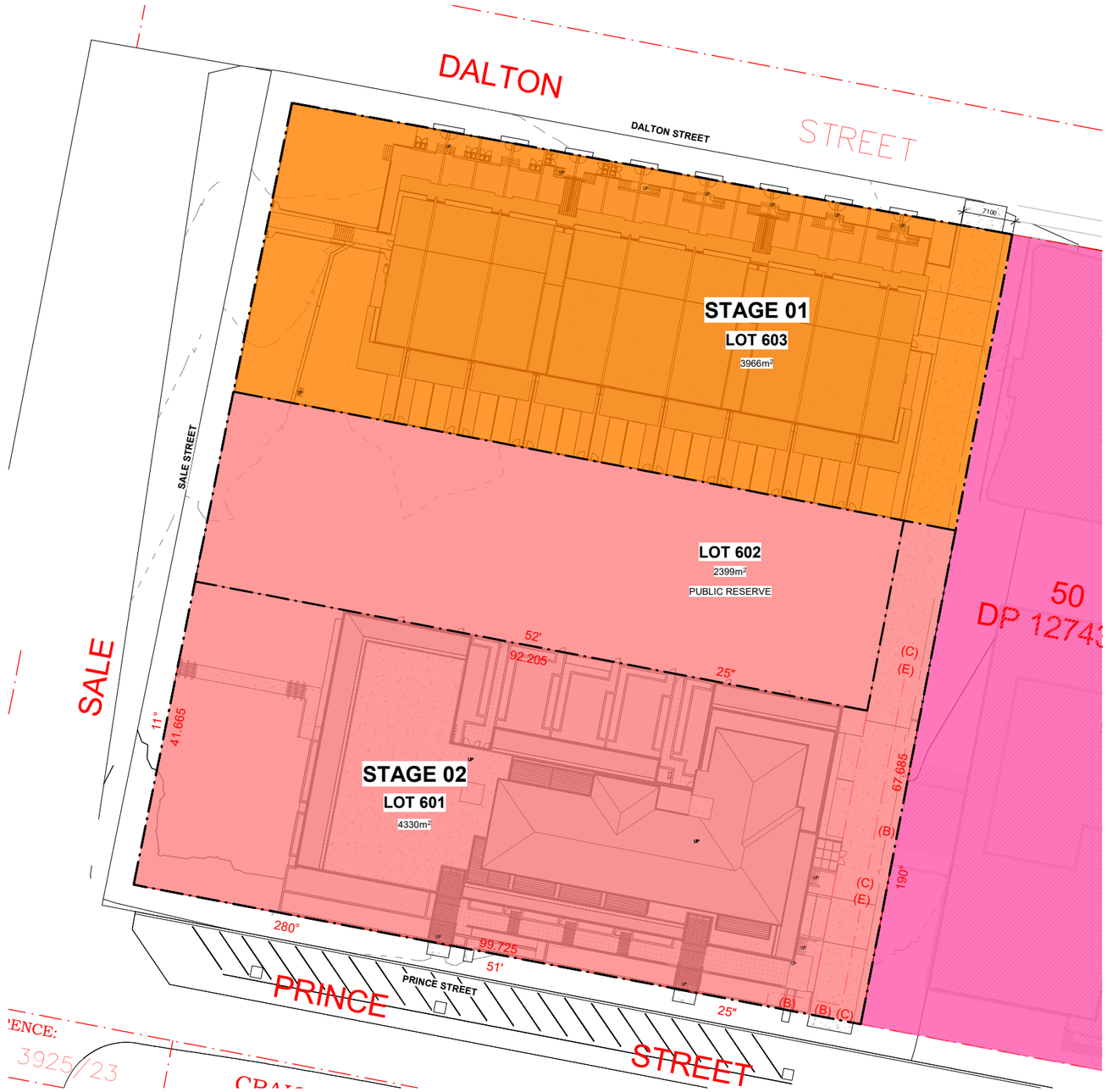
DRAWING : **SHADOW DIAGRAMS**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

DRAWN :	DATE :	SCALES :
JE	NOV 2022	@A1 @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-061	0

EJE architecture



STAGE 01:
3 LOT SUBDIVISION AND TOWNHOUSES

STAGE 02:
RFB AND PUBLIC PARK

MIXED USE ZONE

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0	24/01/2023	REVISED DA ISSUE
1	10/03/2023	REVISED DA ISSUE

DRN	CHKD	VRFD
NJH	JS	
NJH	JS	

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

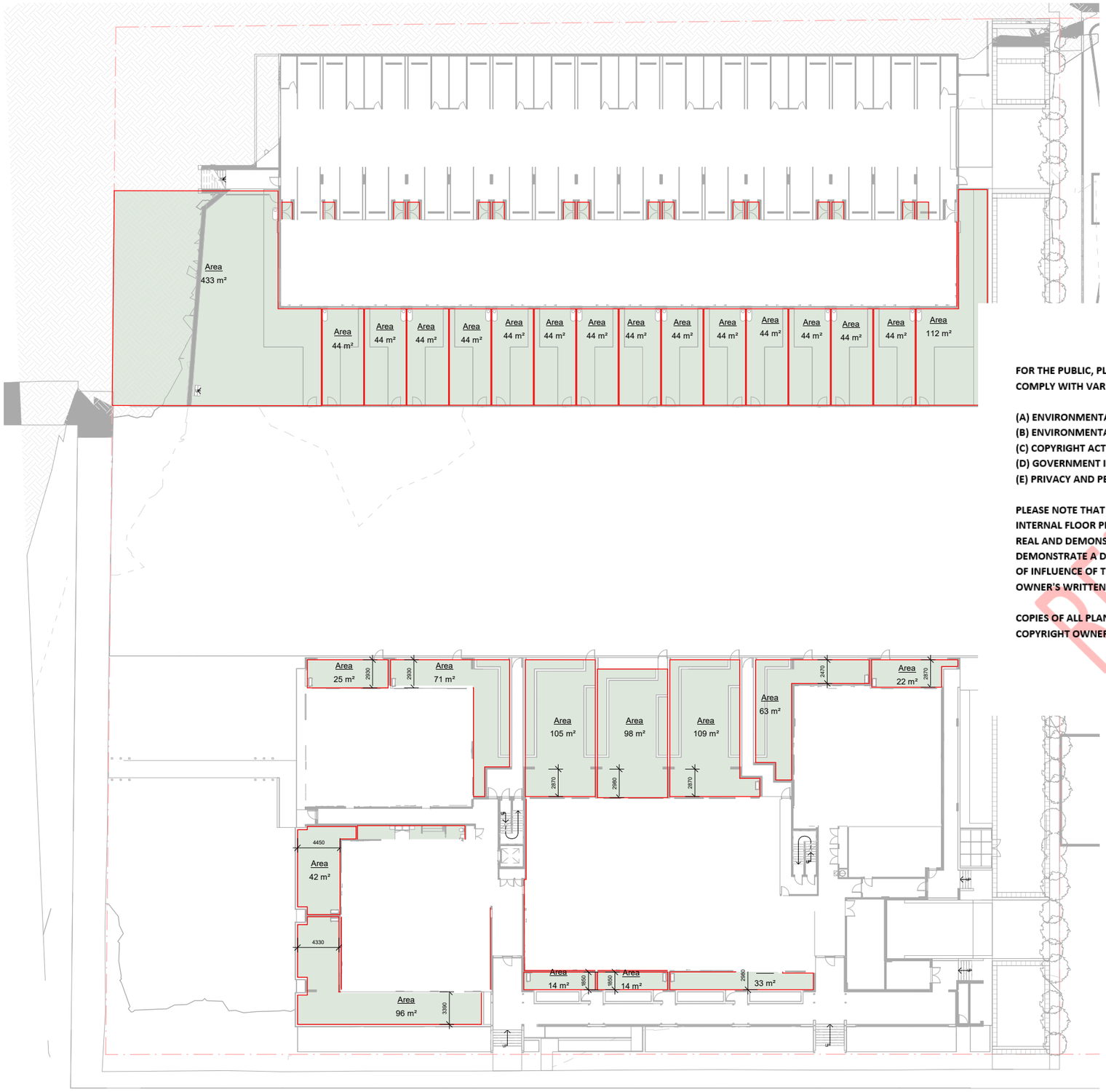
DRAWING : **STAGING PLAN**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS
C:\Users\mlewis\Documents\13956 - Orange Multi Residential - R21_mlewis5WB2.rvt

DRAWN :	DATE :	SCALES :
JE	MAY 2022	As indicated @ A1 @ A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-070	1

EJE architecture



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Nominated Architect - Bernard Collins | NSW Architects Registration No: 4438
P +61 2 4929 2353 | **E** mail@eje.com.au | **W** www.eje.com.au
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NJH	JS	
NJH	JS	

200mm ON ORIGINAL A1

REDACTED

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(A) ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979;
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(C) COPYRIGHT ACT 1968;
(D) GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009;
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TIAL

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

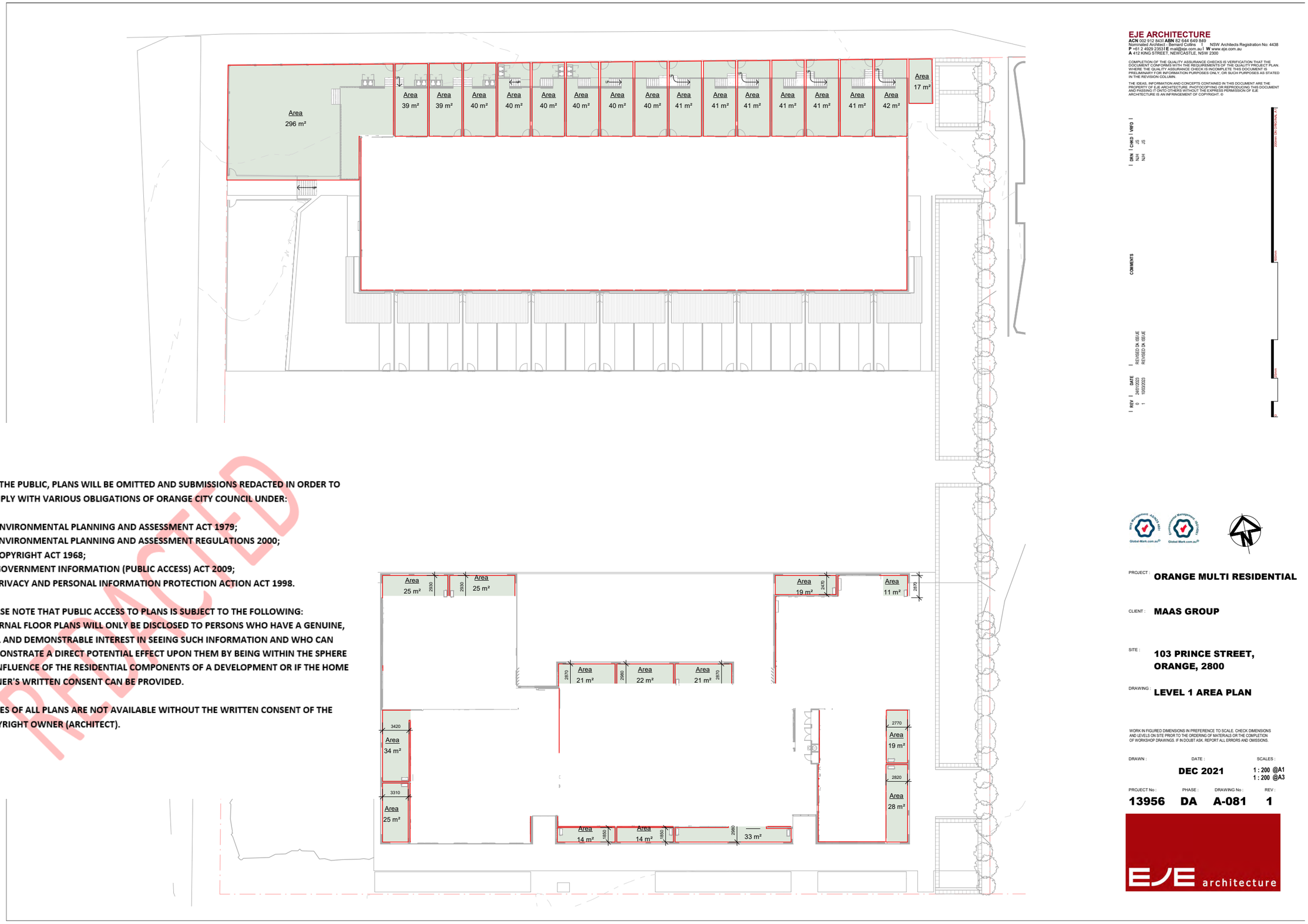
DRAWING : **GROUND FLOOR AREA PLAN**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

DRAWN :	DATE :	SCALES :
	DEC 2021	1 : 200 @A1 1 : 200 @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	**DA**	**A-080**	**1**

EJE architecture



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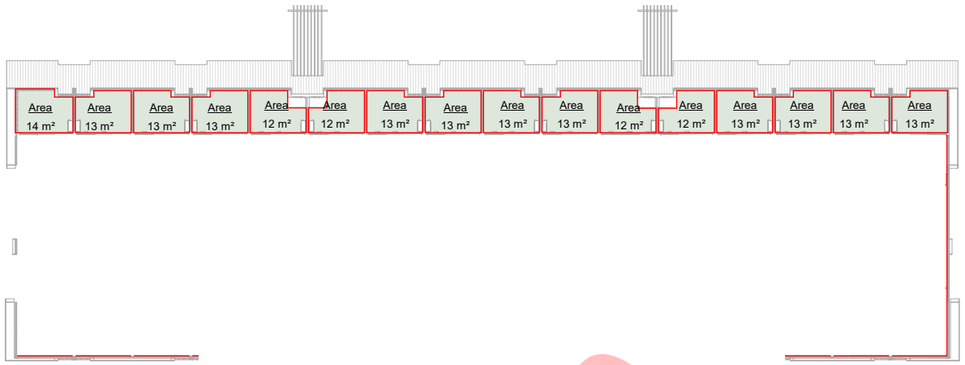

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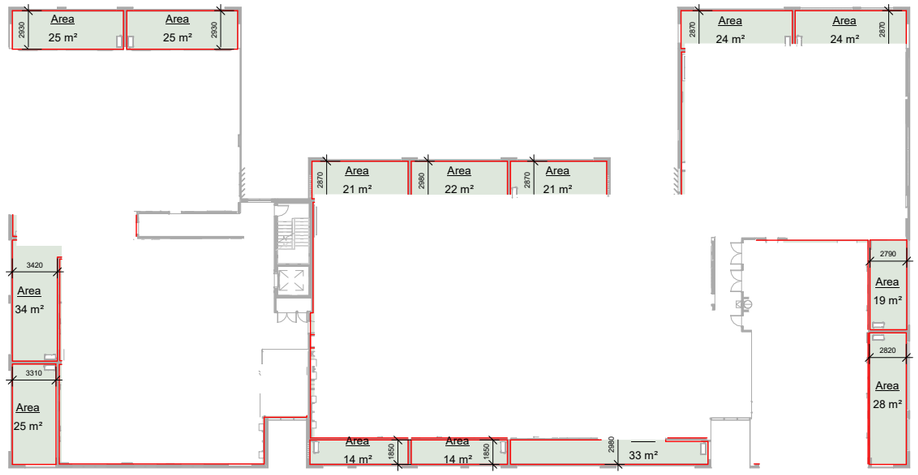

EJE ARCHITECTURE
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0	24/01/2023	REVISED DA ISSUE	NJH	JS	JS
1	10/03/2023	REVISED DA ISSUE	NJH	JS	JS

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

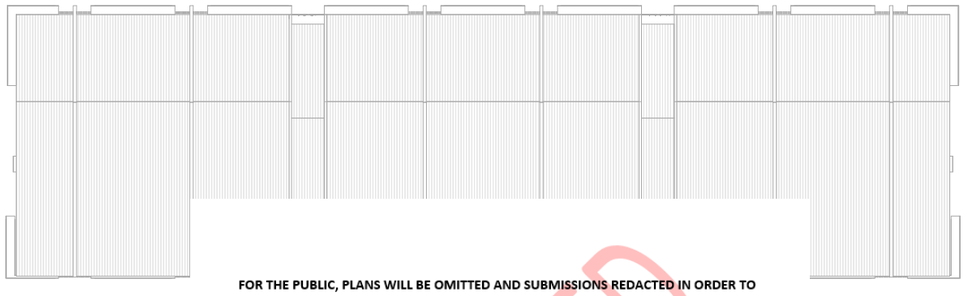
DRAWING : **LEVEL 2 AREA PLAN**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

DRAWN :	DATE :	SCALES :
	DEC 2021	**1 : 200 @A1** **1 : 200 @A3**

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	**DA**	**A-082**	**1**

EJE architecture



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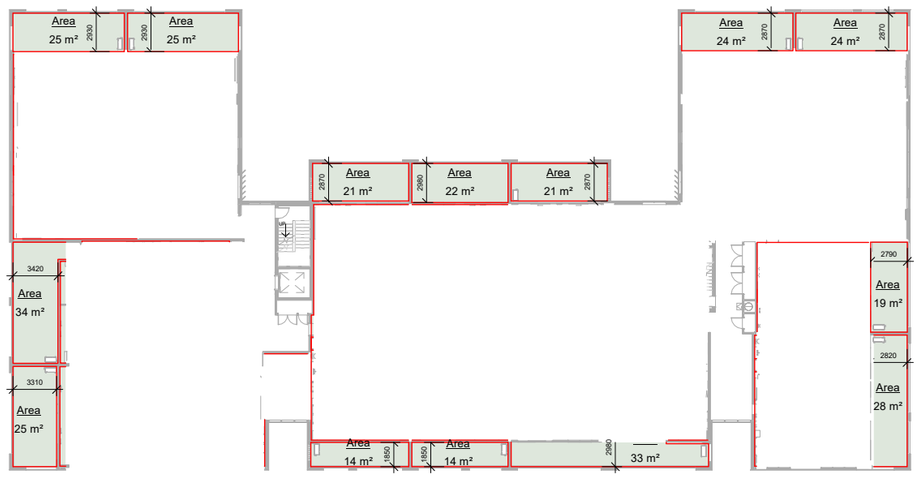

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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **LEVEL 3 AREA PLAN**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

DRAWN : DATE : **DEC 2021** SCALES : **1 : 200 @A1 @A3**

PROJECT No : **13956** PHASE : **DA** DRAWING No : **A-083** REV : **1**

EJE architecture

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0	24/01/2023	REVISED DA ISSUE	NJH	JS	JS
1	10/03/2023	REVISED DA ISSUE	NJH	JS	JS

PRELIMINARY

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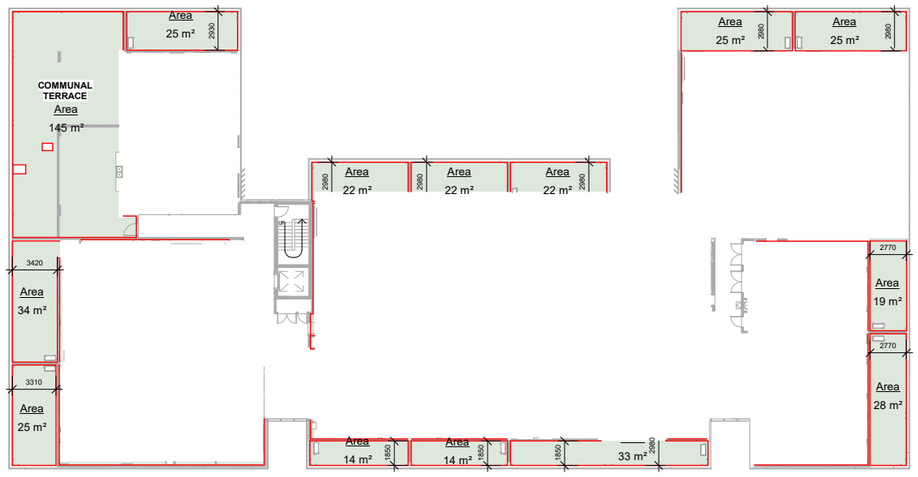

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **LEVEL 4 AREA PLAN**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

DRAWN :	DATE :	SCALES :
	DEC 2021	**1 : 200 @A1 @A3**

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	**DA**	**A-084**	**1**

EJE architecture

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0	24/01/2023	REVISED DA ISSUE	NJH	JS	JS
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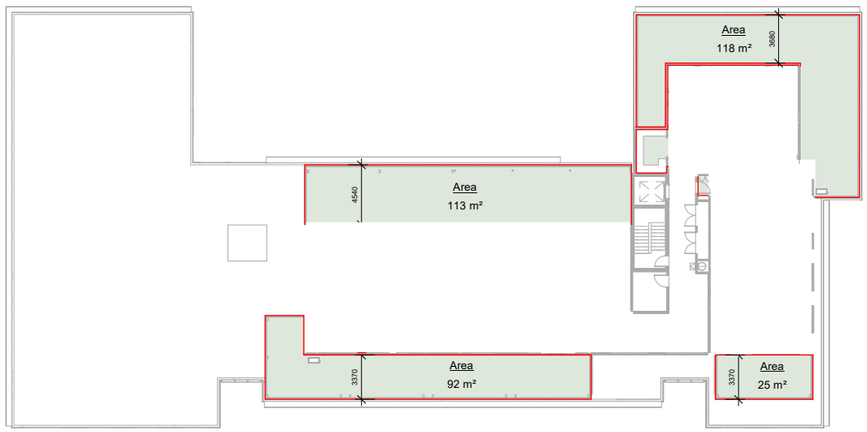

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **LEVEL 5 AREA PLAN**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

DRAWN :	DATE :	SCALES :
	DEC 2021	**1 : 200 @A1 @A3**

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	**DA**	**A-085**	**1**

EJE architecture

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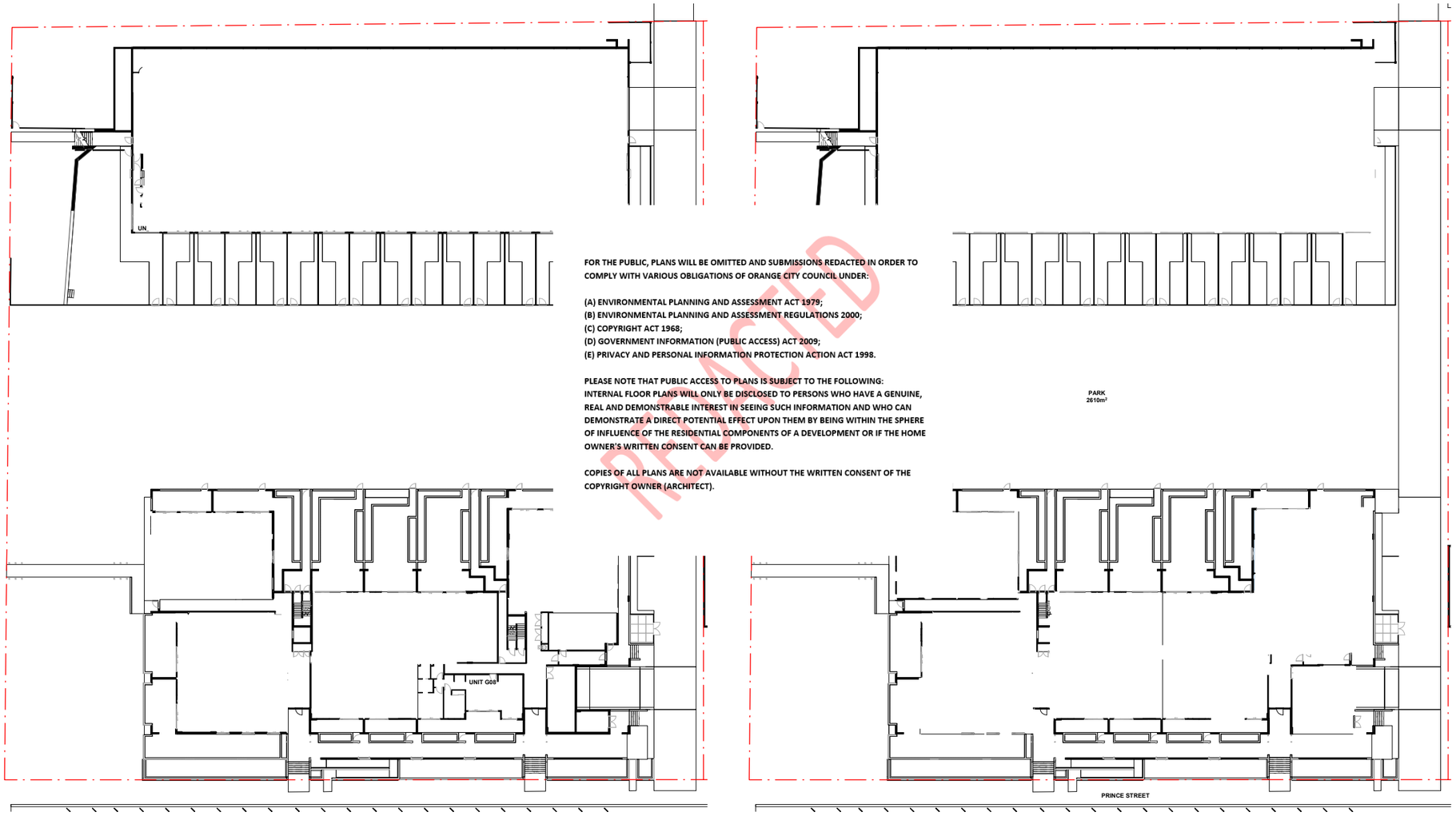

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REDACTED

1 SOLAR ACCESS - GROUND FLOOR
1 : 300

2 CROSS FLOW - GROUND FLOOR
1 : 300

UNITS WHICH ACHEIVE SOLAR ACCESS

UNITS WHICH ACHEIVE CROSS FLOW VENTILATION

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **SOLAR ACCESS & CROSS FLOW - GROUND FLOOR**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

DRAWN :	DATE :	SCALES :
JE	FEB 2022	As indicated @A1 @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-090	1

EJE architecture

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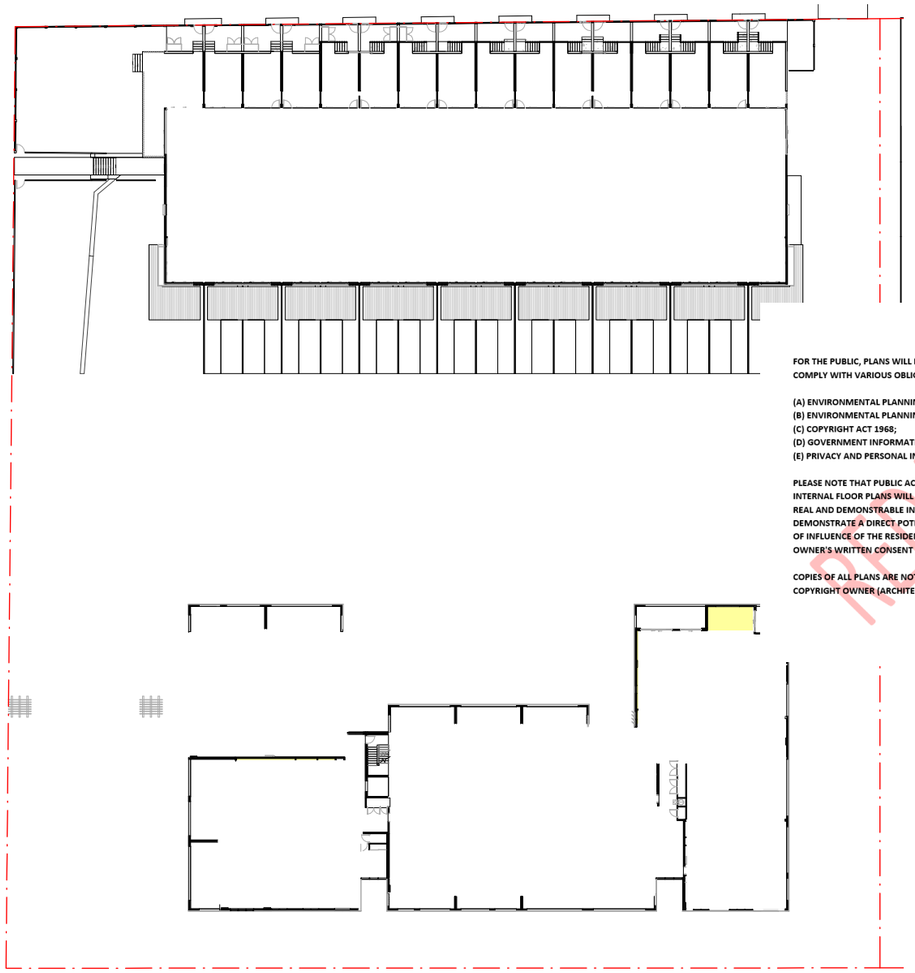

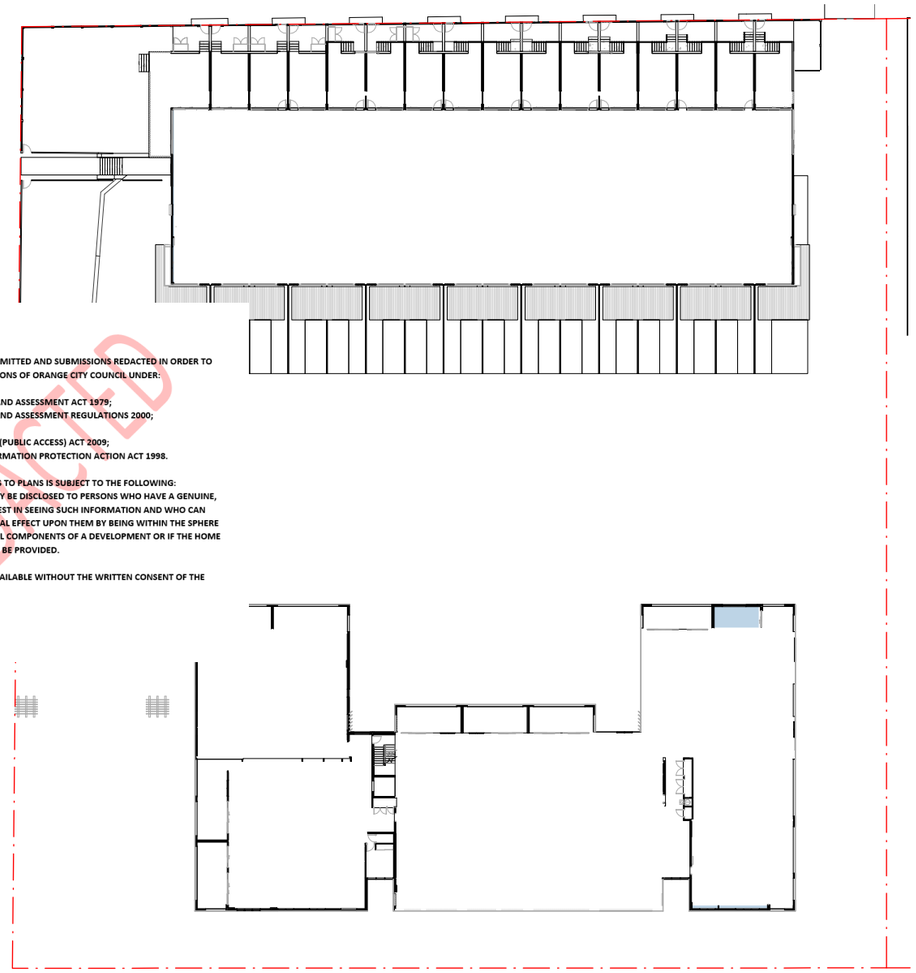

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REDACTED

1 SOLAR ACCESS - LEVEL 1
1 : 300

2 CROSS FLOW - LEVEL 1
1 : 300

UNITS WHICH ACHEIVE SOLAR ACCESS

UNITS WHICH ACHEIVE CROSS FLOW VENTILATION

REV	DATE	COMMENTS	DRN	CHKD	VRFD
0	24/01/2023	REVISED DA ISSUE	NJH	JS	
1	10/03/2023	REVISED DA ISSUE	NJH	JS	

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **SOLAR ACCESS & CROSS FLOW - LEVEL 1**

