



ORDINARY COUNCIL MEETING

AGENDA

16 APRIL 2024

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **ORDINARY MEETING of ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE** on **Tuesday, 16 April 2024** commencing at **6:30PM**.

David Waddell

CHIEF EXECUTIVE OFFICER

For apologies please contact Administration on 6393 8190.

AGENDA

EVACUATION PROCEDURE

In the event of an emergency, the building may be evacuated. You will be required to vacate the building by the rear entrance and gather at the breezeway between the Library and Art Gallery buildings. This is Council's designated emergency muster point.

Under no circumstances is anyone permitted to re-enter the building until the all clear has been given and the area deemed safe by authorised personnel.

In the event of an evacuation, a member of Council staff will assist any member of the public with a disability to vacate the building.

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1 INTRODUCTION

1.1 APOLOGIES AND LEAVE OF ABSENCE

1.2 LIVESTREAMING AND RECORDING

This Council Meeting is being livestreamed and recorded. By speaking at the Council Meeting you agree to being livestreamed and recorded. Please ensure that if and when you speak at this Council Meeting that you ensure you are respectful to others and use appropriate language at all times. Orange City Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this Council Meeting. A recording will be made for administrative purposes and will be available to Councillors.

1.3 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Traditional Custodians of the land on which we meet today, the people of the Wiradjuri Nation. I pay my respects to Elders past and present, and extend those respects to Aboriginal Peoples of Orange and surrounds, and Aboriginal people here with us today.

1.4 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 Councillors now disclose any conflicts of interest in matters under consideration by the Council at this meeting.

1.5 OPENING PRAYER

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM

COUNCIL MEETING RESUMES

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Orange City Council held on 2 April 2024 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate records of the proceedings of the Council meeting held on 2 April 2024.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 2 April 2024

ORANGE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE

ON 2 APRIL 2024

COMMENCING AT 6:30PM

1 INTRODUCTION

ATTENDANCE

Cr J Hamling (Mayor), Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power (Deputy Mayor), Cr J Whitton

Chief Executive Officer, A/Director Corporate and Commercial Services (Sharp), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Manager Engineering Services

1.1 APOLOGIES

Nil.

1.2 LIVESTREAMING AND RECORDING

The Mayor advised that the meeting was being livestreamed and recorded.

1.3 ACKNOWLEDGEMENT OF COUNTRY

The Mayor conducted an Acknowledgement of Country.

1.4 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Cr Kinghorne declared a Significant Pecuniary Interest in CCL item 5.2 - Policy Review – Subdivision and Development code – Post exhibition as it relates to her husband's work.

Cr Kinghorne declared a Significant Non-Pecuniary Interest in PDC item 2.2 – Development Application DA266/2023(1) – 5 Cadogan Crescent as submitters are customers of her business.

Cr Kinghorne declared a Significant Pecuniary Interest in PDC item 2.3 – Post Exhibition – LEP Amendment 34 – rezoning of 264-274 Leeds Parade as it relates to her husband’s work.

Cr Kinghorne declared a Significant Pecuniary Interest in IPC item 3.2 – Adoption – Orange Contribution Plan as it relates to her husband’s work.

Cr Greenhalgh declared a Significant Non-Pecuniary Interest in FPC item 2.1 – Small Donations – Requests for Donations as she is the Secretary of Bloomfield Junior Rugby League Club

Cr Hamling declared a Significant Non-Pecuniary Interest in FPC item 2.1 – Small Donations – Requests for Donations as Cr Greenhalgh is part of his election ticket.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.33PM

PDC 2.2 – DA 266/2023(1) – 5 CADOGAN CRESCENT

- David McDonald
- Andrew McKibbin
- David Nock

CCL 4.1 – NOTICE OF MOTION – PINNACLE ROAD SPEED

- Geoff Naughton

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.54PM

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 24/107

Cr J Whitton/Cr G Floyd

That the Minutes of the Ordinary Meeting of Orange City Council held on 19 March 2024 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate record of the proceedings of the Council meeting held on 19 March 2024.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 6.54PM

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.59PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - PINNACLE ROAD SPEED

TRIM REFERENCE: 2024/421

RESOLVED - 24/121**Cr S Peterson/Cr D Mallard**

That Council seek community opinion and feedback of a proposed speed limit reduction for part or all of the length of Pinnacle Road with the Local LGA.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

Cr McDonell asked when TfNSW conducts a speed review do they normally consult with residents in an affected area or do they only consider the data.

The Director Technical Services advised that if they are acting on a request from Local Government then they expect Local Government to do that engagement. TfNSW will look at the data such as number of driveways and accident history. They are open to doing a review.

Cr Whitton asked who the catchment of people for community feedback would include and if Council could be provided with information on whether they were a resident for example on Pinnacle Road.

The Director Technical Services advised that it would generally be presented as a YourSay survey and those directly affected would be advised accordingly. Questions could be tailored to identify whether they were individually impacted or another community member without identifying the actual respondent.

Cr Power asked if there had been any recent incidents on Pinnacle Road.

The Director Technical Services advised that there had been none to his knowledge.

Cr Mileto asked whether information relating to speed counters and the average number of cyclists using the roadway could be provided when the consultation report returns to Council.

The Director Technical Services advised that the current road classifiers used cannot distinguish between bicycles and motorcycles, a road classifier can be used to see what speeds are being done.

5 GENERAL REPORTS

5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2024/442

RESOLVED - 24/122

Cr M McDonell/Cr G Floyd

That Council resolves:

- 1 That the Minutes of the Environmental Sustainability Policy Committee at its meeting held on 19 March 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 2 That the Minutes of the Services Policy Committee at its meeting held on 19 March 2024 be and are hereby confirmed as a true and accurate record of the proceedings.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

Cr Kinghorne left the meeting with the time being 8.10pm

5.2 POLICY REVIEW - SUBDIVISION AND DEVELOPMENT CODE - POST EXHIBITION

TRIM REFERENCE: 2023/2239

Cr Kinghorne declared a Significant Pecuniary Interest in this item as it relates to her husband's work, left the chamber and did not participate in discussion or voting on this item.

RECOMMENDATION

Cr G Floyd/Cr D Mallard

That Council adopt the Draft Orange City Council Subdivision and Development Code.

AMENDMENT

That Council defer consideration of the Draft Orange City Council Subdivision and Development Code for the purpose of consulting directly with developers in the city.

For: Cr K Duffy, Cr G Floyd, Cr T Mileto, Cr J Hamling,

Against: Cr J Evans, Cr T Greenhalgh, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr J Whitton

Absent: Cr F Kinghorne

THE AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED - 24/123

Cr G Floyd/Cr D Mallard

That Council adopt the Draft Orange City Council Subdivision and Development Code.

For: Cr J Hamling, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Cr K Duffy

Absent: Cr F Kinghorne

Cr Mileto asked if only a small group of people have been included in the feedback, could a working party be set up with Developers, Contractors and other consultants to have input into what Council is considering.

The Director Technical Services stated that only two submissions were received during the two exhibition periods. One of those submissions believed that Council is in contravention of the EP&A Act, and staff believe this is not the case.

MATTER ARISING

Cr S Peterson

Cr Peterson noted that at the Council Meeting of 5 May 2022, Council passed a resolution enabling and encouraging community members to nominate names of individuals with historic links to Orange for street names and noted this should be referenced in the Subdivision and Development Code, section 1.16.12 – Street Names.

Cr Kinghorne returned to the meeting with the time being 8.20pm

6 CLOSED MEETING

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2021, in the opinion of the Chief Executive Officer, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

In response to a question from the Mayor, the Chief Executive Officer advised that no written submissions had been received relating to any item listed for consideration by the Closed Meeting of Council.

The Mayor extended an invitation to any member of the public present at the meeting to make a presentation to the Council as to whether the meeting should be closed for a particular item.

RESOLVED - 24/124**Cr J Whitton/Cr J Evans**

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

6.1 Tender - F4054 - Remediation of Pines Lane Stormwater C7 Basin

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.2 Nomination of Councillor Attendance - 64th Floodplain Management Australia National Conference

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.3 Submission Redaction Report - 2 April 2024

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (e) information that would, if disclosed, prejudice the maintenance of law.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonnell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.22pm

The Mayor declared the Ordinary Meeting of Council resumed at 8.42pm.

7 RESOLUTIONS FROM CLOSED MEETING

The Chief Executive Officer read out the following resolutions made in the Closed Meeting of Council.

6.1 TENDER - F4054 - REMEDIATION OF PINES LANE STORMWATER C7 BASIN

TRIM REFERENCE: 2024/394

RESOLVED - 24/125

Cr T Greenhalgh/Cr S Peterson

That Council:

- 1 Award Tender F4054 Remediation of Pines Lane Stormwater Basin to Precision Civil Infrastructure Pty Ltd at a cost of \$630,629.
- 2 Grant permission for the CEO or nominee to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal to all relevant documents if required.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

6.2 NOMINATION OF COUNCILLOR ATTENDANCE - 64TH FLOODPLAIN MANAGEMENT AUSTRALIA NATIONAL CONFERENCE

TRIM REFERENCE: 2024/379

RESOLVED - 24/126

Cr K Duffy/Cr J Hamling

That Council nominates one Councillor to attend The Floodplain Management Australia National Conference to be held at Brisbane Convention and Exhibition Centre 21 – 24 May 2024.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

6.3 SUBMISSION REDACTION REPORT - 2 APRIL 2024

TRIM REFERENCE: 2023/2297

RESOLVED - 24/127

Cr D Mallard/Cr K Duffy

That the information contained in the Submission Redaction report be acknowledged.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

THE MEETING CLOSED AT 8.43PM

This is Page Number 7 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 2 April 2024.

4 NOTICES OF MOTION/NOTICES OF RESCISSION

Nil

5 GENERAL REPORTS

5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

RECORD NUMBER: 2023/2291

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

Council's Policy Committees (Planning and Development Committee, Employment and Economic Development Policy Committee, Infrastructure Policy Committee, Sport and Recreation Policy Committee, Environmental Sustainability Policy Committee, Finance Policy Committee and Services Policy Committee) have delegation to determine matters before those Committees with the exception of items that impact on Council's Delivery/Operational Plan.

This report provides minutes of the Policy Committees held this month. Resolutions made by the Committees are presented for adoption or amendment by Council.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "18.1. Provide representative, responsible and accountable community governance".

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council resolves:

- 1 That the Minutes of the Planning & Development Policy Committee at its meeting held on 2 April 2024 be and are hereby confirmed as a true and accurate record of the proceedings.**
- 2 That the Minutes of the Infrastructure Policy Committee at its meeting held on 2 April 2024 be and are hereby confirmed as a true and accurate record of the proceedings.**
- 3 That the Minutes of the Sport and Recreation Policy Committee at its meeting held on 2 April 2024 be and are hereby confirmed as a true and accurate record of the proceedings.**
- 4 That the Minutes of the Finance Policy Committee at its meeting held on 2 April 2024 be and are hereby confirmed as a true and accurate record of the proceedings.**
- 5 That the Minutes of the Services Policy Committee at its meeting held on 2 April 2024 be and are hereby confirmed as a true and accurate record of the proceedings.**

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**Planning and Development Policy Committee**

At the Planning and Development Policy Committee meeting held on 2 April 2024, all resolutions were made under delegation, and the minutes are presented for adoption.

Infrastructure Policy Committee

At the Infrastructure Policy Committee meeting held on 2 April 2024, all resolutions were made under delegation, and the minutes are presented for adoption.

Sport and Recreation Policy Committee

At the Sport and Recreation Policy Committee meeting held on 2 April 2024, all resolutions were made under delegation, and the minutes are presented for adoption.

Finance Policy Committee

At the Finance Policy Committee meeting held on 2 April 2024, all resolutions were made under delegation, and the minutes are presented for adoption.

Services Policy Committee

At the Services Policy Committee meeting held on 2 April 2024, all resolutions were made under delegation, and the minutes are presented for adoption.

ATTACHMENTS

- 1 PDC 2 April 2024 Minutes, 2024/508[↓](#)
- 2 IPC 2 April 2024 Minutes, 2024/509[↓](#)
- 3 SRPC 2 April 2024 Minutes, 2024/510[↓](#)
- 4 FPC 2 April 2024 Minutes, 2024/511[↓](#)
- 5 SPC 2 April 2024 Minutes, 2024/512[↓](#)

ORANGE CITY COUNCIL

MINUTES OF THE

PLANNING AND DEVELOPMENT COMMITTEE

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE

ON 2 APRIL 2024

COMMENCING AT 6:54PM

1 INTRODUCTION

ATTENDANCE

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

Chief Executive Officer, A/Director Corporate and Commercial Services (Sharp), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Manager Engineering Services

APOLOGIES AND LEAVE OF ABSENCE

Nil.

1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Cr Kinghorne declared a Significant Non-Pecuniary Interest in PDC item 2.2 – Development Application DA266/2023(1) – 5 Cadogan Crescent as submitters are customers of her business.

Cr Kinghorne declared a Significant Pecuniary Interest in PDC item 2.3 – Post Exhibition – LEP Amendment 34 – rezoning of 264-274 Leeds Parade as it relates to her husband's work.

MINUTES OF PLANNING AND DEVELOPMENT COMMITTEE**2 APRIL 2024**

2 GENERAL REPORTS**2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL**

TRIM REFERENCE: 2024/321

RESOLVED - 24/108**Cr K Duffy/Cr T Greenhalgh**

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.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

Cr Kinghorne left the meeting with the time being 6.55pm

2.2 DEVELOPMENT APPLICATION DA 266/2023(1) - 5 CADOGAN CRESCENT

TRIM REFERENCE: 2024/312

Cr Kinghorne declared a Significant Non-Pecuniary Interest in this item as submitters are customers of her business, left the chamber and did not participate in discussion or voting on this item.

RESOLVED - 24/109**Cr T Mileto/Cr K Duffy**

That Council defer development application DA 266/2023(1) for the purpose of a site visit.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, , Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr J Whitton

Against: Cr G Power

Absent: Cr F Kinghorne

2.3 POST-EXHIBITION - LEP AMENDMENT 34 - REZONING OF 264 - 274 LEEDS PARADE

TRIM REFERENCE: 2024/204

Cr Kinghorne declared a Significant Pecuniary Interest in this item as it relates to her husband's work, left the chamber and did not participate in discussion or voting on this item.

MINUTES OF PLANNING AND DEVELOPMENT COMMITTEE**2 APRIL 2024****RESOLVED - 24/110****Cr G Floyd/Cr K Duffy**

- 1 That Council authorise the CEO to formally make the plan to rezone the land, adjust the minimum lot size and place the land within an Urban Release Area.
- 2 That, in relation to 274 Leeds Parade, Council authorise the CEO to formally amend the Orange Development Control Plan 2004 to incorporate the provisions of the exhibited DCP amendment, subject to adjusting the formatting and branding of the Draft DCP to be consistent with DCP 2004.
- 3 That, in relation to 264 Leeds Parade, Council advise the proponent and landowner that the exhibited DCP is not formally adopted and will require further changes with respect to:
 - I. Alignment or relocation of the electricity easements on 264 Leeds Parade, subject to further consultation with Essential Energy, and
 - II. Include within the road layout a western connection point to Leeds Parade and an eastern connection point to Lot 4 DP 1301767, to enhance permeability and provide alternative traffic routes that will improve the efficiency of the local road network in this area.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

Cr Kinghorne returned to the meeting with the time being 7.04pm

THE MEETING CLOSED AT 7.04PM.

ORANGE CITY COUNCIL

MINUTES OF THE

INFRASTRUCTURE POLICY COMMITTEE

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE

ON 2 APRIL 2024

COMMENCING AT 7.05PM

1 INTRODUCTION

ATTENDANCE

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

Chief Executive Officer, A/Director Corporate and Commercial Services (Sharp), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Manager Engineering Services

APOLOGIES AND LEAVE OF ABSENCE

Nil.

1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Cr Kinghorne declared a Significant Pecuniary Interest in IPC item 3.2 – Adoption – Orange Contribution Plan as it relates to her husband's work.

MINUTES OF INFRASTRUCTURE POLICY COMMITTEE

2 APRIL 2024

2 COMMITTEE MINUTES

2.1 MINUTES OF THE ELECTRONIC MEETING OF THE CITY OF ORANGE TRAFFIC COMMITTEE - 15 MARCH 2024

TRIM REFERENCE: 2024/440

RESOLVED - 24/111**Cr T Mileto/Cr G Floyd**

- 1 That Council acknowledge the reports presented to the City of Orange Traffic Committee at its electronic meeting held on 21 February 2024 and 15 March 2024.
- 2 That Council determine recommendations 3.1, 3.2, 3.3 and 3.4 from the minutes of the City of Orange Traffic Committee electronic meeting of 15 March 2024.
 - 3.1 *Hill and Moulder Streets Roundabout – Linemarking and Signs Layout*
That Council approve the roundabout construction and the installation of regulatory signs and line marking at the intersection of Hill and Moulder Streets as per the attached plan.
 - 3.2 *Event - The Orange Agricultural Show - Request for Speed Reduction - 26, 27 and 28 April 2024*
That Council:
 - 1 Support the temporary reduction of the speed limit on Leeds Parade (Phillip to Margaret), Phillip Street (Leeds to Noreen) and Margaret Street (Leeds to Mirral) from 50 km/h to 40 km/h for 26, 27 and 28 April 2024.
 - 2 Support the temporary lifting of No Stopping restrictions for 300m on the railway side of Leeds Parade between Margaret Street and Phillip Street during 27 April 2024.
 - 3 That the costs of implementing these measures by Council staff be borne by the applicant.
 - 3.3 *Street Event – 2024 Anzac Day March*
That the Conditional Approval for the ANZAC Day March on 25 April 2024 be endorsed subject to compliance with the attached conditions.
 - 3.4 *Event - Orange Two Day Tour - Cycling Race*
That Council approve the AusCycling Orange Two Day Tour cycling race to be held on 11 and 12 May 2024 subject to the attached Conditional Approval.
- 3 That the remainder of the minutes of the City of Orange Traffic Committee from its electronic meetings held on 21 February 2024 and 15 March 2024 be adopted.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

MINUTES OF INFRASTRUCTURE POLICY COMMITTEE**2 APRIL 2024**

3 GENERAL REPORTS**3.1 CURRENT WORKS**

TRIM REFERENCE: 2024/412

RESOLVED - 24/112**Cr M McDonell/Cr G Power**

That the information provided in the report on Current Works be acknowledged.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

QUESTION TAKEN ON NOTICE**Cr M McDonell**

Cr McDonell asked for a further update on the Footpath at OAGS between Ploughmans Lane and the school.