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PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-091	1

EJE architecture

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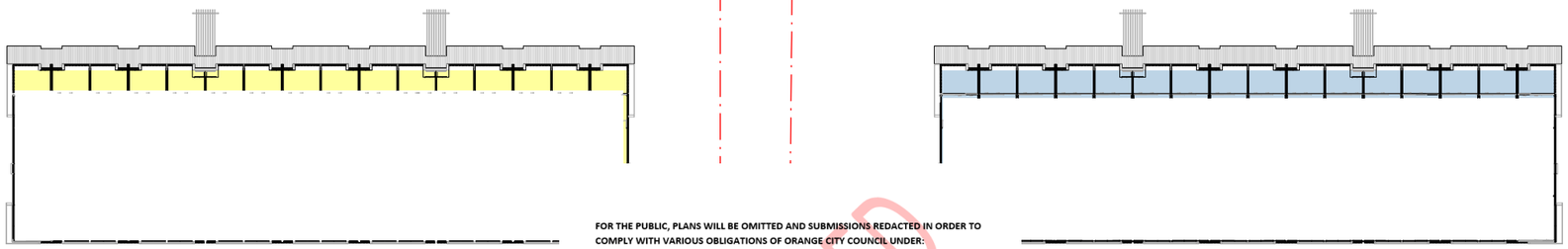

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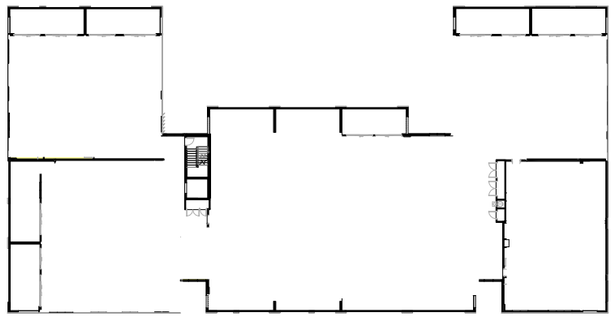
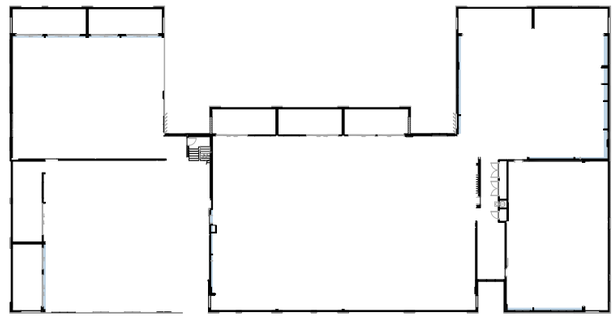


1 SOLAR ACCESS - LEVEL 2
1 : 300



2 CROSS FLOW - LEVEL 2
1 : 300

UNITS WHICH ACHEIVE SOLAR ACCESS

UNITS WHICH ACHEIVE CROSS FLOW VENTILATION

REV	DATE	COMMENTS	DRN	CHKD	VRFD
0	24/01/2023	REVISED DA ISSUE	NJH	JS	JS
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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **SOLAR ACCESS & CROSS FLOW - LEVEL 2**

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EJE architecture

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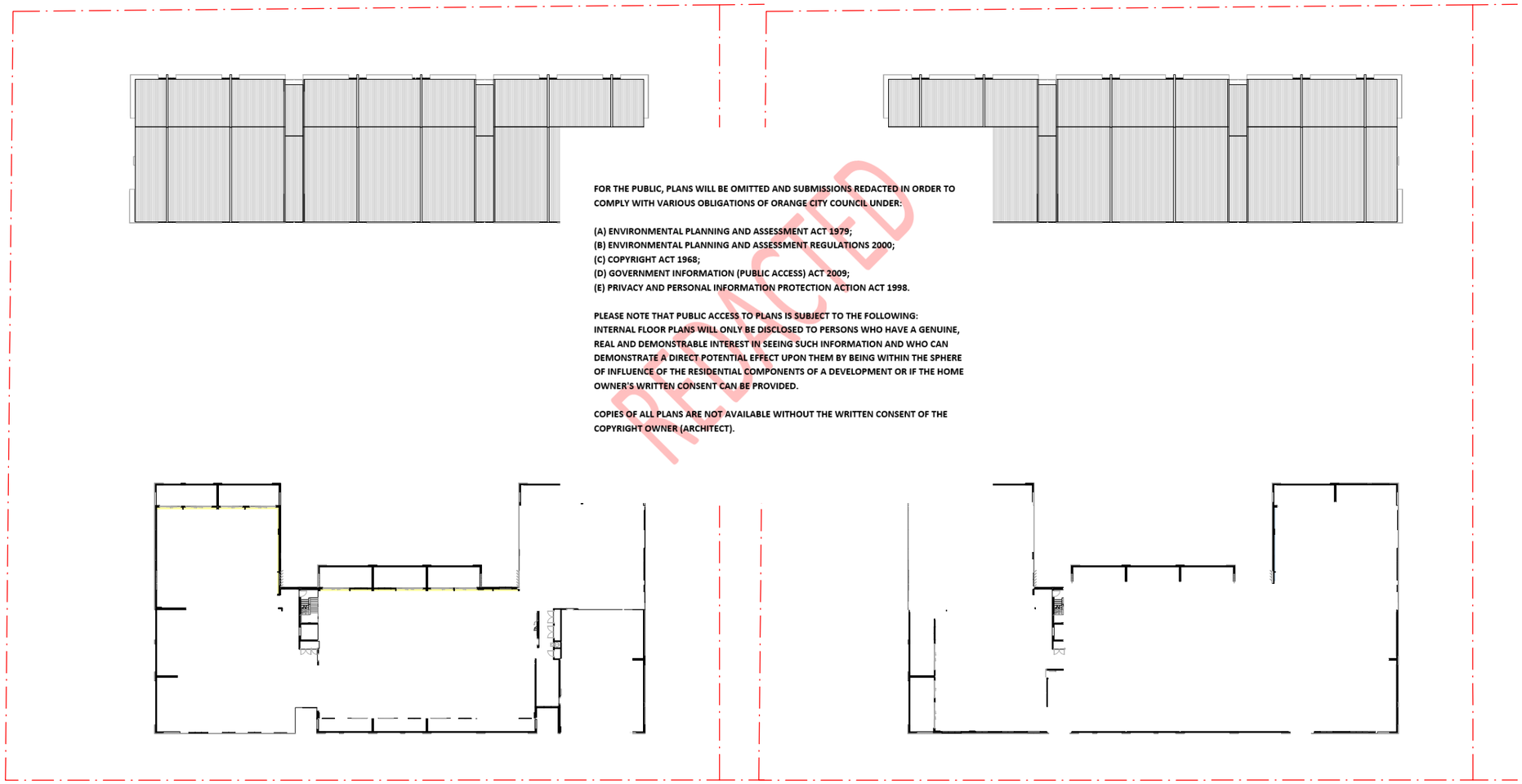

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REDACTED

1 SOLAR ACCESS - LEVEL 3
1 : 300

2 CROSS FLOW - LEVEL 3
1 : 300

UNITS WHICH ACHEIVE SOLAR ACCESS

UNITS WHICH ACHEIVE CROSS FLOW VENTILATION

REV	DATE	COMMENTS	DRN	CHKD	VRFD
0	24/01/2023	REVISED DA ISSUE	NJH	JS	JS
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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **SOLAR ACCESS & CROSS FLOW - LEVEL 3**

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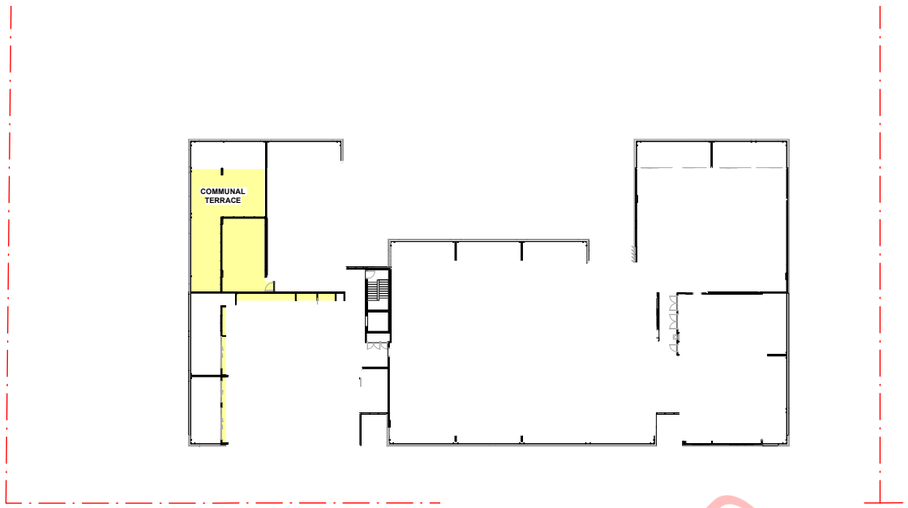
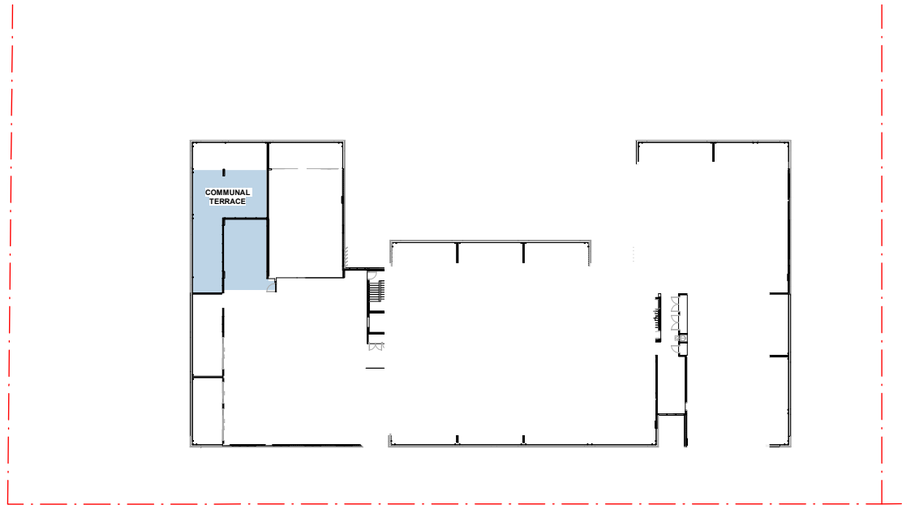
13956	DA	A-093	1

EJE architecture



1 SOLAR ACCESS - LEVEL 4
1 : 300



2 CROSS FLOW - LEVEL 4
1 : 300

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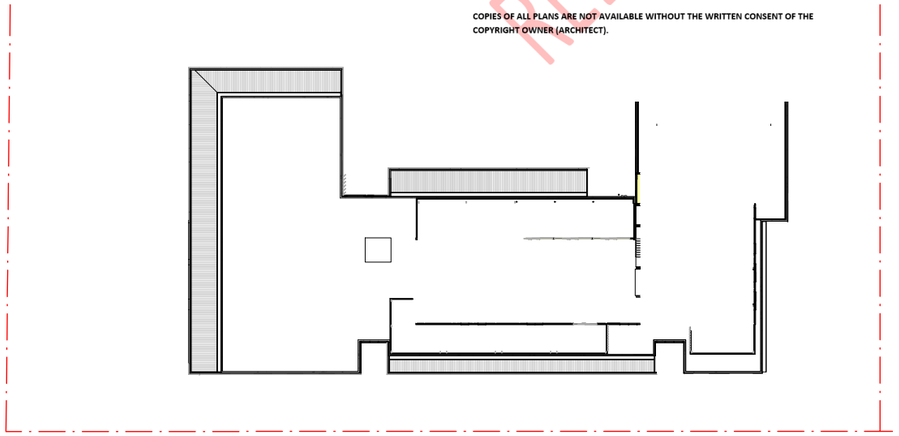
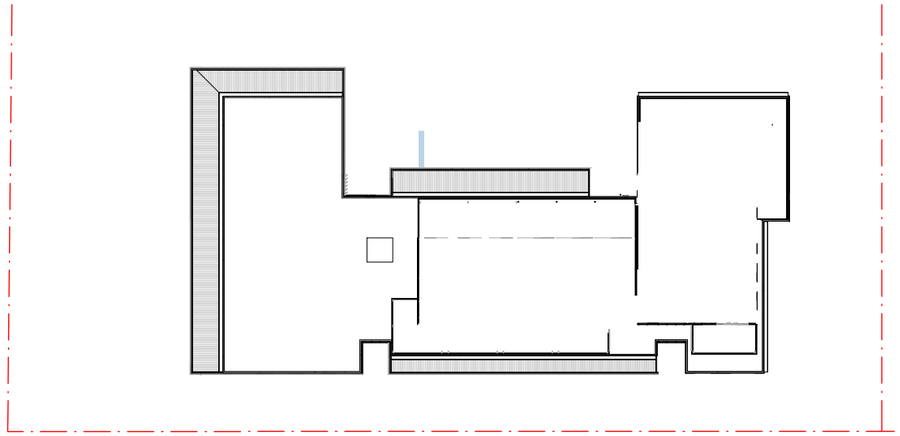


3 SOLAR ACCESS - LEVEL 5
1 : 300



4 CROSS FLOW - LEVEL 5
1 : 300

UNITS WHICH ACHEIVE SOLAR ACCESS

UNITS WHICH ACHEIVE CROSS FLOW VENTILATION

EJE ARCHITECTURE
ACN 002 912 843 I **ABN** 82 644 649 849
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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **SOLAR ACCESS & CROSS FLOW - LEVEL 4 & 5**

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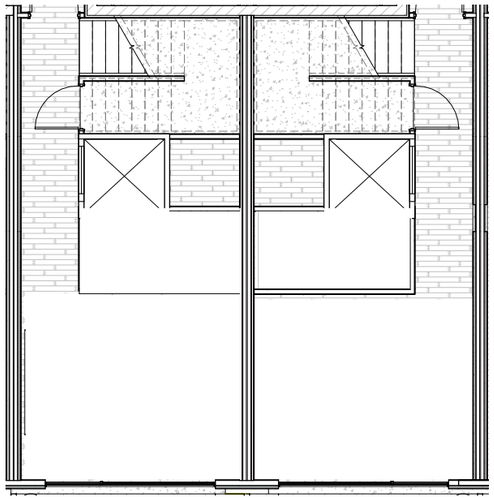
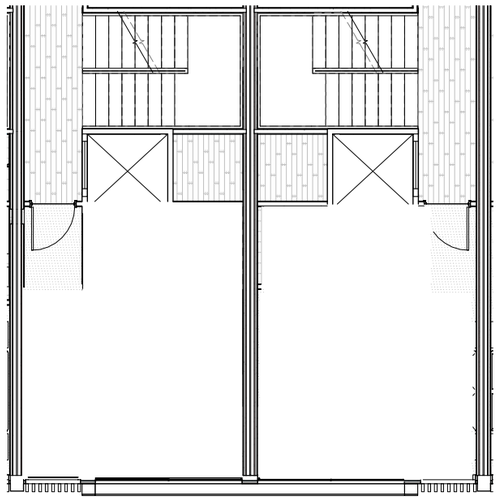
PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-094	1

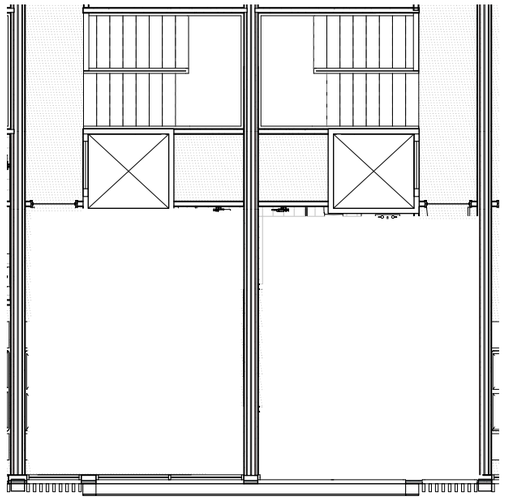
EJE architecture



1 GROUND FLOOR - LIFT OPTION
1 : 50



2 LEVEL 1 - LIFT OPTION
1 : 50



3 LEVEL 2 - LIFT OPTION
1 : 50

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| DRN | CHKD | VRFD |
| NJH | JS |

PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **LIFT OPTION PLANS**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.
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| JE | FEB 2022 | 1 : 50 @ A1
@ A3 |

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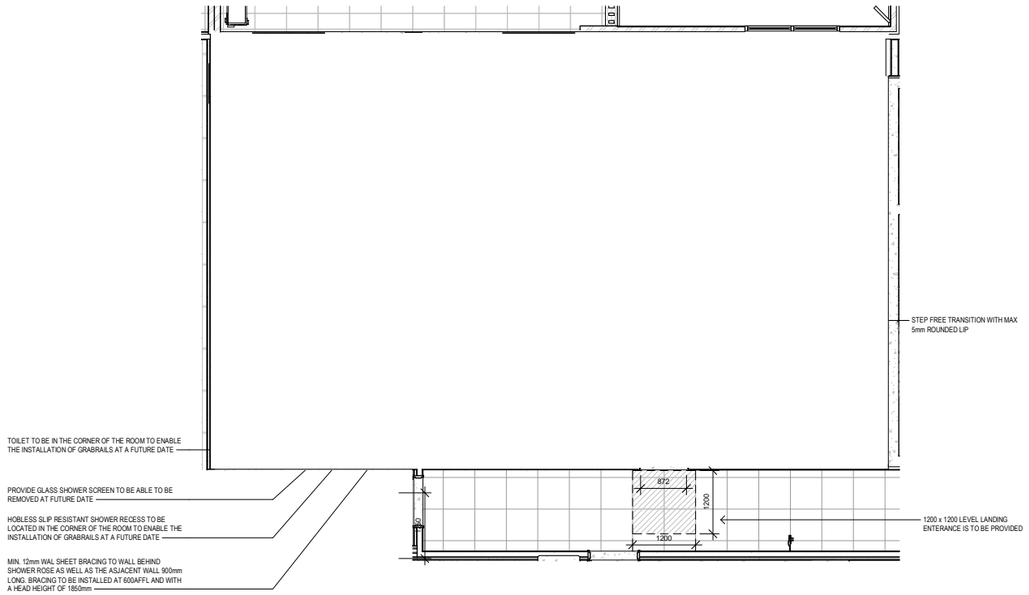
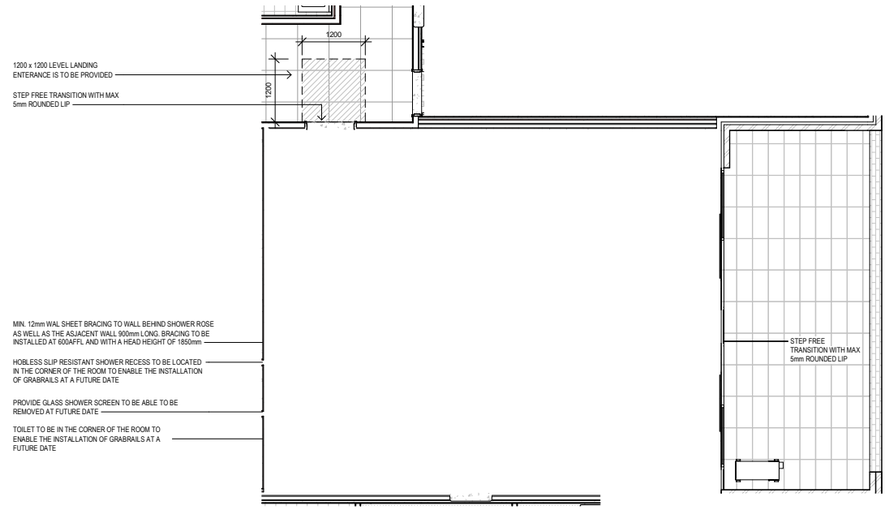
| 13956 | DA | A-100 | 0 |

EJE architecture



1 UNITS 107, 207, 307, 406
1 : 50



2 UNITS 110, 210, 310, 409
1 : 50

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| NJH | JS |

PROJECT : **ORANGE MULTI RESIDENTIAL**

SITE : **103 PRINCE STREET, ORANGE, 2800**

CLIENT : **MAAS GROUP**

DRAWING : **SILVER LEVEL UNIT**

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| **Author** | **FEB 2022** | **1 : 50 @ A1 @ A3** |

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| **13956** | **DA** | **A-102** | **0** |

EJE architecture

PRINCE ST. & SALE ST. PERSPECTIVE

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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **PERSPECTIVES - SHEET 1**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

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13956	DA	A-110	1

EJE architecture

PRINCE ST. PERSPECTIVE

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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **PERSPECTIVES - SHEET 2**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

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NJH	DEC 2021	@A1 NTS @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-111	1

EJE architecture

PRINCE ST. PERSPECTIVE

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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **PERSPECTIVES - SHEET 3**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

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EJE architecture

SALE ST. PERSPECTIVE

SOUTHERN PERSPECTIVE

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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **PERSPECTIVES - SHEET 4**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

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PROJECT No :	PHASE :	DRAWING No :	REV :
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EJE architecture

DALTON ST. PERSPECTIVE

DALTON ST. PERSPECTIVE

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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **PERSPECTIVES - SHEET 5**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

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EJE architecture

PRINCE ST.PERSPECTIVE

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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **PERSPECTIVES - SHEET 6**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

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PROJECT No :	PHASE :	DRAWING No :	REV :
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EJE architecture

PRINCE ST. PERSPECTIVE

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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **PERSPECTIVES - SHEET 7**

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

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JE	03/02/23	@A1 @A3

PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-116	0

EJE architecture

PROPOSED EXTERNAL MATERIAL & FINISHES

1 **FACE BRICKWORK**
AUSTRAL 'BOWRAL BLUE'
OR SIMILAR

2 **FACE BRICKWORK**
AUSTRAL 'GERTRUDIS BROWN'
OR SIMILAR

3 **WALL CLADDING**
LYSAGHT LONGLINE 305 'GULLY'
OR SIMILAR

4 **ROOF SHEETING**
LYSAGHT KLIP-LOK 'WALLABY'
OR SIMILAR

5 **POWDERCOATING**
DULUX 'WOODLAND GREY'
OR SIMILAR

6 **PAINT FINISH**
DULUX 'NARROW NECK'
OR SIMILAR

7 **PAINT FINISH**
DULUX 'MAVORA'
OR SIMILAR

8 **PAINT FINISH**
DULUX 'TERRIBLE BILLY'
OR SIMILAR

9 **BALUSTRADE**
VERTICAL METAL BALUSTRADE

10 **BALUSTRADE**
METAL BALUSTRADE WITH
GLAZED INFIL PANELS

11 **FACE BRICKWORK**
AUSTRAL 'HEREFORD BRONZE'
OR SIMILAR

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PROJECT : **ORANGE MULTI RESIDENTIAL**

CLIENT : **MAAS GROUP**

SITE : **103 PRINCE STREET, ORANGE, 2800**

DRAWING : **MATERIAL IMAGES**

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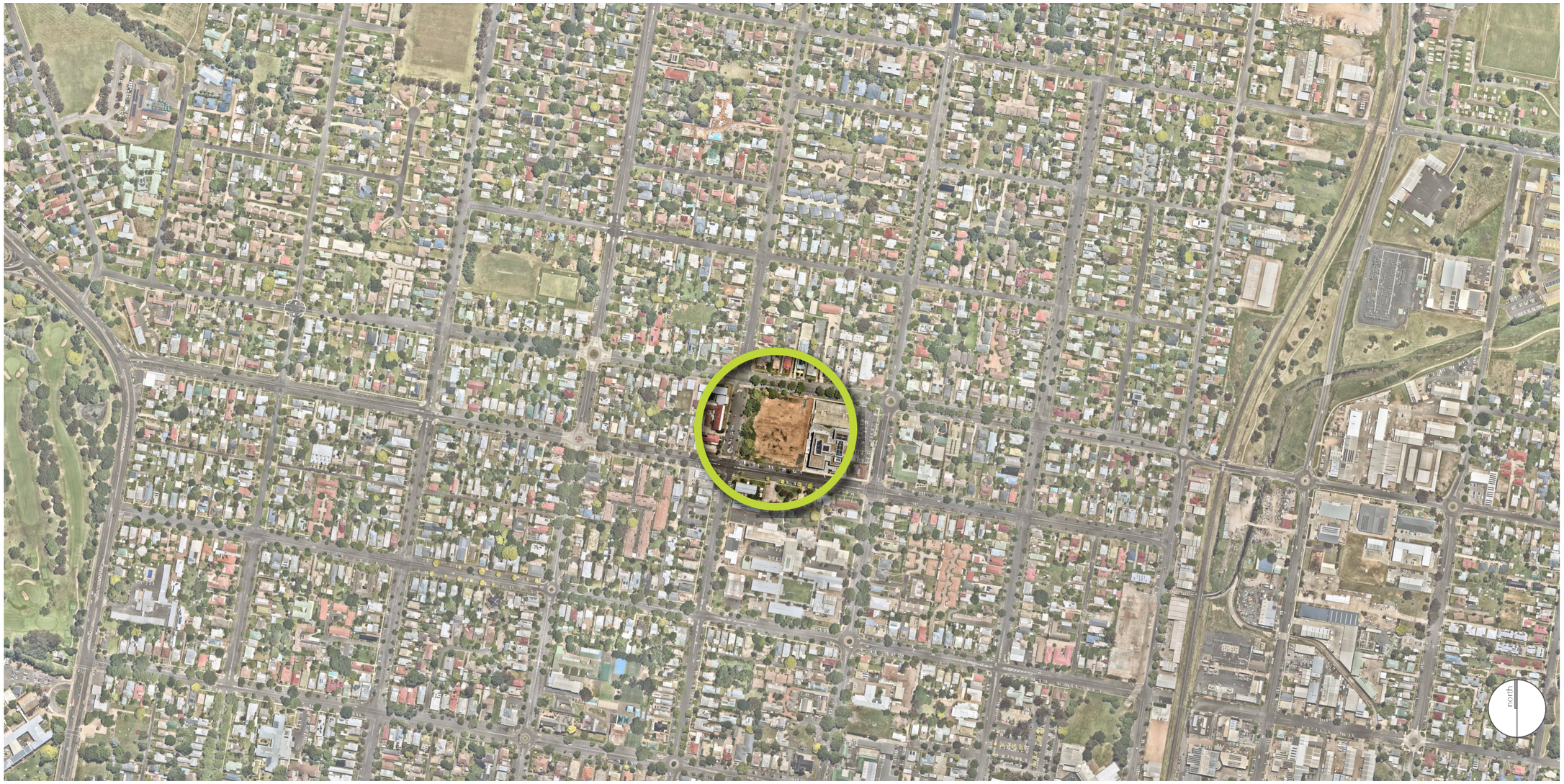
PROJECT No :	PHASE :	DRAWING No :	REV :
13956	DA	A-120	1

EJE architecture

Annexure D



landscape documentation

Orange Multi- Residential

Maas Properties

103 Prince Street, Orange NSW

terras landscape architects

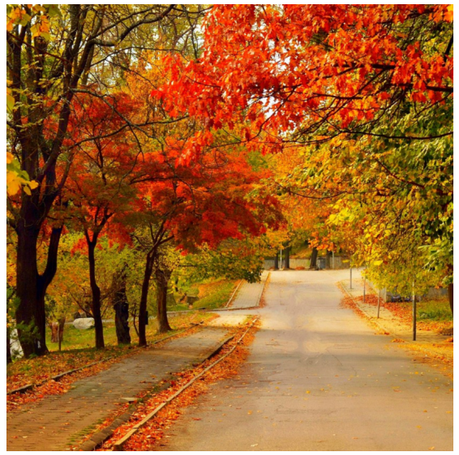
1

LANDSCAPE MASTERPLAN

L100 - MASTERPLAN - LANDSCAPE APPROACH

L101 - MASTERPLAN - LANDSCAPE DESIGN

2



LANDSCAPE DESIGN - RESIDENTIAL STREETS

L200 - STREE TREE AUGMENTATION

3

LANDSCAPE DESIGN - RESIDENTIAL AREAS

L301 - TOWNHOUSES - LANDSCAPE DESIGN
L302 - TOWNHOUSES - DETAIL PLANS

L303 - APARTMENTS - LANDSCAPE DESIGN
L304 - APARTMENTS - DETAIL PLANS

4

LANDSCAPE DESIGN - PUBLIC DOMAIN

L400 - PUBLIC DOMAIN - APPROACH

L401 - PUBLIC DOMAIN - LANDSCAPE DESIGN
L402 - PUBLIC DOMAIN - PERGOLAS
L403 - PUBLIC DOMAIN - LABYRINTH
L404 - PUBLIC DOMAIN - PLAYGROUND
L405 - PUBLIC DOMAIN - PLAYGROUND IMAGES
L406 - PUBLIC DOMAIN - POCKET PARK

L407 - PUBLIC DOMAIN - TREE STRATEGY

masterplan - landscape approach | L100

Orange Multi- Residential

LANDSCAPE MASTERPLAN

Background:

> Orange is regarded as one of the states more elegant inland towns;

> It is characterised by beautiful tree-lines streets, charming late 1800s - early 1900s houses and commercial buildings and renowned public parks;

> The area is regarded by many as a substantial and sophisticated rural centre that has a valued past and bright future;

> A key feature of the town is its impressive autumn colours that precede cold and often snowy winters.

Landscape intent:

> The site is located towards the edge of central Orange, where there is a mix of old and new development;

> The landscape design adds to Orange's strong landscape character;

> The scale complements the heritage qualities of Dalton Street, and responds to the new development within the area;

> The proposal has a 21st century casual approach to living- relaxed yet sophisticated.