QUESTION TAKEN ON NOTICE**Cr M McDonell**

Cr McDonell asked for information on the status of the trees at the Summer & Hill Street roundabout.

QUESTION TAKEN ON NOTICE**Cr G Floyd**

Cr Floyd asked if a fence was being erected around the frontage of the rifle range along the SFR, who would be contracted and a time frame for completion.

Cr Kinghorne asked after the ambiguity of how Council's water take from the east orange harvesting wetlands would be accounted for.

The Director Technical Services advised that the Department of Climate Change, Energy and Water have taken a different view of metering where it is calculated in duplicate, Council's approach only counts it when it is taken for potable supply.

Cr Duffy noted there are significant heritage sites along the SFR and asked if those would be acknowledged with signage.

The Director Technical Services advised that while not part of the scope of the SFR, it is within Council's remit to acknowledge heritage.

Cr Evans asked for an update on the Orange-Newcastle flight route.

The Director Technical Services advised that preliminary discussions are underway to conduct a passenger survey.

Cr Kinghorne left the meeting with the time being 7.15pm

MINUTES OF INFRASTRUCTURE POLICY COMMITTEE

2 APRIL 2024

3.2 ADOPTION - ORANGE CONTRIBUTION PLAN

TRIM REFERENCE: 2024/413

Cr Kinghorne declared a Significant Pecuniary Interest in this item as it relates to her husband's work, left the chamber and did not participate in discussion or voting on this item.

RECOMMENDATION**Cr D Mallard/Cr G Power**

That Council adopt the 2024 Orange Contribution Plan.

AMENDMENT**Cr T Mileto/Cr J Hamling**

That the 2024 Orange Contribution Plan adoption be deferred for the purpose of undertaking further consultation.

For: Cr J Hamling, Cr K Duffy, Cr T Mileto

Against: Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr J Whitton

Absent: Cr F Kinghorne

THE AMENDMENT ON BEING PUT WAS LOST**THE MOTION ON BEING PUT WAS CARRIED****RESOLVED - 24/113****Cr D Mallard/Cr G Power**

That Council adopt the 2024 Orange Contribution Plan.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Cr F Kinghorne

Cr Peterson noted the Contributions Cap had not been updated since 2012, and asked if there were plans for adjustments, if inflation was taken into account or if it was legislated could Council lobby for change.

The Director Technical Services advised that there had been no change since the 2012 cap, submissions had previously been made and could be made again.

Cr Whitton asked what the impact of delaying the adoption would mean.

The Director Technical Services advised that for example as the Landcom site was not listed it would pay the default contribution under that plan, each piece of infrastructure would be the responsibility of the developer. Shiralee for example, the major road was updated by Council under the Contributions Plan to support the other roads along it constructed by the developers.

Cr Duffy asked if there would be a benefit to Landcom if the plan was left at the status quo.

The Director Technical Services advised that No, as Council is the developer, the money stays with Council and significant infrastructure is being funded by Council.

The Director Development Services advised that the Landcom, Redmond Place development will be separate and future re-zoning and planning proposals will look at contributions at that time.

MINUTES OF INFRASTRUCTURE POLICY COMMITTEE**2 APRIL 2024**

Cr Mileto asked if Council were working with stakeholders and whether there would be an increase to land prices and whether developers will pass on these costs.

The Director Technical Services advised that the \$20k cap currently applies for these areas, developers already pass on the costs and this is a small cost in comparison to the price of land in orange at present.

Cr Kinghorne returned the meeting with the time being 7.42pm

THE MEETING CLOSED AT 7.42PM

ORANGE CITY COUNCIL

MINUTES OF THE

SPORT AND RECREATION POLICY COMMITTEE

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE

ON 2 APRIL 2024

COMMENCING AT 7:43PM

1 INTRODUCTION

ATTENDANCE

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

Chief Executive Officer, A/Director Corporate and Commercial Services (Sharp), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Manager Engineering Services

APOLOGIES AND LEAVE OF ABSENCE

Nil.

1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Nil.

MINUTES OF SPORT AND RECREATION POLICY COMMITTEE

2 APRIL 2024

2 COMMITTEE MINUTES

2.1 MINUTES OF THE SPORT AND RECREATION COMMUNITY COMMITTEE MEETING 28 FEBRUARY 2024

TRIM REFERENCE: 2024/315

RESOLVED - 24/114	Cr M McDonell/Cr G Floyd
1	That Council acknowledge the reports presented to the Sport and Recreation Community Committee at its meeting held on 28 February 2024.
2	That the minutes of the Sport and Recreation Community Committee from its meeting held on 28 February 2024 be adopted.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton
Against: Nil
Absent: Nil

QUESTION TAKEN ON NOTICE

Cr J Whitton

Cr Whitton asked for an estimate of the total revenue to the city from hosting of sporting events.

THE MEETING CLOSED AT 7.49PM.

ORANGE CITY COUNCIL

MINUTES OF THE

FINANCE POLICY COMMITTEE

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE

ON 2 APRIL 2024

COMMENCING AT 7.49PM

1 INTRODUCTION

ATTENDANCE

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

Chief Executive Officer, A/Director Corporate and Commercial Services (Sharp), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Manager Engineering Services

APOLOGIES AND LEAVE OF ABSENCE

Nil.

Cr Evans left the meeting with the time being 7.49pm

1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Cr Greenhalgh declared a Significant Non-Pecuniary Interest in FPC item 2.1 – Small Donations – Requests for Donations as she is the Secretary of Bloomfield Junior Rugby League Club

Cr Hamling declared a Significant Non-Pecuniary Interest in FPC item 2.1 – Small Donations – Requests for Donations as Cr Greenhalgh is part of his election ticket.

Crs Hamling & Greenhalgh left the meeting with the time being 7.49pm

MINUTES OF FINANCE POLICY COMMITTEE**2 APRIL 2024****2 GENERAL REPORTS****SMALL DONATIONS - REQUESTS FOR DONATIONS**

TRIM REFERENCE: 2024/480

Cr Greenhalgh declared a Significant Non-Pecuniary Interest in this item she is the Secretary of Bloomfield Junior Rugby League Club, left the chamber and did not participate in discussion or voting on this item.

Cr Hamling declared a Significant Non-Pecuniary Interest in this item as Cr Greenhalgh is part of his election ticket, left the chamber and did not participate in discussion or voting on this item.

RESOLVED - 24/115**Cr J Whitton/Cr G Floyd**

That Council donate \$691.99 to the Bloomfield Junior Rugby League Football Club to hire Portaloo's for the pre-season carnival that they will be hosting in conjunction with NSW Rugby League.

For: Cr K Duffy, Cr J Evans, Cr G Floyd, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Cr J Hamling, Cr T Greenhalgh

Cr Evans returned to the meeting with the time being 7.50pm

QUESTION TAKEN ON NOTICE**Cr K Duffy**

Cr Duffy requested a breakdown of costs be provided to Councillors, cash and in-kind, for the Churches of Orange - Family Easter Festival held in Robertson Park on 24 March 2024.

QUESTION TAKEN ON NOTICE**Cr K Duffy**

Cr Duffy requested a breakdown of costs be provided to Councillors, cash and in-kind, for the Rainbow Festival.

Crs Hamling & Greenhalgh returned to the meeting with the time being 7.52pm

THE MEETING CLOSED AT 7.52PM

ORANGE CITY COUNCIL

MINUTES OF THE

SERVICES POLICY COMMITTEE

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE

ON 2 APRIL 2024

COMMENCING AT 7.53PM

1 INTRODUCTION

ATTENDANCE

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

Chief Executive Officer, A/Director Corporate and Commercial Services (Sharp), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Manager Engineering Services

APOLOGIES AND LEAVE OF ABSENCE

Nil.

1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Nil.

MINUTES OF SERVICES POLICY COMMITTEE**2 APRIL 2024****2 COMMITTEE MINUTES****2.1 MINUTES OF THE NAIDOC WEEK COMMITTEE MEETING 7 MARCH 2024**

TRIM REFERENCE: 2024/468

RESOLVED - 24/116**Cr J Whitton/Cr G Power**

- 1 That Council acknowledge the reports presented to the NAIDOC Week Community Committee at its meeting held on 7 March 2024.
- 2 That Council determine recommendations 3.1 and 4.1 from the minutes of the NAIDOC Week Community Committee meeting of 7 March 2024.
 - 3.1 *That the new Committee Membership Expression of Interest by Scott Campbell be accepted.*
 - 4.1 *That the Committee consider and discuss items in the Task List/Action Plan for NAIDOC Week Celebrations 2024, and that the report be updated.*
- 3 That the remainder of the minutes of the NAIDOC Week Community Committee from its meeting held on 7 March 2024 be adopted.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

2.2 MINUTES OF THE CLIFTON GROVE COMMUNITY COMMITTEE MEETING 14 MARCH 2024

TRIM REFERENCE: 2024/486

RESOLVED - 24/117**Cr T Greenhalgh/Cr D Mallard**

- 1 That Council acknowledge the reports presented to the Clifton Grove Community Committee at its meeting held on 14 March 2024.
- 2 That the minutes of the Clifton Grove Community Committee from its meeting held on 14 March 2024 be adopted.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

MINUTES OF SERVICES POLICY COMMITTEE**2 APRIL 2024****2.3 MINUTES OF THE CULTURAL HERITAGE COMMUNITY COMMITTEE 18 MARCH 2024**

TRIM REFERENCE: 2024/469

RESOLVED - 24/118**Cr G Power/Cr D Mallard**

- 1 That Council acknowledge the reports presented to the Cultural Heritage Community Committee at its meeting held on 18 March 2024.
- 2 That Council determine recommendations 3.1, 4.1, 4.2 and 4.3 from the minutes of the Cultural Heritage Community Committee at its meeting held on 18 March 2024
 - 3.1
That the Working Party continue to work with the Aboriginal Elders Group and Wiradjuri Elders to progress the project.
 - 4.1
That the report on the Resignation of Committee Member, Mr William Tuck, be acknowledged.
 - 4.2
That Uncle Neil Ingram, Mr Jordon Moore and Mr Greg Ingram be accepted as members of the Cultural Heritage Community Committee.
 - 4.3
That the Cultural Heritage Community Committee establish a Working Party to assist with the 2025 Cultural Heritage Awards at the next meeting of the Cultural Heritage Community Committee, 17 June 2024.
- 3 That the remainder of the minutes of the Cultural Heritage Community Committee at its meeting held on 18 March 2024 be adopted.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonnell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

2.4 MINUTES OF THE SPRING HILL COMMUNITY COMMITTEE MEETING 21 MARCH 2024

TRIM REFERENCE: 2024/485

RESOLVED - 24/119**Cr G Floyd/Cr F Kinghorne**

- 1 That Council acknowledge the reports presented to the Spring Hill Community Committee at its meeting held on 21 March 2024.
- 2 That Council determine recommendation 3.1 from the minutes of the Spring Hill Community Committee meeting of 21 March 2024.
 - 3.1(1)
That the installation of a new flagpole and flag for the Anzac Memorial at the Alf Read Park proceed to the value of approx. \$1,800 from the Spring Hill Community Committee fund.
- 3 That the remainder of the minutes of the Spring Hill Community Committee from its meeting held on 21 March 2024 be adopted.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonnell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

MINUTES OF SERVICES POLICY COMMITTEE**2 APRIL 2024****3 GENERAL REPORTS****3.1 ALCOHOL FREE ZONE PROPOSAL - 1 AUGUST 2024 - 30 SEPTEMBER 2028**

TRIM REFERENCE: 2024/219

RESOLVED - 24/120**Cr J Hamling/Cr T Mileto**

That Council resolves:

- 1 Pursuant to Sections 644, 644A, 644B, 644C and 646 of the Local Government Act 1993 (as amended) to re-establish an Alcohol Free Zone in the public roads and car parks within the area bounded by Hill Street to the west, William Street and Endsleigh Avenue to the east, Prince Street to the north and Moulder Street to the south, for a period of four years from 1 August 2024 to 30 September 2028, with an exemption for events in Robertson Park whereby formal approval has been requested in writing to the CEO, and approval has been provided.
- 2 To undertake the required formal community consultation as outlined in the Alcohol Free Zone Proposal 1 August 2024 to 30 September 2028 by the Manager Community Services.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

Cr Hamling asked how the alcohol free zone had lapsed.

The Director Community, Recreation & Cultural Services advised that between Council and the Police it was overlooked.

Cr Evans noted the zone is quite large and why the zone includes Moulder & Prince Sts.

The Director Community, Recreation & Cultural Services advised that it was guided by police, noting you can drink in any area that is not an alcohol free zone. It helps to maintain the CBD and linkages to establishments in town.

Cr Mileto asked if there was any data available on infringements issues in the Alcohol Free Zone.

The Director Community, Recreation & Cultural Services advised that statistics have not been collected but information could be sought. It is used as a policing tool to dispose of alcohol or issue move on orders.

THE MEETING CLOSED AT 7.59PM

5.2 DEVELOPMENT APPLICATION DA 266/2023(1) - 5 CADOGAN CRESCENT

RECORD NUMBER: 2024/544

AUTHOR: Summer Commins, Senior Planner

EXECUTIVE SUMMARY

Application lodged	29 August 2023 Amended proposal submitted 9 January 2023
Applicant/s	Mr P G Williams
Owner/s	Mr D G and Mrs E R Nock
Land description	Lot 22 DP 587007 - 5 Cadogan Crescent, Orange
Proposed land use	Demolition (existing dwelling and shed), Dwelling House
Value of proposed development	\$1,200,000.00

Council's consent is sought to demolish an existing dwelling house and outbuildings at 5 Cadogan Crescent, Orange (see locality at Figure 1), and construct a replacement dwelling house.



Figure 1 - locality plan

The following notable planning matters are considered in this assessment report:

- The site is located within the Dalton Heritage Conservation Area (HCA). It is assessed that the existing dwelling is not a contributory item in the HCA. To this end, dwelling demolition will not adversely impact on the significance of the setting.
- The proposed dwelling house will be contemporary in design and detailing. There is contention as to the suitability of the replacement dwelling design in this particular streetscape. However, on balance, the proposed replacement dwelling is considered an acceptable infill dwelling for the streetscape. Contemporary styling will direct a design language and intent for future gentrification in the neighbourhood.

- The proposed replacement dwelling will largely satisfy development controls for residential landuse contained in DCP 2004 Part 7, despite some conflict with Planning Outcomes relating to Neighbourhood Character and Building Appearance.
- The proposed dwelling comprises a two-storey structure in a single-storey streetscape. The proposal will generally satisfy the **Visual Bulk** planning outcomes and guidelines contained in DCP 2004. Whilst not being required in order to achieve compliance with bulk and scale controls within the DCP, in terms of character of the neighbourhood, the building scale could be minimised further by reducing the upper level void space. This is a matter for Council's consideration but is not part of the recommendation from staff.
- Additional privacy measures will be required to the upper level eastern openings and terrace in order to ensure privacy for opposing dwellings. Conditions are included.
- Consent is sought to remove a street tree at the site frontage. Conditional replacement planting of a mature and complementary specimen will be undertaken.
- The rear portion of the proposed dwelling will be constructed over Council's reticulated sewer main, and relocation of a man hole and sewer junction will be required. Council's Sewer Manager raised no objection, subject to Conditional construction in accordance with Councils' Build Over Sewer Policy.
- The proposed development is defined as "notified development" pursuant to Council's Community Participation Plan (CPP) 2019. The DA was notified in the prescribed manner on two occasions. A total of twelve submissions were received during the exhibition periods. Issues raised in the submissions relate to dwelling design, overshadowing, privacy and views.
- A mediation meeting was convened between the applicant and submitters at the proponent's request. Minor amendments to the development were conceded in response to the mediation, including increased side setbacks, window treatments for privacy and reduced building height.
- Essential Energy raised no objection to the proposed works nearby to exposed overhead electricity powerlines at the site frontage on Cadogan Crescent. Conditions are included.

As outlined in this report, the proposed development will reasonably satisfy applicable Local and State planning controls. Impacts of the development will be within acceptable limit, subject to mitigation conditions. There are no aspects of the development site that are unsuitable for the proposal. Approval is recommended.

Delegation to determine the application lies with the Planning and Development Committee as the proposed development is considered to have 'significant public interest.'

DECISION FRAMEWORK

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

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

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

DIRECTOR'S COMMENT

Council's consent is sought to demolish an existing dwelling house and outbuildings at 5 Cadogan Crescent, Orange and construct a replacement dwelling house. Key issues identified in the planning assessment relate to heritage, neighbourhood character, building appearance, bulk and scale and visual privacy.

The proposed dwelling house will be contemporary in design and detailing. There is the proposal has been assessed and is considered to be acceptable infill development given its compliance with the DCP and Council policy.

The DA initial design was notified to neighbours last year upon receipt of the application. 8 submissions were received objecting to the proposal. At the request of the applicant/owner, a mediation meeting was convened this year between the applicant and submitters. The proponent also met with neighbours outside of this meeting.

In response to a number of points raised by neighbours, some amendments to the original design were made including increased side setbacks, window treatments for privacy and reduced building height.

The amended plans were renotified to neighbours and 4 submissions were received. Issues raised in the submissions relate to dwelling design, overshadowing, privacy and views.

It is acknowledged that the proposal is a contemporary design in an established area. Just because the proposal is two storey, is not a reason to withhold support for the development. I also note that the overall height of the proposed new dwelling will only be 900mm higher than the ridge height of the neighbour. This design feature makes this hard to suggest that the building scale is excessive for the area.

The proposal has been designed to achieve overall compliance with the DCP. It is considered that the issues and concerns raised by neighbours have been adequately taken into account and the outcome is a reasonable infill development.

The staff recommendation of Approval is supported.

Delegation to determine the application lies with the Planning and Development Committee. Following deferral at the previous PDC Meeting, an inspection of the site by Council was organised for 9 April 2024, prior to the report being reconsidered on 16 April 2024.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan Strategy “11.1. 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 266/2023(1) for *Demolition (existing dwelling and shed) and Dwelling House* at Lot 22 DP 587007 - 5 Cadogan Crescent, Orange, pursuant to the conditions of consent in the attached Notice of Approval.

FURTHER CONSIDERATIONS

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

SUPPORTING INFORMATION / THE PROPOSAL

The proposal involves demolition of existing improvements and construction of a replacement dwelling house, as follows:

Demolition

Existing improvements will be demolished comprising a single-storey brick and tile dwelling house (circa 1970), detached Colorbond shed, garden shed, hardstand paving and driveway. It is proposed to remove an existing Ash Tree from the footpath at the site frontage, and retain the Liquidambar tree in the front setback.

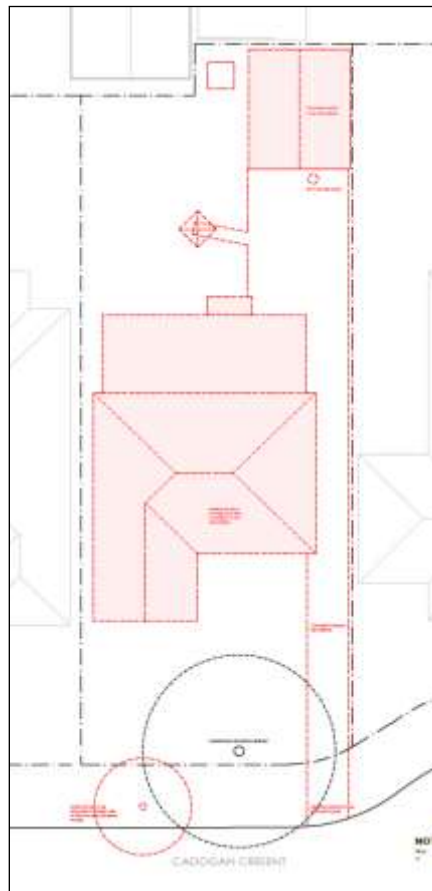


Figure 2 - proposed demolition plan



Figure 3 - existing dwelling house to be demolished



Figure 4 - existing street view

Replacement Dwelling House

A replacement dwelling house will be constructed on the vacant land.

The proposed dwelling will be a one and two-storey structure. Building height at the site frontage will be 3.3m to ground floor parapet and 5.85m to first floor parapet. The ground level will be set back from Cadogan Crescent by 8.6m, with the first floor to be set back 12.4m. The dwelling will have a footprint of 292m² and internal floor area of 374m² (including the garage). Dwelling massing will be generally T-shaped, with internal courtyard spaces.

Accommodation at ground level will include an attached double garage with workshop and store; open-plan kitchen / dining / living area; separate living area; and master suite with office. The upper level will contain three bedrooms, two bathrooms, expansive void and outdoor terrace. External finishes are noted as selected brickwork and roof sheeting.

The dwelling will be contemporary in design and detailing. Design elements will include:

- Rectangular upper and lower building forms, with flat-roof profile.
- Recessed upper level building form.
- Projecting double garage at the site frontage.
- Negligible fenestration to front façade.
- Horizontal parapet banding at first floor eave level, with landscape infill.
- Curved elements: parapet columns, front wall, arched detail to front façade upper level, upper level terrace wall
- Recessed front entrance and first floor opening.
- Recessed openings creating courtyard spaces / balcony.



Figure 5 - artist impression, proposed partial street view to Cadogan Crescent

New driveway access from Cadogan Crescent will be provided adjacent the western boundary, with closure of the existing eastern crossover and reinstatement of kerb and gutter.

The proposed site plan is depicted here (see Figure 6).

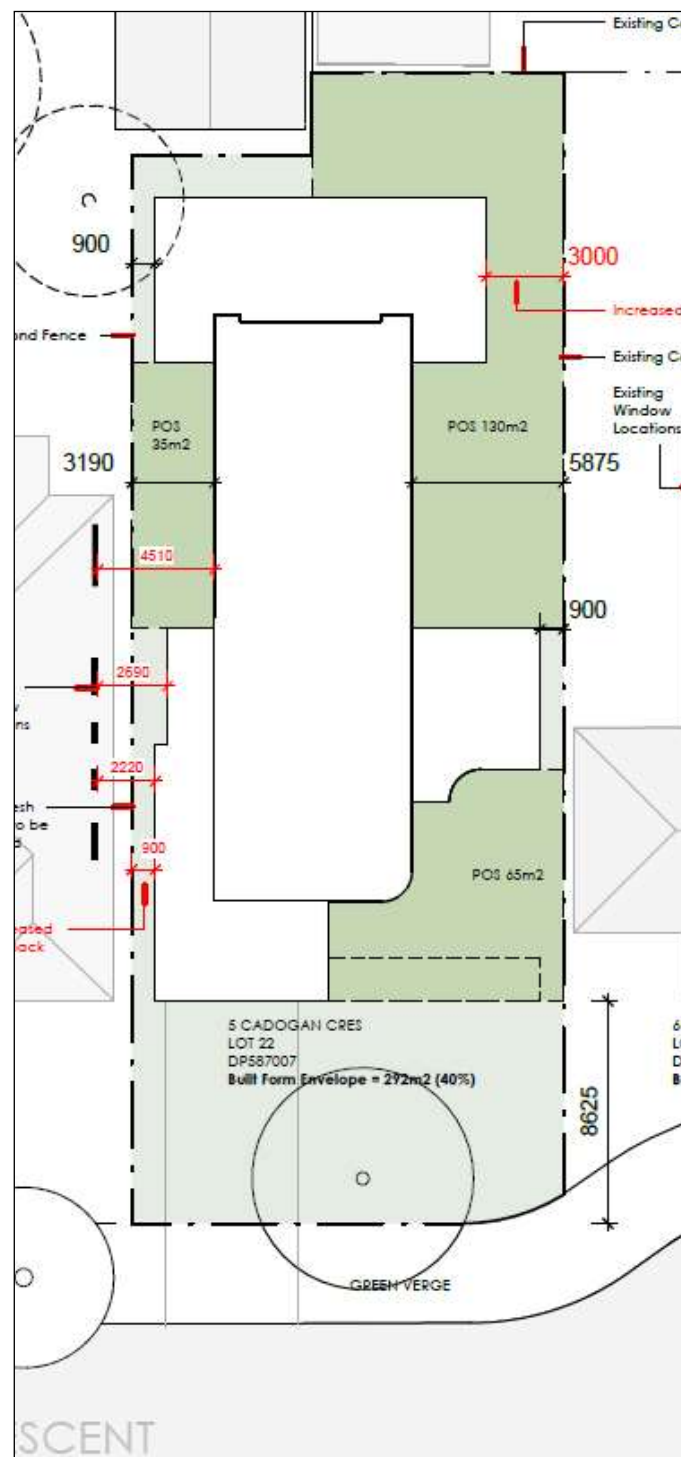


Figure 6 - proposed site plan

MATTERS FOR CONSIDERATION UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

- The development site is not identified on the Biodiversity Values Map published under the Biodiversity Conservation Regulation 2016. Furthermore, the site does not contain mapped high biodiversity sensitivity pursuant to the Orange LEP 2011 Terrestrial Biodiversity Map.
- The proposal does not involve removal of native vegetation. Clearing thresholds prescribed by regulation are not applicable.
- The site is contained within an established urban residential area and has been highly modified by the urban landuse pattern. The subject land does not contain known threatened species or ecological communities.

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

Section 4.15 Evaluation

Provisions of any environmental planning instrument S4.15(1)(A)(I)

Orange Local Environmental Plan 2011 (as amended)

Clause 1.2 Aims of Plan

The proposal relevantly relates to and will satisfy Aims (a), (b), (e) and (f), as outlined in this report:

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

Clause 1.6 Consent Authority

Council is the consent authority pursuant to Clause 1.6.

Clause 1.7 Mapping

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

Land Zoning Map:	Land zoned R1 General Residential
Lot Size Map:	No minimum lot size
Heritage Map:	Within the Dalton Heritage 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

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

The development site is not subject to a known covenant, agreement or similar instrument that would restrict the carrying out of the development pursuant to Clause 1.9A.

Clause 2.1 Land Use Zones

Demolition is permitted with consent pursuant to Clause 2.7 (see below).

Dwelling houses are permitted with consent in the R1 General Residential zone.

Clause 2.3 Zone Objectives and Land Use Table

The proposal will satisfy the relevant R1 zone objectives to provide for housing needs and a variety of housing types and densities.

Clause 2.7 Demolition Requires Development Consent

Consent is required and sought for demolition of the existing dwelling house, outbuildings and street tree in accordance with Clause 2.7.

Clause 4.3 Height of Buildings

The development site is not subject to a maximum building height on the Height of Buildings Map.

Clause 4.4 Floor Space Ratio

The development site is not subject to a prescribed floor space ratio on the Floor Space Ratio Map.

Clause 5.10 Heritage Conservation

The development site is located within the Dalton Hertiage Conservation Area (HCA) and nearby to a number of heritage items (see Figure 7).

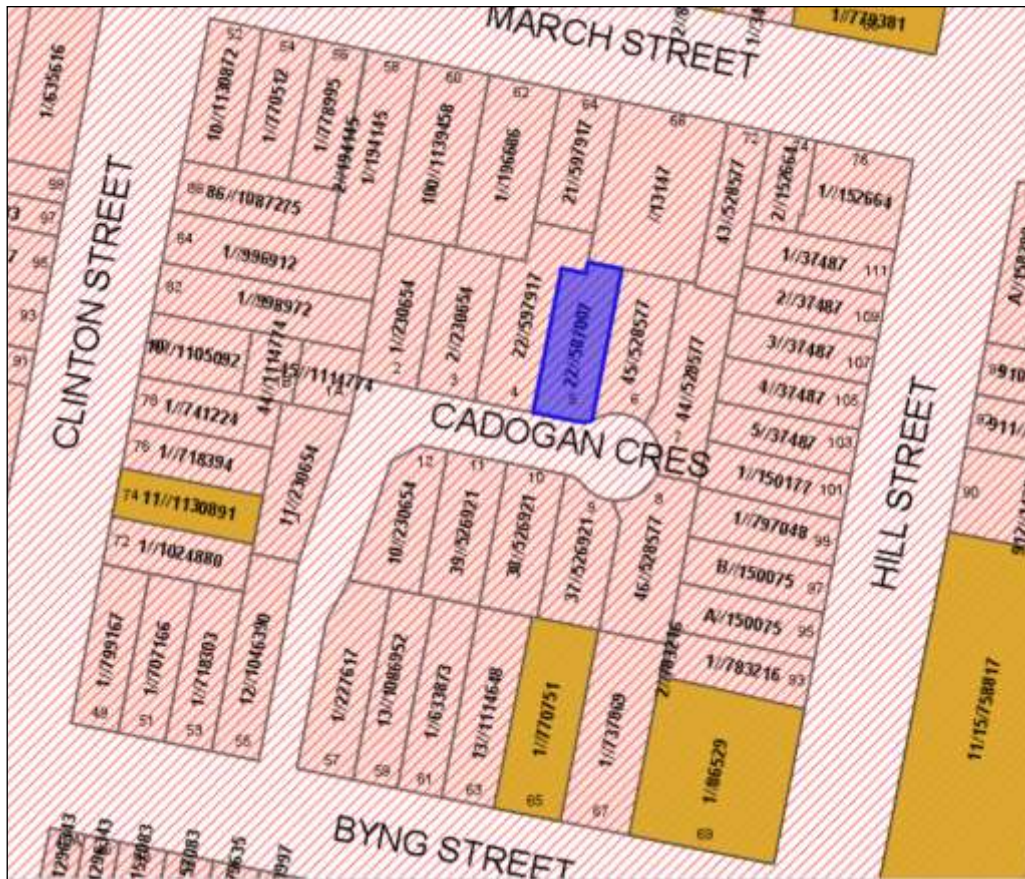


Figure 7 - Dalton HCA (red hatching) and heritage items (tan shading)

The OCC Heritage Conservation Area Review (May 2020) provides the following Statement of Significance for the Dalton HCA:

Statement of Significance

Historic: The Dalton Central HCA is the earliest part of the town with the oldest remaining buildings, some of which date back to the foundation of the town in the 1850s and 1860s. The "square mile" reflects the colonial surveyed town layout from 1846. It reflects the primary colonial government focus on law and order, commerce, education, government services and religious institutions, all of which have a prominent role in the HCA. The phases of development, the earliest streets and how they changed is a physical record of the town's history.

Associative: The Dalton Central HCA is named after one of the most prominent families in the development in Orange, and one that has shaped how the town developed. The Dalton Brothers establishment was the main reason the commercial district moved to Summer Street, and they were instrumental in developing the town into a substantial centre.

Aesthetic: The Dalton Central HCA has some of the most iconic buildings in Orange including the large public buildings like the court house and the post office; the large commercial buildings like the former Dalton Bros stores and the various hotels; the large churches like Holy Trinity and St Joseph's; and the prominent older schools like Orange Public. Beyond that the peculiar history of Orange has developed a town with a remarkable level of unity in the residential character of this central area. With the bulk of the housing from the turn of the century and interwar periods the built fabric of the town centre has a defined character that is noticeable. Add in the cold climate and wide Victorian regional streets lined with European deciduous species and the town has a unique feel to it.

Social: The Dalton Central HCA is the heart of the community and has very strong social significance to the local community and the wider regional areas

Research: The Dalton Central HCA has many layers of development and can provide a high level of research potential

Rarity: The Dalton Central HCA has a unique character unlike any other town centre in many ways. Its relatively narrow band of housing predominantly from the 1900-1930 period is unusual for a regional centre. Its elevation and climate has resulted in unique citywide plantings that were particularly suitable to early European settlers.

Representativeness: The Dalton Central HCA has many characteristics that are representative of planning styles for town layouts in the mid 19th C and can still demonstrate those principles. The building stock include good examples of architectural styles, with a particularly local character in housing styles. Orange shows the characteristics of a town that spent a significant period as a rail head.

Consent is required and sought for demolition works (dwelling house, outbuildings and street tree) and erecting a replacement dwelling in accordance with Clause 5.10(2)(a) and (e).

It is assessed that the proposed development will not have adverse impact on the significance of the heritage setting pursuant to Clause 5.10(4) as outlined in the following assessment.

Demolition

The existing dwelling is a Post-War style dwelling, constructed in the c1970s. A Post-War building is usually defined as a one built after World War II and prior to 1990. The dwelling retains the key design characteristic of Post-War dwellings including red brick walls, painted concrete roof tiles, L-shaped layout and double front. The landscaped curtilage to the dwelling is established and generous.

It is considered suitable to demolish the subject dwelling and ancillary rear outbuildings.

With reference to assessment criteria contained in *NSW Heritage Manual - Assessing Heritage Significance* (NSW Heritage Office, July 2001), the proposed dwelling is not of a level of significance to warrant retention:

- Criterion (a): The dwelling is not important in the course or pattern of Orange's history. The dwelling is not associated with a significant human activity or historical phase.
- Criterion (b): The dwelling is not associated with the life or works of a person/group of persons important to local history.
- Criterion (c): The dwelling does not demonstrate aesthetic characteristics or technical achievement. Dwelling design and detailing are typical of Post-War architecture, without defining features or landmark qualities. The dwelling is not the work of an important designer.
- Criterion (d): The dwelling is not associated with a particular community or cultural group important to local history.
- Criterion (e): The dwelling does not have potential to yield information that will contribute to an understanding of Orange's cultural history. The typical Post-War dwelling is ubiquitous in the HCA and City.
- Criterion (f): The dwelling does not possess uncommon, rare or endangered aspects of the City's history as they relate to customs, process or human activities.
- Criterion (g): The dwelling does not have representative value as a Post-War dwelling. The dwelling is a typical example of its type.

Based on the foregoing, the dwelling is considered to have 'Little' significance and does not fulfil criteria for listing or retention.

Council's Heritage Advisor (HA) supports demolition of the existing dwelling house, as the dwelling design departs traditional housing stock in the Dalton HCA. Residential neighbourhoods in the Dalton HCA are characterised by Federation, Arts & Crafts, Queen Anne and Interwar Bungalow styles. Nonetheless, Cadogan Crescent has an intact and consistent Post-War built character, and infill replacement should reference key aspects of that character.

Street Tree Removal (Demolition)

Council's Manager City Presentation supports removal of the Ash Tree on the footpath at the site frontage, subject to the planting of a replacement street tree on the footpath. Conditional replacement planting and additional site landscaping will be undertaken to reinstate and retain the established landscape character of the site and setting.

Replacement Dwelling

There is contention as to the suitability of the dwelling design in this particular streetscape:

- Council's Heritage Advisor considers that the replacement dwelling does not reasonably reference and interpret the built form in Cadogan Crescent. The projecting garage, flat roof profile, parapet detail, front façade fenestration and landscape design require revision.

- Council's Senior Urban Designer maintains the building design has dominant elements that are unique to this setting, including the projecting garage, 'colonnade' (formed by parapet and rounded columns) and upper level. Nonetheless, the siting and materiality will provide for reasonable design in context.
- Council's Senior Strategic / Policy Planner supports the dwelling design and detailing. The proposed setbacks, landscape treatment and materiality will interpret the prevailing built form. The infill dwelling will establish a design language to inform future redevelopment in this setting.
- Public submissions received during the exhibition periods (see following sections of this report) maintain the building design and detailing will be contrary to the neighbourhood character.

The applicant was requested to reconsider the building design to reference key aspects of the Post-War streetscape. This request was declined, and design justification submitted in lieu. It is submitted that the proposed dwelling is '*a fine example of modern design*' (PWOA) within a Post-War neighbourhood. Furthermore, the proposed dwelling will be a suitable and interpretative infill in Cadogan Crescent, as paraphrased here and depicted below (see Figures):

- Existing ground levels will be maintained.
- The ground floor parapet will match the eave line for adjoining dwellings.
- The parapet will form a horizontal garden bed at first floor level. Landscaping will provide layering of building elements and reduce the garage prominence.
- The 'colonnade' will form a front setback courtyard and provide a stepped front façade, thereby reducing bulk and scale to the street.
- The ground level front setback will match the streetscape building line.
- The upper level will be set back to remove bulk and scale from the site frontage and allow interpretation as a single-storey structure.
- There are examples of two-storey dwelling nearby.
- External finishes will match adjoining dwellings.
- New plantings will complement the landscape character, and an existing mature tree will be retained.

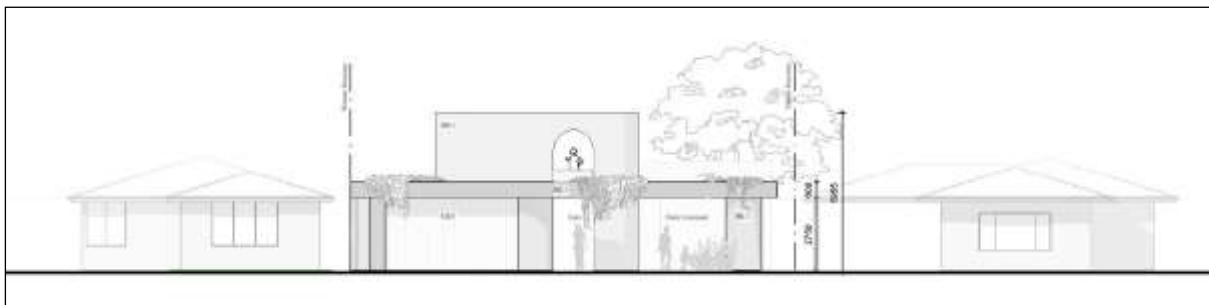


Figure 8 - streetscape context



Figure 9 - existing and proposed street view facing north



Figure 10 - existing and proposed street view facing north-west

Council's DCP 2004 Infill Guidelines and *Design in Context* (NSW Heritage Office, June 2005) contain design guidelines to inform suitable infill residential development, as considered below.