TREE LINED STREET

LOCAL HERITAGE BUILDINGS

COOK PARK ENTRY GATES

COMMERCIAL CENTRE

REV	DATE	COMMENTS
K	23/1/23	tree plan

PROJECT:
Orange Multi- Residential

SITE:
103 Prince Street, Orange NSW

CLIENT:
Maas Properties

13956.5 DA L.vwx 10/2/23

DRAWN:	DATE:	SCALE:
AL / PW	22/2/22	1:300@A3

JOB NUMBER:	PHASE:	DWG No:	REV:
13956.5	DA	L100	K

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1

masterplan - landscape design | L101

Orange Multi- Residential

MASTERPLAN - NOTES

1. Street trees to supplement existing, providing shade and canopy cover.
2. Deciduous trees to allow summer sun into townhouse courtyards. Patterning to pick up on building articulation.
3. Existing trees to be retained and protected during works.
4. Existing tree and retaining wall to be retained.
5. Feature trees to park entry.
6. Evergreen trees to provide protection from western sun and privacy from park to townhouse courtyards. Patterning to pick up on building articulation.
7. Screening of adjoining property with maintenance access under.
8. Existing tree to be retained. Pocket park with path, seating and mass planting.
9. Small trees to raised planters to provide protection from western sun and winds.

LANDSCAPE MASTERPLAN / scale 1:500

LEGEND

- Site boundary
- Existing path
- New path
- Paving
- Coloured concrete path
- Pavement banding
- Stamped coloured concrete
- Traffic calming
- Vehicle access
- Planting
- Turf
- Deco granite
- Existing trees retained
- Proposed trees

REV	DATE	COMMENTS
M	9/3/23	Shareway paving

PROJECT:
Orange Multi- Residential

SITE:
103 Prince Street, Orange NSW

CLIENT:
Maas Properties

DA Issue

DRAWN: AL / PW
DATE: 22/2/22
SCALE: 1:300@A3

JOB NUMBER: 13956.5
PHASE: DA
DWG No: L101
REV: M

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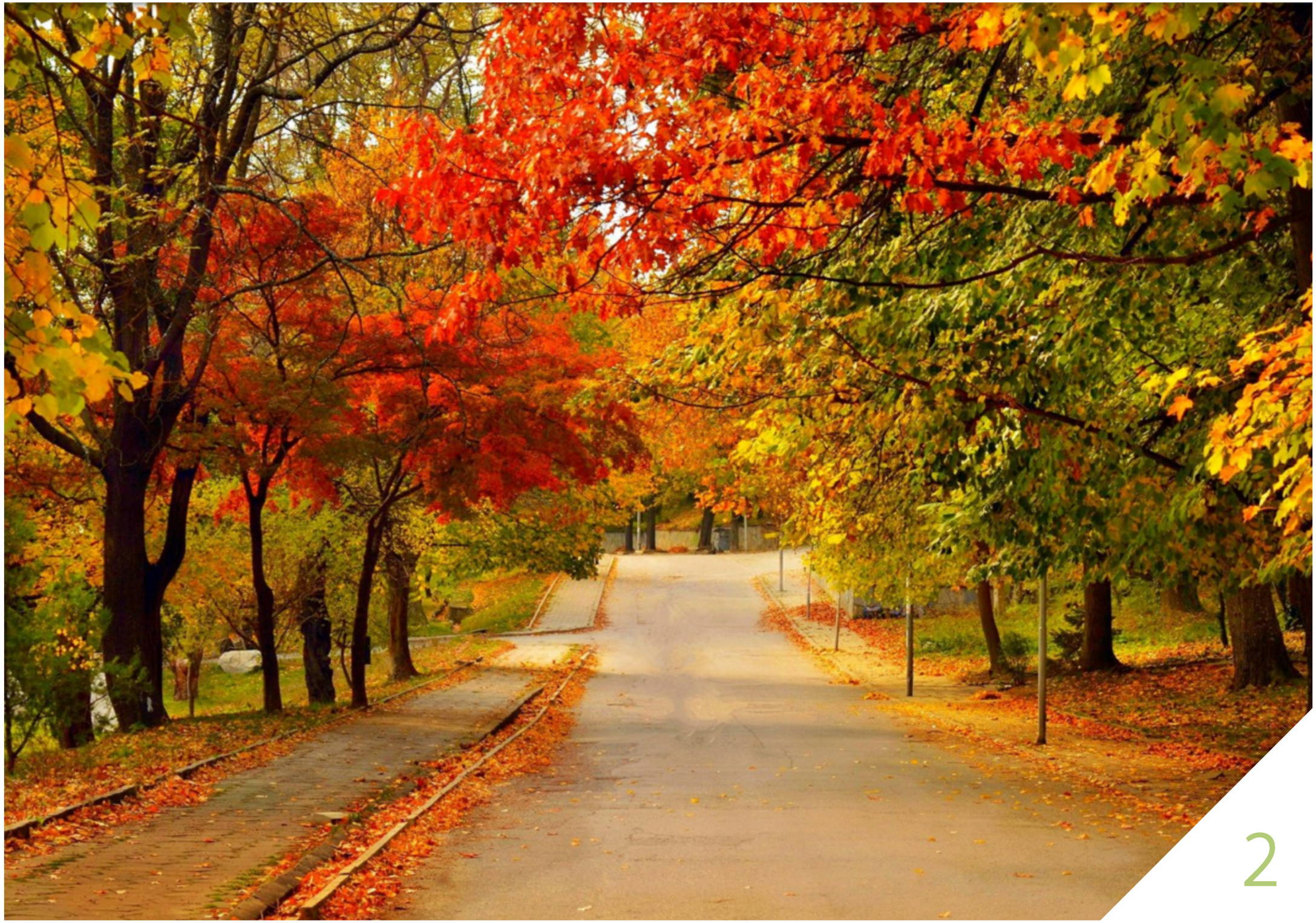


2

street tree augmentation | L201

Orange Multi- Residential

TREES

Fraxinus excelsior 'Aurea'
Golden Ash

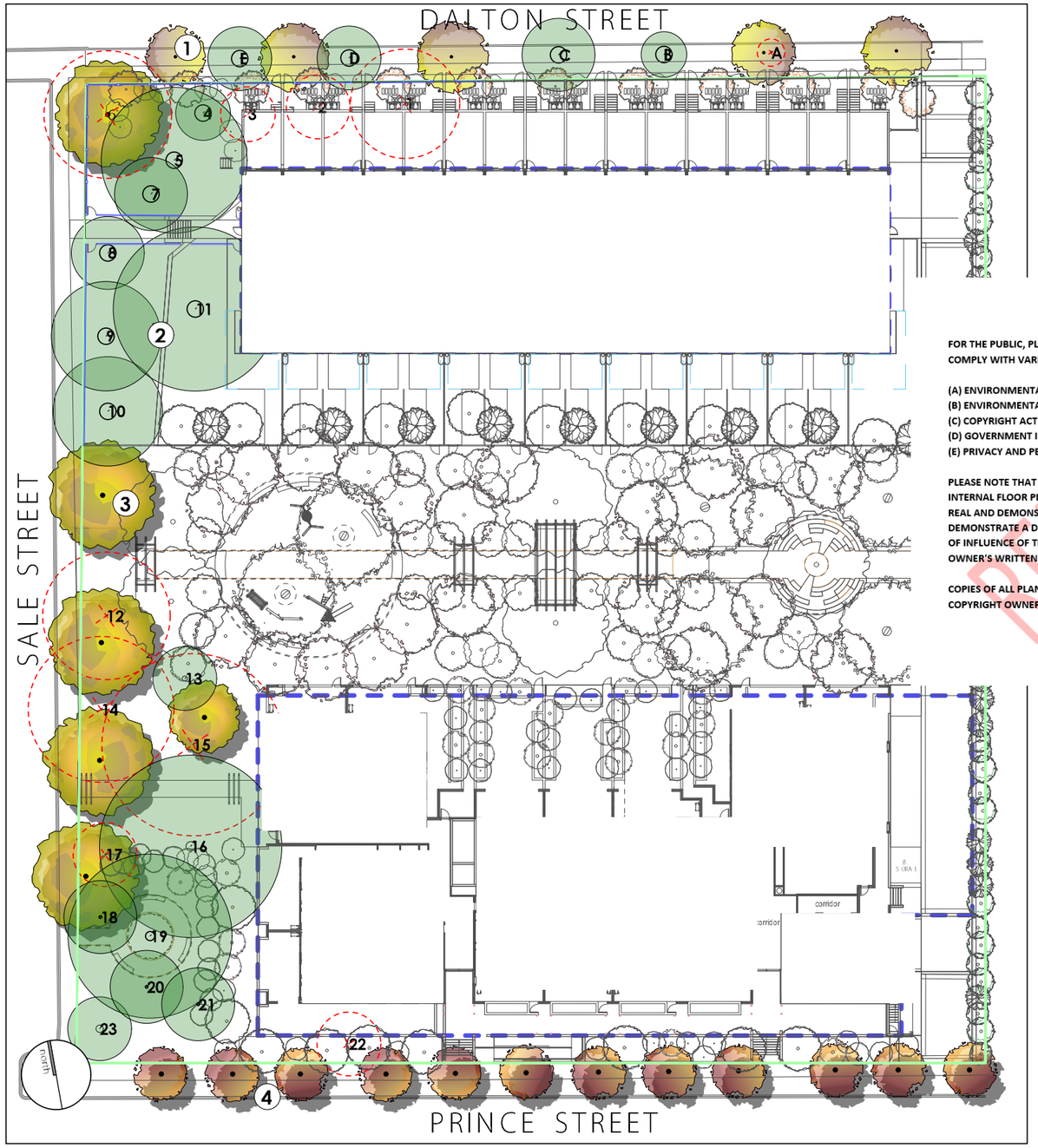
Liquidambar styraciflua
American sweetgum

Pistacia chinensis
Chinese Pistachio

NOTES

1. Fraxinus excelsa 'Aurea' to supplement existing street trees to Dalton Street.
2. Existing trees to be retained and protected. Tree numbering reflected in Arborist report- refer for more information.
3. Large 'Liriodendron tulipofera' to replace existing trees to be removed, planted at edge of devlopment to provide complementary planting to Sale Street.
4. 'Pistacia chinensis' along Prince Street to provide seasonal colour and shade.

STREET TREES / scale 1:500



LEGEND

- Existing trees retained
- Existing trees removed
- *Fraxinus excelsior* 'Aurea'
- *Liriodendron tulipifera*
- *Pistacia chinensis*

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PROJECT:
Orange Multi- Residential

SITE:
103 Prince Street, Orange NSW

CLIENT:
Maas Properties

DATE: / /

DRAWN:	DATE:	SCALE:
AL / PW	22/2/22	1:300@A3

JOB NUMBER:	PHASE:	DWG No:	REV:
13956.5	DA	L201	L

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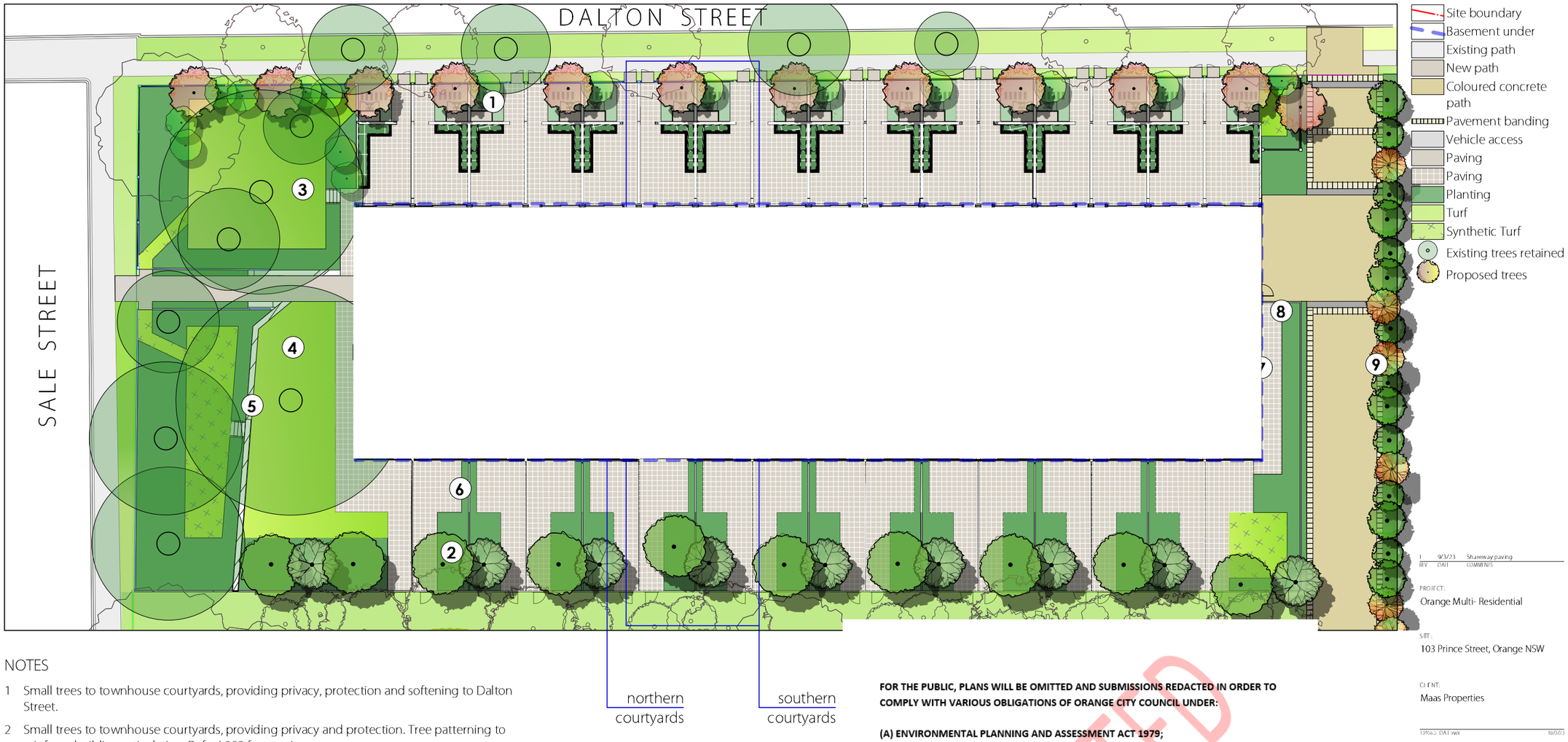
3

townhouses - landscape design | L301

Orange Multi- Residential

TOWNHOUSES LANDSCAPE PLAN / scale 1:300



NOTES

1 Small trees to townhouse courtyards, providing privacy, protection and softening to Dalton Street.

2 Small trees to townhouse courtyards, providing privacy and protection. Tree patterning to reinforce building articulation. Refer L302 for species.

3 Unit 01 private courtyard with turfed area, mass planting and screening trees.

4 Unit 01 private courtyard with turfed area and existing tree to be retained and protected during works.

5 Existing wall to be retained to protect existing tree. Mass planting to soften and accomodate required batter.

6 Paved courtyards with low maintenance, hardy mass planting to soften edges.

7 Dashed line indicates basement level under.

8 Maintenance path and planting to soften adjoining development.

9 Trees and low maintenance mass planting to screen adjoining property. Refer L302 for species.

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REV	DATE	COMMENTS
I	9/3/23	Shareway paving

PROJECT:
Orange Multi- Residential

SITE:
103 Prince Street, Orange NSW

CLIENT:
Maas Properties

13956.5 DA1.pwt 10/3/23

DRAWN: AL / PW DATE: / / SCALE: @A

JOB NUMBER: 13956.5 PHASE: DA DWG No: L301 REV: L

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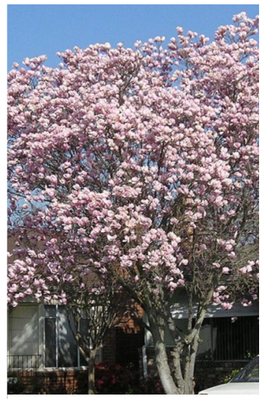
townhouses - detail plans | L302

Orange Multi- Residential

TREES

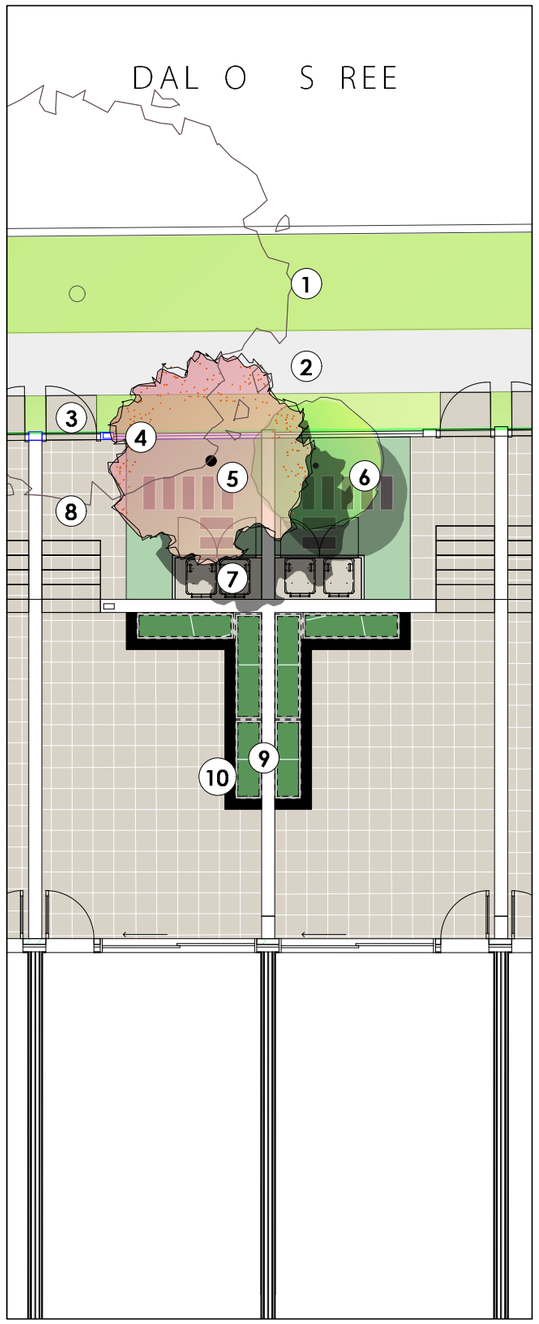
Betula pendula
Birch

Lagerstroemia indica
Crepe Myrtle



Magnolia x soulangeana
Magnolia

NORTHERN COURTYARDS TYPICAL / scale 1:100



NOTES

1 Turfed verge.
2 Existing footpath.
3 Private acces to Dalton Street.
4 Dalton Street fence to provide battened screening, allowing light and softening streetscape, whilst providing privacy.
5 Stepping stones to provide access and interest to planted courtyard.
6 Small trees (Magnolia, Crepe Myrtle) with mass planting below. Landscape design to reflect building articulation.
7 Screened bin storage.
8 Stairs to upper courtyard terrace.
9 Dividing wall and raised planter beds with tall planting to provide privacy and softening.
10 Rendered planter walls with built in bench seating, to future detail.
11 Paving to Architectural documentation.
12 Mass planting to soften courtyard fence.
13 Privacy fence between courtyards.
14 Stepping stones to provide interest and access to planted areas.
15 Small trees with mass planting below. Landscape design to reflect building articulation.
16 Privacy fencing to public domain, as per Architectural documentation.
17 Private acces to public domain park via privacy gate.

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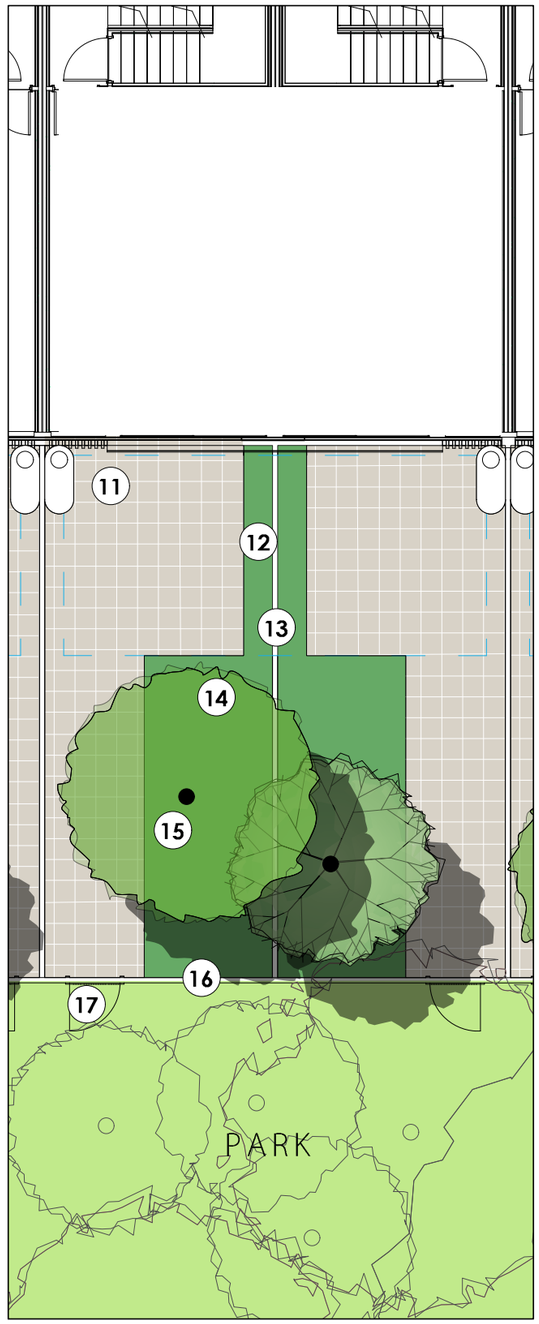
SOUTHERN COURTYARDS TYPICAL / scale 1:100



LEGEND

- Site boundary
- Basement under
- Existing path
- New path
- Paving
- Stepping stones
- Planting
- Raised planters
- Turf
- Proposed trees

REV	DATE	COMMENTS
K	23/1/23	tree plan

PROJECT:
Orange Multi- Residential

SITE:
103 Prince Street, Orange NSW

CLIENT:
Maas Properties

13956.5 DA1.pkt 10/3/23

DRAWN: AL / PW
DATE: 22/2/22
SCALE: 1:300@A3

JOB NUMBER: 13956.5
PHASE: DA
DWG No: L302
REV: K

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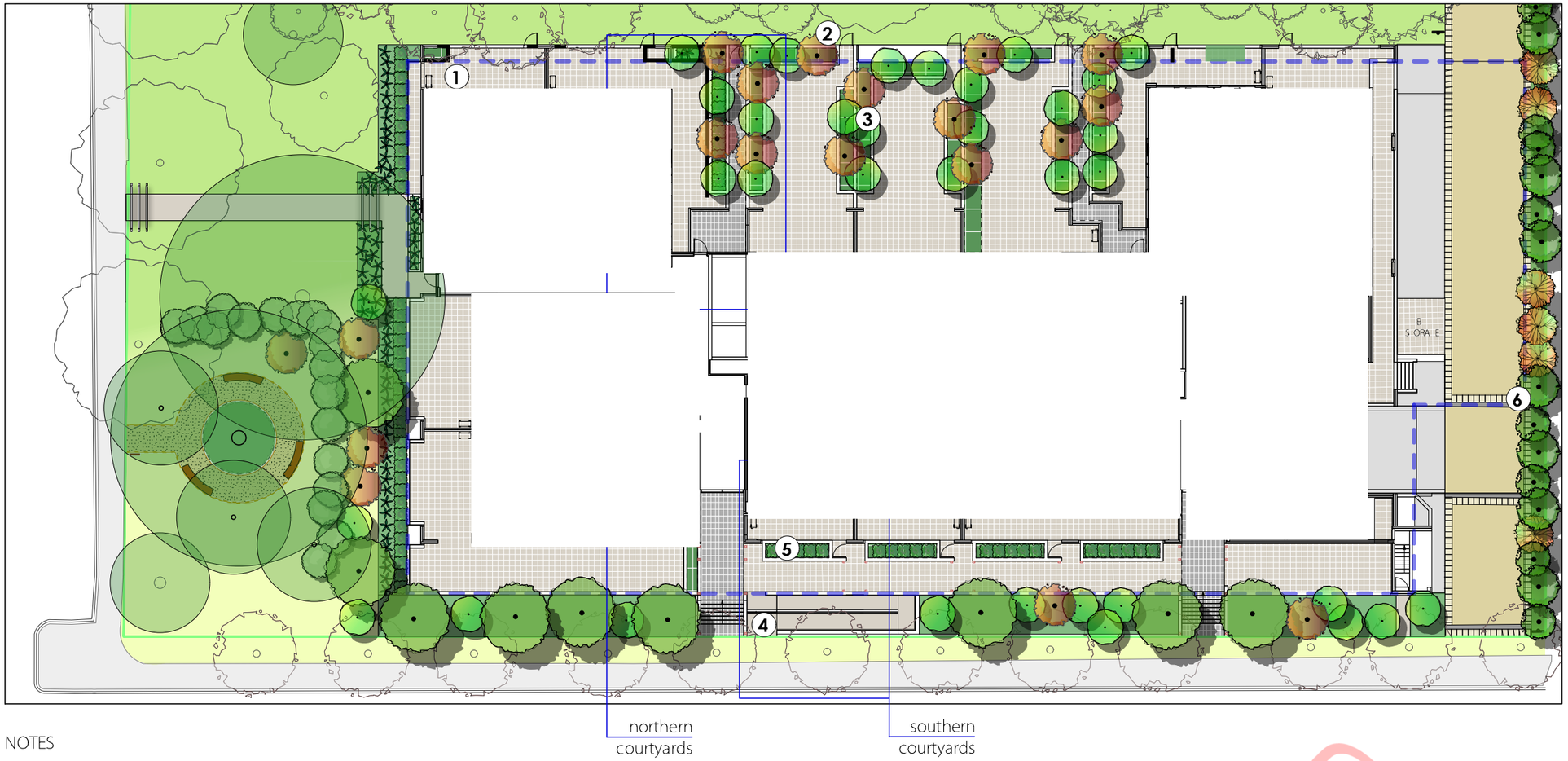
apartments - landscape design | L303

Orange Multi- Residential

APARTMENTS LANDSCAPE PLAN / scale 1:300



LEGEND
- Site boundary
- Basement under
- Existing path
- New path
- Coloured concrete path
- Pavement banding
- Vehicle access
- Paving
- Paving
- Planting
- Turf
- Synthetic Turf
- Existing trees retained
- Proposed trees

NOTES

1. Raised planters with low maintenance mass planting.
2. Access gates to public open space.
3. Small trees to private courtyards in raised planters, to provide privacy, protection and softening.
4. Entry ramp and stairs to Architectural documentation.
5. Private courtyards with screening shrubs, mass planting, access path and paved area.
6. Small trees, screening shrubs and mass planting in deep soil to provide screening of adjoining development.

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REV	DATE	COMMENTS
M	9/3/23	Shareway paving

PROJECT:
Orange Multi- Residential

SITE:
103 Prince Street, Orange NSW

CLIENT:
Maas Properties

13956.5 DA1.vwx 10/3/23

DRAWN: AL / PW DATE: / / SCALE: @A

JOB NUMBER: 13956.5 PHASE: DA DWG No: L303 REV: M

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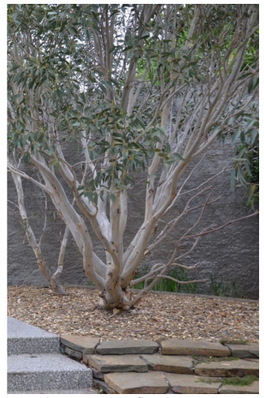
apartments - detail plans | L304

Orange Multi- Residential

TREES

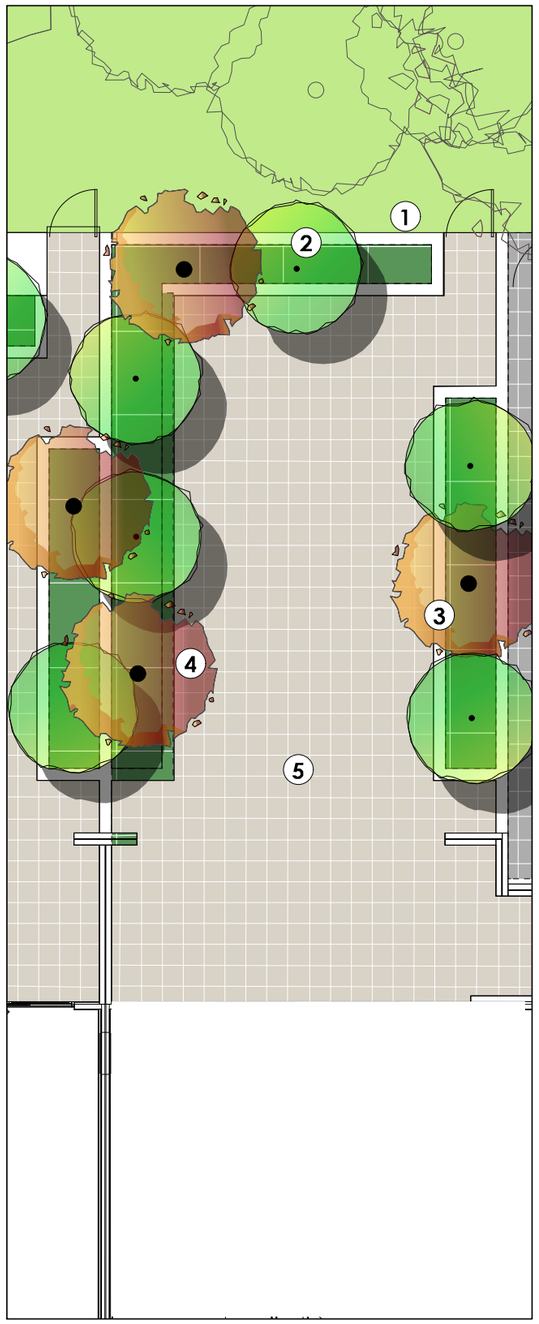
Acer palmatum
Japanese Maple



Eucalyptus pauciflora
Eucalyptus 'Little Snowman'

Pyrus calleryana 'Chanticleer'
Ornamental Pear

NORTHERN COURTYARDS TYPICAL / scale 1:100



NOTES

1 Private access to public domain.
2 Deep soil planting with larger feature trees.
3 'Quatro' GRC raised planters with drainage cell.
4 Small trees in raised planters, with mass planting below, to soften courtyard, create privacy and provide green outlook.
5 Paving to Architectural documentation,
6 Paved area to apartment yard.
7 Raised planters with screening shrubs and groundcover planting.
8 Access to private courtyards.
9 Small feature trees with mass planting under to lower level to provide privacy and green outlook.

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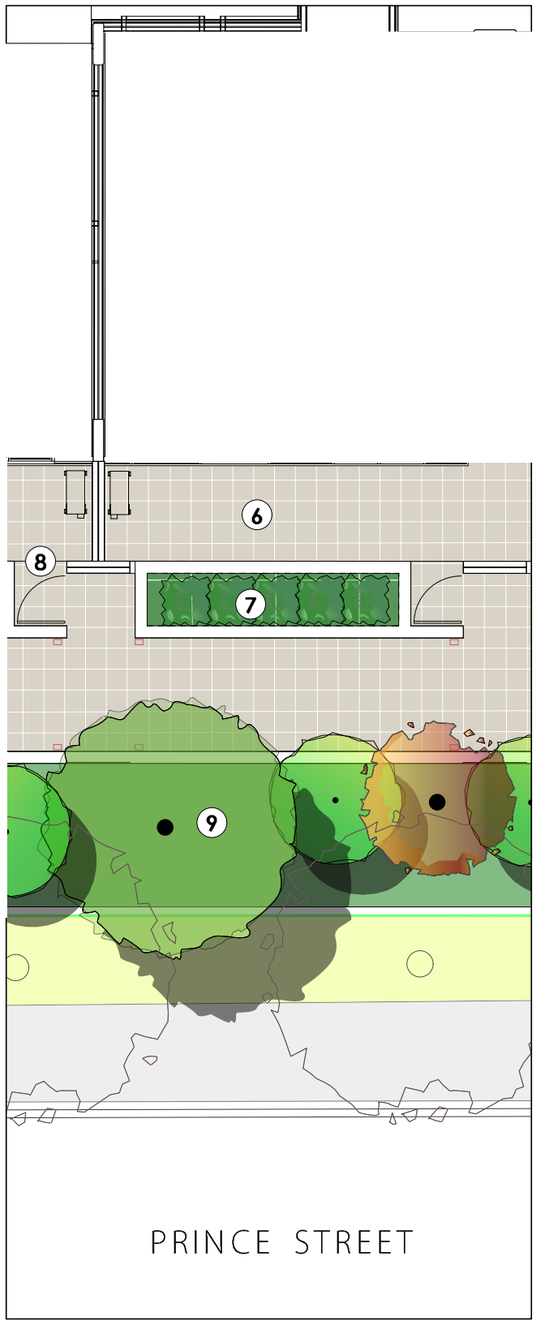
SOUTHERN COURTYARDS TYPICAL / scale 1:100



LEGEND

- Site boundary
- Basement under
- Existing path
- New path
- Paving
- Stepping stones
- Planting
- Raised planters
- Turf
- Proposed trees

REV	DATE	COMMENTS
K	23/1/23	tree plan

PROJECT:
Orange Multi- Residential

SITE:
103 Prince Street, Orange NSW

CLIENT:
Maas Properties

13956.5 DA L.pln 10/2/23

DRAWN: AL / PW
DATE: 22/2/22
SCALE: 1:300@A3

JOB NUMBER:	PHASE:	DWG No:	REV:
13956.5	DA	L304	K

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public domain - approach | L400

Orange Multi- Residential

PUBLIC DOMAIN

Following a survey of parks within a 1km radius of the site, it was decided that the open space for the development was to reflect the other, more traditional parks that occur within Central Orange (i.e. Cook Park and Robertson Park).

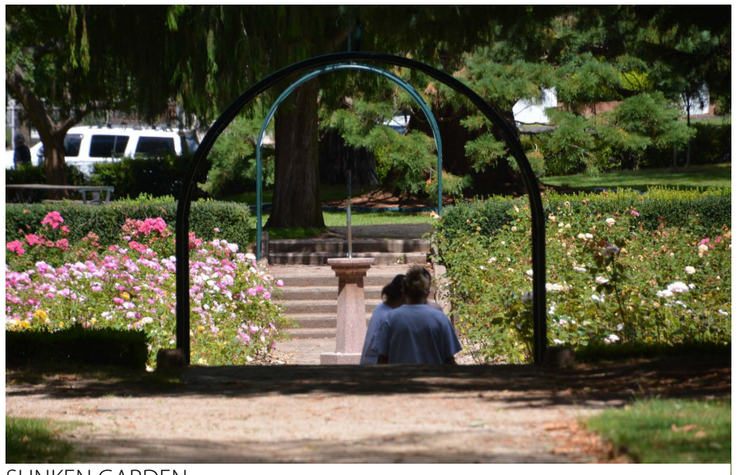
This was done by determining what key elements are contained within these parks (refer images) and reinterpret them in a modern way.

The aim of this approach is to reflect the values of the today (e.g. a more relaxed approach to living but a desire for greater sophistication) and create a contemporary park but one that is complementary to the others.

This approach also allowed the inclusion of large, deciduous trees that will generally add to the preferred landscape character of Orange

SHADE TREES

HERITAGE ROTUNDA



SUNKEN GARDEN

CENTRAL AVENUE

REV	DATE	COMMENTS
F	23/11/23	tree plan

PROJECT:
Orange Multi- Residential

SITE:
103 Prince Street, Orange NSW

CLIENT:
Maas Properties

13956.5 DA1.vwx 10/3/23

DRAWN: AL / PW
DATE: 22/2/22
SCALE: 1:500@A3

JOB NUMBER: 13956.5
PHASE: DA
DWG No: L400
REV: F

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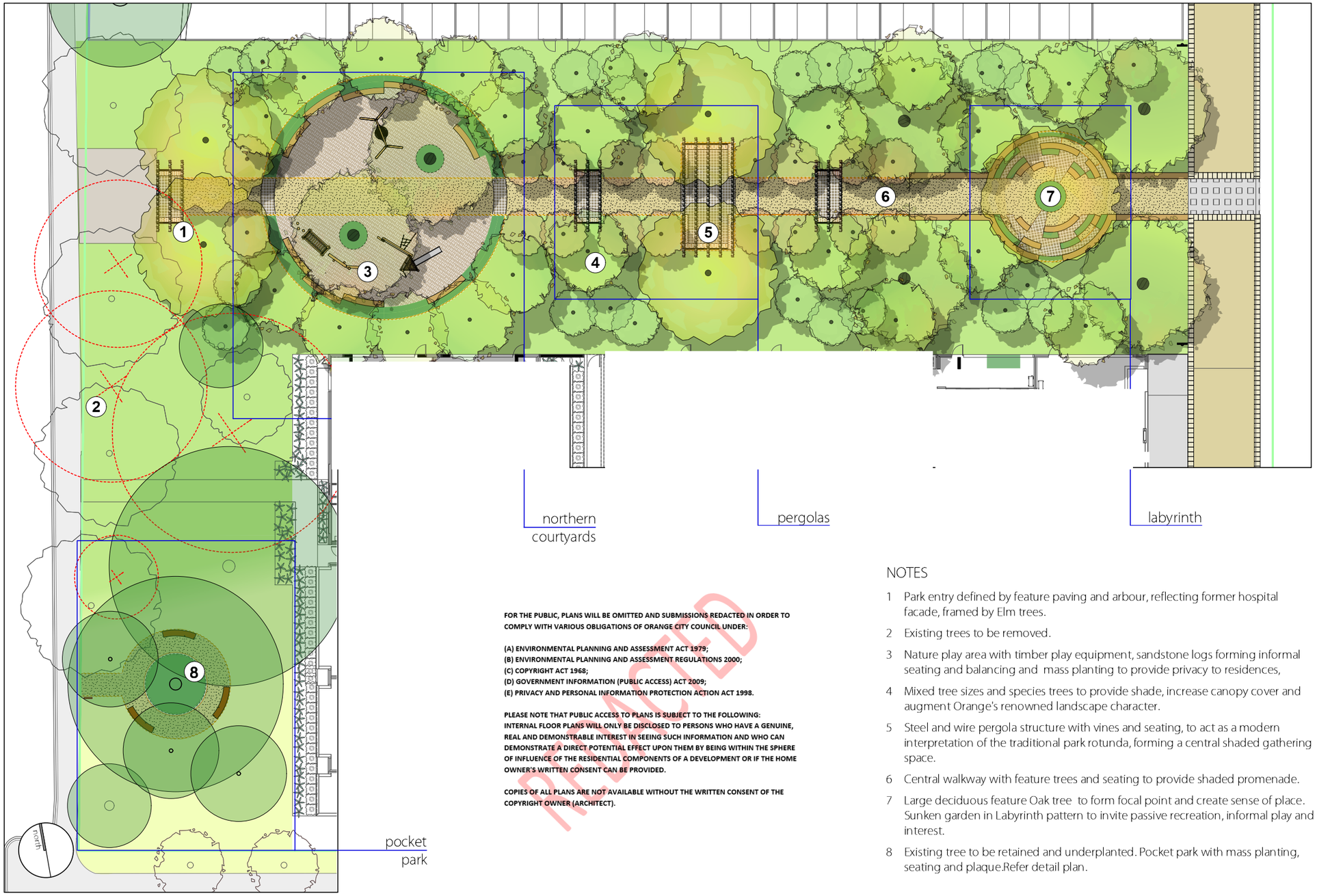
public domain - landscape design | L401

Orange Multi- Residential

PUBLIC DOMAIN / scale 1:300



LEGEND
- Site boundary
- Playground mulch
- Decomposed granite
- Cobblestone paving
- Sandstone logs
- Mass planting
- Timber bench seat
- Turf
- Feature arbour
- Coloured concrete path
- Pavement banding
- Stamped coloured concrete
- Traffic calming
- Vehicle access

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NOTES

1. Park entry defined by feature paving and arbour, reflecting former hospital facade, framed by Elm trees.
2. Existing trees to be removed.
3. Nature play area with timber play equipment, sandstone logs forming informal seating and balancing and mass planting to provide privacy to residences,
4. Mixed tree sizes and species trees to provide shade, increase canopy cover and augment Orange's renowned landscape character.
5. Steel and wire pergola structure with vines and seating, to act as a modern interpretation of the traditional park rotunda, forming a central shaded gathering space.
6. Central walkway with feature trees and seating to provide shaded promenade.
7. Large deciduous feature Oak tree to form focal point and create sense of place. Sunken garden in Labyrinth pattern to invite passive recreation, informal play and interest.
8. Existing tree to be retained and underplanted. Pocket park with mass planting, seating and plaque.Refer detail plan.

REV	DATE	COMMENTS
M	9/3/23	Shareway paving

PROJECT:
Orange Multi- Residential

SITE:
103 Prince Street, Orange NSW

CLIENT:
Maas Properties

13956.5 DA1.vwx 16/3/23

DRAWN: AL / PW DATE: __/__/____ SCALE: 1:300@A3

JOB NUMBER: 13956.5 PHASE: DA DWG No: L401 REV: M

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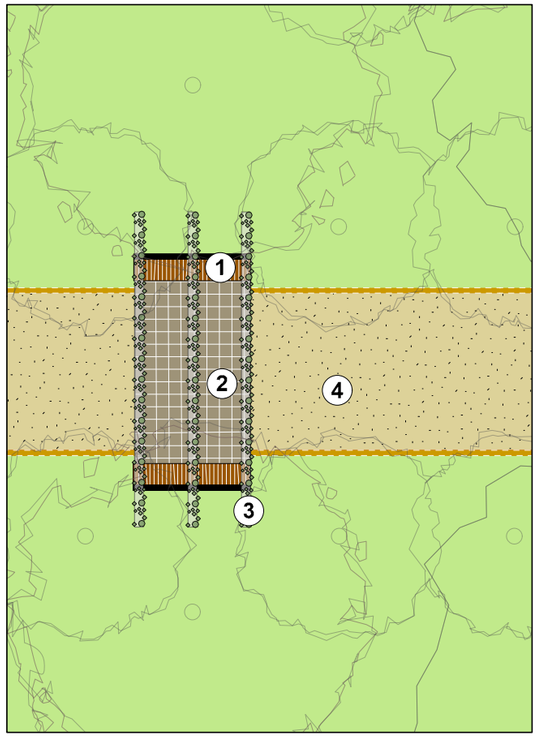
public domain - pergolas | L402

Orange Multi- Residential

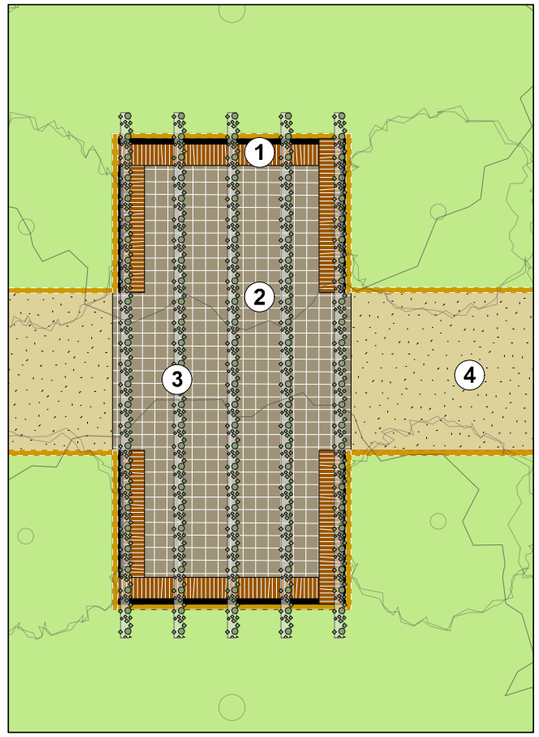
INTERMEDIATE PERGOLA / scale 1:100



NOTES

1 Bench seats.
2 Feature cobblestone paving.
3 Steel and wire mesh structure to carry vines.
4 Cement stabilised decomposed granite with sandstone kerb edging to form path.

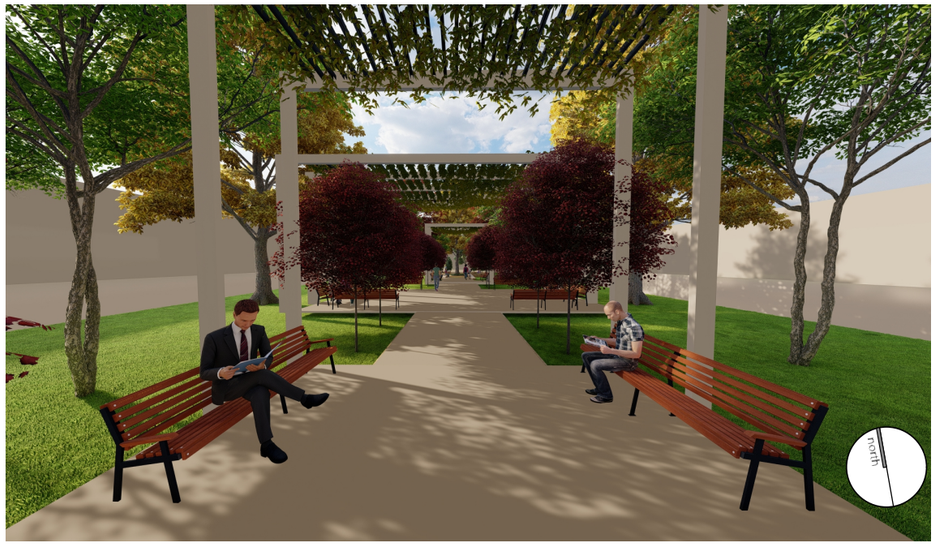
CENTRAL PERGOLA / scale 1:100



LEGEND

- Site boundary
- Playground mulch
- Decomposed granite
- Cobblestone paving
- Sandstone logs
- Mass planting
- Timber bench seat
- Turf
- Feature arbour
- Coloured concrete path
- Pavement banding
- Stamped coloured concrete
- Traffic calming
- Vehicle access

RENDERS



REV	DATE	COMMENTS
K	23/1/23	tree plan

PROJECT:
Orange Multi- Residential

SITE:
103 Prince Street, Orange NSW

CLIENT:
Maas Properties

13956.5 DA1.vwx 10/3/23

DRAWN: AL / PW
DATE: 22/2/22
SCALE: 1:300@A3

JOB NUMBER: 13956.5
PHASE: DA
DWG No: L402
REV: K

terras landscape architects
412 KING STREET NEWCASTLE NSW AUSTRALIA 2300
TERRAS.COM.AU PH: 49 294 926 FAX: 49 263 069

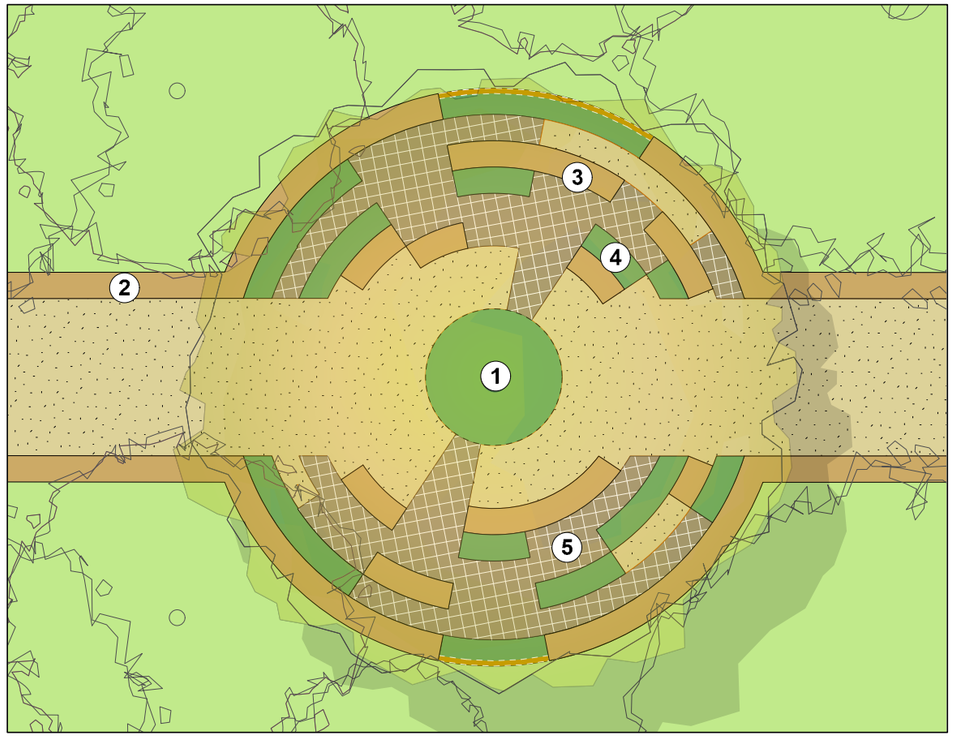
public domain - labyrinth | L403

Orange Multi- Residential

NOTES

1. Mass planting with large feature tree as focal point and to provide summer shade.
2. Sandstone log retaining walls to accomodate slope down into sunken garden.
3. Sandstone log seats to form labyrinth and provide informal seating and play opportunitites.
4. Mass planting areas to create labyrinth and soften area.
5. Feature cobblestone paving to form maze path.

LABYRINTH / scale 1:100



LEGEND

- Site boundary
- Playground mulch
- Decomposed granite
- Cobblestone paving
- Sandstone logs
- Mass planting
- Timber bench seat
- Turf
- Feature arbour
- Coloured concrete path
- Pavement banding
- Stamped coloured concrete
- Traffic calming
- Vehicle access

RENDERS

REV	DATE	COMMENTS
K	23/1/23	tree plan

PROJECT:
Orange Multi- Residential

SITE:
103 Prince Street, Orange NSW

CLIENT:
Maas Properties

13956.5 DA L.dwg 10/2/23

DRAWN: AL / PW
DATE: 22/2/22
SCALE: 1:300@A3

JOB NUMBER:	PHASE:	DWG No:	REV:
13956.5	DA	L403	K

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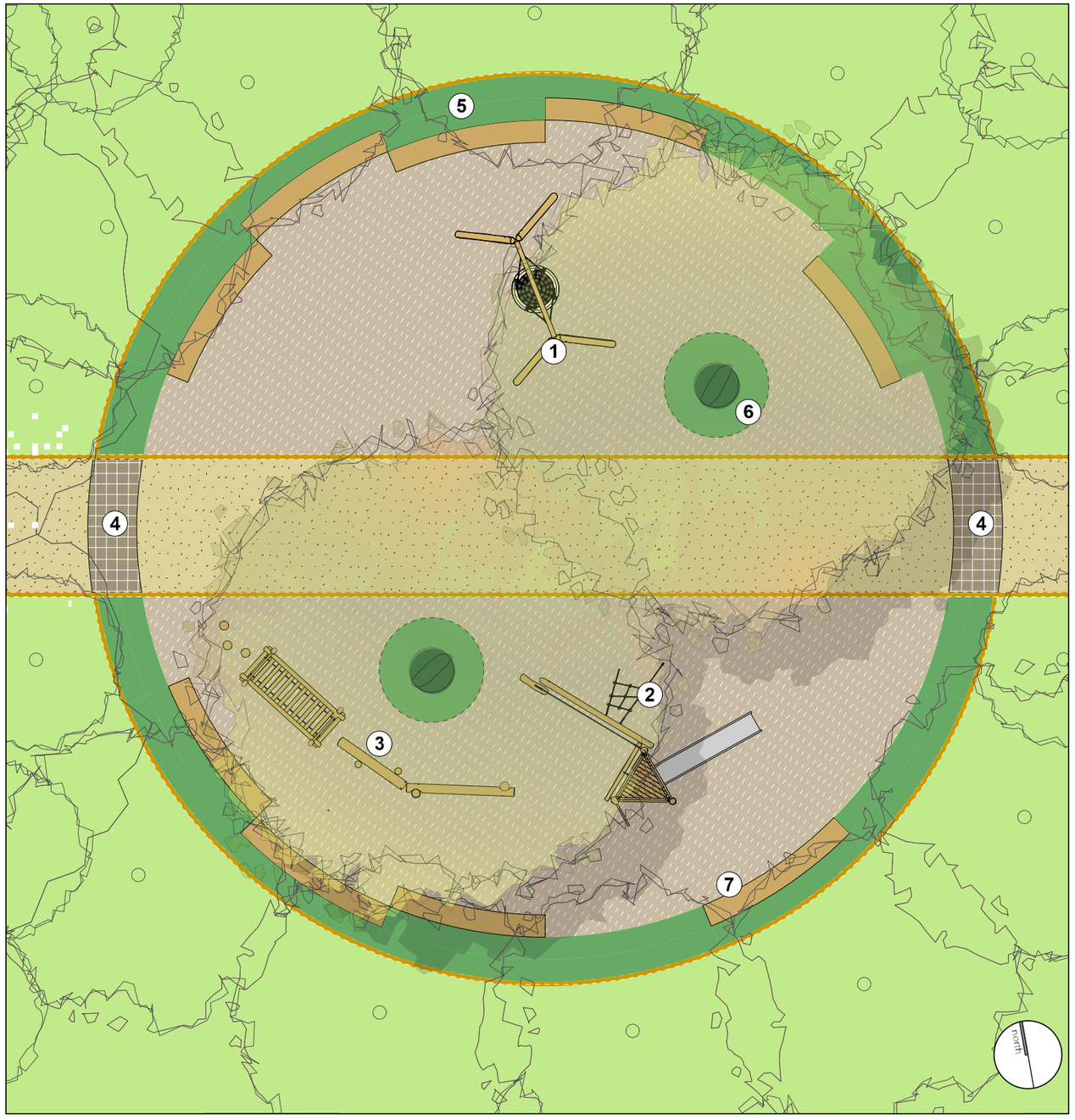
public domain - playground plan | L404

Orange Multi- Residential

NOTES

1 Timber framed basket swing.
2 Timber framed climbing tower with climbing ropes and slide.
3 Timber balance trail.
4 Feature paving thresholds to demarcate playground area.
5 Mass planting areas to provide screening of private residences.
6 Large feature trees in planting to provide shade.
7 Stepped sandstone log edging to provide informal play and seating.

PLAYGROUND / scale 1:100



LEGEND

- Site boundary
- Playground mulch
- Decomposed granite
- Cobblestone paving
- Sandstone logs
- Mass planting
- Timber bench seat
- Turf
- Feature arbour
- Coloured concrete path
- Pavement banding
- Stamped coloured concrete
- Traffic calming
- Vehicle access

REV	DATE	COMMENTS
K	23/1/23	tree plan

PROJECT:
Orange Multi- Residential

SITE:
103 Prince Street, Orange NSW

CLIENT:
Maas Properties

13956.5 DA1.dwg 10/3/23

DRAWN: AL / PW
DATE: 22/2/22
SCALE: 1:300@A3

JOB NUMBER: 13956.5
PHASE: DA
DWG No: L404
REV: K

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public domain - playground images | L405

Orange Multi- Residential

RENDERS

REV	DATE	COMMENTS
K	23/1/23	tree plan

PROJECT:
Orange Multi- Residential

SITE:
103 Prince Street, Orange NSW

CLIENT:
Maas Properties

13956.5 DA1.pkt 18/5/23

DRAWN: AL / PW
DATE: 22/2/22
SCALE: 1:300@A3

JOB NUMBER: 13956.5
PHASE: DA
DWG No: L405
REV: K

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public domain - pocket park | L406

Orange Multi- Residential

NOTES

1 New trees to frame park and replace existing trees to be removed.

2 Informative signage with reference to past use as private respite garden. Wording to be advised by the Heritage Consultant.

3 Decomposed granite access path with sandstone edging, creating view corridor to existing significant tree.

4 Decomposed granite circulation path.

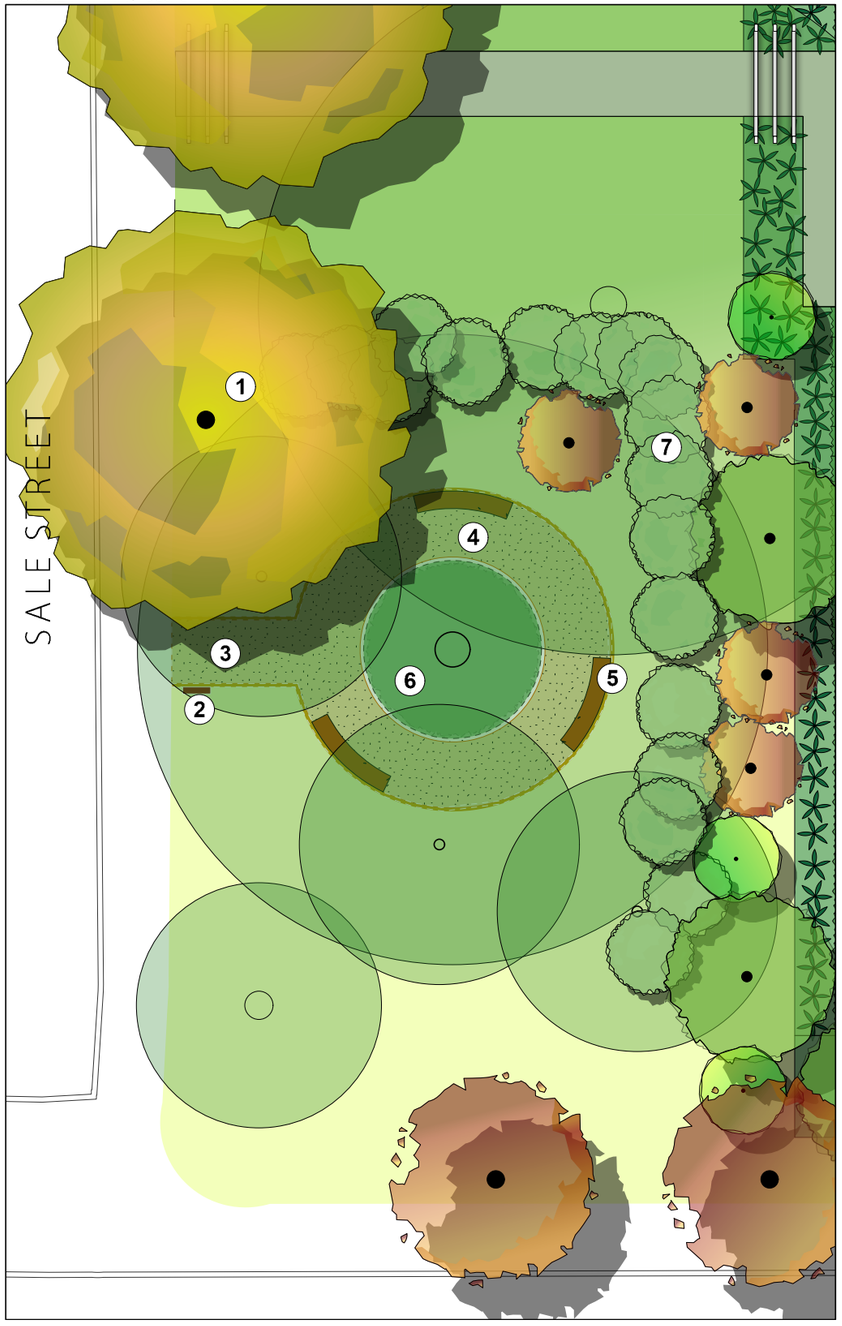
5 Timber bench seats for quiet gathering.

6 Mass planting of cottage species to reference heritage gardens of the area, protect existing tree and improve condition of soil.