Character

The Cadogan Crescent neighbourhood character is defined by the following:

- Level landform and topography.
- Established and generous public and private landscaping.
- Common age, style and architectural typology of the dwellings.
- Intact and consistent Post-War architecture: brick and tile finishes, hip and gable roof profiles, double-front facades.
- Single-storey dwellings with low density massing and footprint.
- Active dwelling frontages- verandah treatment, entry doors, fenestration.
- Generous front setbacks and open frontages (no fencing)
- Single access points and unobtrusive parking accommodation.

The proposed dwelling will **complement** the established neighbourhood character as follows:

- The proposed dwelling will be constructed to existing natural ground levels.
- The landscape character will be maintained with tree retention, street tree replacement and new plantings at ground level and to the building form.
- An open frontage is proposed (no fencing).
- External finishes are noted as selected brickwork and roof sheeting. Conditions are included requiring submission of an interpretive colours and finishes schedule.
- The proposed front setback will complement the established streetscape building line.
- A new single crossover and driveway will be constructed adjacent the western boundary.

The proposed dwelling will **depart** the neighbourhood character as follows:

- The proposal will take a contemporary building design, albeit with some reference to the prevailing architectural forms in the street.
- The proposed dwelling will be partly two-storey in an entirely single-storey streetscape.
- The building design will incorporate a projecting double garage at the site frontage.
- There will be negligible fenestration to the front façade, and recessed front openings.

Scale

The proposed dwelling will be partly two-storey, and constructed to existing natural ground levels.

The dwelling will have a maximum height to upper level parapet of 5.85m at the site frontage. The top parapet will exceed the ridge height of adjoining dwellings by some 900mm (see Figure 11). This is assessed as a reasonable height variation between adjoining improvements to maintain visual continuity of scale in the streetscape. The upper level of the proposed dwelling will be recessed from the lower level and site boundaries to minimise encroachment on the frontage and neighbours.

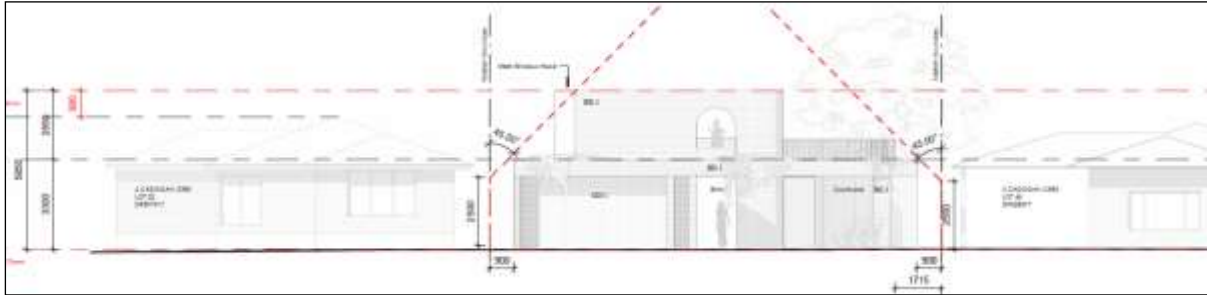


Figure 11 - streetscape dwelling heights

Form

The proposed dwelling will take rectangular upper and lower building forms, with a flat roof profile. The form and shape of the dwelling will differ from the prevailing Post-War architecture.

Siting

The front setback to Cadogan Crescent for the proposed dwelling will complement adjoining dwellings (see Figure 12). The proposed siting will reinforce the established streetscape building line. Proposed side boundary setbacks will not be disparate to the neighbourhood pattern of side setbacks.

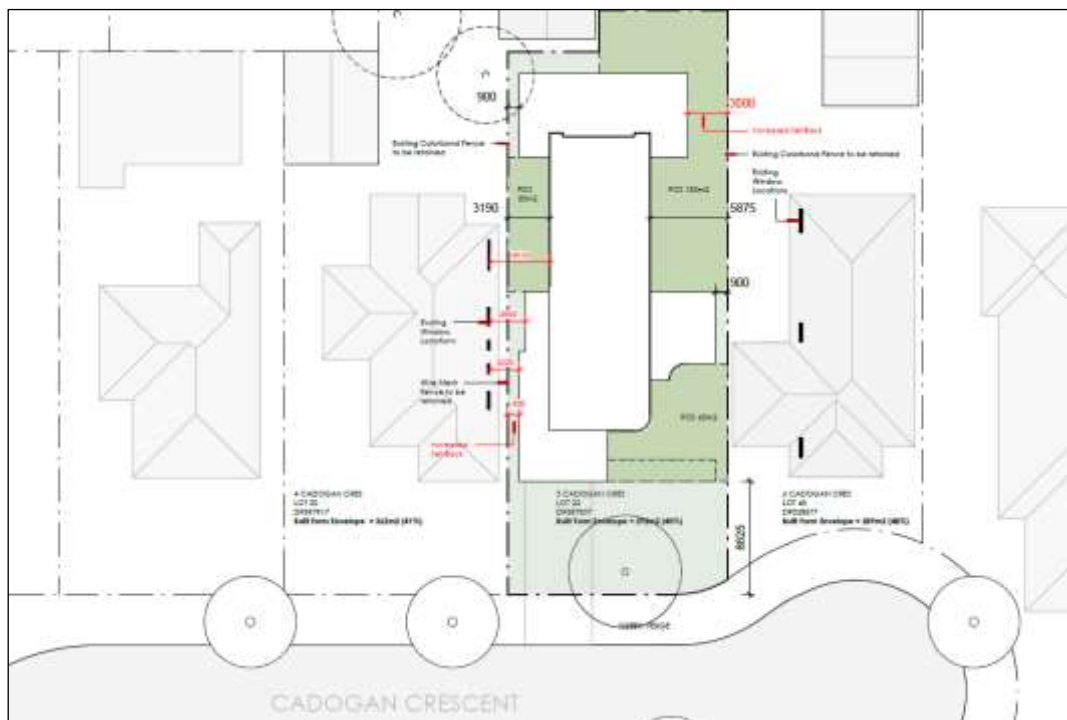


Figure 12 - streetscape setbacks

Materials and Colour

External colours and finishes will be interpretive and complementary, subject to Conditions.

Detailing

The proposed dwelling will incorporate contemporary detailing that is unique to this streetscape, including rectangular form, curved elements and minimal fenestration. Conversely, the absence of a front fence and Conditional landscaping to the front setback will complement adjoining parcels.

BASED ON THE FOREGOING ASSESSMENT, THE FOLLOWING IS CONCLUDED:

- Existing dwellings in Cadogan Crescent depart traditional housing stock in the Dalton HCA. Adjoining dwellings are in the Post-War style, while the HCA is generally characterised by Federation, Arts & Crafts, Queen Anne and Interwar Bungalow styles. To this end, there is opportunity for contemporary replacement infill which will not interrupt the broader HCA character.
- It is assessed that the proposed dwelling will partially comprise an interpretative infill. Street setback, Conditional materiality, parapet height, and landscaping will complement adjoining dwellings.
- Nonetheless, the proposed dwelling will also demonstrate elements that are unique to this setting including building height and shape, garage presentation and the arrangement of openings.
- As outlined above, the proposed dwelling will both complement and depart the neighbourhood character, and the assessment criteria contained in the Infill Guidelines.
- Cadogan Crescent was created in the 1960s with containing dwellings constructed in c.1965-1975. The streetscape has an intact and consistent Post-War character, with minor redevelopment and renovation since original dwelling construction. Streetscape gentrification is anticipated in the medium term. Redevelopment will not be constrained by traditional building forms in the Dalton HCA, as Cadogan Crescent is a separate and removed precinct. The proposed replacement dwelling may establish a design language to inform future development in the setting.
- Streetscape and public domain impacts associated with the building design will be within acceptable limit. Existing and new landscaping will provide integration and screening of the built form. The recessed upper level will be set back 12.4m from the front boundary, and will not visually encroach upon the frontage.
- As outlined in this report, the proposed dwelling will not unreasonably impact on residential amenity for adjoining dwellings.
- On balance, the proposed replacement dwelling is considered an acceptable infill dwelling for the streetscape, despite some discord with the prevailing Post-War built form. Interpretive elements will be suitable to provide reasonable integration. Contemporary styling will direct a design language and intent for future gentrification in the neighbourhood.

Clause 7.1 Earthworks

In consideration of the relevant matters at Clause 7.1:

- Conditional sediment and erosion controls will be installed and maintained during construction works.
- The proposed earthworks will facilitate residential development.
- The subject and adjoining lands are not known to be contaminated.
- The site is not known to have European or Indigenous cultural values. A Condition is included to protect and manage unexpected finds during construction works.
- The subject land is not within a drinking water catchment; nor identified as an environmentally sensitive area.

Clause 7.3 Stormwater Management

The proposal will not alter the existing stormwater drainage arrangements that service the subject land, pursuant to Clause 7.3.

Clause 7.6 Groundwater Vulnerability

There are no aspects of the proposal that will impact groundwater and related ecosystems.

Clause 7.11 Essential Services

The listed utility services at Clause 7.11 are available and suitable for the proposed development.

In relation to (c) *the disposal and management of sewer*, the northern portion of the proposed dwelling will be constructed over Council's reticulated sewer main (see Figure 13). This is acceptable subject to Conditional construction in accordance with Council's Build Over Sewer Policy. Relocation of the existing sewer man hole and sewer junction will also be required.

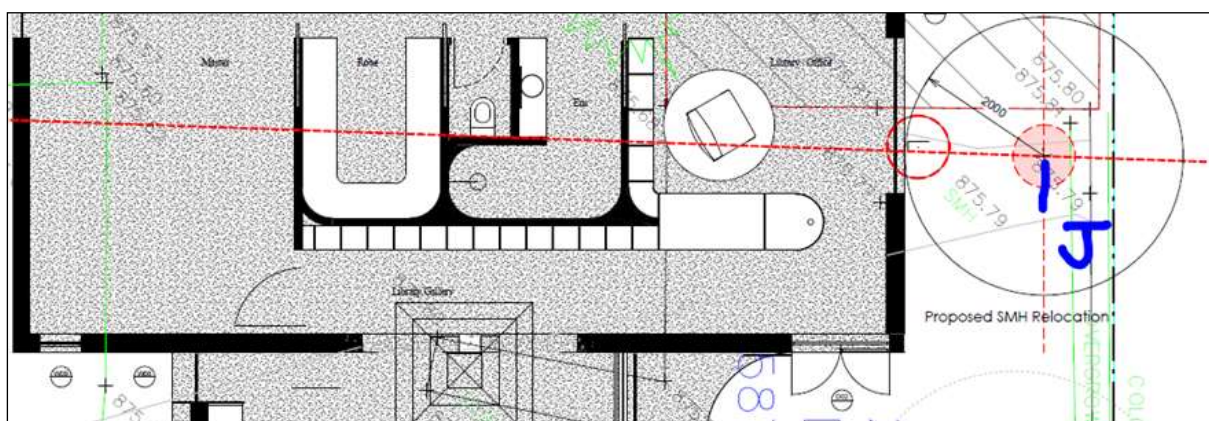


Figure 13 - construction over sewer and relocated manhole

In relation to (e) *suitable road access*, Conditions are included requiring proper closure of the existing eastern access, and Road Opening Permit and Certification for the proposed new western crossover and driveway. Council's Assistant Development Engineer raised no objection to the location of the new driveway.

STATE ENVIRONMENTAL PLANNING POLICIES**State Environmental Planning Policy Resilience and Hazards 2021**

In consideration of Section 4.6, the potential for contamination of the site is considered low. The subject and adjoining lands are well-established for residential use. The site is not located within an investigation area, and the land is not known to have been used for a Table 1 contaminating landuse. Further contamination investigation as a precursor to potential site remediation is considered unnecessary for ongoing residential use.

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

The proposal comprises BASIX-affected development pursuant to Section 6. A compliant Single Dwelling BASIX Certificate was submitted in support of the proposal (Certificate No. 1397252S dated 8 June 2023).

State Environmental Planning Policy (Biodiversity and Conservation) 2021

It is proposed to remove an existing Ash Tree from the footpath at the site frontage (see below), in accordance with Section 2.6.



Figure 14 - street tree to be removed

DCP 2004 contains development controls relating to vegetation clearing in accordance with Section 2.9 (refer DCP Part 0 below). Council's Manager City Presentation supports removal of the tree, subject to Conditional replacement planting with a 100L-container sized specimen.

Provisions of any development control plan s4.15(1)(a)(iii)**Development Control Plan 2004****Part 0 Tree Preservation****PO-0.4-2 INTERIM PLANNING OUTCOMES - TREE PRESERVATION**

- 1 Trees prescribed by this DCP must not be ringbarked, cut down, topped, lopped or wilfully destroyed without the Council's approval and landowners consent
- 2 This clause applies to Eucalypts of any size belonging to the White Box, Yellow Box and Blakely's Red Gum Endangered Ecological Communities, including species indicated as affected in the tree preservation table.
- 3 This clause also applies to any tree, native or exotic, with a trunk diameter equal to or greater than 300mm at breast height (refer AS4970-2009 for measurement guidelines).
- 4 Notwithstanding IPO-4(3) this clause does not apply to species indicated as exempt in the tree preservation table.
- 5 An application for the Council's approval must be accompanied by an appropriately qualified specialist (i.e. Arborist) report outlining the following information
 - The location, size, species and condition (i.e. diseased, healthy, etc)
 - A statement that details any anticipated impacts on vegetation that may have derived from endangered ecological communities and/or that may be habitat for threatened species
 - The purpose of removal and whether the pruning of the tree would be a more practical and desirable alternative
 - Whether a replacement tree or trees should be planted
 - The location, size and species of any trees proposed to replace those intended for removal
 - The owners consent to the application being lodged
 - Any other relevant information regarding the tree to be removed (i.e. photographs)

The proposal involves removal of an Ash Tree from the footpath at the site frontage (refer Figure 15 above). The tree is covered by Tree Preservation Order under Part 0. Council's Manager City Presentation supports removal of the tree, subject to replacement planting.

Conditions are included requiring replacement planting of a mature and consistent specimen on the footpath; and protection of the Liquidambar tree in the front setback in accordance with AS4970-2009 *Protection of trees on development sites*.

Part 7 Development in Residential Zones**Neighbourhood Character****PO 7.7-1 PLANNING OUTCOMES - NEIGHBOURHOOD CHARACTER**

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

The neighbourhood character of Cadogan Crescent is considered in a foregoing section of this report (refer *Orange LEP 2011 Clause 5.10*). As assessed, the proposed replacement dwelling is considered an acceptable infill dwelling for the streetscape, despite some discord with the prevailing Post-War built form. Interpretive elements will be suitable to provide reasonable integration.

Building Appearance

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

The suitability of the design and detailing of the replacement dwelling is considered in a foregoing section of this report (refer *Orange LEP 2011 Clause 5.10*).

The proposed dwelling will have frontage to Cadogan Crescent, albeit a largely closed frontage. There will be negligible fenestration to the front façade, and recessed front openings at ground and upper levels. The site layout and building design will incorporate a “street-facing garden room or courtyard (PWAO)” (see Figures below). When utilised by residents, this will provide an active outdoor space connecting to the public domain; however, landscaping for privacy will further close the frontage. Façade-closing design mechanisms are not contemplated in DCP 2004.



Figure 15 - front façade and courtyard

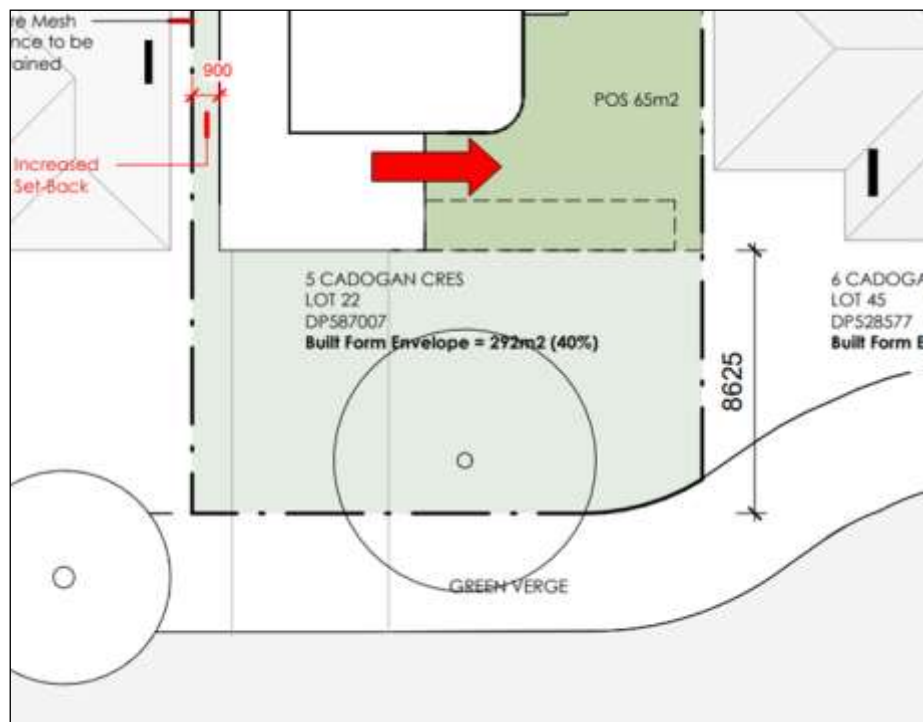


Figure 16 - courtyard

The proposed dwelling will incorporate a projecting double garage which presents as a leading element in the building design (refer Figure above). The proponent submits that the garage will have acceptable visual impacts as follows:

The horizontal garden bed, along with the garden room sits forward of the garage, softening its expression. The garage door will be clad in natural timber to be read as a simple timber façade rather than any typical Colorbond alternative... The garage is integrated as a façade element rather than a standalone or tacked on form.

The garage presentation will differ to unobtrusive parking accommodation for nearby dwellings. Nonetheless, the garage will be incorporated into the building design, and well-setback from the site frontage.