7 Mass planting to provide screening of adjoining units.

RENDERS

POCKET PARK / scale 1:100



LEGEND

- Site boundary
- Basement under
- Existing path
- New path
- Paving
- Planting
- Turf
- Deco granite
- Timber bench seat
- Existing trees retained
- Proposed trees

REV	DATE	COMMENTS
1	06/03/20	ENTRY PATH MOVED

PROJECT:
Orange Multi- Residential

SITE:
103 Prince Street, Orange NSW

CLIENT:
Maas Properties

13956.5 DA1.vwx 10/3/23

DRAWN:	DATE:	SCALE:
AL / PW	22/2/22	1:300@A3

JOB NUMBER:	PHASE:	DWG No:	REV:
13956.5	DA	L406	L

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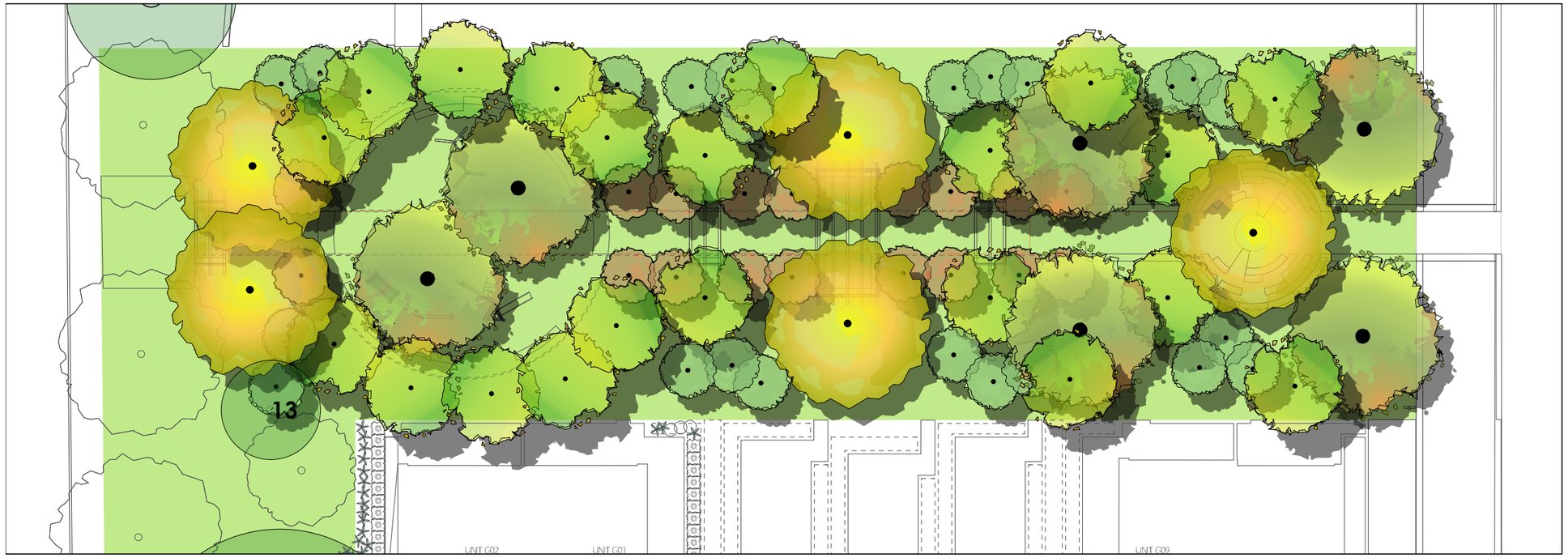
public domain - tree strategy | L407

Orange Multi- Residential



LEGEND

- Existing trees retained
- *Large feature trees*
- *Medium feature trees*
- *Small feature trees*

Betula pendula
Silver Birch

Liriodendron tulipifera
Tulip Tree

Liquidambar styraciflua
American sweetgum

Pistacia chinensis
Chinese Pistachio

Prunus cerasifera 'Nigra'
Black Cherry Plum

Quercus coccinea
Scarlet Oak

Ulmus minor variegata
Silver Elm

REV	DATE	COMMENTS
K	23/1/23	tree plan

PROJECT:
Orange Multi- Residential

SITE:
103 Prince Street, Orange NSW

CLIENT:
Maas Properties

13956.5 DA L.dwg 10/3/23

DRAWN: AL / PW
DATE: 22/2/22
SCALE: 1:300@A3

JOB NUMBER: 13956.5
PHASE: DA
DWG No: L407
REV: K

terras landscape architects

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Annexure E

ORANGE CITY COUNCIL	**ORANGE CITY COUNCIL** Development Application No **DA 98/2022(1)** NA23/ Container PR28313

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

Development Application	
Applicant Name:	Maas Group Properties 103 Prince Pty Limited
Applicant Address:	PO Box 4921 DUBBO NSW 2830
Owner's Name:	Maas Group Properties 103 Prince Pty Limited
Land to Be Developed:	Lot 501 DP 1249083- 103 Prince Street, Orange
Proposed Development:	Multi Dwelling Housing (16 dwellings) and Subdivision (three lot Torrens title) (Stage 1); and Residential Flat Building (60 apartments), Recreation Area (public park) and Road (Stage 2)
Building Code of Australia building classification:	To be determined by the Certifier
Determination made under Section 4.16	
Made On:	TBC
Determination:	**CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**
Consent to Operate From:	TBC
Consent to Lapse On:	TBC

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 and described as follows:

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 98/2022(1)

Conditions (cont)

- Architectural plans prepared by EJE Architecture – Project No. 13956:

Dwg. No.	Title	Rev	Date
A-000	Coversheet	1	17/04/2023
A-010	Existing Site Plan	0	24/01/2023
A-011	Site Analysis	0	24/01/2023
A-012	Site Plan	1	10/03/2023
A-020	Basement Plan	1	10/03/2023
A-021	Ground Floor Plan	1	10/03/2023
A-022	Level 1 Plan	1	10/03/2023
A-023	Level 2 Plan	1	10/03/2023
A-024	Level 3 Plan	1	10/03/2023
A-025	Level 4 Plan	1	10/03/2023
A-026	Level 5 Plan	1	10/03/2023
A-027	Level 6 Plan (Roof Plan)	0	24/01/2023
A-030	Elevation – Sheet 1	1	10/03/2023
A-031	Elevation – Sheet 2	1	10/03/2023
A-035	Prince St. Elevation	1	10/03/2023
A-036	Dalton Street Elevation	0	24/01/2023
A-040	Sections – Sheet 1	0	24/01/2023
A-041	Sections – Sheet 2	0	24/01/2023
A-051	Site Plan 3d – Sheet 1	0	24/01/2023
A-052	Site Plan 3d – Sheet 2	1	10/03/2023
A-053	Building Envelope Diagrams	0	24/01/2023
A-060	Shadow Diagrams	0	24/01/2023
A-061	Shadow Diagrams	0	24/01/2023
A-070	Staging Plan	1	10/03/2023
A-080	Ground Floor Area Plan	1	10/03/2023
A-081	Level 1 Area Plan	1	10/03/2023
A-082	Level 2 Area Plan	1	10/03/2023
A-083	Level 3 Area Plan	1	10/03/2023
A-084	Level 4 Area Plan	1	10/03/2023
A-085	Level 5 Area Plan	1	10/03/2023
A-090	Solar Access & Cross Flow – Ground Floor	1	10/03/2023
A-091	Solar Access & Cross Flow – Level 1	1	10/03/2023
A-092	Solar Access & Cross Flow – Level 2	1	10/03/2023
A-093	Solar Access & Cross Flow – Level 3	1	10/03/2023
A-094	Solar Access & Cross Flow – Level 4&5	1	10/03/2023
A-100	Lift Option Plans	0	24/01/2023
A-102	Silver Level Unit	0	24/01/2023
A-110	Perspectives – Sheet 1	1	10/03/2023
A-111	Perspectives – Sheet 2	1	10/03/2023
A-112	Perspectives – Sheet 3	0	24/01/2023
A-113	Perspectives – Sheet 4	0	24/01/2023
A-114	Perspectives – Sheet 5	0	24/01/2023
A-115	Perspectives – Sheet 6	0	24/01/2023
A-116	Perspectives – Sheet 7	0	24/01/2023
A-117	Photomontage	0	24/01/2023
A-120	Material Images	1	10/03/2023

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 98/2022(1)

Conditions (cont)

- Landscape Masterplan Documentation Prepared by Terras Landscape Architects Job No. 13956.5:

Dwg. No.	Title	Versions
L100	Masterplan – Landscape Approach	K
L101	Masterplan - Landscape Design	M
L201	Street Tree Augmentation	L
L301	Townhouses - Landscape Design	L
L302	Townhouses - Detail Plans	K
L303	Apartments - Landscape Design	M
L304	Apartments - Detail Plans	K
L400	Public Domain - Approach	F
L401	Public Domain - Landscape Design	M
L402	Public Domain - Pergolas	K
L403	Public Domain - Labyrinth	K
L404	Public Domain - Playground	K
L405	Public Domain – Playground Images	K
L406	Public Domain – Pocket Park	L
L407	Public Domain – Tree Strategy	K

- Draft Subdivision Plan prepared by Craig Jaques and Associates:

Dwg. No.	Title	Date
3925/23	Plan of Proposed Subdivision of Lot 501 DP1249083 – Prince, Sale and Dalton Streets, Orange	08/03/2023

- Shared Zone Driveway plans prepared by MAAS Group Properties – project no. 22037:

Dwg. No.	Title	Rev	Date
DR-01	Shared Zone Driveway – Part A	01	08/03/2023
DR-02	Shared Zone Driveway – Part B	01	08/03/2023
DR-03	Shared Zone Driveway – Part B	01	08/03/2023

- Exterior Lighting plan prepared by Electrical Projects Australia Project no. 22059:

Dwg. No.	Title	Date
E21	Site Plan – Electrical Layout	08/03/2023

(b) Statements of environmental effects or other similar associated documents that form part of the approval.

(c) BASIX Certificate Number: 1288407M_02.

(d) Heritage interpretation Strategy Prepared by carste Studio, dated 2 September 2022.

as amended in accordance with any conditions of this consent.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 98/2022(1)

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) 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.

General Conditions relating to the whole of the development

(7) This consent only approves the removal of trees identified as Trees 1, 2, 3, 6, 12, 14 and 15 as shown on Landscape Plan L201 Rev L prepared by Terras. No other trees within the site shall be removed.

(8) Prior to any works commencing on the site, Tree Protection Zones (TPZs) in accordance with AS4970-2009 Protection of Trees on Development Sites shall be established around all existing trees within the site and adjoining public footpaths that are required to be retained. The TPZs shall be installed under the direction of the project arborist and in consultation with Council's Manager City Presentation. The TPZs must remain in place for the duration of the development. For the avoidance of doubt, TPZs required within Lot 603 including any street tree within the frontage of Lot 603 may be removed at the time a final occupation certificate is issued for stage 1.

Conditions (cont)

(9) Prior to any works commencing on site, the Construction Environmental Management Plan (CEMP) prepared by MAAS Group Properties Dated 26 May 2022 shall be amended to include measures which ensure any potential impacts upon future residents of the multi dwelling housing development completed under stage 1 are suitably ameliorated during works completed under stage 2 of this consent. The amended CEMP shall be submitted to Council's Manager Development Assessments for approval prior to works commencing. The approved CEMP shall be implemented for the duration of the development.

(10) All existing nesting boxes within the site shall remain undisturbed and *in situ,* with the exception of any nesting box located within a tree approved to be removed, in such cases, the nesting box shall be relocated to another mature tree within the site at a commensurate height and orientation.

STAGE 1 - MULTI DWELLING HOUSING AND THREE LOT SUBDIVISION

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

(11) Prior to the issue of a construction certificate, evidence shall be provided to Council's Manager Development Assessments that demonstrates the beneficiary of the consent has entered into a Planning Agreement in accordance with the letter of offer from MAAS Group Properties dated 4 April 2023. Evidence shall also be provided to Council's Manager Development Assessments that demonstrates that the planning agreement has been registered on the title of the land the subject of this development consent.

(12) The payment of **$186,539.55** 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:

Component of plan	Rate	Amount
Open Space and Recreation	$4,626.04 x 15 (3-bedroom dwellings)	$69,390.60
Community and Cultural	$1,341.53 x 15 (3-bedroom dwellings)	$20,122.95
Roads and Traffic Management	$6,106.21 x 15 (3-bedroom dwellings)	$91,593.15
Local Area Facilities	--	--
Local Area Facilities	$362.19 x 15 (3-bedroom dwellings)	$5,432.85
TOTAL		**$186,539.55**

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.

(13) Prior to the issue of a construction certificate, the plans submitted with the construction certificate application shall include the following amendments:

- All glazing within a window of a bathroom, ensuite or water closet shall be frosted or obscured glass.
- Details of the fencing along the common boundary between proposed lots 602 and 603. The fencing shall be not more than 1.5m in height, be of picket or palisade style with a minimum 20% aperture and incorporate vegetative screening / hedging on the northern side of the fence.
- Details of the dividing fencing between dwellings (front and rear) is to be shown on the plans. The dividing fences between dwellings shall be solid and no higher than 1.5m and softened with landscaping.

(14) Prior to the issue of a construction certificate, a detailed landscape plan for the multi dwelling housing (relating to the proposed lot 603) shall be prepared by a landscape architect and be submitted to Council's Manager Development Assessments for approval. The amended landscape plan shall incorporate the following requirements:

- The detailed landscape plan shall be generally in accordance with the Landscape Masterplan (in terms of indicative number of plants, species, spacing of plants, etc.) plans numbered; L101 Rev M, L201 Rev L; 301 Rev L and L302 Rev K - job No. 13956.5 prepared by Terras Landscape Architects; except as further amended by the following:

Conditions (cont)

- The plan shall include a detailed schedule of all selected trees, shrubs and ground covers including botanical name, size at maturity, pot size and number of each species. The minimum pot size of trees shall be not less than 75L. Selected plants shall include a minimum of 20% endemic species as well as plants with low water usage.
- The front terrace arrangement and front stairs shall be amended to accord with architectural plans.
- A minimum of one small tree shall be planted in the front and rear yards of each dwelling. Small trees proposed to be used shall be defined by Table 4 in the Apartment Design Guidelines, NSW.
- The landscaping along the eastern side of the north/south shared accessway shall comprises a mix of suitable trees, shrubs and ground covers. Trees proposed to be planted in this located shall have an appropriate growth habit that is suitable for the growing conditions.
- Additionally, the plans shall nominate a tree cell structures for all street trees within Dalton Street and Sale Street (Lot 603 frontage).
- All gates that open on to a public place are to swing inwards. No gates shall swing out past the boundary line of a private property.

The detailed landscape plan shall be accompanied by a landscape maintenance strategy for the owner/occupier to administer over a 12-month establishment period following the issue of the Occupation Certificate. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(15) The existing water mains on the Sale Street and Prince Street frontages, and the existing sewer main in Prince Street shall be augmented / upgraded as part of stage 1 construction works to Orange City Councils requirements. Engineering plans, showing details of all proposed work including removal of redundant services and provision for new connections are to be submitted to, and approved by, Orange City Council prior to the issuing of a Construction Certificate.

(16) A Soil and Water Management Plan (SWMP) 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.

(17) 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 a 1% AEP event, 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 existing site is to be considered 100% pervious for the purposes of stormwater detention calculations.

The design of the detention storage is to be undertaken using the 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.

Conditions (cont)

All stormwater drainage design shall be based on the most recent version of Australian Rainfall and Runoff calculations allowing for applicable climate change factor(s).

(18) All stormwater from the development including the carpark and shared driveway, shall be collected and piped to an on-site stormwater treatment system. The design and construction of the stormwater treatment system shall ensure that the quality of stormwater leaving the developed site achieves the following stormwater quality targets:

- 90% reduction in the post development average annual gross pollutant (>5 millimetres) load (GP); and
- 85% reduction in the post development mean annual load of Total Suspended Solids (TSS); and
- 60% reduction in the post development mean annual load of Total Phosphorus (TP); and
- 45% reduction in the post development mean annual load of Total Nitrogen loads (TN).

Engineering plans for this stormwater treatment system shall be submitted to and approved by Orange City Council prior to the issuing of a Construction Certificate. The applicant shall undertake comprehensive water quality modelling on for the site, using an accredited assessment tool (recommended using Music™ or other approved assessment tool) and shall include copies of the electronic data files. Modelling shall be undertaken for both pre and post development scenarios.

(19) A dust management plan shall be submitted to Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) upon application for a Construction Certificate. The approved dust management plan is to be implemented prior to excavation work commencing.

(20) Prior to the issue of a Construction Certificate engineering plans of the carpark and shared access driveway shall be submitted to the Principal Certifying Authority for approval. The plans shall provide details of levels, cross falls of all pavements, proposed sealing materials, proposed drainage works, line marking, signage and are to be in accordance with Orange City Council Development and Subdivision Code and AS 2890.1 (Off-street car parking). The plans shall also detail sight lines for vehicles exiting the shared driveway to Dalton Street in accordance with AS/NZS 2890.1:2004 section 3.2.4(b) and ensure that there are no obstructions located within the required sight triangles. Shared zone signage shall be installed as per MAAS shared zone driveway plan (project no. 22037 dwg no. DR-01 to DR-03 dated 08/03/2023). Note: speed humps are not to be installed in the shared driveway.

(21) Proposed lots 601, 602 and 603 are to be provided with interlot stormwater drainage. A grated concrete stormwater pit is to be constructed within each lot. The interlot system shall be piped to Councils existing stormwater network in Prince Street. Engineering plans for this drainage system are to be approved by Orange City Council prior to the issuing of a Construction Certificate.

(22) A sewer main is to be constructed from Council's existing sewer network to serve proposed lots 601, 602 and 603. Prior to a Construction Certificate being issued engineering plans for this sewerage system are to be submitted to and approved by Orange City Council.

(23) **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 16 ETs for water supply headworks and 16 ETs for sewerage headworks. 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.

(24) Backflow Prevention Devices are to be installed to AS3500 and in accordance with Orange City Council Backflow Protection Guidelines. Details of the Backflow Prevention Devices are to be submitted to Orange City Council prior to the issuing of a Construction Certificate.

(25) 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.

Conditions (cont)

(26) 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.

(27) 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.

PRIOR TO WORKS COMMENCING

(28) 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.

(29) 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.

(30) Soil erosion control measures shall be implemented on the site.

(31) A dilapidation report prepared by a suitably qualified engineer is to be submitted to Council or the accredited Certifier addressing the current condition of the buildings that are adjoining the development site.

DURING CONSTRUCTION/SITEWORKS

(32) 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.

(33) 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 on site must not resume unless the express permission of the Director Development Services is obtained in writing.

(34) All external lighting shall be installed in accordance with AS4282:2019.

(35) Excavated material shall be used on site as far as practicable. All surplus excavated material shall be disposed of appropriately.

(36) Any fill material imported to site shall be virgin excavated natural material only.

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

(38) 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.

(39) All driveway and parking areas are to be sealed with hot mix or concrete and are to be designed for all expected loading conditions and be in accordance with the Orange City Council Development and Subdivision Code. The shared driveway shall extend to the common boundary with proposed Lot 601. Speed humps shall not be installed within the shared driveway.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 98/2022(1)

Conditions (cont)

(40) A 6m wide heavy-duty concrete kerb and gutter layback and footpath crossing is to be constructed in Dalton Street in the position shown on the approved plans. The works are to be carried out to the requirements of the Orange City Council Development and Subdivision Code and Road Opening Permit.

(41) The existing kerb and gutter layback and footpath crossing in Dalton Street is to be replaced with standard concrete kerb and gutter and the adjacent footpath area re-graded to the shape and level requirements of footpaths in the Orange City Council Development and Subdivision Code and Road Opening Permit.

(42) The existing footpath in Dalton Street shall be replaced with a 1.2m wide concrete footpath for the full frontage of the development and the existing footpath in Sale Street shall be replaced with a 2.0m wide concrete footpath for the full frontage of the development. The footpaths shall be constructed to the standards stated in the Orange City Council Development and Subdivision Code.

(43) All services are to be contained within the allotment that they serve.

(44) 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.

(45) A Registered Surveyor's certificate identifying the location of the building on the site must be submitted to the Principal Certifying Authority.

(46) All construction works are to be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.

(47) 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.

(48) Construction noise and vibration shall be managed in accordance with the Construction Environmental Management Plan provided by MAAS Group and dated 26 May 2022, with regular review throughout works to ensure controls remain effective as site conditions change.

(49) All outdoor lighting must be installed in accordance with the Australian Standard AS4282-2019: *Control of the Obtrusive effects of outdoor lighting.*

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

(50) A total of 32 off-street car parking spaces shall be provided upon the site (Lot 603) in accordance with the approved plans, the provisions of Orange 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.

(51) Landscaping shall be installed in accordance with the approved plans (including the street trees within Dalton Street and within the Sale Street frontage of Lot 603) prior to the issue of the Occupation Certificate, and shall be permanently maintained to the satisfaction of Council.

(52) Street numbering adjacent to street entrances, and numbering of letter boxes, shall be carried out prior to the issue of the Occupation Certificate

(53) The approved external lighting plan, as it relates to proposed Lot 603, shall be fully implemented prior to the issue of an occupation certificate.

(54) All fencing (front, side and dividing – between dwellings) shall be installed as per the approved plans prior to the issue of an Occupation Certificate.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 98/2022(1)

Conditions (cont)

(55) A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater treatment system and 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.

(56) 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.

(57) 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.

(58) Certificates for testable Backflow Prevention Devices are to be submitted to Orange City Council by a plumber with backflow qualifications prior to the issue of an Occupation Certificate.

(59) 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.

(60) 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.

(61) 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.

(62) 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.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

(63) The payment of **$12,435.97** 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:

Component of plan	Rate	Amount
Open Space and Recreation	$4,459.51 x 1 additional lot	$4,626.04
Community and Cultural	$1,293.24 x 1 additional lot	$1,341.53
Roads and Traffic Management	$5,886.40 x 1 additional lot	$6,106.21
Local Area Facilities	--	--
Local Area Facilities	$349.16 x 1 additional lot	$362.19
TOTAL		**$12,435.97**

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.

(64) Prior to the issue of a subdivision certificate, the plan of subdivision shall be amended to include a Public Positive Covenant pursuant to 88E of the Conveyancing Act 1919 to allow public access. The Public Positive Covenant shall relate to the area of the site described as a “Pocket Park” on the approved landscape plan prepared by Terras Landscape Architects sheet L401 rev. M.

(65) Application shall be made for a Subdivision Certificate under Section 6.3(1)(d) of the Act.

(66) 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 housing development (15 dwellings).

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 98/2022(1)

Conditions (cont)

(67) 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.

(68) 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.

(69) An easement to drain sewage and to provide Council access for maintenance of sewerage works a minimum of 2.0 metres wide is to be created over all sewer main(s). The Principal Certifying Authority is to certify that the easement is in accordance with the Orange City Council Development and Subdivision Code prior to the issuing of a Subdivision Certificate.

(70) 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.

(71) Where stormwater crosses land outside the lot it favours, an easement to drain water is to be created over the works. A Restriction-as-to-User under section 88B of the *NSW Conveyancing Act 1919* is to be created on the title of the burdened Lot(s) requiring that no structures are to be placed on the site, or landscaping or site works carried out on the site, in a manner that affects the continued operation of the interlot drainage system. The minimum width of the easement is to be as required in the Orange City Council Development and Subdivision Code.

(72) Prior to the issue of a Subdivision Certificate a right of way and Public Positive Covenant to provide public access as shown on the approved subdivision plan shall be established over the full length and width of the shared access handle serving proposed Lots 601 and 603.

(73) 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.

(74) 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 within the boundaries of the proposed Lot 603 comply in respect to the distances of walls from boundaries.

(75) 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.

MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT

(76) 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*.

(77) The applicant shall obtain a Commissioning Report which assesses actual noise emissions from all operations of the development within three (3) months of the issue of an Occupation Certificate. Where the report recommends additional noise attenuation works to be carried out, these works are to be undertaken within 28 days from the date of the Commissioning Report. A copy of the Commissioning report is to be provided to Council and the Principal Certifying Authority.

Conditions (cont)

(78) The applicant shall obtain a commissioning report which verifies compliance with AS2428-2019: *Control of the Obtrusive effects of outdoor lighting* withing three (3) months of the issue of an Occupation Certificate. Where the report recommends lighting attenuation works to be carried out, these works shall be undertaken within 28 days from the date of the Commissioning Report. A copy of the Commissioning report is to be provided to Council and the Principal Certifying Authority.

STAGE 2 - RESIDENTIAL FLAT BUILDING AND PUBLIC PARK

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

(79) The payment of **$551,145.55** 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:

Component of plan	Rate	Amount
Open Space and Recreation	$1,951.35 x 6 (1 bedroom) $2,641.00 x 27 (2 bedroom) $4,626.04 x 26 (3 bedroom)	$11,708.10 $71,307.00 $120,277.04
Sub total		**$203,292.14**
Community and Cultural	$565.87 x 6 (1 bedroom) $765.89 x 27 (2 bedroom) $1,341.53 x 26 (3 bedroom)	$3,395.22 $20,679.03 $34,879.78
Sub total		**$58,954.03**
Roads and Traffic Management	$2,873.47 x 6 (1 bedroom) $3,591.89 x 27 (2 bedroom) $6,106.21 x 26 (3 bedroom)	$17,240.82 $96,981.03 $158,761.46
Sub total		**$272,983.31**
Local Area Facilities	--	--
Local Area Facilities	$152.80 x 6 (1 bedroom) $206.79 x 27 (2 bedroom) $362.19 x 26 (3 bedroom)	$916.80 $5,583.33 $9,416.94
Sub total		**$15,917.07**
TOTAL		**$551,146.55**

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.

(80) Prior to the issue of a construction certificate, the plans submitted with the construction certificate application shall include the following amendments:

- Provision shall be made for two x 240L recycle bins located within a cabinet with doors in close proximity to each waste chute on each level of the Residential Flat Building.

- Window awnings, window hoods or other similar shading devices shall be provided above or around each west facing bedroom window of those bedrooms within Units G02, 102, 202 and 302. As far as practicable, the design of the shading device shall provide shading for mid-summer afternoon sun, whilst not reduce direct sunlight during mid-winter between 12noon and 3pm.

- A minimum of 12 units within the residential flat building shall be silver level units as defined in the Livable Housing Design Guidelines prepared by Livable Housing Australia.

- Provision made for a screened clothes drying area located on the northern side of the pedestrian path leading to the residential flat building from Sale Street. The clothes drying area must be appropriately screened from view from any public place using a combination of solid screening and landscaping, have minimum dimensions of 8m by 4m, be setback from Sale Street a minimum of 15m and be positioned in a manner that does not unreasonably reduce the amenity of future residents of unit G02.

Conditions (cont)

- All glazing within a window of a bathroom, ensuite or water closet shall be frosted or opaque glass.

(81) Prior to the issue of a construction certificate for the residential flat building, a detailed landscape plan relating to the (future) public open space (proposed Lot 602) shall be prepared by a landscape architect and be submitted to Council's Manager Development Assessments for approval. The amended landscape plan shall incorporate the following requirements:

- The detailed landscape plan shall be generally in accordance with the Landscape Masterplan (in terms of indicative number of plants, species, size of trees at maturity, spacing of plants, etc.) plans numbered; L101 Rev M; L201 Rev L; L401 Rev M; L402 Rev K; L403 Rev K; L404 Rev K; L405 Rev K; L407 Rev K - job No. 13956.5 prepared by Terras Landscape Architects; except as further amended by the following:
  - The plan shall include a detailed schedule of all selected trees, shrubs and ground covers including botanical name, size at maturity, pot size and number of each species. The minimum pot size of trees shall be not less than 75L. Selected plants shall include a minimum of 20% endemic species as well as plants with low water usage.
  - A BBQ area shall be installed and shown on the plans adjacent to the central path mid-way between the children's play equipment and the central pergola. The BBQ area shall provide suitable electric BBQs (minimum of two) for public use.
  - The surface material around the kids play equipment shall be rubber wet pour material, not organic softfall mulch.
  - A perimeter pathway shall be installed around the outer edge of the park with secondary paths branching off the perimeter path that adjoin each private access gate in a common boundary with the public open space. All paths required under this condition shall be decomposed granite or similar.
  - All gates that open on to a public place are to swing away from the public place.

The detailed landscape plan shall be accompanied by a landscape maintenance strategy for the owner/occupier to administer over a 12-month establishment period following the issue of the Occupation Certificate. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(82) Prior to the issue of a construction certificate for the residential flat building, a detailed landscape plan for the residential flat building (relating to proposed Lot 601) shall be prepared by a landscape architect and be submitted to Council's Manager Development Assessments for approval. The amended landscape plan shall incorporate the following requirements:

- The detailed landscape plan shall be generally in accordance with the Landscape Masterplan (in terms of indicative number of plants, species, size of trees at maturity, spacing of plants, etc.) plans numbered; L101 Rev M, L201 Rev L; L303 Rev M; L304 Rev K - job No. 13956.5 prepared by Terras Landscape Architects; except as further amended by the following:
  - The plan shall include a detailed schedule of all selected trees, shrubs and ground covers including botanical name, size at maturity, pot size and number of each species. The minimum pot size of trees shall be not less than 75L. Selected plants shall include a minimum of 20% endemic species as well as plants with low water usage.
  - Small trees proposed to be used shall be defined by Table 4 in the Apartment Design Guidelines, NSW.
  - The landscaping along the eastern side of the north/south shared accessway shall comprises a mix of suitable trees, shrubs and ground covers. Trees proposed to be planted in this located shall have an appropriate growth habit that is suitable for the growing conditions.
  - The trees within Prince Street shall be positioned so that they do not conflict with pedestrian entries or vehicle entries to the site. Additionally, the plans shall nominate a tree cell structures for all street trees.

Conditions (cont)

- All gates that open on to a public place are to swing inwards. No gates shall swing out past the boundary line of a private property.

The detailed landscape plan shall be accompanied by a landscape maintenance strategy for the owner/occupier to administer over a 12-month establishment period following the issue of the Occupation Certificate. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(83) Prior to the issue of a construction certificate, details of the privacy screens shall be provided to and approved by Council Manager Development Assessment. The detail shall be provided at 1:20 scale showing the privacy screens required on levels 1 to 4 on the east and west elevations close to the re-entrant/internal corners on the northern side of the building, as well as the privacy screens at the eastern and western ends of the bank of three central balconies on the northern side of the building. The vertical slats/fins of the privacy screens shall be angled in a way that prevents direct overlooking.

(84) Prior to the issue of a construction certificate, an amended external lighting plan shall be submitted to and approved by Council's Manger Development Assessments. The amended external lighting plan shall include suitable lighting within the area of open space located in the south-west corner of the site referred to on the landscape masterplan as "Pocket Park". The Lighting shall provide adequate safety and security for the users of the park.

(85) Prior to the issue of a construction certificate evidence shall be provided to the Principal Certifying Authority that proposed Lots 601, 602 and 603 have been registered with NSW Land and Property Information.

(86) Engineering plans, showing details of all proposed work and adhering to any engineering conditions of development consent, are to be submitted to, and approved by, Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) prior to the issuing of a Construction Certificate.

(87) A Soil and Water Management Plan (SWMP) 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.

(88) 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 a 1% AEP event, 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 existing site is to be considered 100% pervious for the purposes of stormwater detention calculations.

The design of the detention storage is to be undertaken using the 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.

All stormwater drainage design shall be based on the most recent version of Australian Rainfall and Runoff calculations allowing for applicable climate change factor(s).

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 98/2022(1)

Conditions (cont)

(89) All stormwater from the development shall be collected and piped to an on-site stormwater treatment system. The design and construction of the stormwater treatment system shall ensure that the quality of stormwater leaving the developed site achieves the following stormwater quality targets:

- 90% reduction in the post development average annual gross pollutant (>5 millimetres) load (GP); and
- 85% reduction in the post development mean annual load of Total Suspended Solids (TSS); and
- 60% reduction in the post development mean annual load of Total Phosphorus (TP); and
- 45% reduction in the post development mean annual load of Total Nitrogen loads (TN).

Engineering plans for this stormwater treatment system shall be submitted to and approved by Orange City Council prior to the issuing of a Construction Certificate. The applicant shall undertake comprehensive water quality modelling on for the site, using an accredited assessment tool (recommended using Music™ or other approved assessment tool) and shall include copies of the electronic data files. Modelling shall be undertaken for both pre and post development scenarios

(90) A dust management plan shall be submitted to Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) upon application for a Construction Certificate. The approved dust management plan is to be implemented prior to excavation work commencing.