Setbacks

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

The proposed dwelling will have a front setback to Cadogan Crescent of 8.6m (lower level). The proposed front setback will complement and reinforce the prevailing residential street setback (see Figure 17). The dwelling siting will not disrupt the streetscape view corridor. The front setback will be landscaped and unfenced, consistent with frontages for adjoining dwellings.

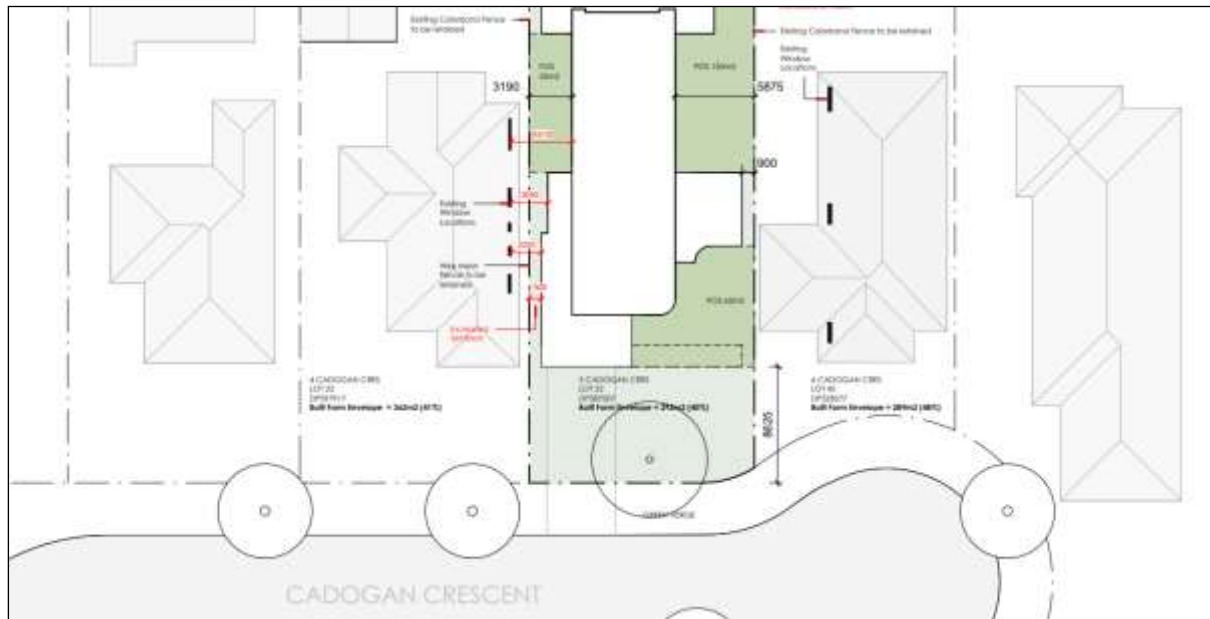


Figure 17 - front setback building line to Cadogan Crescent

Proposed side boundary setbacks will not be disparate to the neighbourhood pattern of side setbacks as demonstrated in the Figure above. A minimum setback of 900mm will apply to the garage on the western boundary opposing 4 Cadogan Crescent, and garden pavilion on the eastern boundary opposing 6 Cadogan Crescent. A minimum 900mm setback is typical for a dwelling house in an urban setting. The side dwelling facades will be stepped with varying setbacks.

Fences and Walls

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

The proposal does not involve a front fence to Cadogan Crescent, consistent with open frontages in this setting. Existing Colorbond fencing to the side and rear boundaries will be retained.

Energy Efficiency

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

A compliant Single Dwelling BASIX Certificate was submitted in support of the proposal. The proposed dwelling will satisfy Council's Energy Smart Homes Code.

Visual Bulk

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

In consideration of the Planning Outcomes:

- Cross-fall over the development site is in the order of 0.5m (RL 876.15 - RL 875.630). A finished ground floor level of RL 876 is proposed. Finished levels are depicted below (see Figure 18). Negligible earthworks will be required.



Figure 18 - existing ground levels (black line) and proposed finished floor level (red line)

- The proposed dwelling will be a one and two-storey structure. Maximum building height at the site frontage will be 3.3m to ground floor parapet and 5.85m to first floor parapet. When viewed from the public domain, the upper level will exceed the ridge height at 4 Cadogan Crescent by 1.2m and at 6 Cadogan Crescent by 900mm (see Figure 19). This is a reasonable height variation between adjoining improvements to maintain visual continuity of scale in the streetscape. The upper level of the proposed dwelling will be recessed from the lower level and site boundaries to minimise encroachment on the frontage.



Figure 19 - dwelling heights

- The proposed dwelling will be contained within the DCP-prescribed visual bulk envelope plane, expecting very minor departures on the north elevation in the upper and lower parapets (as depicted by red dots in Figure 20).

It is noted that the window hoods to openings on the west façade *will* encroach within the VBE, as demonstrated below by the green arrow (see Figure 20). The hoods will not visually encroach upon the adjoining western dwelling at 4 Cadogan Crescent. The hoods will be intermittent structures along the western façade, and reasonably removed from opposing windows and the private open space area next door.

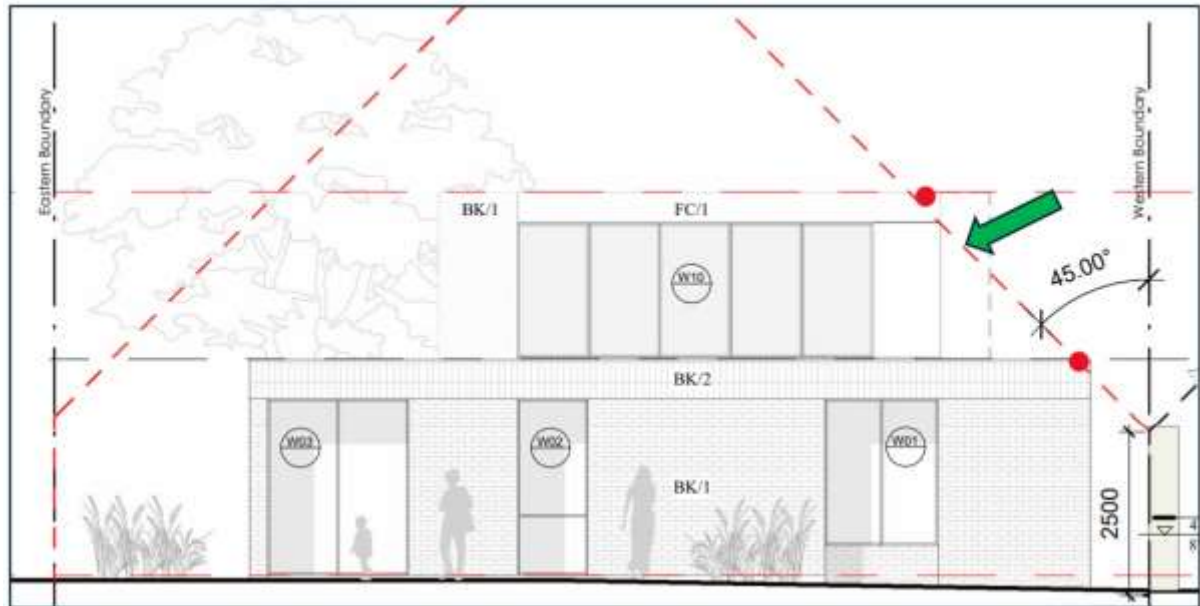


Figure 20 - VBE encroachments (circled in red), north elevation

- Visual bulk impacts to the east at 6 Cadogan Crescent will be within acceptable limit. As depicted in Figure 20 above, the proposed dwelling will be contained within the VBE on the north elevation when projected from the eastern boundary. The proposed dwelling will have a generous setback from the eastern boundary of 3m to lower level and 5.8m to upper level. The dwelling at No. 6 is similarly well set back from the common boundary by some 4.5m. Separation between the dwellings will avoid visual encroachment. Overshadowing to the eastern parcel will satisfy the DCP (as outlined below).
- Based on site area of 726m² and total building footprint of 292m², site coverage for the development will be 40% (in compliance with the maximum 60%). The proposed site coverage will complement adjoining dwellings.
- Setbacks from side and rear boundaries will be typical of the neighbourhood patterns as assessed above (see **Setbacks**). The building footprint will be generally T-shaped and utilise much of the parcel. The land is not subject to a prescribed rear building setback.
- In order to assess the visual bulk impacts on the nearest adjoining dwelling, reference is made to the Land and Environment Court planning principles for height, bulk and scale (pursuant to *Veloshin v Randwick Council* [2007] NSWLEC 428).

The following questions should be considered to assess the appropriateness of development:

Are the impacts consistent with impacts that may be reasonably expected under the controls?

As outlined in this report, the proposal will not adversely impact on privacy or solar access to the adjoining dwelling.

How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?

The development site is not subject to a maximum building height on the OLEP 2011 Height of Buildings Map. The proposal will satisfy the **Visual Bulk** planning outcomes and guidelines contained in DCP 2004.

Does the area have a predominant existing character and are the planning controls likely to maintain it?

Cadogan Crescent has a well-defined and intact built character, defined by single-storey dwellings of low density massing and footprint.

Does the proposal fit into the existing character of the area?

As variously assessed, there will be some discord between the proposed replacement dwelling and prevailing Post-War built form in Cadogan Crescent. The proposed dwelling will depart dwelling typologies in this street, in relation to dwelling height (two-storey), roof profile (flat), and footprint / massing (T-shaped for the length of the parcel).

Is the proposal consistent with the bulk and character intended by the planning controls?

As considered, the bulk impacts on the streetscape will be within reasonable limit, largely due to the generous front setback.

It is assessed however, that the **height, shape and length** of the proposed dwelling will markedly alter the existing interface between 4 and 5 Cadogan Crescent. Consequently, there is potential for visual encroachment by the development on 4 Cadogan Crescent.

The design response has considered offsite visual bulk impacts as follows:

- The proposed upper level will have a generous recess from the western boundary by 3.19m.
- The proposed upper ridge height of 6.260m will exceed the ridge height at 4 Cadogan Crescent by a reasonable 980mm.
- The proposed flat roof will reduce the building height compared with a traditional hip.
- The site is not subject to a prescribed rear building setback.

Nonetheless, it is considered that there is additional opportunity to minimise the building bulk and associated visual impacts by reducing the upper level void space. A Conditional reduction in the upper level void would reduce building length and mass and improve views / outlooks for adjoining dwellings- while still maintaining internal floor area and a void space (see Figure 21). This is a matter for Council's consideration.

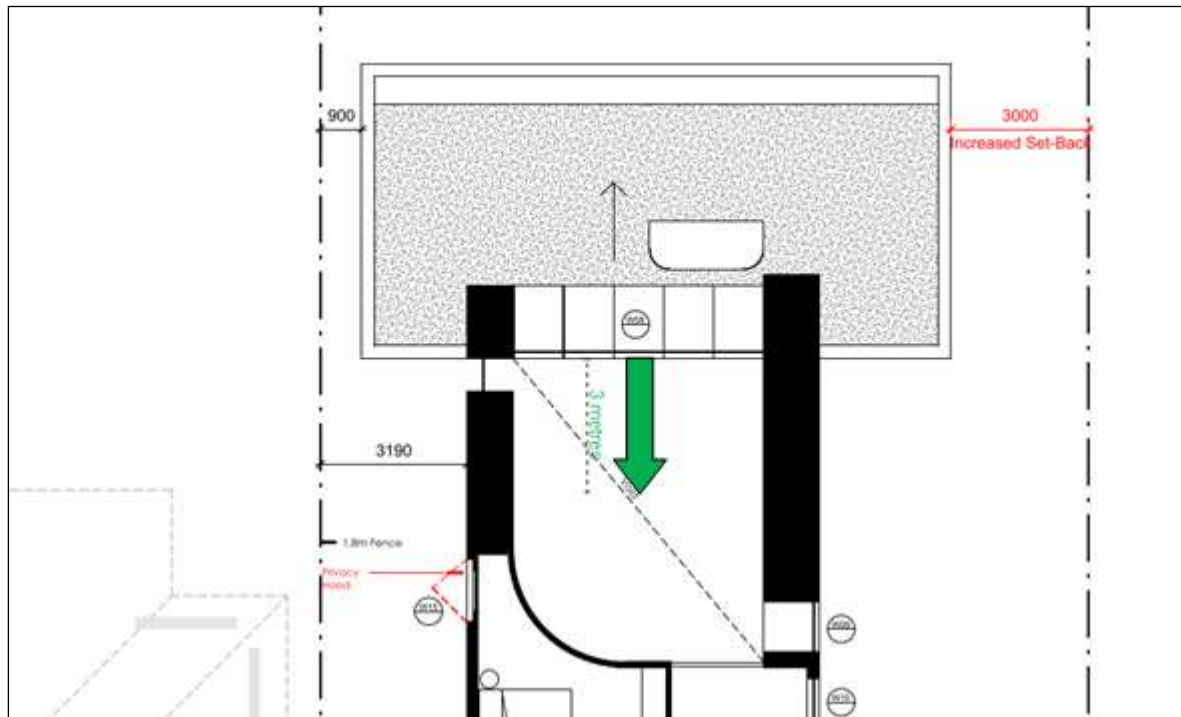


Figure 21 - conditional reduction of the upper level void

The single storey element of the proposed dwelling will have a wall height of 3.6-2.8m opposing 4 Cadogan Crescent (see below). Again, the longstanding interface between the properties will be altered. However, the height of the lower-level parapet will relate to the eave height and rear shed at 4 Cadogan Crescent, and is considered reasonable. Existing perimeter planting and fencing will provide screening.

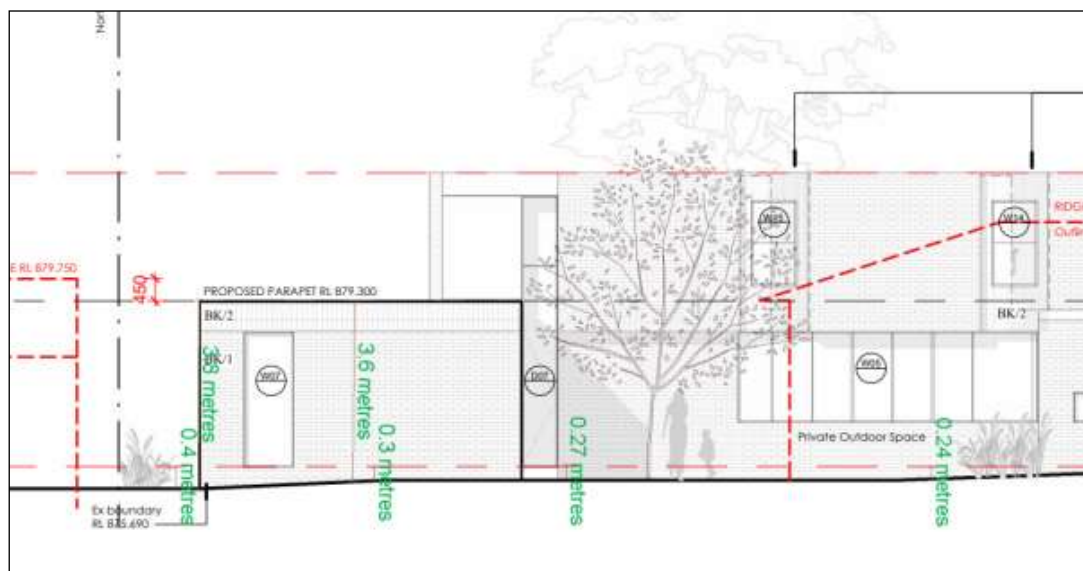


Figure 22 - wall height opposing 4 Cadogan Crescent

Does the proposal look appropriate in its context?

As considered, the bulk impacts on the streetscape will be within reasonable limit, largely due to the generous front setback. It is assessed however, that the **height, shape and length** of the proposed dwelling will markedly alter the existing interface between 4 and 5 Cadogan Crescent, with altered visual impacts.

Walls and Boundaries

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

The proposal does not involve dwelling construction to any boundary. A minimum side setback of 900mm will apply to the east and west boundaries. As outlined in the following sections of this report, privacy and solar access impacts will be within reasonable limit, subject to mitigation conditions. The impact of boundary walls was considered above (see **Visual Bulk**).

Daylight and Sunlight

PO 7.7-8 PLANNING OUTCOMES - DAYLIGHT AND SUNLIGHT	
1	Buildings are sited and designed to ensure: <ul style="list-style-type: none">- 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.

Internal and external solar access will be provided to the proposed dwelling in accordance with the DCP guidelines. The dwelling will have north facing living room windows at lower and upper levels, and private outdoor spaces will have access to northern sun.

Shadow diagrams were submitted in support of the proposal (see Figure 23 below and attached Drawing DA910). Assessment staff concur with the accuracy of the submitted diagrams. The shadow diagrams demonstrate that the proposed dwelling will overshadow the adjoining west and east dwellings at 4 and 6 Cadogan Crescent, respectively. However, based on the north-south orientation of the land, sunlight to northern openings and north/rear private open spaces on the neighbouring parcels will be maintained in accordance with the DCP Guidelines.

Morning overshadowing to the west at 4 Cadogan Crescent will be limited until approximately 11am, with existing solar access thereon in. The parcel at 6 Cadogan Crescent will be overshadowed in the afternoon from approximately 1pm, with unimpeded solar access in the morning period.



Figure 23 - 9am, 11am and 3pm shadow diagrams (refer also drawing No. DA910)

Views

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

The proposed dwelling will have acceptable visual impacts within the Cadogan Crescent view corridor, due to the proposed front setback and Conditional front landscaping. The dwelling siting will not disrupt the established streetscape building line, and the existing landscaped setting will be maintained and reinforced.

The proposed replacement dwelling will alter the presentation of the site- indeed, the proposal comprises a new structure of a shape and form that departs dwelling typologies in this street. Views of the site from adjoining parcels will therefore be altered. Nonetheless, the proposed dwelling will comprise a residential form in a residential setting. There are no prominent views or vistas that will be impacted by the proposal.

Visual Privacy

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

Privacy will be achieved for the proposed dwelling as follows:

- Existing perimeter fencing will be maintained.
- The upper level terrace and ground level garden room with public domain views will be provided with perimeter plantings for privacy.

Privacy will be maintained for opposing neighbours as follows:

- Existing perimeter fencing will be maintained.
- Privacy hoods will be installed to upper level openings on the western façade to minimise overlooking of eastern openings and the rear yard at 4 Cadogan Crescent.
- There is potential for overlooking openings and private open space at 6 Cadogan Crescent from the upper level lounge window on the eastern façade. The window will be set back 5.8m from the boundary and oppose a window and the rear yard next door. The DCP requires screening measures for *habitable room windows on upper floors within 9m from windows of living areas of adjacent dwellings*. Separation between the opposing openings will be within this order. A Condition is included that a privacy hood be installed to the upper level lounge window on the eastern façade.
- Similarly, there will be potential for overlooking 6 Cadogan Crescent from the upper level terrace on the east façade (see Figure 24). Conversely, this outdoor space may also be overlooked by neighbours. The DCP requires *balconies of an upper-floor within 9m of habitable room or private open space are permanently screened to reasonably obscure direct views to adjacent rooms and private open space*. Conditions are included requiring amendments at Construction Certificate stage demonstrating measures to screen direct views to the east and north-east.

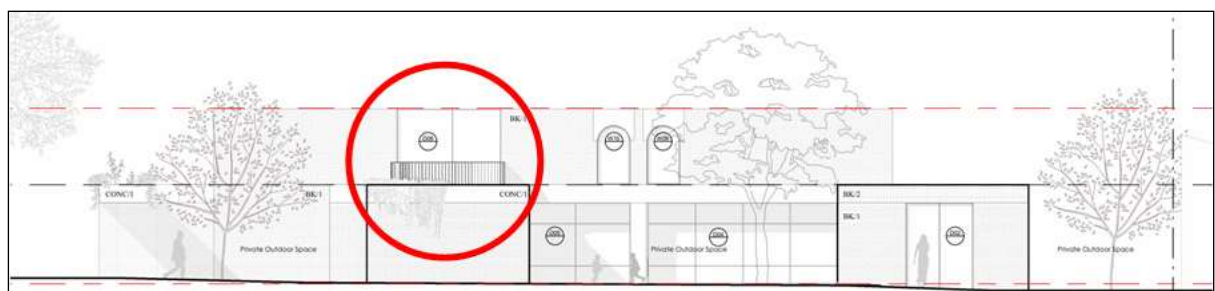


Figure 24 - terrace on the east façade overlooking 6 Cadogan Crescent

- Ground level habitable room openings on the east elevation will address a courtyard and be well-set back from the eastern boundary.
- Overlooking from habitable openings on the western façade (kitchen and living room) will be nil-negligible based on existing perimeter fencing and landscaping.
- Glazing to the upper level void space will have nil impact on privacy for adjoining dwellings.
- Floor levels will be commensurate with existing natural ground levels.

Acoustic Privacy

PO 7.7-11 PLANNING OUTCOMES - ACOUSTIC PRIVACY	
1	<p>Site layout and building design:</p> <ul style="list-style-type: none"> - 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.

Residential landuse is not noise-generating. The proposed development will not generate noise emissions.

Circulation Design

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

The proposal involves deletion of the existing site access in the eastern extent, and new driveway access adjacent the western boundary. Conditions are included requiring proper closure of the existing eastern access, and Road Opening Permit and Certification for the proposed new western crossover and driveway. Council's Assistant Development Engineer raised no objection to the location of the new driveway. The proposal will not generate additional traffic volumes above the existing situation.

Car Parking

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

Pursuant to DCP 2004, onsite parking is required for 3+ bedroom dwellings at a rate of 1.5 spaces per dwelling. A double garage and stacked spaces will be provided for the proposed dwelling in compliance with the DCP.

Private Open Space

PO 7.7-16 PLANNING OUTCOMES – PRIVATE OPEN SPACE	
1	Private open space is clearly defined for private use.
2	Private open space areas are of a size, shape and slope to suit the reasonable requirements of residents, including some outdoor recreational needs and service functions.
3	Private open space is: <ul style="list-style-type: none"> - 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.

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

Open Space and Landscaping

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

Conditions are included requiring preparation and implementation of a landscape plan.

Stormwater

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

Existing arrangements for stormwater drainage will be maintained.

Erosion and Sedimentation

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

Conditional sediment and erosion controls will be installed and maintained during construction works.

Provisions prescribed by the Regulations s4.15(1)(a)(iv)

The proposed development will not be contrary to any matter prescribed by Regulation:

BASIX development (Section 27)

A complaint Single Dwelling BASIX Certificate was submitted in support of the proposal.

Demolition of a Building (Section 61)

Conditions are included requiring demolition and waste management in accordance with applicable standards and guidelines.

Fire Safety Considerations (clause 62)

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

Buildings to be Upgraded (clause 63)

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

The likely impacts of the development s4.15(1)(b)

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

- Setting and context.
- Neighbourhood character.
- Conservation values.
- Landscape character.
- Visual impacts (presentation, design, bulk and massing, views).
- Traffic matters (site access, car parking and manoeuvring, traffic generation).
- Onsite and adjoining residential amenity (bulk and massing, solar access, visual privacy, acoustic privacy).
- Environmental impacts (biodiversity, groundwater, stormwater management, sediment control).

The impacts of the development are considered to be within reasonable limit. Conditions are included on the attached Notice of approval to mitigate and manage arising impacts.

The suitability of the site s4.15(1)(c)

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

- The proposal is a permitted landuse in the R1 General Residential zone.
- The site has direct frontage and access Cadogan Crescent.
- The local road network is of sufficient capacity.
- The site is not subject to natural hazards.
- There is no known contamination on the land.
- All utility services are available and adequate.
- The site has no particular environmental value.
- The conservation values are atypical of the broader Dalton HCA.

Any submissions made in accordance with the Act s4.15(1)(d)

The public participation process associated with the proposed development is outlined below.

1. The proposed development is defined as "notified development" pursuant to Council's Community Participation Plan (CPP) 2019. The DA was notified in the prescribed manner (12-26 September 2023). At the completion of the notification period, eight submissions were received. The issues raised are considered below, and/or in the foregoing sections of this report.

SUBMISSION 1-

The proposed dwelling will 'significantly overshadow both single-storey neighbours.'

Comment: The development will result in overshadowing of 4 and 6 Cadogan Crescent. However, overshadowing will be within acceptable limit as defined in DCP 2004-7.7-8.

The landowner has breached conditions of DA consent relating to other developments. Council should ensure compliance with conditions for this development.

Comment: Failure to comply with conditions of consent is a breach of the EPAA 1979 and subject to enforcement.

SUBMISSION 2-

The proposed replacement dwelling will be an unsuitable infill dwelling in Cadogan Crescent.

Comment: On balance, the proposed replacement dwelling is considered an acceptable infill dwelling for the streetscape, despite some discord with the prevailing Post-War built form. Interpretive elements will be suitable to provide reasonable integration. Contemporary styling will direct a design language and intent for future gentrification in the neighbourhood.

Demolition and construction works will cause on street congestion and nuisance for residents.

Comment: Conditions are included requiring preparation and implementation of a Construction Management Plan to minimise construction nuisance for adjoining residents.

SUBMISSION 3-

The submitted DA drawings do not show VBEs, solar access calculations, detailed measurements, floor plans.

Comment: The original submitted drawings have been superseded.

It is unsuitable to remove the Ash Tree street tree at the site frontage, which contributes to a planned streetscape landscape design.

Comment: Conditions are included requiring a replacement Ash Tree, of minimum 100L container size, to be planted on the footpath at the site frontage.

The proposed dwelling will overshadow the north-east facing living room at 4 Cadogan Crescent, and adversely impact on residential amenity

Comment: The main living room at 4 Cadogan Crescent is located at the rear of the dwelling and contains both north and east-facing windows. The submitted shadow diagrams demonstrate the proposed dwelling will overshadow the eastern windows, and as such morning sunlight from the east will not be available to the living room. By 9.45am on the winter solstice, the shadow will be removed from the east and north-facing windows in the living room. This arrangement will be consistent with Daylight and Sunlight Guidelines in DCP 2004, which requires solar access to the northern living room windows for more than 4 hours between 9am and 3pm.



Figure 25 - shadows to living room [denoted by star] at 4 Cadogan Crescent



Figure 26 - shadows elevations to living room window (circled) at 4 Cadogan Crescent

The submission maintains that overshadowing will depart the following DCP **Planning Outcomes** in relation to Daylight and Sunlight:

- 1 Buildings are sited and designed to ensure:
- daylight to habitable rooms in adjacent dwellings is not significantly reduced;
 - overshadowing of neighbouring secluded open spaces or main living-area windows is not significantly increased;

It is assessed that daylight to the impacted living room will not be 'significantly reduced,' and overshadowing to the main living area window will not be 'significantly increased.' The impacted living room contains north-facing openings also, and does not rely wholly on the eastern openings for sunlight. While the eastern morning sun may be valued by the submitter, generous sunlight will otherwise be available throughout the day to the impacted living room.

The proposed dwelling will overshadow the rear private open space area at 4 Cadogan Crescent, and adversely impact on residential amenity

Comment: As demonstrated in the shadow diagrams, the proposed dwelling will not result in overshadowing of the rear yard at 4 Cadogan Crescent from approximately 11.00am (refer Figure 25 above). The proposal will not reduce on-ground sunlight to less than 3 hours at 4 Cadogan Crescent, as required in the DCP.

Council should reassess the shadows to be cast by the proposed dwelling.

Comment: Assessment staff concur with the accuracy of the submitted shadow diagrams. Separate analysis has been undertaken. The diagrams are derived from existing surveyed ground levels and proposed building RLs.

The landform with 550mm fall to the from front to rear will affect the building height, shadow calculations and VBE.

Cross-fall over the development site is in the order of 0.5m (RL 876.15 - RL 875.630). A finished ground floor level of RL 876 is proposed. In order to achieve this, the rear portion of the dwelling in the north-west extent will be constructed 400mm above existing natural ground level. This is a minor increase above existing ground level, noting that DCP refers to a maximum 1.5m. Site filling will not be required. The proposed finished floor level will not alter the proposed parapet heights, nor the calculated VBEs or shadows.

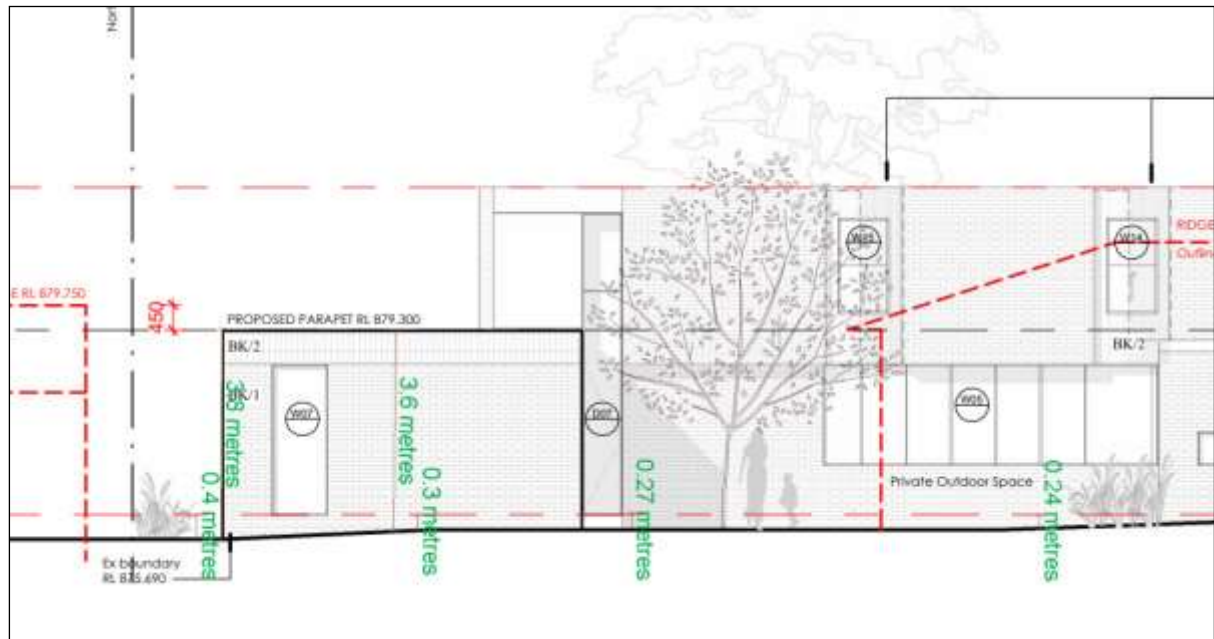


Figure 27 - natural ground level (black line) and proposed finished floor level (red line)

First floor openings will overlook 4 Cadogan Crescent.

Comment: Window hoods are now proposed to first floor openings on the western façade.

The proposed replacement dwelling will be contrary to the neighbourhood character (footprint, height, design)

Comment: As considered in the foregoing sections of this report, the proposed replacement dwelling is considered an acceptable infill dwelling for the streetscape.

The proposal will devalue adjoining properties.

Comment: The impact of a development on property values is a not matter for consideration in DA assessment (Section 4.15(1) EPAA 1979).

The upper level will have visual bulk encroachment impacts and alter the outlook/neighbourhood views.

Comment: It is concurred that the replacement dwelling will alter outlooks and views for adjoining dwellings. Indeed, the proposal comprises a new structure of a shape and form that will depart dwelling typologies in this street. Nonetheless, the proposed dwelling will comprise a residential form in a residential setting. There are no prominent views or vistas that will be impacted by the proposal.

Council could consider conditional reduction of the upper level to temper localised bulk/visual impacts on outlook, however this modification is not supported by the recommendation.

The garage will be constructed on the boundary with 4 Cadogan Crescent and impact solar access and ventilation.

Comment: The site layout has been amended to provide a 900mm setback from the common boundary with 4 Cadogan Crescent.

The proposed garage will adjoin bedrooms at 4 Cadogan Crescent and adversely impact on acoustic privacy.

Comment: This arrangement is consistent throughout Cadogan Crescent and residential areas generally. Front elevation garages are a typical residential design element. Vehicle movements associated with residential use are unlikely to impact on acoustic amenity for adjoining dwellings.

SUBMISSION 4-

The proposal will be contrary to the established neighbourhood character.

Comment: As outlined in this report, the proposed replacement dwelling is considered an acceptable infill dwelling for the streetscape, despite some discord with the prevailing Post-War built form. Interpretive elements will be suitable to provide reasonable integration. Contemporary styling will direct a design language and intent for future gentrification in the neighbourhood.

Development over 6m is not allowed in this area.

Comment: The site is not subject to a maximum building height pursuant to the Orange LEP 2011 Height of Buildings Map. Height controls for the site are described in DCP 2004-7.7-6 (Visual Bulk) and the Infill Guidelines. As outlined in this report, the building height will have reasonable continuity of scale in the streetscape.

Extensive earthworks will be required based on the fall of the land.

Comment: As stated above, cross-fall over the development site is in the order of 0.5m (RL 876.15 - RL 875.630). A finished ground floor level of RL 876 is proposed. In order to achieve this, the rear portion of the dwelling in the north-west extent will be constructed 400mm above existing natural ground level. This is a minor increase above existing ground level, noting that DCP refers to a maximum 1.5m. Site filling will not be required.

It is unsuitable to remove the Ash Tree street tree at the site frontage; access should be retained in its current location.

Comment: A Conditional replacement Ash Tree will be constructed at the site frontage. Council's Assistant Development Engineer raised no objection to the proposed driveway location adjacent the western boundary, noting the greater clearance to be provided from the cul-de-sac turning circle.

The proposed dwelling footprint will extend almost over the entire parcel. Open spaces will be internal and not at the rear. Site layout will be contrary to adjoining dwellings with private rear gardens.

Comment: The proposed dwelling will satisfy DCP controls in relation to site coverage, private open space and setbacks. The arrangement of spaces is decided by the designer. It is assessed that impact on the public domain and adjoining parcels will be acceptable, subject to mitigation conditions.

The proposed dwelling will overshadow adjoining dwellings at 4 and 6 Cadogan Crescent.

Comment: The development will result in overshadowing of 4 and 6 Cadogan Crescent. However, overshadowing will be within acceptable limit as defined in DCP 2004-7.7-8.

Views of the skyline and trees from adjoining backyards will be interrupted.

Comment: It is concurred that the replacement dwelling will alter outlooks and views for adjoining dwellings. Indeed, the proposal comprises a new structure of a shape and form that will depart dwelling typologies in this street. Views of the skyline and trees from adjoining backyards are already interrupted by existing dwellings in Cadogan Crescent and March Street, detached outbuildings and vegetation (see below).



Figure 28 - outlook to nearby backyards in March Street and Cadogan Crescent

The proposal will comprise a residential form in a residential setting. The impact on views and outlooks will be within acceptable limit. The proposal is not considered contrary to Case Law Planning Principles relating to views.

A floor plan was not supplied for consideration by neighbours.

Comment: Plans are redacted under legislation for privacy reasons.

Openings on the east façade upper level will overlook adjoining eastern dwellings.

Comment: As outlined in this report, a condition is included requiring a window hood be provided to the upper level lounge room on the east façade; and privacy screening be provided to the upper level eastern terrace. Window hoods were nominated in the current planset, as shown here:

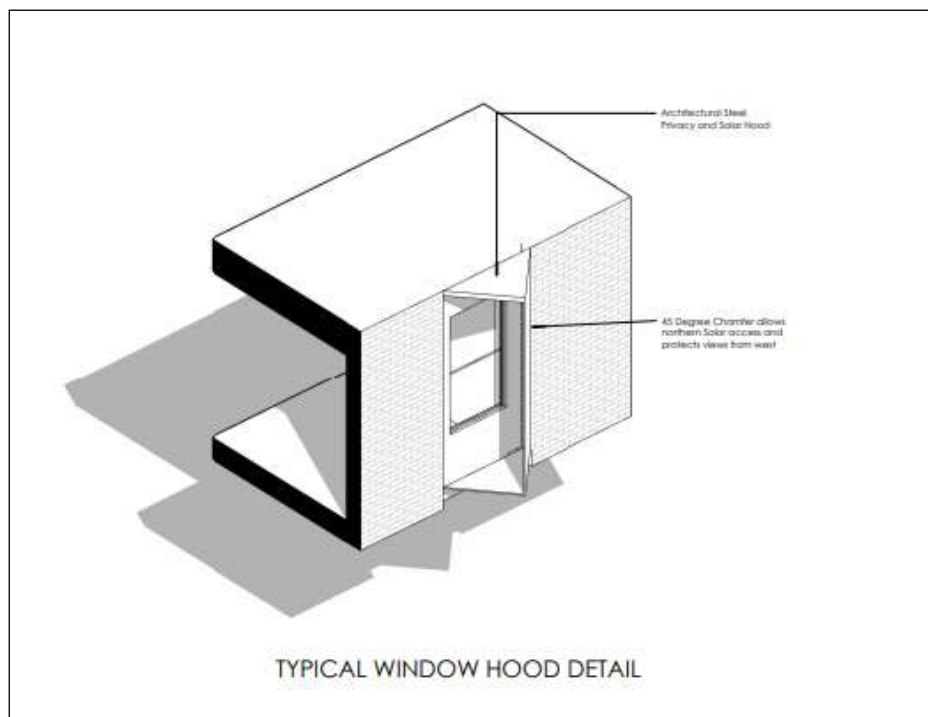


Figure 29 - window hoods for privacy to side dwelling facades on upper levels

Please clarify fencing material to the site perimeters.