(91) Prior to the issue of a Construction Certificate engineering plans of the carpark and shared access driveway shall be submitted to the Principal Certifying Authority for approval. The plans shall provide details of levels, cross falls of all pavements, proposed sealing materials, proposed drainage works, line marking, signage and are to be in accordance with Orange City Council Development and Subdivision Code and AS 2890.1 (Off-street car parking). The plans shall also detail sight lines for vehicles exiting the shared driveway to Prince Street in accordance with AS/NZS 2890.1:2004 section 3.2.4(b) and ensure that there are no obstructions located within the required sight triangles. Shared zone signage shall be installed as per MAAS shared zone driveway plan (project no. 22037 dwg no. DR-01 to DR-03 dated 08/03/2023). Note: speed humps are not to be installed in the shared driveway.

(92) **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 and sewerage headworks for 6 x one (1) bedroom dwellings, 27 x two (2) bedroom dwellings and 27 x three (3) bedroom dwellings. 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.

(93) Backflow Prevention Devices are to be installed to AS3500 and in accordance with Orange City Council Backflow Protection Guidelines. Details of the Backflow Prevention Devices are to be submitted to Orange City Council prior to the issuing of a Construction Certificate.

(94) 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.

(95) 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.

(96) 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.

PRIOR TO WORKS COMMENCING

(97) 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.

Conditions (cont)

(98) Prior to works commencing, a Plan of Management (PoM) – Waste Collection (General Waste and Recycling) shall be prepared and submitted to Council's Manager Developments Assessments for approval. The PoM – Waste Collection (General Waste and Recycling) shall, as a minimum, outline the methodology for the waste collection arrangements for the building, outline the measures to ensure all bin storage areas are maintained and kept in a clean and tidy manner and outline the measures to be implemented to ensure that bins are only stored in the external bin enclosure on collection days.

(99) 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.

(100) Soil erosion control measures shall be implemented on the site.

(101) A dilapidation report prepared by a suitably qualified engineer is to be submitted to Council or the accredited Certifier addressing the current condition of the buildings that are adjoining the development site.

DURING CONSTRUCTION/SITEWORKS

(102) 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.

(103) During construction, the applicant shall undertake the following tasks in relation to the Heritage Interpretation Plan (HIP) for the site:

- The applicant shall create of a website or on-line platform for presenting the content identified in the HIP.
- The applicant shall consult with the Aboriginal community on the final content of any heritage interpretation material and the location of the proposed totem poles.
- The applicant shall consult with the Orange & District Historical Society as part of the final review of the content for the interpretation material.
- The applicant shall install five interpretive sculptural objects from local artists nominated for the central park landscape. This shall be undertaken in consultation with Council's Chief Executive Officer or his delegate.
- The applicant shall mount interpretive images related to the strategy within the two lobbies/common areas of the apartment building. Details of the images and any text shall be submitted to Council's Manger Development Assessments prior to installation.
- The applicant shall prepare a detailed design for the main interpretive panel proposed for the "Respite Park" on the corner of Sale and Prince Streets to ensure that it is fully accessible for viewing. The post mounted sign as shown in the HIP will not meet this criterion. The details of the panel are to be submit to Council's Manager Development Assessments for approval. The location of the panel shall be such that it is clearly visible from the public realm.

(104) 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 on site must not resume unless the express permission of the Director Development Services is obtained in writing.

(105) Excavated material shall be used on site as far as practicable. All surplus excavated material shall be disposed of appropriately.

(106) CCTV cameras shall be installed at the entrance to the basement car park and main entrances to the building. Arrangements shall be made for the footage captured by camera to be digitally stored on-site for a minimum 28 days and be made available to NSW Police upon their formal request.

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 98/2022(1)

Conditions (cont)

(107) Any fill material imported to site shall be virgin excavated natural material only.

(108) All external lighting shall be installed in accordance with AS4282:2019.

(109) Adequate external lighting shall be installed in proximity to all communal pedestrian access points into the residential flat building.

(110) Internal lighting within all common circulation areas within the RFB shall be appropriately zoned throughout the building and sensor operated to come on when activated by human movement; and then switch off by timer, having been on for a period of no longer than 5 minutes after being activated.

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

(112) 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.

(113) All driveway and parking areas are to be sealed with hot mix or concrete and are to be designed for all expected loading conditions and be in accordance with the Orange City Council Development and Subdivision Code. The shared driveway shall extend to the common boundary with proposed Lot 603. Speed humps shall not be installed within the shared driveway.

(114) A 6m wide heavy-duty concrete kerb and gutter layback and footpath crossing is to be constructed in Prince Street in the position shown on the approved plans. The works are to be carried out to the requirements of the Orange City Council Development and Subdivision Code and Road Opening Permit.

(115) The existing footpath in Sale Street shall be replaced with a 1.5m wide concrete footpath for the full frontage of the development to proposed Lots 601 and 602. The existing footpath in Prince Street shall be replaced with a 1.5m wide concrete footpath for the full Prince Street frontage of proposed Lot 601. The footpaths shall be constructed to the standards stated in the Orange City Council Development and Subdivision Code.

(116) All services are to be contained within the allotment that they serve.

(117) 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.

(118) 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.

(119) All construction works are to be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.

(120) 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 DA 98/2022(1)

Conditions (cont)

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

(121) A total of 93 off-street car parking spaces shall be provided upon the site (Lot 601) in accordance with the approved plans, the provisions of Orange 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.

(122) All privacy screens as shown on the approved plans shall be installed prior to the issue of an Occupation Certificate.

(123) Landscaping shall be installed in accordance with the approved plans on Lot 601 and Lot 602 (including street trees within Prince Street and within the Sale Street frontage of Lot 601 and Lot 602) prior to the issue of an Occupation Certificate, and shall be permanently maintained to the satisfaction of Council.

(124) Prior to the issue of an Occupation Certificate, evidence shall be provided to Council's Manager Development Assessments demonstrating that an agreement between the beneficiary of the consent and a waste contractor has been entered into for the collection of waste from the residential flat building in accordance with the approved *Plan of Manager – Waste Collection (General Waste and Recycling).*

(125) The heritage interpretation strategy (as amended by condition of consent) shall be fully implemented prior to the issue of an Occupation Certificate.

(126) The approved external lighting plan as it relates to Lots 601 and 602 shall be fully implemented prior to the issue of an Occupation Certificate.

(127) A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater treatment system and 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.

(128) 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.

(129) 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.

(130) Certificates for testable Backflow Prevention Devices are to be submitted to Orange City Council by a plumber with backflow qualifications prior to the issue of an Occupation Certificate.

(131) Prior to the issue of an Occupation Certificate all works on Lot 602 (in addition to the dedication of Lot 602 to Council) as detailed in the executed Planning Agreement and approved plans shall be fully completed at no cost to Orange City Council.

(132) 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.

(133) 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.

(134) 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.

Conditions (cont)

(135) 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.

MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT

(136) 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*.

(137) The collection of waste shall occur in accordance with the approved *Plan of Management – Waste Collection (General Waste and Recycling)* in perpetuity.

REQUIREMENTS OF ESSENTIAL ENERGY

(1) As part of the subdivision if an easement is created for any existing electrical infrastructure, the easement/s is/are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.

(2) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the subject property should be complied with.

(3) 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.

(4) 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*.

(5) 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).

(6) 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) 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*.

(7) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

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

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 98/2022(1)

Conditions (cont)

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
Date:	3 May 2023

Annexure F

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Objection pursuant to the provisions of Clause 4.6 Orange Local Environmental Plan 2011

Property 103 Prince Street, Orange (Lot 501 DP 1249083)

Variation of a development standard regarding maximum height of building as detailed in Clause 4.3 of the Orange Local Environmental Plan 2011.

Introduction:

This objection is made pursuant to the provisions of Clause 4.6 of Orange Local Environmental Plan 2011 (OLEP 2011). In this regard it is requested the consent authority support a variation with respect to compliance with the maximum height of buildings development standard as described in Clause 4.3 of the OLEP 2011.

It is noted that developments that breach a development standard in an environmental planning instrument (EPI), such as the maximum height, maximum floor space ratio or minimum lot size, need to reflect the strict approach to clause 4.6 variation requests taken by consent authorities, including the Land and Environment Court, following the decision of Preston CJ *in Initial Action Pty Ltd v Woollahra Municipal Council*.

January 2023

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1.0 Environmental Planning Instrument that Applies to the Land

Orange Local Environmental Plan 2011 (OLEP 2011).

2.0 Zoning of the Land

The subject site is zoned R3 Medium Density Residential and RE1 Public Recreation. The proposed variation affects the R3 Medium Density Residential zone of the site.

3.0 Zone Objectives

The objectives of the OLEP 2011 R3 zone are:

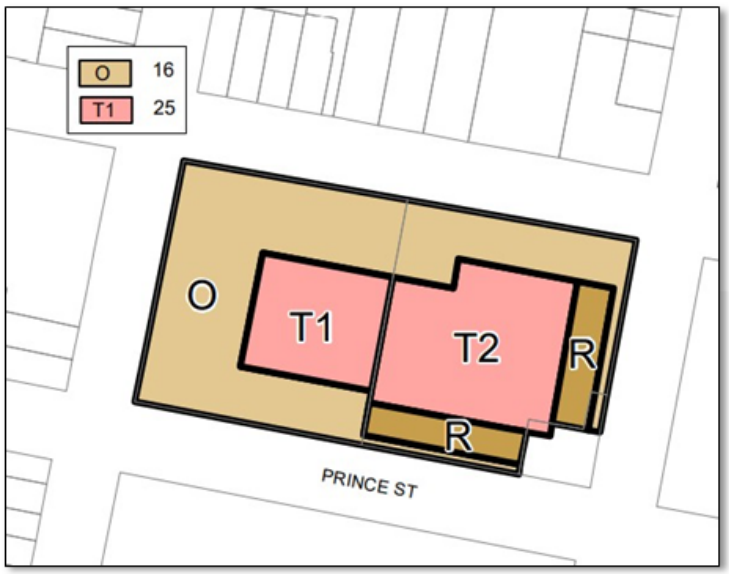
- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure development is ordered in such a way as to maximise public transport patronage, and encourage walking and cycling, in close proximity to settlement.*

4.0 Development Standard and Clause 4.3 (2) being varied

4.3 Height of buildings

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The Maximum Height of Buildings Map of the OLEP 2011 identifies the site as comprising a 16m and 25m building height. Variation is sought to the 16m building height.



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5.0 Objectives of the Development Standard

The underlying purpose of the development standard is to control the height of development on a site in proximity to the City centre under Clause 4.3 of the OLEP 2011.

(1) The objectives of this clause are as follows—

(a) to provide for taller buildings in the City centre and to enable a transition in building height in response to varying urban character and function,

(b) to protect the amenity of neighbouring properties and public places, with particular regard to visual bulk, scale, overshadowing, privacy and views.

6.0 Numeric Value of the Development Standard

Clause 4.3 and its supporting Height of Buildings Map restricts development to 16m and 25m. The numeric value of the Development Standard to which variation is sought is 16m.

7.0 Proposed Numeric Value and Percentage Variation to the Development Standard of the Development Application

The proposed new residential flat building will have the following:

Maximum Building Height = 19.65m Ridgeline (lift overrun 20.25m)

Actual Height Variation = 1.47m – 3.65m

Percentage variation = 9.2% – 22.8%

The non-compliance, varies from a minor encroachment of the level 4 façade up to the level 5 apartment encroachment.

The level 4 façade breach varies from 0.68m to its maximum 1.47m for only 22.1% of the footprint of the building.

The level 5 apartment breach varies from 1.47m to its maximum 3.65m for only 20.6% of the footprint of the building.

The total breaching area consumes 7.8% of the site of which the remaining 92.2% of the site is compliant.

It is noted no buildings are sought over the RE1 zoned land which comprises a 25m height of buildings development standard.

In Initial Action Preston CJ differentiated the consent authority's role in assessing a clause 4.6 written request from its role in assessing the development as a whole – something his Honour referred to as two "positive states of satisfaction". The first state of satisfaction is "indirect" while the second is "direct".

The first positive state of satisfaction as detailed below addresses and demonstrates:

1. That compliance with the development standard is unreasonable or unnecessary in the circumstance (cl 4.6(3)(a)); and
2. That there are sufficient environmental planning grounds to justify non-compliance with the development standard (cl 4.6(3) (b));

Consideration is provided below having regard to the five *Wehbe v Pittwater Council (2007)* method of demonstrating the objectives of the development standard are achieved notwithstanding the non-compliance.

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8.0 How is strict compliance with the development standard unreasonable or unnecessary in this particular case

Councils controls in Clause 4.3 provide a maximum building height to the centre and east of the site of 25m and 16m to the north, west and southern portions of the site.

It is considered that the proposal achieves the objectives of Clause 4.3 and that the development is justified in this instance for the following reasons:

> *(a) to provide for taller buildings in the City centre and to enable a transition in building height in response to varying urban character and function,*

Response:

The proposal contributes positively to the desired medium residential density of the transitioning CBD and surrounding area. The medium-rise residential apartment building is positioned on the south of the site to assist the transition from the residential neighbourhood to the north and west up to the higher density commercial and educational uses to the east and south towards the city centre. The proposal will provide a development with a compliant building setback and facade line equal to that of the adjoining commercial development at 105 Prince Street as demonstrated in Appendix 3. The footprint of the upper level is set back from the outer walls of the level below and the height of the parapet to the levels below is consistent with the streetscape RL of 105 Prince Street. Therefore, the proposal fits contextually within the scale of adjoining development and the transition from the City centre.

> *(b) to protect the amenity of neighbouring properties and public places, with particular regard to visual bulk, scale, overshadowing, privacy and views.*

Response:

Exceedance of the height control will not create additional building bulk that results in environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity and a reduction in the height would not create additional benefit for adjoining properties or the locality.

Visual Bulk and Scale:

- The proposed development provides an articulated building form that minimises perceived bulk and scale impacts when viewed from Sale Street, Prince Street and the surrounds of the site.
- The proposal will provide a development, which is consistent with the envisaged transitioning scale of the adjoining developments and is of an appropriate visual bulk for the locality, responding to the commercial uses to the east and south as the key transition from the residential use to the adjoining commercial uses and city centre.
- The proposal is compliant with the floor space ratio requirements set out under the OLEP 2011.
- The proposed bulk and scale of the development is in keeping with the planning ambitions for this location to support medium density residential development.
- The encroachment consists of a small portion of the buildings façade roofline and also a section of the level 5 penthouse apartments. The penthouse apartments have been recessed from the streetscape elevations. Placing these apartments with considerable setbacks from the building line results in minimal bulk and scale impact from the proposed variation.
- I have formed the considered opinion that most observers would not find the proposed developments height encroachment, by virtue of its height unsympathetic having regard to the existing and desired future built form characteristics of adjoining development. The visual catchment effect of the development would have an equal impact with or without the proposed encroachment.

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Overshadowing:

- The proposal will not result in unreasonable overshadowing of adjoining properties. In particular, it is noted that the height breach at the penthouse level does not result in any additional loss of solar access to adjoining properties and the proposal is fully compliant with the solar access controls for adjoining properties and the development itself. The proposed development increases the provision of public open space offerings for surrounding residents through the provision of an additional open space offering. The breaching element of the development is located to the south of the additional offering and would not contribute to overshadowing of the open space area.
- The breaching element only results in minor additional overshading of the neighbouring commercial premises from 3pm and 4pm winter solstice 21st June as demonstrated in Appendix 4. Outside this 2 hour period during winter solstice the development, in either a compliant built form or with the breaching element, produce the same overshowing effect.

Privacy:

- The proposal will provide a development, which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained.
- The breaching element has been designed to ensure visual and acoustic privacy of adjoining properties is maintained as the uppermost dwelling and its living areas are 'tucked into and centred' upon the roof level concealed by the roof and floor level of the those below.
- Given the separation distances of the penthouse level from surrounding properties, the breach will not result in the loss of privacy for adjoining properties.
- The proposed and existing landscaping will further soften and screen perceived privacy impacts from adjoining dwellings. It should be noted that the majority of surrounding properties in Prince Street, Sale Street and Dalton Street have a traditional private open space arrangement upon their lots located within their rear yards. It should also be noted that a large number of these dwellings operate commercially with a variety of business throughout Sale Street and Dalton Street not untilsed as dwellings.
- The proposed penthouse level has been designed to minimise impacts in terms of the acoustic or visual privacy of adjoining properties being located to ensure that sightlines are not directly available to private open space or windows to habitable spaces of adjoining properties by providing generous setbacks from the edge of the level below and in effect concealed by the parapet level below.
- The proposed penthouse level does not increase the privacy impacts (visual or acoustic) of the proposed development on adjoining properties or the surrounding neighbourhood. Removal of the proposed height encroachment does not reduce the visual or acoustic impact of the proposed development.

Views:

- The proposed penthouse level will not result in any increased loss of views from surrounding development due to its setback location and limited footprint.
- The encroachment will not result in loss of views from the public domain. Non-compliance with the standard does not contribute to adverse environmental impacts when viewed from the public domain.

The proposed height encroachment will not have any additional impacts on the amenity of neighbouring properties or public spaces within the locality therefore a reduction in the proposed height will not result in improved amenity for adjoining properties.

The second positive state of satisfaction as detailed below addresses and demonstrates and development is in the public interest noting:

1. The objectives of the development standard; and
2. The objectives of the zone

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An assessment as to the consistency of the proposal when assessed against the objectives of the R3 of the OLEP 2011 zone is as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*

Response:

The proposal is consistent with this objective as the subject application proposes the construction of a 5 storey residential flat building within a medium density residential zone identified as being appropriate for increased residential densities. The annual population and economic growth Orange is experiencing has led to an increase in the diversity of demographics choosing Orange to live, work, retire and invest and therefore an increase in the need for housing diversity. There is currently limited supply of centrally located medium density housing product within Orange. The new development strongly responds to the in-demand locale for a unique medium density residential development by providing high quality apartment and townhouse living. The proposal will provide a mix of one bedroom, two bedroom and three bedrooms offering a high level of amenity within walking distance of public transport, shops and other services.

Recent market research for the development has demonstrated that the developments mix of apartment choice is supported and desired with over 250 enquiries during the EOI on the project, of which 80% were for 3 bedroom units and predominately from people looking to downsize. Additionally, Umwelt have been commissioned to prepare a Housing Needs and Diversity Study in consideration of the social / economic residential development outcomes of the project. The study finds that the development responds to a broad survey of apartment mix policy aiming to achieve unit diversity, responsiveness to market and demographic demand, high quality design outcomes and a broad variety in housing options.

In this regard the housing needs within a medium density residential environment for Orange have been considered in the design of the proposal and are confirmed through the abovementioned market research and the Housing Needs and Diversity Study.

- *To provide a variety of housing types within a medium density residential environment.*

Response:

The proposal is consistent with this objective as it will provide a variety of unit sizes and configurations to meet the identified housing needs of the community and current market demand. The variation in the size of both the two bedroom and three bedroom apartments provides accommodation for a range of needs and budgets, whilst providing a mix of housing product.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Response:

This objective is not relevant to the subject proposal and associated land use.

- *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.*

Response:

The site is a 3 minute drive or 10 minute flat walk to Orange's CBD. The site is approximately 1.2km from Orange Railway Station, which is on the Main Western railway line running from Sydney to Dubbo and provides regional connections to Parkes and Bathurst among others. There are also a number of open space and recreational areas within a nearby catchment including: Robertson Park, Northcourt Area, Blackmans Swamp Creek, Ratcliffe Park, Perry Oval, Orange Golf Club and Orange Showground. The proposal will provide one, two and three bedroom dwellings offering a high level of amenity within walking distance of public transport, shops and other services.

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Given the developments consistency with the objectives of the standard and the zone, strict compliance has been found to be both unreasonable and unnecessary under the circumstances. The proposed development will be in the public interest because it is consistent with the objectives of the height development standard and the objectives of the R3 zone.

Further to the objectives of Clause 4.3 of the OLEP 2011, strict compliance would hinder the attainment of the objectives of Clause 4.6 of the OLEP 2011, in that:

- The new development is in harmony with the bulk and scale of adjoining buildings to the east and the streetscape.
- The new building does not impact upon the amenity of adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion.
- The new building complies with the remaining development standards of the OLEP 2011.
- The new development complies with the solar access, landscaping and setback controls of for the site.
- The modest non-compliance is consistent with the current and desired future character of the locality.

The non-compliant height components of the proposed development:

- achieves the objectives of the height development standard,
- achieves the objectives of the R3 zone,
- creates no additional impact of the amenity of neighbouring properties above that of a compliant version of the development.

Given the above, the proposed building height is consistent with the OLEP 2011 objectives and the consent authorities support to the proposed increase in building height is requested.

9.0 Would strict compliance tend to hinder the attainment of the objectives of Clause 4.6 of Clause 4.6 of the OLEP2011

Noting the above considerations address the consideration provisions of Clause 4.6(3)(a) Consideration in accordance with the provisions of Clause 4.6(3)(b) is provided as follows:

In *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* the Court found that:

"As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act."

There are sufficient planning grounds to justify contravening the development standard as the additional height can be accomplished without adverse impacts upon its surrounds whilst also achieving the objects in Section 1.3 of the EPA Act.

The proposed development achieves the objects identified in Section 1.3 of the EP&A Act 1979, specifically:

- The proposal promotes the orderly and economic use and development of land (1.3(c)).
- The development represents good design and amenity of the build environment (1.3(g)).
- The building as designed facilitates its proper construction and will ensure the protection of the health and safety of its future occupants (1.3(h)).

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The proposed development is consistent with the provisions of orderly and economic development of land, in that it proposes to provide new medium density housing with a high level of design and amenity, in a manner, which meets the objectives of those applicable controls. This new residential accommodation over its economic life is consistent with the promotion and coordination of the orderly use and development of land.

The proposed height can be achieved without adverse impacts for the following reasons:

- The proposed penthouse level will not result in any increased loss of views from surrounding development due to its setback location and limited footprint.
- Given the separation distances of the penthouse level from surrounding properties, the breach will not result in the loss of privacy for adjoining properties.
- The proposal will not result in unreasonable overshadowing of adjoining properties. In particular, it is noted that the height breach at the penthouse level does not result in any additional loss of solar access to adjoining properties and the proposal is fully compliant with the solar access controls for adjoining properties and the development itself.
- The proposal will provide a development, which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained.
- The proposal will provide a development, which is consistent with the envisaged transitioning scale of the adjoining developments and is of an appropriate visual bulk for the locality.
- The development as proposed fits contextually with the site and streetscape as the intensity of the development is appropriate and acceptable, having regard to existing adjoining development and envisaged scale transition towards the CBD.
- Non-compliance with the standard does not contribute to adverse environmental impacts and when viewed from the public domain, the appearance of the development will make a positive contribution to the streetscape.
- The proposed development provides an articulated building form that minimises perceived bulk and scale impacts when viewed from Sale Street, Prince Street and the surrounds of the site.
- Reduction in the proposed height will not result in improved amenity for adjoining properties.
- Given the consistency of the proposal against the zone objectives and height objectives, consideration that the height can be achieved without adverse impacts on adjoining properties and that the development achieves the objects in Section 1.3 of the EP&A Act in my considered opinion there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.6 (4)

> *(4) Development consent must not be granted for development that contravenes a development standard unless—*
>
> *(a) the consent authority is satisfied that—*
>
> *(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
>
> *(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

Notwithstanding the above consideration *In Action Pty Ltd v Woollahra Municipal Council [2018]* the Court found that clause 4.6(4) required the satisfaction of two preconditions.

The first precondition is found in clause 4.6(4)(a), that precondition requires the formation of two positive opinions of satisfaction by the consent authority. The first positive opinion of satisfaction (cl 4.6(4)(a)(i)) is that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3)(a)(i) and the second positive opinion of satisfaction (cl 4.6(4)(a)(ii)) is that the proposed development will

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be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out.

The second precondition is found in clause 4.6(4)(b). The second precondition requires the consent authority to be satisfied that that the concurrence of the Secretary (of the Department of Planning and the Environment) has been obtained.

Clause 4.6(a)(i)

The consent authority needs to be satisfied that the proposed development will be in the public interest if the standard is varied because it is consistent with the objectives of the standard and the objectives of the zone.

In *Initial Action Pty Ltd v Woollahra Municipal Council [2018]* the Court described the relevant test for this as follows:

"The matter in cl 4.6(4)(a)(ii), with which the consent authority or the Court on appeal must be satisfied, is not merely that the proposed development will be in the public interest but that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out. It is the proposed development's consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest. If the proposed development is inconsistent with either the objectives of the development standard or the objectives of the zone or both, the consent authority, or the Court on appeal, cannot be satisfied that the development will be in the public interest for the purposes of cl 4.6(4)(a)(ii)."

As demonstrated above in this written request, the proposed development is consistent with the objectives of the development standard and the objectives of the zone in which the development is proposed to be carried out. Accordingly, the consent authority can be satisfied that the proposed development will be in the public interest if the standard is varied because it is consistent with the objectives of the standard and the objectives of the zone.

Strict compliance with this building height development standard is unreasonable or unnecessary because it would restrict the opportunity to provide a modest contemporary higher density housing in the city of Orange that complies with all other bulk and scale development controls and the comments and considerations with regard to heritage and housing needs.

The objectives of Clause 4.6 seek to provide flexibility and improved outcomes. Given the site location and minimal impacts of the non-compliance, some flexibility in the building height control is considered suitable and appropriate.

Accordingly, it is evident that the objectives of Clause 4.6 of the OLEP 2011 can be achieved, and a better planning outcome is facilitated from the development by allowing flexibility in this circumstance.

10.0 Is the objection well founded

It is considered that a variation to the height of building development standard can be supported on merit for the following reasons:

- Given the developments consistency with the objectives of the standard and the zone, strict compliance has been found to be both unreasonable and unnecessary under the circumstances. The proposed development will be in the public interest because it is consistent with the objectives of the height development standard and the objectives of the R3 zone.
- There are sufficient planning grounds to justify contravening the development standard as the additional height can be accomplished without adverse impacts upon its surrounds whilst also achieving the objects in Section 1.3 of the EPA Act.

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- The proposed development is consistent with the provisions of orderly and economic development of land, in that it proposes to provide new medium density housing with a high level of design and amenity, in a manner, which meets the objectives of those applicable controls.
- This new residential accommodation over its economic life is consistent with the promotion and coordination of the orderly use and development of land.

11.0 Conclusion

As required by Clause 4.6(3)(a) and 4.6(3)(b), this document has considered that there are sufficient environmental planning grounds to justify the variation on the basis that compliance with the standard would be unreasonable and unnecessary in the circumstances of this particular case. As demonstrated above, the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings standard and the objectives of the R3 zone.

Therefore, having regard to the above compliance with the building height development standard is unreasonable or unnecessary in the circumstances of the case given the developments ability to comply with the zone and height of buildings standard objectives, that approval would not be antipathetic to the public interest and the lack of impact arising from the breach of the control.

The consistency of the development with the objectives of the height standard and the lack of impact arising are sufficient grounds to support that breach and confirms the lack of necessity for the development to comply. This therefore demonstrates sufficient environmental planning grounds to justify contravening the standard. In addition, the resultant development will be in the public interest and there is no public benefit in maintaining the control.

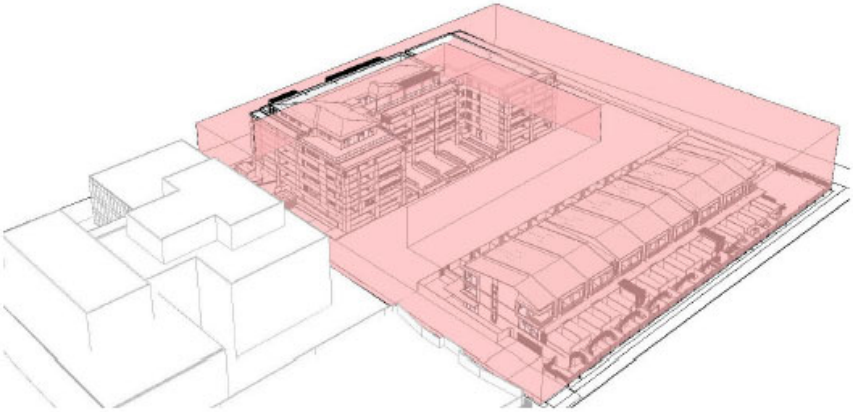
As such, I have formed the considered opinion that there is no statutory or environmental planning impediment to the granting of a height of buildings variation in this instance.

Additionally the proposal is considered to satisfy the two positive states of satisfaction both direct and indirect and subsequently achieves the jurisdictional requirements of the consent authority for Clause 4.6.

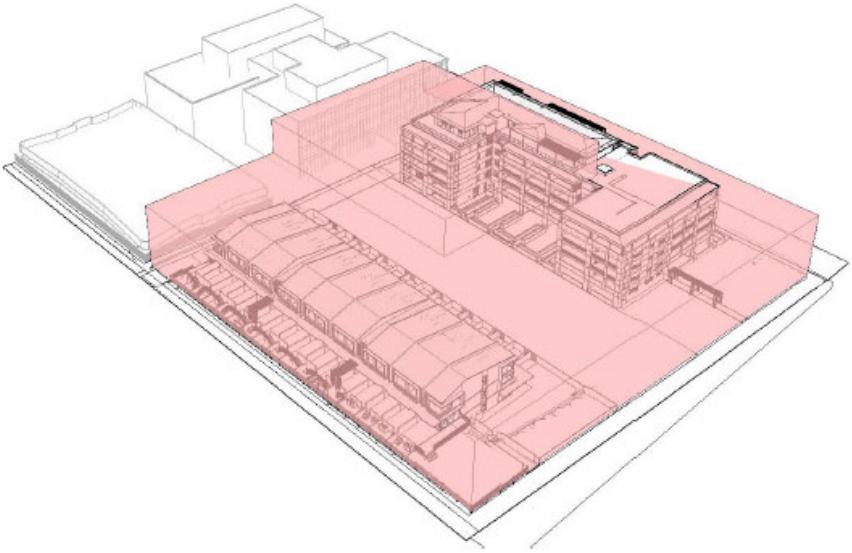
This written request is considered to adequately address the matters required by Clause 4.6 and demonstrates that compliance with the development standard would be unreasonable and unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard.

MAAS

Appendix 1 – Building Envelope Diagrams

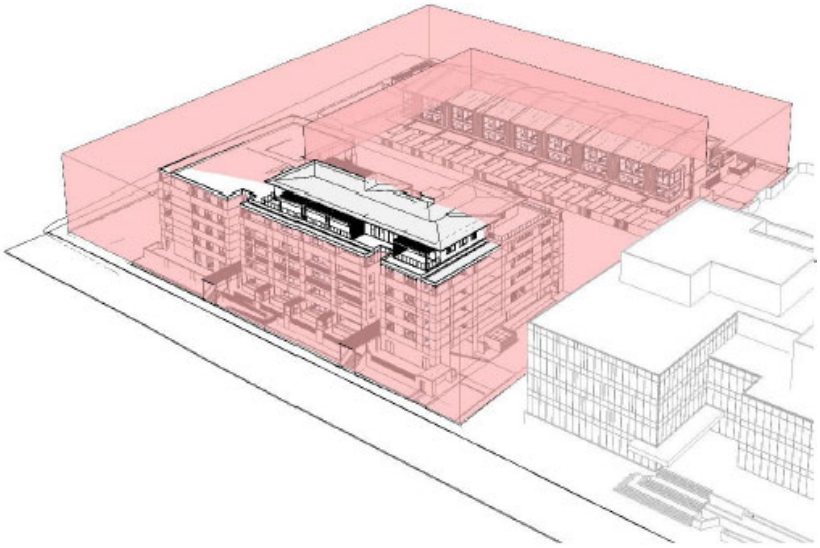


BUILDING ENVELOPE DIAGRAM -NORTH EAST

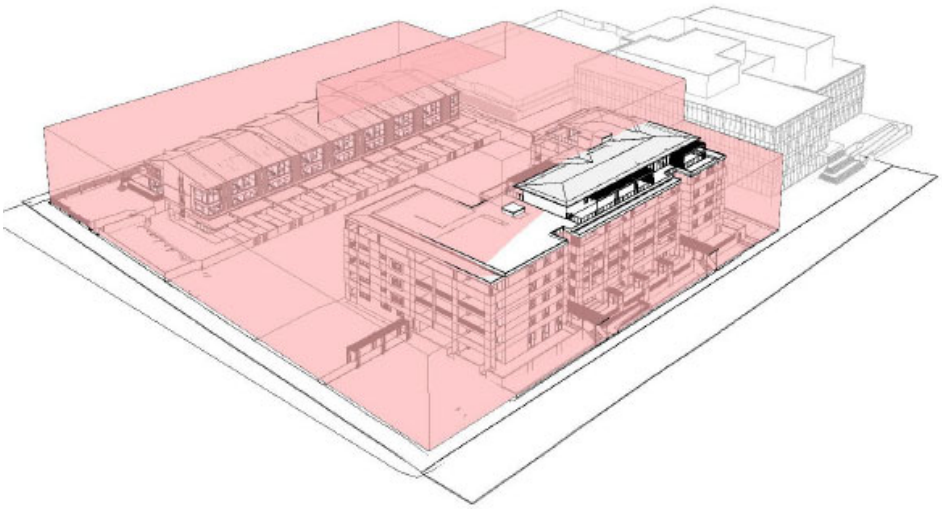


BUILDING ENVELOPE DIAGRAM -NORTH WEST

MAAS



BUILDING ENVELOPE DIAGRAM -SOUTH EAST



BUILDING ENVELOPE DIAGRAM -SOUTH WEST

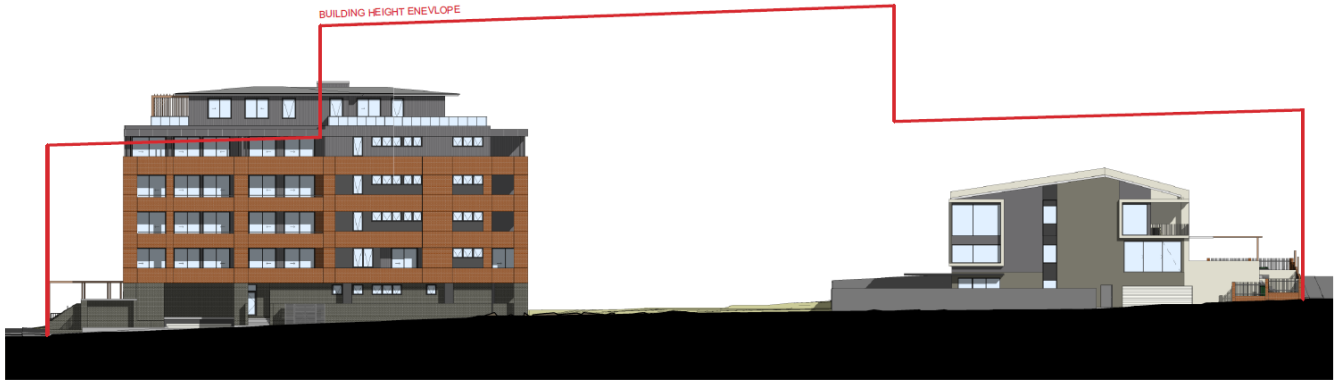
MAAS

Appendix 2 – Building Envelope Elevations

2 WEST ELEVATION - (SALE ST)
1 : 200

January 2023

MAAS

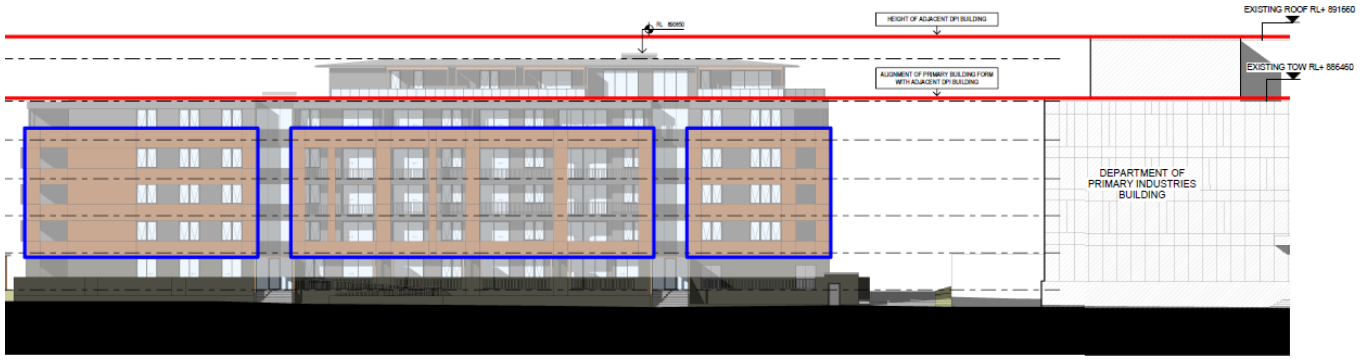


3 EAST ELEVATION
1 : 200

14

MAAS

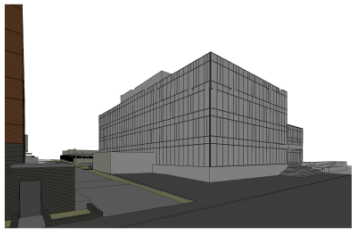
Appendix 3 – Height Comparison



15

MAAS

Appendix 4 – Overshadowing Diagrams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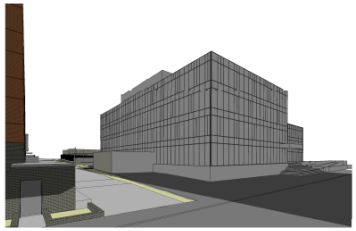
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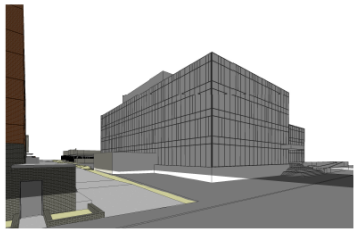
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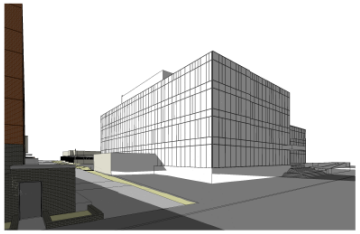
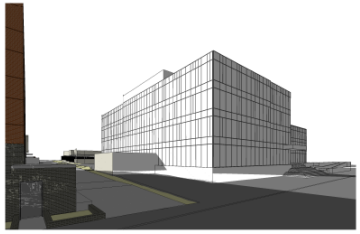
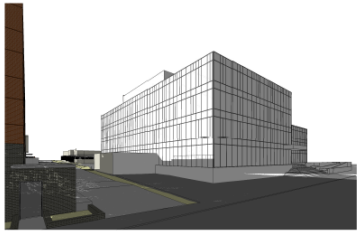
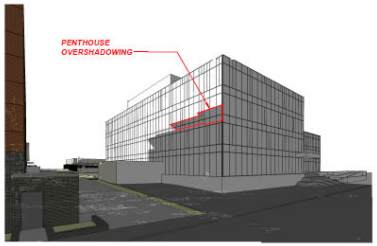
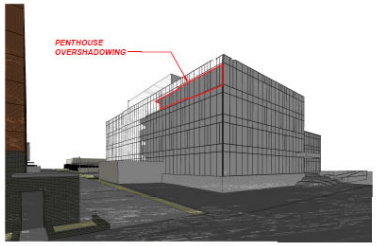

4 Winter Solstice - 21st June 12PM


5 Winter Solstice - 21st June 1PM

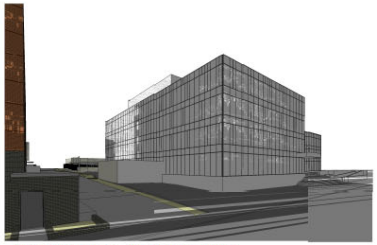

6 Winter Solstice - 21st June 2PM



7 Winter Solstice - 21st June 3PM



8 Winter Solstice - 21st June 4PM


9 Winter Solstice - 21st June 5PM

16

Annexure G

Submission 1

Chief Executive Officer
Orange City Council
PO Box 35
Orange NSW 2800

20th April 2023

Sent by Email: council@orange.nsw.gov.au

Reference: DA 98/2022(1)

I make this application to be considered in relation to DA 98/2022(1) on behalf of the owners of 105 Prince Street Orange, Verde Property. I have several concerns with the current application which are mostly around Shadowing of the building and the impact to wellness and energy consumption and the increase of cars into local traffic and competing for on street parking.

In the lodged documents on the DA portal, I have noted significant shadowing on our building located at 105 Prince. This does in fact place a significant energy impact on the building requiring more energy to heat the building during cooler months. This will be a permanent drain on resources and increased carbon emissions from a building that was designed to have minimal impact on the environment. Pages 14-15/24 in 3-Revised-Architectural-plans-uploaded-to-portal-21.03.23 show a significant shadow across the Southwestern side of the building that will both impact temperature control and lighting. This can easily be revised by reducing the overall height of the proposed development and moving it further west on the block. Clearly the removal of natural light from the office environment is not desirable for the wellbeing and health of the people working within the building.

The noted *Seca traffic report* (12 Traffic Engineers Statement) does not in fact address or even identify any impacts to local traffic. There is no supplied study on the levels of congestion around intersections with Prince and Anson Street or the expected traffic movements past key infrastructure sites such as the Ambulance station on Dalton Street or the Community centre on Prince Street. There are two pre-schools within a block of 103 and our estimations place the number of vehicles being added into this precinct at over 300. This is a significant concern to us and should be to local residents with children walking to school bus stops or even to school at Bletchington Public School. I would request that a traffic study be carried out to determine the actual impact on the roads, intersections and local community. Parking is a long term issue within Orange CBD and as there are only just over 100 car park spaces in the development, where will the extra 200 cars park and where will visitors park?

Verde Orange Pty Ltd
Orange Trust
Registered Address:
Postal Address:

verde
eco property

Whilst we acknowledge the need for affordable housing within Orange this is a targeted pitch at the upper end of the market with a 2 bedroom unit at 103 Prince around $750,000 and the Orange median 2 bedroom house is currently at $570,000 (source Domain on 53 houses sold 2023). Clearly the maximisation of profits for the developer is the primary concern with no assistance being provided to actual affordable housing. These properties will be bought by professional couples which will bring at least two cars. Some of the units will be bought as investment properties to rent out which is likely to yield even more vehicles as people house/unit share to afford the rental. This will only add to the number of vehicle movements in the surrounding blocks and CBD.

In summary, the apartment block is still too high and attracts too many vehicles. As a residential development much more care needs to be directed into making this residential address fit within the beauty of Orange's architecture. Once this is built it is too late and the precedent is set, we must make every effort to ensure we steer this development in the direction of Orange's future and not end up like the Bathurst CBD; wishing we made more of an effort to retain our country town beauty and tranquillity. We only have one opportunity to get this right and more information should be sought to ensure the resultant levels of traffic and changes in the appearance of the historic architecture aren't impacted beyond a point from which they will never recover.

Yours Sincerely

Verde Orange Pty Ltd
Orange Trust
Registered Address:
Postal Address:

Department of Planning and Environment

Submission 2

Your ref: DA 98/2022(1) - PR28313

Our ref: OUT23/5290

Chief Executive Officer
Orange City Council
PO Box 35
Orange NSW 2800

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

20 April 2023

Submission: Development Application – DA 98/2022(1)

Lot 501 DP 1249083 - 103 Prince Street, Orange

I refer to Paul Johnston's letter dated 22 March 2023 regarding the revised documents submitted by the applicant in relation to the above DA. Thank you for the opportunity to provide comment.

As Orange City Council is aware, the neighbouring property at 105 Prince Street is owned by Verde Property and the NSW Department of Planning and Environment (DPE) occupies the building as a tenant. I am writing to provide comments on behalf of DPE Corporate Services division in its capacity as a tenant.

DPE remains supportive in principle of the addition of medium density residential accommodation in Orange, and the comments below on behalf of DPE Corporate Services are intended to contribute to improvements in design, noting that the development will set a precedent for higher density development in Orange.

General comments

DPE acknowledges the revisions that have been made by the applicant, and considers the revisions an overall improvement on the proposed development. The revised design has in part addressed a number of the issues raised by DPE in previous correspondence.

Set out below are our more specific comments which relate principally to the request for height variation under the Orange Local Environmental Plan 2011 (OLEP), and the proposed shared accessway.

Request to Height Variation

The applicant has submitted a revised request pursuant to clause 4.6 of the OLEP to support a variation of the maximum height restrictions applicable to the site.

The predominant purpose for which the variation is required is to accommodate the 2 penthouses proposed on Level 5 of the apartment building.

Department of Planning and Environment

In making a written request pursuant to clause 4.6 of the OLEP, the applicant is required to demonstrate that:

a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

b) there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has stated that "*Strict compliance with this building height development standard is unreasonable or unnecessary because it would restrict the opportunity to provide a modest contemporary higher density housing in the city of Orange*" (Revised Clause 4.6 Variation Request, page 9). However, all of the 16 proposed townhouses, and 58 of the 60 proposed apartments can be developed within the existing building envelope and height restriction, realising the opportunity to provide higher density housing.

DPE is concerned about the design and orientation of the proposed penthouses for the following reasons:

a) Privacy. The proposed location of the penthouses on Level 5 places them in direct line of sight of the occupants of the office building at 105 Prince Street.

   The penthouses each have very large areas of private open space which are bordered by glass fencing. The Architectural Plans also include floor to ceiling glass windows and doors along the exterior walls of the penthouses. The outdoor patios and glass windows and doors face the western façade of the office building on 105 Prince Street, which is primarily glass.

   There is a high density of workstations along this façade, and building occupancy continues to increase. There are numerous government departments located in the building, and employees can often work outside normal business hours. Likewise, internal maintenance, cleaning and government projects can be conducted in the building out of business hours including weekends.

   The location of the penthouses and the other factors described above will impact on privacy for the residents of the penthouses. The residents of the penthouses will also be exposed to lighting and movement within the building both within and outside of business hours.

   This issue appears to have been mitigated in relation to the townhouses and the remainder of the apartments, which are oriented differently with windows located to avoid direct line of sight from 105 Prince Street.

b) Overshadowing. The inclusion of an accessway along the eastern boundary of the proposed development has provided additional setback from 105 Prince Street, which has given some relief to the overshadowing created by the development. However, as illustrated in Appendix 4 of the Revised Clause 4.6 Variation Request, the penthouses contribute to additional overshadowing of the office building, including in mid-winter.

The height variation, design and orientation of the penthouses do not appear to be consistent with the guidance in the Apartment Design Guide for minimising overshadowing and impacts on privacy.

Department of Planning and Environment

Shared Accessway

We note that the revisions to the DA include:

a) a north/south accessway between the western boundary of 105 Prince Street and the eastern boundary of the proposed development; and

b) the basement entry has been relocated from Sale Street to the eastern boundary of the proposed development.

While the supporting documents provide some information regarding the accessway, more detail would be beneficial to consider the impact of the design. In particular:

a) Security. To ensure security the throughfare should be well lit, and designed to eliminate any concealed corners or spaces where loitering could occur. Although the Revised External Lighting Plan provides some detail regarding light installation, it would be useful to understand the dispersal of light and shadow from the planned lighting, and the form of the waste bin collection area and any other structures along the accessway to ensure security and inherent visual surveillance.

b) Landscaping. DPE welcomes the inclusion of landscaping and deep soil planting to provide visual screening between 103 and 105 Prince Street, and to enhance the natural amenity of the development. The landscaping plans refer to "*small trees and screening shrubs*", and more detail regarding the species proposed for planting would be useful given the shared boundary.

c) Pedestrian pathway. We note Council's requirement for a grade separated pedestrian path of 1.2m – 1.5m to be located on the eastern side of a common driveway has not been included in the proposed development. Instead, the applicant has proposed a single 6.0m wide accessway to be shared by vehicles, pedestrians and cyclists.

   The applicant has submitted a Traffic Engineer's Statement advising that a separate pedestrian pathway would not be required because "*This driveway will provide access for the future residents of the development site only and there will be little if any demand for the general public to walk along this driveway. The low traffic volumes on this driveway, together with the low pedestrian demands will ensure that this shared zone can operate in a safe manner.*"

   The Traffic Engineer's Statement does not refer to any evidence supporting those conclusions. The local environment and neighbours should both be taken into consideration in assessing traffic impact and any demand by the general public to use the accessway. Relevant local factors include:

   i. the portion of Sale Street that connects Prince Street and Dalton Street incorporates herringbone parking, which inhibits vehicle movement and may prompt residents of Orange to use the shared accessway instead (given that both will have the same speed zones);

ii. the shared accessway will provide direct connection to the public park contained within 103 Prince Street for the residents and businesses of Dalton, Prince and Anson Streets and beyond;

iii. likewise, it will provide the most convenient access to the public park for students, visitors and employees of TAFE and the tenants of 105 Prince Street; and

iv. the shared accessway would also provide a more direct connection for students and staff of TAFE to enter/exit the campus to access medical services or car parking on Dalton Street.

There will also be significant use of the accessway by residents, visitors and service providers in connection with the apartments and townhouses. This is because the accessway:

i. is the only point of vehicular access to residential parking for the development;

ii. is the designated area for loading and unloading of removalists and deliveries, and the provision of services like waste removal; and

iii. will be used by residents looking for parking on neighbouring streets, noting that it is unlikely that residential parking needs will be fully met by the designated basement parking.

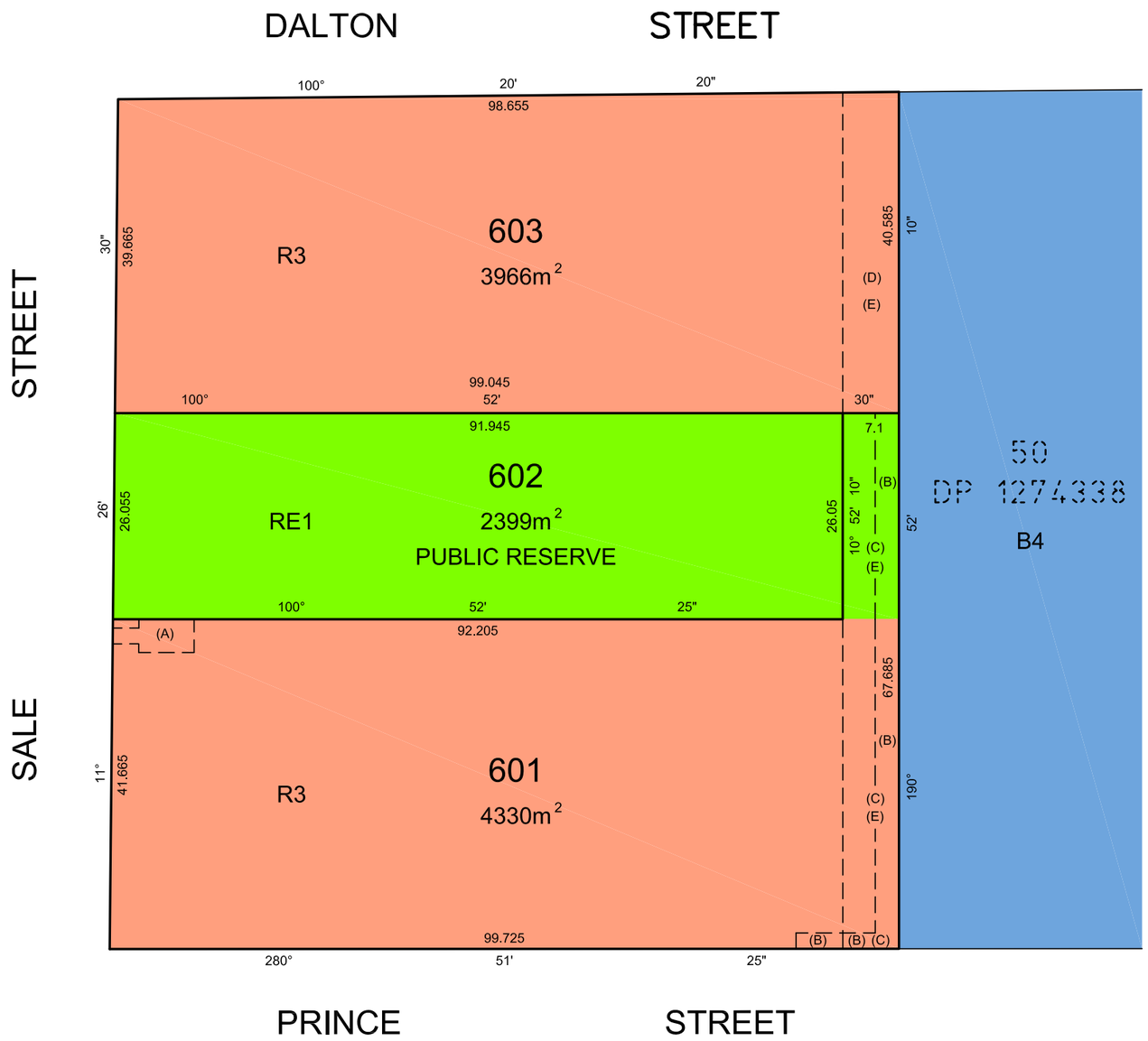
Considering the factors above, it appears that the separate pedestrian path requested by Council adjacent to a road for two-way vehicle traffic would provide a better option for pedestrian safety rather than combining pedestrian, cyclist and vehicle traffic.

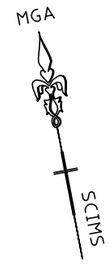
Thank you again for the opportunity to comment on the revised submission.

Yours sincerely,

NSW Department of Planning and Environment

Annexure H





ZONING

R3	DENOTES MEDIUM DENSITY RESIDENTIAL
RE1	DENOTES PUBLIC RECREATION
B4	DENOTES MIXED USE

(SOURCE ORANGE LOCAL ENVIRONMENTAL PLAN 2011: SHEET LZN_008C)

EASEMENT NOTE:

1. RIGHT OF ACCESS 7.1 WIDE (C) BURDENS LOT 601 AND BENEFITS ORANGE CITY COUNCIL AND LOT 603.
2. RIGHT OF ACCESS 7.1 WIDE (D) BURDENS LOT 603 AND BENEFITS ORANGE CITY COUNCIL AND LOT 601.
3. THE POSITIVE COVENANT WILL REQUIRE THE LAND DENOTED (E) TO BE MAINTAINED FOR PUBLIC ACCESS FROM PRINCE STREET TO DALTON STREET.

(A) EASEMENT FOR MULTI-PURPOSE ELECTRICAL INSTALLATION 2 AND 4.2 WIDE (DP)
(B) EASEMENT TO DRAIN WATER 2 AND 3 WIDE (DP)
(C) RIGHT OF ACCESS 7.1 WIDE (DP)
(D) RIGHT OF ACCESS 7.1 WIDE (DP)
(E) POSITIVE COVENANT (DP)

NOTE:

AREAS AND DIMENSIONS SHOWN HEREON ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY

CAUTION SHOULD BE EXERCISED IF ANY FINANCIAL DEALINGS RELY ON THE INFORMATION SHOWN ON THIS PLAN. THIS PLAN IS NOT GUARANTEED TO SHOW ALL RELEVANT INFORMATION BUT IS INTENDED TO BE A GUIDE ONLY.

EASEMENTS LOCATION AND SIZE ARE SUBJECT TO DESIGN, APPROVAL AND INSTALLED LOCATION OF SERVICES AND STRUCTURES

REFERENCE: 3925/23	CRAIG JAQUES & ASSOC (ORANGE) P/L LAND SURVEYING CONSULTANTS P.O. BOX 8526, ORANGE EAST NSW 2800 PH: (02) 6362 1900 E-MAIL: admin@cja.net.au	DATE: 08/03/2023	CLIENT: MAAS GROUP
REG'D SURVEYOR		SCALE: 1:600 (A3)	PROJECT: PLAN OF PROPOSED SUBDIVISION OF LOT 501 DP1249083 PRINCE, SALE & DALTON STREETS, ORANGE
		DATUM: N/A	
		METHOD OF SURVEY: N/A	
		SITE AREA: AS SHOWN	LGA: ORANGE — SHEET 1 OF 1 SHEETS

Annexure I

BASIX® Certificate

Building Sustainability Index www.basix.nsw.gov.au

Multi Dwelling

Certificate number: 1288407M_02

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

This certificate is a revision of certificate number 1288407M lodged with the consent authority or certifier on 24 March 2022 with application DA98/2022(1).

It is the responsibility of the applicant to verify with the consent authority that the original, or any revised certificate, complies with the requirements of Schedule 1 Clause 2A, 4A or 6A of the Environmental Planning and Assessment Regulation 2000

Secretary
Date of issue: Tuesday, 18 April 2023
To be valid, this certificate must be lodged within 3 months of the date of issue.

NSW GOVERNMENT | Planning, Industry & Environment

Project summary	
Project name	18041_02
Street address	103 Prince Street Orange 2800
Local Government Area	Orange City Council
Plan type and plan number	deposited 1249083
Lot no.	501
Section no.	-
No. of residential flat buildings	1
No. of units in residential flat buildings	60
No. of multi-dwelling houses	16
No. of single dwelling houses	0

Project score		
Water	✔ 41	Target 40
Thermal Comfort	✔ Pass	Target Pass
Energy	✔ 35	Target 35

Certificate Prepared by

Building Sustainability Assessments

(ABN: 27 131 950 064)

Ph: 02 4962 3439 **Email: enquiries@buildingsustainability.net.au**

Revision of Certificates not lodged within 3 months of the date of issue will incur further BASIX issuing fees.