Comment: Existing Colorbond perimeter fencing will be retained.

SUBMISSION 5-

Two-storey building height is unsuitable in the single-storey street.

Comment: As outlined in this report, the building height will have reasonable continuity of scale in the streetscape, based on generous street setback and recessed upper level.

Contemporary dwelling design will be contrary to the neighbourhood character.

Comment: As outlined in this report, the proposed replacement dwelling is considered an acceptable infill dwelling for the streetscape.

SUBMISSION 6-

Modern architecture is not in keeping with the style of Cadogan Crescent. "Our street is a time capsule of the 1970s and worthy of preserving as such."

Comment: It is concurred that Cadogan Crescent has a consistent and intact Post-War character. A detailed assessment of neighbourhood character and building appearance has been provided in the body of this report.

The proposed dwelling will overshadow 6 Cadogan Crescent.

Comment: The proposed dwelling will overshadow the adjoining eastern dwelling in the afternoon. Overshading will be within acceptable limit as defined in DCP 2004-7.7-8.

The proposal will devalue adjoining properties.

Comment: The impact of a development on property values is a not matter for consideration in DA assessment (Section 4.15(1) EPAA 1979).

SUBMISSIONS 7 AND 8-

The proposed dwelling will not be consistent with the immediate neighbourhood.

Comment: As outlined in this report, the proposed replacement dwelling is considered an acceptable infill dwelling for the streetscape.

The proposed development will increase traffic.

Comment: Construction traffic is anticipated for limited duration. The proposed dwelling will not generate additional traffic above existing levels.

The privacy of neighbours will be impacted.

Comment: As outlined in this report, reasonable privacy will be provided to the proposed and adjoining dwellings, subject to mitigation Conditions.

2. At the applicant's request, a mediation meeting was convened between Council staff, neighbours/submitters, applicant and landowner. The meeting was held at the Civic Centre on 22 November 2023. The applicant / architect explained the design intent and sought to demonstrate the suitability of the design in the Cadogan Crescent streetscape. The owner sought to justify his preference for contemporary design. The neighbours raised concerns in relation to zero boundary setback to the west, overshadowing, overlooking, view loss and construction impacts.

The applicant was invited to submit amended plans to address the issues raised in the public submissions and mediation. Amended plans were subsequently submitted. The amendments involved:

- increased setbacks to the western boundary (minimum 900mm) and eastern boundary (minimum 900mm and 3,000mm);
- privacy hoods to first floor windows on the western façade; and
- reduced floor height (270mm) and roof height (105mm).

3. The amended proposal was renotified in the prescribed manner (16-31 January 2024). At the completion of the notification period, 4 submissions were received. The issues raised are listed below and considered above, excepting additional matters.

SUBMISSION 1-

- Modern architecture is not in keeping with the style of Cadogan Crescent.
- The proposed dwelling will overshadow 6 Cadogan Crescent.
- The proposed dwelling will invade privacy at 6 Cadogan Crescent.

SUBMISSION 2-

- The submitted DA drawings are unclear.
- The proposed dwelling will overshadow the living room windows at 4 Cadogan Crescent and the rear private open space area.
- The landform with 550mm fall to the from front to rear will affect the building height, shadow calculations and VBE.
- First floor openings will overlook 4 Cadogan Crescent.
- The proposed replacement dwelling will be contrary to the neighbourhood character (footprint, height, design)
- The proposal will devalue adjoining properties.
- The upper level will have visual bulk encroachment impacts and alter the outlook/neighbourhood views.
- Please advise *'Council's responsibilities for rectification of any issues that do not comply with the stated effects.'*

Comment: Dwelling construction in accordance with the approved plans will be the responsibility of the building contractor and appointed building certifier.

SUBMISSION 3-

- The proposal will be contrary to the established neighbourhood character.
- Development over 6m is not allowed in this area.
- Extensive earthworks will be required based on the fall of the land.
- The proposed dwelling footprint will extend almost over the entire parcel. Open spaces will be internal and not at the rear. Site layout will be contrary to adjoining dwellings with private rear gardens.
- The proposed dwelling will overshadow adjoining dwellings at 4 and 6 Cadogan Crescent.
- Views of the skyline and trees from adjoining backyards will be interrupted.
- A floor plan was not supplied for consideration by neighbours.
- Openings on the east façade upper level will overlook adjoining eastern dwellings.
- Please clarify fencing material to the site perimeters.

SUBMISSION 4-

- The proposed replacement dwelling will be an unsuitable infill dwelling in Cadogan Crescent.
- Demolition and construction works will limit access for residents and cause on street congestion and nuisance.
- The proposed dwelling will create a precedent for contemporary infill dwellings in Cadogan Crescent.

Comment: It is concurred that the proposed dwelling may establish a design language and intent for future gentrification in the neighbourhood.

Public interest Act s4.15(1)(e)

The proposal is not inconsistent with any relevant policy statements, planning studies and guidelines etc. that have not been considered in this assessment.

Comments

This report and the attached Notice of Approval have been informed by:

- Assistant Development Engineer
- Building Certifier
- Manager City Presentation
- Heritage Advisor
- Senior Urban Designer
- Senior Strategic / Policy Planner
- Essential Energy

ATTACHMENTS

- 1 DRAFT Notice of Approval, D24/36745 [↓](#)
- 2 Plans, D24/21033 [↓](#)
- 3 Submissions (redacted), D24/21172 [↓](#)



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA 266/2023(1) PAN-356373
Applicant	Paddy Williams 4 HAWKINS LANE ORANGE 2800
Description of development	Demolition (existing dwelling house and shed) and Dwelling House
Property	5 CADOGAN CRESCENT ORANGE 2800 22/-/DP587007
Determination	Approved Consent Authority - Council
Date of determination	16/04/24
Date from which the consent operates	17/04/24
Date on which the consent lapses	16/04/29

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

Reasons for approval

To ensure compliance with relevant statutory requirements.

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

To provide adequate public health and safety measures.

To prevent the proposed development having a detrimental effect on adjoining land uses.

To comply with the Environmental Planning and Assessment Act 1979.

The proposal will reasonably satisfy local and state planning controls.

The proposal development will be consistent with the zone objectives and principal development standards.

The proposal development will complement the existing or desired future character of the area.

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

The proposal was neighbour notified development. The application was advertised for the prescribed period on two occasions and a total of 12 submissions were received.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

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

Rights to appeal

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

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

Paul Johnston
Manager Development Assessment
Person on behalf of the consent authority

For further information, please contact Summer Commins / Senior Planner

DRAFT

Terms and Reasons for Conditions

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

General Conditions

1	<p>Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— <ol style="list-style-type: none"> a. showing the name, address and telephone number of the principal certifier for the work, and b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. 3. The sign must be— <ol style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. 4. This section does not apply in relation to— <ol style="list-style-type: none"> a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the <i>Building Code of Australia</i> under the Act, Part 6. <p>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
2	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.

	<ol style="list-style-type: none"> 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia. 4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— <ol style="list-style-type: none"> a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. <p>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
4	<p>Fulfilment of BASIX commitments</p> <p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—</p> <ol style="list-style-type: none"> 1. BASIX development, 2. BASIX optional development, if the development application was accompanied by a BASIX certificate. <p>Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>
5	<p>Notification of Home Building Act 1989 requirements</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following— <ol style="list-style-type: none"> a. for work that requires a principal contractor to be appointed— <ol style="list-style-type: none"> i. the name and licence number of the principal contractor, and ii. the name of the insurer of the work under the Home Building Act 1989, Part 6, b. for work to be carried out by an owner-builder— <ol style="list-style-type: none"> i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.

	<p>3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.</p> <p>4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p>
	<p>Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>
6	<p>Shoring and adequacy of adjoining property</p> <p>1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</p> <p>2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—</p> <ol style="list-style-type: none"> protect and support the building, structure or work on adjoining land from possible damage from the excavation, and if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation. <p>3. This section does not apply if—</p> <ol style="list-style-type: none"> the person having the benefit of the development consent owns the adjoining land, or the owner of the adjoining land gives written consent to the condition not applying.
	<p>Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
7	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <p>Drawings by PWA0, Drawing Nos. D000, DA100, DA101, DA200, DA201, DA300, DA301 dated 21.03.2024 (7 sheets)</p> <p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p>
	<p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
8	<p>National Construction Code</p>

	All building work must be carried out in accordance with the provisions of the National Construction Code.
	Condition reason: To ensure compliance with relevant statutory requirements.

Demolition Work

Before demolition work commences

9	Asbestos removal signage
	Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.
	Condition reason: To alert the public to any danger arising from the removal of asbestos
10	Erosion and sediment controls in place
	Before any site work commences, <Insert the principal certifier or Council (where a principal certifier is not required)>, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
11	Waste Management Plan – an approved document of this consent
	Before site work commences, a waste management plan for the development must be provided to Orange City Council.
	Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.

During demolition work

12	Handling of asbestos during demolition
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	<p>While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:</p> <ol style="list-style-type: none"> 1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material; 2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and 3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. <p>Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally</p>
13	<p>Demolition - in accordance with AS 2601:2001</p> <p>Building demolition is to be carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the requirements of SafeWork NSW.</p> <p>Condition reason: To ensure compliance with relevant statutory requirements.</p>
14	<p>Hours of work - demolition</p> <p>All demolition work on the site is to be carried out between the hours of 7am and 6pm Monday to Friday inclusive, 7am to 5pm Saturdays, and 8am to 5pm Sundays and Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.</p> <p>Condition reason: To ensure compliance with relevant statutory requirements.</p>
15	<p>Road opening permit required</p> <p>A Road Opening Permit in accordance with Section 138 of the <i>Roads Act 1993</i> must be approved by Council prior to a Construction Certificate being issued or any intrusive works being carried out within the public road or footpath reserve.</p> <p>Condition reason: To ensure compliance with relevant statutory requirements.</p>

On completion of demolition work

16	<p>Waste disposal verification statement</p> <p>On completion of demolition work:</p> <p>a) a signed statement must be submitted to Orange City Council verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste</p>
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	management plan approved under this consent, and b) if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to Orange City Council within 14 days of completion of the demolition work.
	Condition reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan

Building Work

Before issue of a construction certificate

17	Construction Site Management Plan
	<p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to Orange City Council for approval. The plan must include the following matters:</p> <ul style="list-style-type: none"> a. The location and materials for protective fencing and hoardings on the perimeter of the site; b. Provisions for public safety; c. Pedestrian and vehicular site access points and construction activity zones; d. Details of construction traffic management including: <ul style="list-style-type: none"> i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; e. The location of site storage areas and sheds; f. The equipment used to carry out works; g. The location of a garbage container with a tight-fitting lid; h. Dust, noise and vibration control measures; i. The location of temporary toilets; j. Neighbour notification of work stages. k. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist's report approved as part of this consent <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p>
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

18	<p>Section 68 application - water and sewer</p> <p>An approval under Section 68 of the <i>Local Government Act</i> is to be sought from Orange City Council, as the Water and Sewer Authority, for water, sewer and stormwater connection. Details concerning the proposed backflow prevention between the nominated water tank supply and the potable system are to be provided. No plumbing and drainage is to commence until approval is granted.</p> <p>Condition reason: To ensure the utility services are available to the site and adequate for the development.</p>
19	<p>Road opening permit required</p> <p>A Road Opening Permit in Accordance with Section 138 of the Roads Act 1993 must be approved by Council prior to a Construction Certificate being issued or any intrusive works being carried out within the public road or footpath reserve.</p> <p>Condition reason: To ensure compliance with relevant statutory requirements.</p>
20	<p>Comply with Council's sewer infrastructure services policy</p> <p>Prior to the issue of a Construction Certificate structural engineers' details shall be provided for piers/footings of any building located adjacent to the sewer main. Piers shall extend below the invert of the main and the outside edge of the pier shall be located a minimum of 1.0m clear of the centreline of the main.</p> <p>Condition reason: To comply with Council's Sewer Infrastructure Services policy.</p>
21	<p>Sewer main to be relined and manhole relocated.</p> <p>Prior to the issue of a Construction Certificate the applicant shall pay Orange City Council to undertake the following works:</p> <ul style="list-style-type: none"> • Reline the existing 150mm diameter sewer line located under the proposed dwelling from boundary to boundary; and • Remove / oversee the removal of the existing sewer manhole and capping of the existing sewer junction; and • Install / oversee the installation of a new sewer manhole and junction on the eastern side of the proposed dwelling. The new sewer manhole shall be located a minimum of 2.0m from the proposed dwelling and 1.0m clear of the eastern boundary. The sewer junction shall connect directly into the new sewer manhole. <p>Evidence of payment for the above works will be required to be submitted to the Principal Certifier prior to the issue of a Construction Certificate.</p>

	Condition reason: To comply with Orange City Council Sewer Infrastructure Services Policy
22	Landscape Plan
	A landscape plan prepared by a suitably qualified landscape architect must be submitted for the approval of Council's Manager City Presentation. Plantings are required to the front setback, upper level horizontal garden bed, and upper level perimeter garden bed to eastern terrace.
	Condition reason: To maintain neighbourhood amenity and landscape character.
23	Finishes Schedule
	An interpretive colour and finishes schedule must be submitted for the approval of Council's Heritage Advisor.
	Condition reason: To complement the neighbourhood character.
24	Amended Plans
	Amended plans must be submitted for the approval of Council's Manager Development Assessment, denoting/depicting the following details:
	(1) Window hood to the upper level lounge window on the east façade
	(2) Screening treatment to the east and north perimeter of the upper level terrace on the east facade
	Condition reason: To maintain neighbourhood amenity.

Before building work commences

25	Erosion and sediment controls in place
	Before any site work commences, <Insert the principal certifier or Council (where a principal certifier is not required)>, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
26	Appoint PC

	<p>Appoint Principal Certifier. The person having the benefit of the development consent and a construction certificate shall:</p> <p>(a) Appoint a Principal Certifier and notify Council of the appointment (if Council is not appointed) and,</p> <p>(b) Notify Council of their intension to commence the erection of the building (at least two (2) day's notice is required)</p> <p>The Principal Certifier shall determine when inspections and compliance certificates are required.</p> <p>Condition reason: To ensure compliance with relevant statutory requirements.</p>
27	<p>Construction certificate required</p> <p>A construction certificate must be obtained from Council or an accredited certifier at least two (2) days prior to any building or ancillary work commencing. Where the construction certificate is obtained from an accredited certifier, the determination and all appropriate documents must be notified to Council within seven (7) days of the date of determination.</p> <p>Condition reason: Required by Section 6.6 (formerly 81A) of the Environmental Planning and Assessment Act, 1979 and Part 8, Division 2 of the Environmental Planning and Assessment Regulation, 2000.</p>
28	<p>Sediment control</p> <p>Sediment and erosion control measures shall be implemented on the site.</p> <p>Condition reason: To protect waterways from pollution by sediment-laden runoff.</p>
29	<p>Locate sewer main</p> <p>Prior to the commencement of works the existing sewer main that crosses the site is to be accurately located by a registered surveyor and reference marks / pegs shall also be established on site to enable the location of the main during construction works.</p> <p>Condition reason: To comply with Council's Development and Subdivision Code.</p>
30	<p>Tree Protection</p> <p>Tree protection zones (TPZ) (protective fencing) shall be installed in accordance with AS 4373-2009 - Protection of Trees on Development Sites, for the retained Liquidambar tree in the front setback.</p>

	<p>Protective fencing shall be installed prior to site works commencing and must remain intact until completion of all works. Fencing must not be altered or removed without approval of a project arborist.</p> <p>If access is required or minor activities are to be undertaken within the TPZ, it must be approved by the project arborist. No routing of services, parking of vehicles, stacking of builder's materials / equipment, is to occur within the TPZ.</p> <p>The protective fence is to be constructed from ridged chain wire mesh panels (or similar), 1.8m in height, and securely anchored without penetrating the ground. Signs identifying the TPZ should be placed on the fencing and be visible from within the development site on all angles.</p> <p>Condition reason: To retain the landscape character.</p>
31	<p>Essential Energy</p> <p>If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.</p> <p>Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.</p> <p>In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of 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. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.</p> <p>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).</p> <p>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.</p> <p>Condition reason: The proposed development is proximate to electricity infrastructure.</p>

During building work

32	Surveys by a registered surveyor
	While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier: <ul style="list-style-type: none"> a. All footings / foundations in relation to the site boundaries and any registered and proposed easements b. At other stages of construction – any marks that are required by the principal certifier.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
33	Hours of work - construction
	All construction work on the site is to be carried out between the hours of 7am and 6pm Monday to Friday inclusive, 7am to 5pm Saturdays, and 8am to 5pm Sundays and Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
	Condition reason: To ensure compliance with relevant statutory requirements.
34	Protection of the Environment Operations Act - material delivery
	All materials onsite or being delivered to the site are to be contained within the site. The requirements of the <i>Protection of the Environment Operations Act 1997</i> are to be complied with when placing/stockpiling loose material, or when disposing of waste products, or during any other activities likely to pollute drains or watercourses.
	Condition reason: To protect waterways from pollution by stockpiled or placed construction materials.
35	Adjustments to utility services
	Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
	Condition reason: To comply with Council's Development and Subdivision Code.
36	Kerb and gutter layback and footpath crossing
	A concrete kerb and gutter layback and footpath crossing is to be constructed in the position shown on the plan submitted with the Construction Certificate application. The works are to be carried out to the requirements of the Orange City Council Development and Subdivision Code and Road Opening Permit.
	Condition reason: To comply with Council's Development and Subdivision Code.
37	Reinstate kerb and gutter

	<p>The existing kerb and gutter layback that is not proposed to be used 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.</p> <p>Condition reason: To comply with Council's Development and Subdivision Code.</p>
38	<p>Unexpected Finds</p> <p>In the event of an unexpected find during works such as (but not limited to) the presence of undocumented waste, odorous or stained soil, asbestos, structures such as underground storage tanks, slabs, or any contaminated or suspect material, all work on site must cease immediately. The beneficiary of the consent must discuss with Council the appropriate process that should be followed therein. Works onsite must not resume unless the express permission of the Director Development Services is obtained in writing.</p> <p>Condition reason: To maintain public health and safety.</p>
39	<p>Relics</p> <p>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.</p> <p>Condition reason: To preserve conservation values.</p>
40	<p>Construction Management Plan</p> <p>The approved Construction Management Plan must be implemented during construction works.</p> <p>Condition reason: To minimise construction impacts on residents.</p>

Before issue of an occupation certificate

41	<p>No use or occupation without occupation certificate</p> <p>No person is to use or occupy the building or alteration that is the subject of this approval with the prior issuing of an occupation certificate.</p> <p>Condition reason: To ensure compliance with the Building Code of Australia.</p>
42	<p>Section 68 final - water and sewer</p> <p>Where Orange City Council is not the Principal Certifier, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Orange City Council and a compliance certificate issued, prior to the issue of an occupation certificate.</p>

	Condition reason: To ensure the utility services are available to the site and adequate for the development.
43	Completion of works on public land and services
	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 sewer mains and footpaths have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions, and that Council will take ownership of the infrastructure assets.
	Condition reason: To comply with Council's Development and Subdivision Code.
44	Completion of works relating to road opening permit
	A Road Opening Permit Certificate of Compliance is to be issued for the works by Council prior to any Occupation Certificate being issued for the development.
	Condition reason: To ensure compliance with relevant statutory requirements.
45	Landscaping
	Site landscaping must be installed in accordance with the approved landscaping plan and permanently maintained to the satisfaction of Council's Manager Development Assessments.
	Condition reason: To maintain landscape character.
46	Street Tree
	A replacement Ash Tree with a minimum 100L container size at planting must be planted on the footpath at the site frontage, in a location determined by Council's Manager City Presentation.
	Condition reason: To retain landscape character in the streetscape.
47	Window Hoods
	Window hoods must be installed to the upper level east and west façade openings (exclusive of the void openings).
	Condition reason: To maintain privacy for adjoining dwellings.