Description of project

Project address	
Project name	18041_02
Street address	103 Prince Street Orange 2800
Local Government Area	Orange City Council
Plan type and plan number	deposited 1249083
Lot no.	501
Section no.	-
Project type	
No. of residential flat buildings	1
No. of units in residential flat buildings	60
No. of multi-dwelling houses	16
No. of single dwelling houses	0
Site details	
Site area (m²)	10694
Roof area (m²)	3133
Non-residential floor area (m²)	0.0
Residential car spaces	124
Non-residential car spaces	0

Common area landscape		
Common area lawn (m²)	0.0	
Common area garden (m²)	100.0	
Area of indigenous or low water use species (m²)	-	
Assessor details		
Assessor number	DMN/13/1491	
Certificate number	0007109990	
Climate zone	65	
Ceiling fan in at least one bedroom	No	
Ceiling fan in at least one living room or other conditioned area	No	
Project score		
Water	✔ 41	Target 40
Thermal Comfort	✔ Pass	Target Pass
Energy	✔ 35	Target 35

Description of project

The tables below describe the dwellings and common areas within the project

Residential flat buildings - Building1, 60 dwellings, 6 storeys above ground

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
101	2	101.0	0.0	0.0	0.0
106	3	135.0	0.0	0.0	0.0
111	1	58.0	0.0	0.0	0.0
203	2	116.0	0.0	0.0	0.0
208	3	114.0	0.0	0.0	0.0
301	2	101.0	0.0	0.0	0.0
306	3	135.0	0.0	0.0	0.0
311	3	119.0	0.0	0.0	0.0
404	3	132.0	0.0	0.0	0.0
409	1	58.0	0.0	0.0	0.0
G01	2	101.0	0.0	55.0	0.0
G06	3	135.0	0.0	30.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
102	3	119.0	0.0	0.0	0.0
107	2	100.0	0.0	0.0	0.0
112	1	71.0	0.0	0.0	0.0
204	3	139.0	0.0	0.0	0.0
209	2	87.0	0.0	0.0	0.0
302	3	119.0	0.0	0.0	0.0
307	2	100.0	0.0	0.0	0.0
312	2	102.0	0.0	0.0	0.0
405	3	135.0	0.0	0.0	0.0
410	3	119.0	0.0	0.0	0.0
G02	2	97.0	6.0	34.0	0.0
G07	2	99.0	0.0	55.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
103	2	116.0	0.0	0.0	0.0
108	3	114.0	0.0	0.0	0.0
113	2	92.0	0.0	0.0	0.0
205	3	132.0	0.0	0.0	0.0
210	1	58.0	0.0	0.0	0.0
303	2	116.0	0.0	0.0	0.0
308	3	114.0	0.0	0.0	0.0
401	2	101.0	0.0	0.0	0.0
406	2	100.0	0.0	0.0	0.0
411	2	102.0	0.0	0.0	0.0
G03	2	116.0	0.0	42.0	0.0
G08	2	94.0	0.0	30.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
104	3	139.0	0.0	0.0	0.0
109	2	87.0	0.0	0.0	0.0
201	2	101.0	0.0	0.0	0.0
206	3	135.0	0.0	0.0	0.0
211	3	119.0	0.0	0.0	0.0
304	3	139.0	0.0	0.0	0.0
309	2	87.0	0.0	0.0	0.0
402	2	116.0	0.0	0.0	0.0
407	3	114.0	0.0	0.0	0.0
501	3	212.0	15.0	0.0	0.0
G04	3	123.0	0.0	50.0	0.0
G09	2	110.0	0.0	55.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
105	3	132.0	0.0	0.0	0.0
110	1	58.0	0.0	0.0	0.0
202	3	119.0	0.0	0.0	0.0
207	2	100.0	0.0	0.0	0.0
212	2	102.0	0.0	0.0	0.0
305	3	132.0	0.0	0.0	0.0
310	1	58.0	0.0	0.0	0.0
403	3	139.0	0.0	0.0	0.0
408	2	87.0	0.0	0.0	0.0
502	3	194.0	0.0	0.0	0.0
G05	3	132.0	0.0	72.0	0.0
G10	2	92.0	0.0	50.0	0.0

Multi-dwelling houses

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
U01	3	182.0	0.0	256.0	0.0
U06	3	182.0	0.0	35.0	0.0
U11	3	182.0	0.0	35.0	0.0
U16	3	182.0	0.0	36.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
U02	3	182.0	0.0	35.0	0.0
U07	3	182.0	0.0	35.0	0.0
U12	3	182.0	0.0	35.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
U03	3	182.0	0.0	35.0	0.0
U08	3	182.0	0.0	35.0	0.0
U13	3	182.0	0.0	35.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
U04	3	182.0	0.0	35.0	0.0
U09	3	182.0	0.0	35.0	0.0
U14	3	182.0	0.0	35.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
U05	3	182.0	0.0	35.0	0.0
U10	3	182.0	0.0	35.0	0.0
U15	3	182.0	0.0	35.0	0.0

Description of project

The tables below describe the dwellings and common areas within the project

Common areas of unit building - Building1

Common area	Floor area (m²)
Car park area (LB South)	2590.0
MSB room (LG South)	49.0
Community room (L4 South)	42.0
Plant room (LG South)	13.0
Hallway/lobby type (L2 South)	110.0
Hallway/lobby type (L5 South)	52.0

Common area	Floor area (m²)
Lift car (No.1)	-
Garbage rooms (LB South)	52.0
Pump room (LB South)	31.0
Ground floor lobby type (LG South)	158.0
Hallway/lobby type (L3 South)	110.0
Hallway/lobby type (LB South)	34.0

Common area	Floor area (m²)
Lift car (No.2)	-
Garbage room (L5 South)	8.0
Service room (LB South)	37.0
Hallway/lobby type (L1 South)	115.0
Hallway/lobby type (L4 South)	110.0

Common areas of the development (non-building specific)

Common area	Floor area (m²)
Car park area (LG North)	1157.0

Schedule of BASIX commitments

1. Commitments for Residential flat buildings - Building1
    - (a) Dwellings
        - (i) Water
        - (ii) Energy
        - (iii) Thermal Comfort
    - (b) Common areas and central systems/facilities
        - (i) Water
        - (ii) Energy

2. Commitments for multi-dwelling houses
    - (a) Dwellings
        - (i) Water
        - (ii) Energy
        - (iii) Thermal Comfort

3. Commitments for single dwelling houses

4. Commitments for common areas and central systems/facilities for the development (non-building specific)
    - (i) Water
    - (ii) Energy

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

1. Commitments for Residential flat buildings - Building1

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✔	✔	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✔	✔
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✔	✔
(e) The applicant must install:			
(aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and		✔	✔
(bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✔	✔
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✔	✔	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✔	
(g) The pool or spa must be located as specified in the table.	✔	✔	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✔	✔	✔

	Fixtures					Appliances		Individual pool				Individual spa		
Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	4 star (> 6 but <= 7.5 L/min)	4 star	4 star	4 star	no	-	-	-	-	-	-	-	-	-

	Alternative water source							
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up
None	-	-	-	-	-	-	-	-

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✔	✔	✔
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✔	✔
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✔	✔
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✔	✔

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✔	✔	✔
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must:			
(aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and		✔	
(bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✔	
(h) The applicant must install in the dwelling:			
(aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below;		✔	
(bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and		✔	✔
(cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✔	
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✔	

	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	gas instantaneous 6 star	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

	Cooling		Heating		Artificial lighting						Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/ toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
501	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3 (dedicated)	2 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	1	yes
G02	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	2 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	2	no
104, 204, 304, 403	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3 (dedicated)	2 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	yes
110, 111, 112, 210, 310, 409	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	1 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	no
102, 202, 211, 302, 311, 410, 502	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3 (dedicated)	2 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	1	no
103, 107, 203, 207, 303, 307, 402, 406, G03, G07, G08	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	2 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	no

	Cooling		Heating		Artificial lighting						Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/ toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
101, 109, 113, 201, 209, 212, 301, 309, 312, 401, 408, 411, G01, G09, G10	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	2 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	yes
All other dwellings	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3 (dedicated)	2 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	no

	Individual pool		Individual spa		Appliances & other efficiency measures							
Dwelling no.	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	-	-	-	-	electric cooktop & electric oven	-	yes	-	-	-	yes	no

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✔		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✔	
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✔	✔
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✔	✔	✔
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✔	✔	✔

	Thermal loads	
Dwelling no.	Area adjusted heating load (in mJ/m²/yr)	Area adjusted cooling load (in mJ/m²/yr)
101	151.0	4.0
102	148.3	5.9
103	149.6	2.6
104	211.4	7.0

	Thermal loads	
Dwelling no.	Area adjusted heating load (in mJ/m²/yr)	Area adjusted cooling load (in mJ/m²/yr)
105	145.6	2.0
106	140.9	1.9
107	162.0	2.9
108	199.8	3.8
109	228.8	5.5
110	218.3	5.0
111	239.3	4.5
112	267.2	4.2
113	159.8	5.8
201	154.9	4.0
202	152.3	5.5
203	152.9	2.4
204	216.3	6.7
205	149.3	1.9
206	144.5	1.9
207	165.3	2.8
208	204.1	3.7
209	205.2	5.4
210	209.8	5.2
211	161.4	3.9
212	166.6	4.8
301	179.3	3.8
302	205.7	5.1
303	171.6	2.0
304	243.5	5.7
305	170.1	1.9
306	165.2	1.7

	Thermal loads	
Dwelling no.	Area adjusted heating load (in mJ/m²/yr)	Area adjusted cooling load (in mJ/m²/yr)
307	186.8	2.4
308	228.2	3.4
309	224.5	5.2
310	229.6	5.1
311	166.4	3.1
312	189.4	4.3
401	210.2	5.4
402	195.0	4.4
403	268.3	7.9
404	190.4	2.6
405	176.5	2.0
406	193.7	3.3
407	236.5	2.9
408	235.5	6.9
409	231.8	5.0
410	186.4	4.5
411	201.6	5.0
501	204.9	6.0
502	260.5	8.0
G01	208.5	3.6
G02	198.7	3.9
G03	202.0	0.9
G04	206.6	5.1
G05	196.5	1.0
G06	189.2	1.1
G07	207.6	1.3
G08	239.2	3.6

	Thermal loads	
Dwelling no.	**Area adjusted heating load (in mJ/m²/yr)**	**Area adjusted cooling load (in mJ/m²/yr)**
G09	214.7	1.5
All other dwellings	187.4	7.8

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✔	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔	✔	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✔	✔	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✔	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✔	✔
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✔	✔

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	4 star	4 star	no common laundry facility

Central systems	Size	Configuration	Connection (to allow for...)
Central water tank - rainwater or stormwater (No. 1)	5000.0	To collect run-off from at least: - 1000.0 square metres of roof area of buildings in the development - 0.0 square metres of impervious area in the development - 0.0 square metres of garden/lawn area in the development - 0.0 square metres of planter box area in the development (excluding, in each case, any area which drains to, or supplies, any other alternative water supply system).	- irrigation of 100.0 square metres of common landscaped area on the site

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✔	✔
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✔	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔	✔	✔

	Common area ventilation system		Common area lighting		
Common area	**Ventilation system type**	**Ventilation efficiency measure**	**Primary type of artificial lighting**	**Lighting efficiency measure**	**Lighting control system/BMS**
Car park area (LB South)	ventilation (supply + exhaust)	carbon monoxide monitor + VSD fan	light-emitting diode	zoned switching with motion sensor	No
Lift car (No.1)	-	-	light-emitting diode	connected to lift call button	No
Lift car (No.2)	-	-	light-emitting diode	connected to lift call button	No
MSB room (LG South)	ventilation exhaust only	thermostatically controlled	light-emitting diode	manual on / manual off	No
Garbage rooms (LB South)	ventilation exhaust only	-	light-emitting diode	motion sensors	No
Garbage room (L5 South)	ventilation exhaust only	-	light-emitting diode	motion sensors	No
Community room (L4 South)	air conditioning system	time clock or BMS controlled	light-emitting diode	daylight sensor and motion sensor	No
Pump room (LB South)	ventilation exhaust only	thermostatically controlled	light-emitting diode	manual on / manual off	No
Service room (LB South)	ventilation exhaust only	thermostatically controlled	light-emitting diode	manual on / manual off	No
Plant room (LG South)	ventilation exhaust only	thermostatically controlled	light-emitting diode	manual on / manual off	No
Ground floor lobby type (LG South)	no mechanical ventilation	-	light-emitting diode	daylight sensor and motion sensor	No
Hallway/lobby type (L1 South)	ventilation (supply + exhaust)	time clock or BMS controlled	light-emitting diode	daylight sensor and motion sensor	No
Hallway/lobby type (L2 South)	ventilation (supply + exhaust)	time clock or BMS controlled	light-emitting diode	daylight sensor and motion sensor	No

	Common area ventilation system		Common area lighting		
Common area	**Ventilation system type**	**Ventilation efficiency measure**	**Primary type of artificial lighting**	**Lighting efficiency measure**	**Lighting control system/BMS**
Hallway/lobby type (L3 South)	ventilation (supply + exhaust)	time clock or BMS controlled	light-emitting diode	daylight sensor and motion sensor	No
Hallway/lobby type (L4 South)	ventilation (supply + exhaust)	time clock or BMS controlled	light-emitting diode	daylight sensor and motion sensor	No
Hallway/lobby type (L5 South)	ventilation (supply + exhaust)	time clock or BMS controlled	light-emitting diode	daylight sensor and motion sensor	No
Hallway/lobby type (LB South)	ventilation (supply + exhaust)	time clock or BMS controlled	light-emitting diode	motion sensors	No

Central energy systems	Type	Specification
Lift (No. 1)	gearless traction with V V V F motor	Number of levels (including basement): 6
Lift (No. 2)	gearless traction with V V V F motor	Number of levels (including basement): 7

2. Commitments for multi-dwelling houses

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✔	✔	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✔	✔
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✔	✔
(e) The applicant must install:			
(aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and		✔	✔
(bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✔	✔
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✔	✔	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✔	
(g) The pool or spa must be located as specified in the table.	✔	✔	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✔	✔	✔

	Fixtures					Appliances		Individual pool				Individual spa		
Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	4 star (> 6 but <= 7.5 L/min)	4 star	4 star	4 star	no	-	-	-	-	-	-	-	-	-

	Alternative water source							
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up
All dwellings	individual water tank (no. 1)	Tank size (min) 3000.0 litres	To collect run-off from at least: 100.0 square metres of roof area; 0.0 square metres of impervious area; 0.0 square metres of garden and lawn area; and 0.0 square metres of planter box area.	yes	yes	yes	no	no
None	-	-	-	-	-	-	-	-

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✔	✔	✔
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✔	✔
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✔	✔

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✔	✔
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✔	✔	✔
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must:			
(aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and		✔	
(bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✔	
(h) The applicant must install in the dwelling:			
(aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below;		✔	
(bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and		✔	✔
(cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✔	
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✔	
(j) The applicant must install the photovoltaic system specified for the dwelling under the "Photovoltaic system" heading of the "Alternative energy" column of the table below, and connect the system to that dwelling's electrical system.	✔	✔	✔

	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	gas instantaneous 6 star	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

	Cooling		Heating		Artificial lighting						Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/ toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
All dwellings	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3-phase airconditioning EER 3.0 - 3.5 (zoned)	3 (dedicated)	2 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	no

	Individual pool		Individual spa		Appliances & other efficiency measures							
Dwelling no.	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	-	-	-	-	electric cooktop & electric oven	-	yes	-	-	-	yes	no

	Alternative energy
Dwelling no.	Photovoltaic system (min rated electrical output in peak kW)
All dwellings	0.0

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✔		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✔	
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✔	✔
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✔	✔	✔
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✔	✔	✔

	Thermal loads	
Dwelling no.	Area adjusted heating load (in mJ/m²/yr)	Area adjusted cooling load (in mJ/m²/yr)
U01	219.6	14.6
U02	242.7	5.6
U05	241.0	6.3
U12	241.4	6.3
U13	241.3	6.3
U14	241.2	6.2
U15	244.1	6.3
U16	210.7	10.4

	Thermal loads	
Dwelling no.	Area adjusted heating load (in mJ/m²/yr)	Area adjusted cooling load (in mJ/m²/yr)
U03, U06	241.4	6.2
U04, U07	241.5	6.4
All other dwellings	241.5	6.3

	Construction of floors and walls				
Dwelling no.	Concrete slab on ground(m²)	Suspended floor with open subfloor (m²)	Suspended floor with endclosed subfloor (m²)	Suspended floor above garage (m²)	Primarily rammed earth or mudbrick walls
All dwellings	40	-	43	-	No

4. Commitments for common areas and central systems/facilities for the development (non-building specific)

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✔	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔	✔	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✔	✔	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✔	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✔	✔
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✔	✔

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	4 star	4 star	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✔	✔
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✔	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔	✔	✔

	Common area ventilation system		Common area lighting		
Common area	**Ventilation system type**	**Ventilation efficiency measure**	**Primary type of artificial lighting**	**Lighting efficiency measure**	**Lighting control system/BMS**
Car park area (LG North)	ventilation (supply + exhaust)	carbon monoxide monitor + VSD fan	light-emitting diode	zoned switching with motion sensor	No

Central energy systems	Type	Specification
Alternative energy supply	Photovoltaic system	Rated electrical output (min): 76.0 peak kW

Notes

1. In these commitments, "applicant" means the person carrying out the development.
2. The applicant must identify each dwelling, building and common area listed in this certificate, on the plans accompanying any development application, and on the plans and specifications accompanying the application for a construction certificate / complying development certificate, for the proposed development, using the same identifying letter or reference as is given to that dwelling, building or common area in this certificate.
3. This note applies if the proposed development involves the erection of a building for both residential and non-residential purposes (or the change of use of a building for both residential and non-residential purposes). Commitments in this certificate which are specified to apply to a "common area" of a building or the development, apply only to that part of the building or development to be used for residential purposes.
4. If this certificate lists a central system as a commitment for a dwelling or building, and that system will also service any other dwelling or building within the development, then that system need only be installed once (even if it is separately listed as a commitment for that other dwelling or building).
5. If a star or other rating is specified in a commitment, this is a minimum rating.
6. All alternative water systems to be installed under these commitments (if any), must be installed in accordance with the requirements of all applicable regulatory authorities. NOTE: NSW Health does not recommend that stormwater, recycled water or private dam water be used to irrigate edible plants which are consumed raw, or that rainwater be used for human consumption in areas with potable water supply.

Legend

1. Commitments identified with a "✔" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
2. Commitments identified with a "✔" in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
3. Commitments identified with a "✔" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled. (Note: a certifying authority must not issue an occupation certificate (either interim or final) for a building listed in this certificate, or for any part of such a building, unless it is satisfied that each of the commitments whose fulfilment it is required to monitor in relation to the building or part, has been fulfilled).

Annexure J

Prince Street Development - Shared Zone Driveway

20L Sheraton Road, Dubbo NSW 2830; PO Box 4921 Dubbo NSW 2830
tel. +61 2 5852 1800; ABN. 61 631 920 735; web. maasgroup.com.au

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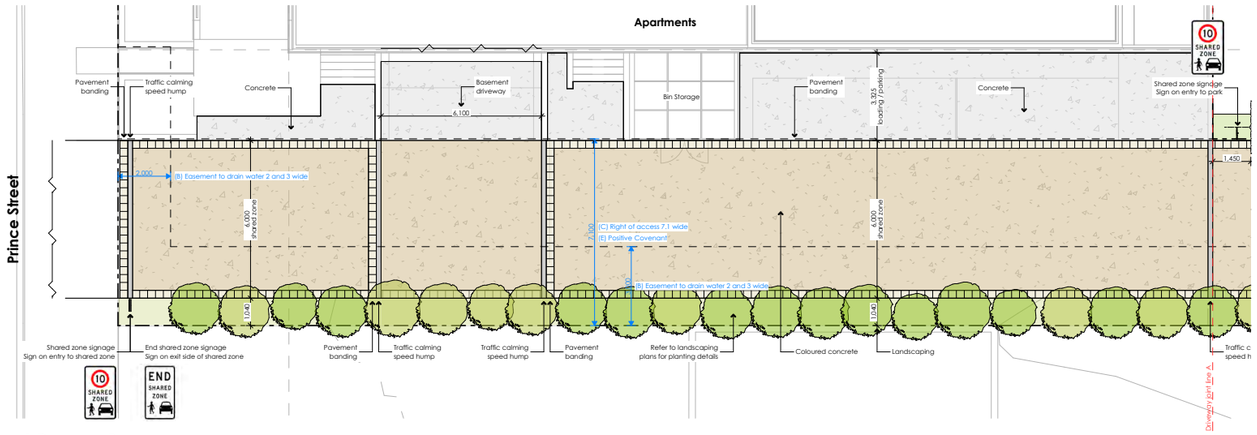
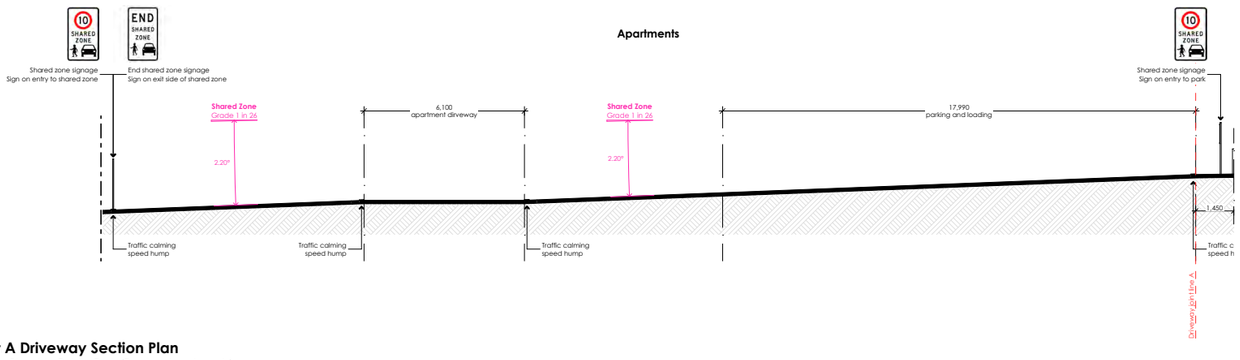
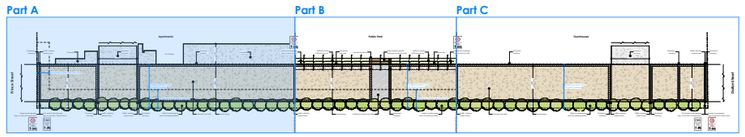


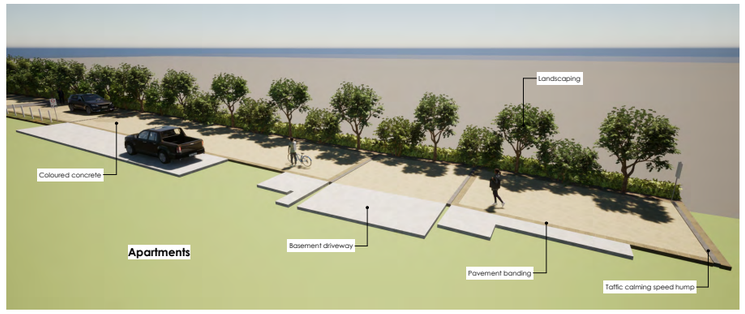
Part A Driveway Plan
Prince Street to Public Park (Passing Apartments)



Part A Driveway Section Plan
Prince Street to Public Park (Passing Apartments)



Overall Shared Zone Map



Apartment Interface 3D

Apartment Interface 3D

Finishes Legend

- Landscaping / Grass
- Concrete
- Coloured Concrete
- Decomposed granite
- Stamped Coloured Concrete
- Standstone Blocks
- Pavement Banding
- Traffic Calming Speed Hump

rev	description	date
01	Council Issue	8/03/2023

Prince Street Development

103 Prince Street
Orange NSW 2800

Shared Zone Driveway | Part A

project no.	**22037**	dwg no.	**DR-01**
date:	**08/03/2023**	scale:	**1:100 @ A1**
drawn:	**KB**	rev no.	**01**

20L Sheraton Road, Dubbo NSW 2830; PO Box 4921 Dubbo NSW 2830
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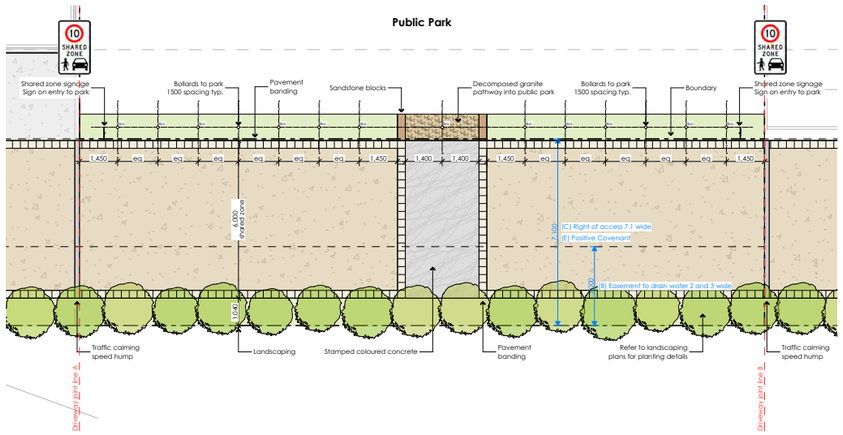
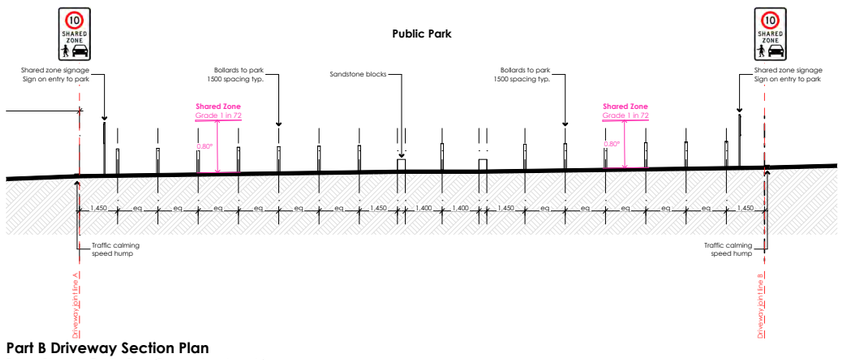
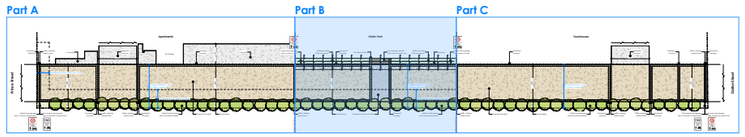


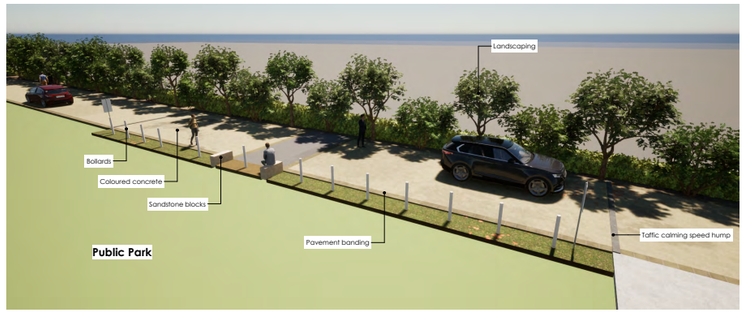
Part B Driveway Plan
Prince Street appartments through Public Park to Dalton Street Townhouses



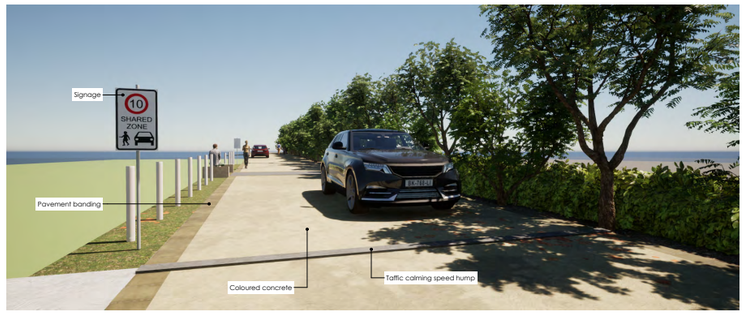
Part B Driveway Section Plan
Prince Street to Public Park (Passing Apartments)



Overall Shared Zone Map



Public Park Interface 3D



Public Park Interface 3D

Finishes Legend

- Landscaping / Grass
- Concrete
- Coloured Concrete
- Decomposed granite
- Stamped Coloured Concrete
- Standstone Blocks
- Pavement Banding
- Traffic Calming Speed Hump

rev	description	date
01	Council Issue	8/03/2023

Prince Street Development

103 Prince Street
Orange NSW 2800

Shared Zone Driveway | Part B

project no.	**22037**	dwg no.	**DR-02**
date:	**08/03/2023**	scale:	**1:100 @ A1**
drawn:	**KB**	rev no.	**01**

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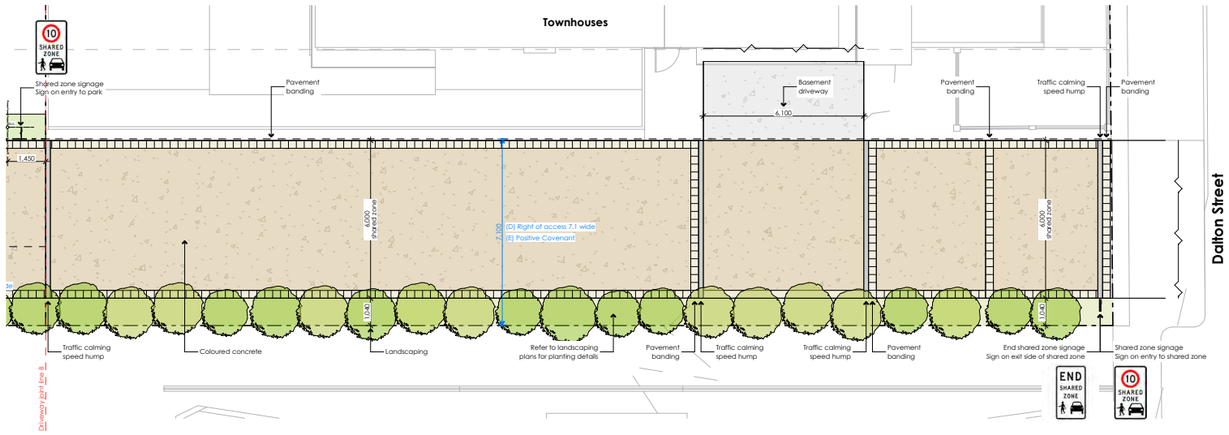
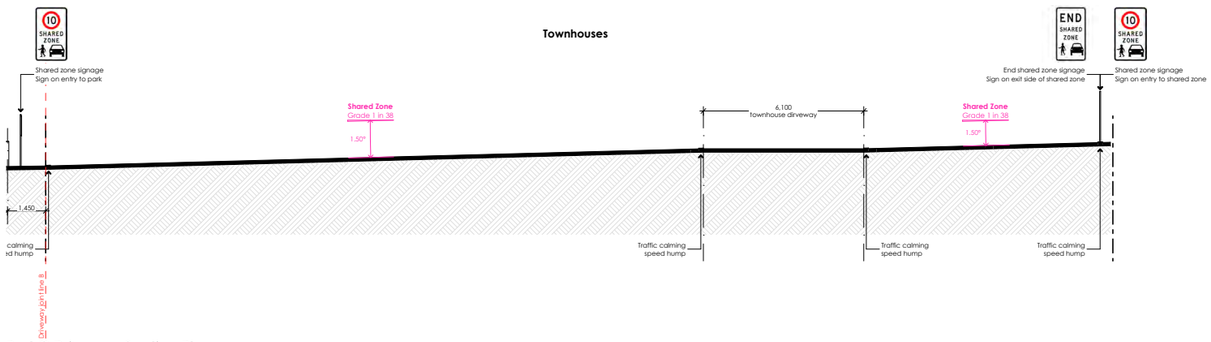
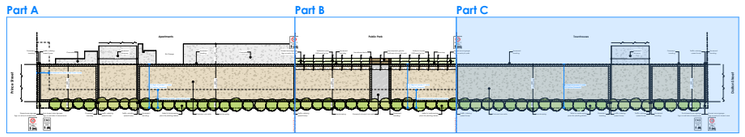


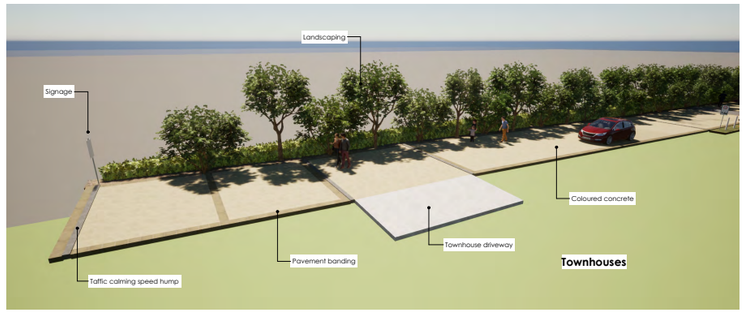
Part C Driveway Plan
Public Park to Dalton Street (Passing Townhouses)



Part C Driveway Section Plan
Prince Street to Public Park (Passing Apartments)



Overall Shared Zone Map



Townhouses Interface 3D

Townhouses Interface 3D

Finishes Legend

- Landscaping / Grass
- Concrete
- Coloured Concrete
- Decomposed granite
- Stamped Coloured Concrete
- Standstone Blocks
- Pavement Banding
- Traffic Calming Speed Hump

rev	description	date
01	Council Issue	8/03/2023

Prince Street Development

103 Prince Street
Orange NSW 2800

Shared Zone Driveway | Part C

project no.	**22037**	dwg no.	**DR-03**
date:	**08/03/2023**	scale:	**1:100 @ A1**
drawn:	**KB**	rev no.	**01**

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Annexure K

MAAS
MAAS GROUP PROPERTIES

4th April 2023

Orange City Council
PO BOX 35
ORANGE NSW 2800

Attn: Paul Johnson
Voluntary Planning Agreement – Amendments in Support of DA98/2022(1) PAN-205916
LOT 501 DP 1249083 – 103 PRINCE ST, ORANGE

Dear Paul

Further to Council's correspondence dated 24th February 2023 and Maas Group's responding documentation lodged on the 16th March 2023 it is acknowledged and agreed that the currently endorsed Voluntary Planning Agreement (VPA) will require amendment to align with the abovementioned documentation.

Variation to the draft plan of subdivision tiggers the VPA to be amended in line with the latest subdivision update and Maas will undertake the amendments to the VPA as required.

If you have any questions, please do not hesitate to contact the undersigned via 0401 518 650.

Kind Regards,

H. Saunders
Helen Saunders
Maas Group

www.maasgroupproperties.com.au
PO Box 404, Dubbo NSW 2830 sales@maasgroup.com.au 6881 9364
Sales Office: 28 Azure Avenue, Southlakes Estate, Dubbo NSW 2830