Occupation and ongoing use

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

General advisory notes

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

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

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

Dictionary

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

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

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

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

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

Council means ORANGE CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

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

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

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

Stormwater drainage system means all works and facilities relating to:

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

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

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



DRAWING LIST

SHEET NUMBER	SHEET NAME	CURRENT REVISION
DA000	COVER PAGE	1
DA001	SECTION	1
DA002	SECTION	1
DA003	GROUND FLOOR PLAN	1
DA004	GROUND FLOOR PLAN	1
DA005	ELEVATIONS	1
DA006	ELEVATIONS	1
DA007	SECTION THROUGH PORCH	1

NOT FOR CONSTRUCTION
N.O.
1

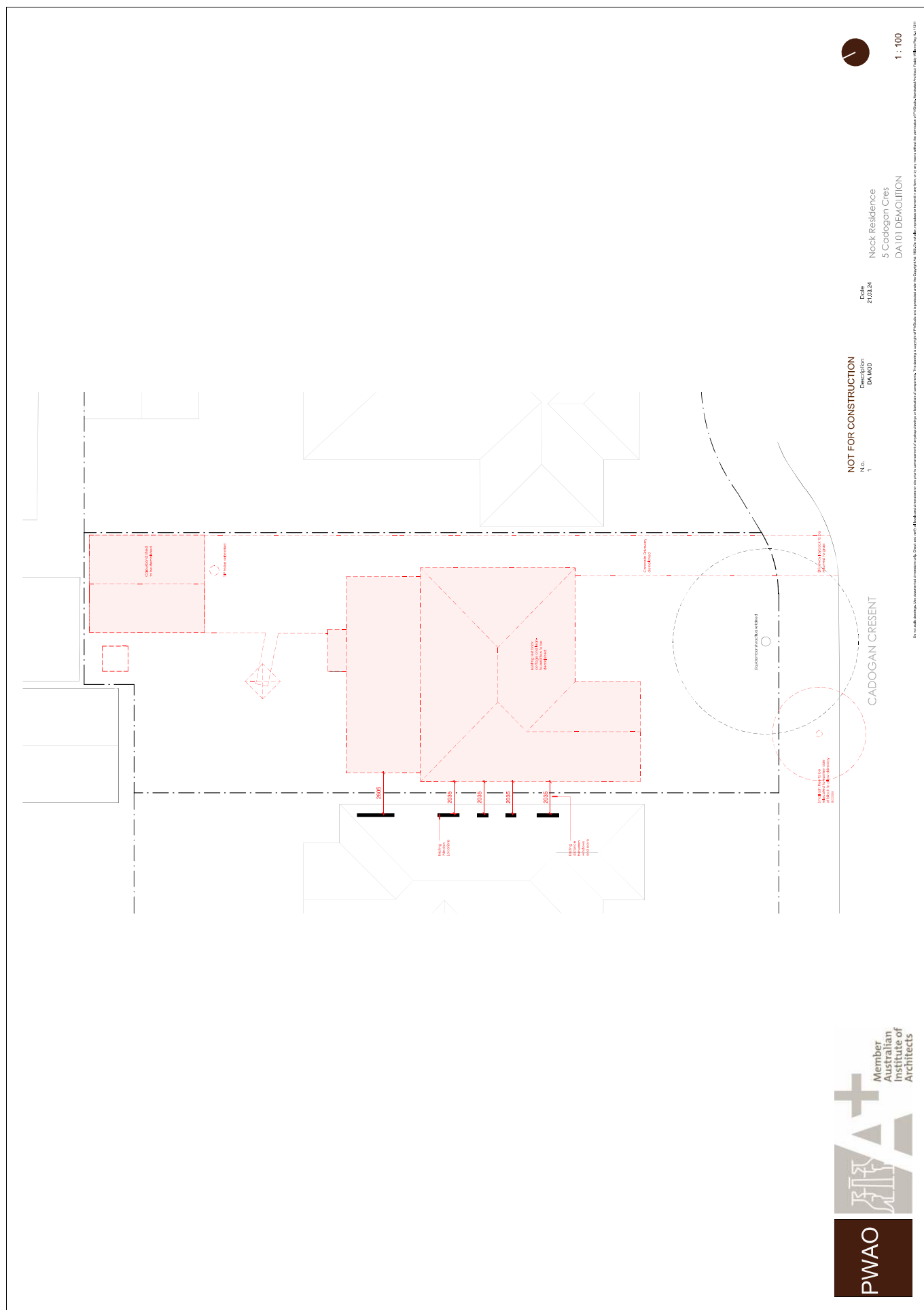
Nock Residence
5 Cadogan Cres
DA000 COVER PAGE

Date
21.03.24

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Institute of
Architects

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1 : 100

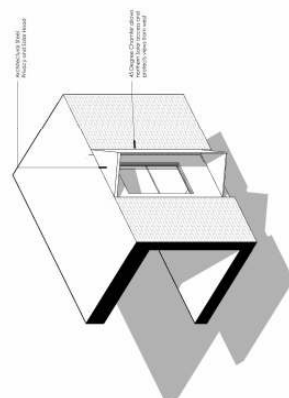
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- (B) ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2000;
- (C) COPYRIGHT ACT 1968;
- (D) GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009;
- (E) PRIVACY AND PERSONAL INFORMATION PROTECTION ACTION ACT 1998.

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

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



TYPICAL WINDOW HOOD DETAIL



NOT FOR CONSTRUCTION
N.O.
1

Date
21.03.24

Description
DA 1000

Project
Nock Residence
5 Codrigan Cres
DA201 FIRST FLOOR PLAN

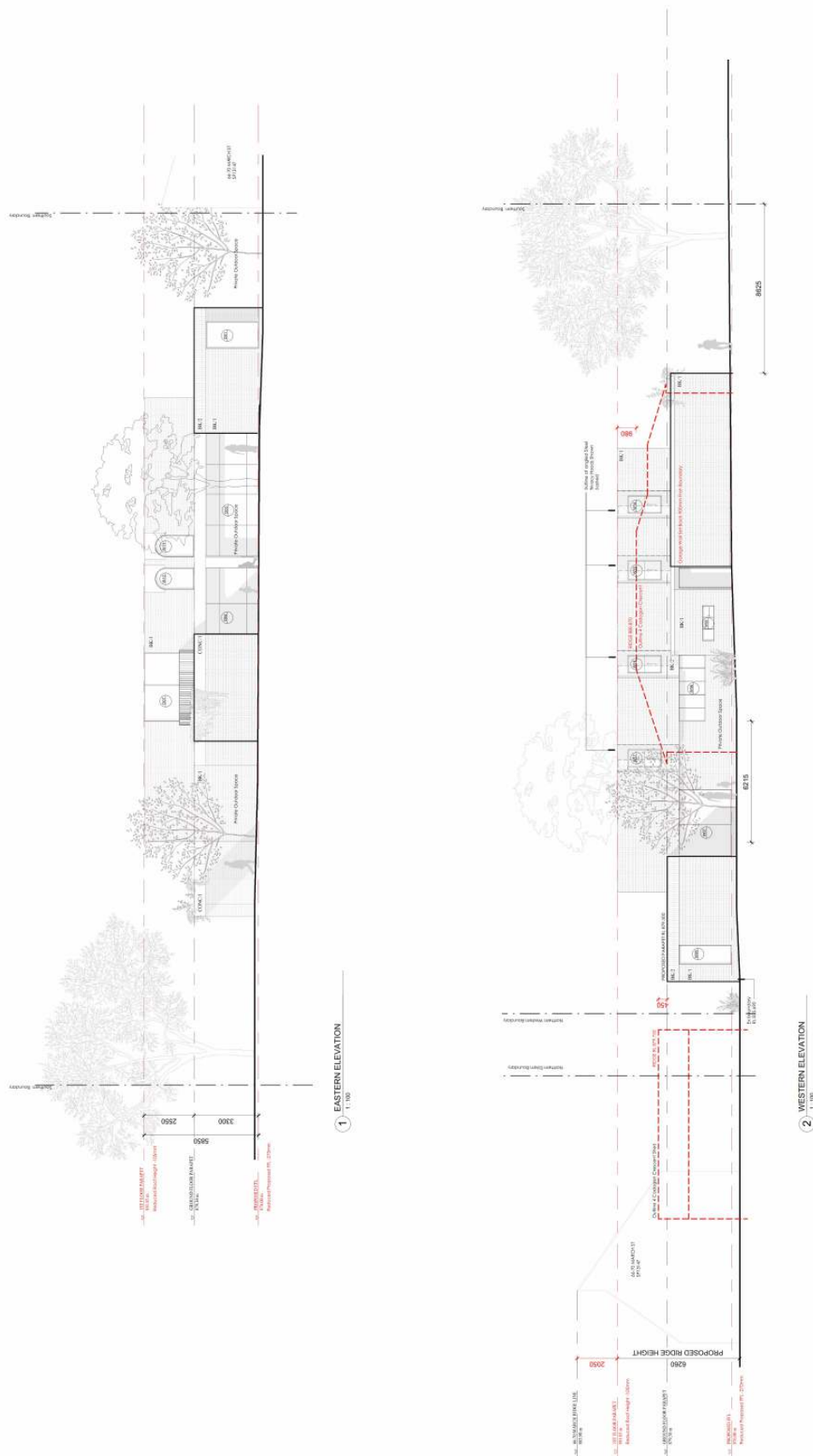
Scale
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Nock Residence
5 Cadogan Cres
DA300 ELEVATIONS

Date: 21.03.24

1 : 100

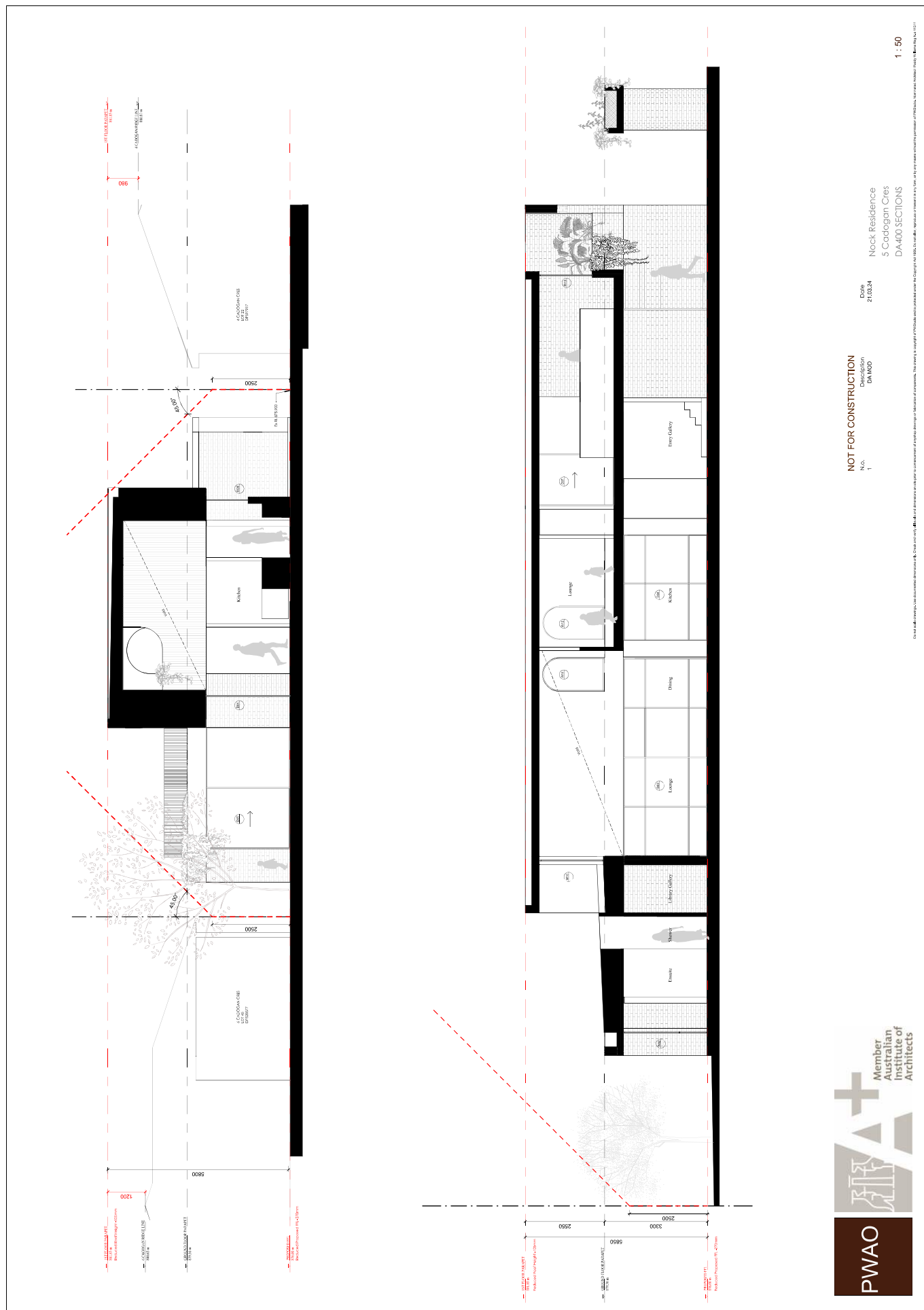


NOT FOR CONSTRUCTION	
N.O.	Description
1	DA MOD.

Nock Residence
5 Cadogan Cres
DA301 ELEVATIONS

1 : 100

[illegible]



- 85% OF MAIN PRIVATE OPEN SPACE IS UNAFFECTED FOR 6 HRS
- MAX 14.31% IS AFFECTED FOR 2.5HRS



- 100% OF NORTHERN FACING WINDOWS RECEIVE MINIMUM 5 HRS OF SUNLIGHT ON 21ST JUNE



NOT FOR CONSTRUCTION	
N.O.	Description
1	DA MOD.

Nock Residence
5 Cadogan Cres
DA910 SHADOW D

As indicated

Submissions received during the first exhibition period

Submission 1

28th September 2019

Orange NSW 2800

ORANGE CITY COUNCIL
Orange City Council
Byng Street
Orange NSW 2800

council@orange.nsw.gov.au

To whom it may concern,

**RE: Objections regarding 5 CADOGAN CRES, ORANGE
DA 266/2023(1) - PAN-356373**

We are residents near to the proposed development of 5 Cadogan Cres, and have reviewed the DA Application DA 266/2023(1) - PAN-356373. We have objections with this development application, which we urge you to consider.

Overshadowing to immediate neighbours

The development has a significant footprint on the property area, extending the full length and width of the property. As a two story structure, it is creating significant overshadowing on both single story neighbours on each side, in particular during winter periods when the need for sunshine is paramount. The documents provided by the owner has even demonstrated that overshadowing. See below.



Concerns regarding the owner keeping to guidelines and restrictions

The owner of this development, David Nock, has previously developed in our area, and not shown to be collaborative or sensitive towards his immediate neighbours. As the owner and developer of the

Byng Street Hotel, he installed a treated pine fence on the boundary of his development and the home of his neighbour of 60 Byng Street, Orange. The consent conditions instructed Mr Nock to install a hardwood fence.

I have attached a copy of the Central Western Daily which outlined that difficult period in the development of the hotel. As neighbours, we recall the absolute distress and anxiety this caused, completely unnecessarily.

We ask that Orange City Council closely monitor this development so the owner complies with all requirements.

Yours sincerely,

NEWS

COUNCIL

Central
Western
Daily

By Danielle Cetinski

Updated September 7 2018 - 11:25am, first published August 18 2018 - 1:58pm

0 Comments

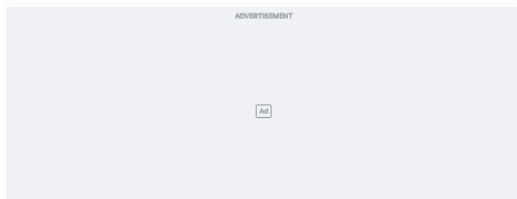
Council firm on consent conditions for Byng Street hotel



SOON TO BE REPLACED: The fence on the boundary of 60 and 62 Byng Street was certified as being made of hardwood despite being treated pine. Orange City Council has ordered that it be replaced. Photo: JUDE KEOGH 0817kfence2

A COMPLAINT will be lodged against a private certifier after giving a treated pine fence the green light when it was supposed to be built of hardwood.

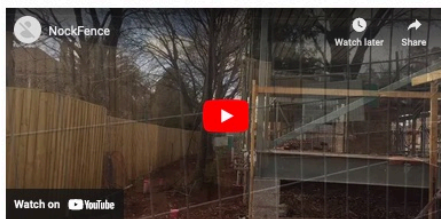
On Tuesday night, Orange City Council considered changes to the boutique hotel under construction at 62 Byng Street, including the removal of eight balconies.



However, most of the attention was focused on a fence on the boundary of 60 Byng Street, which the NSW Land and Environment Court specified should be hardwood.

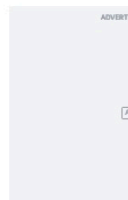
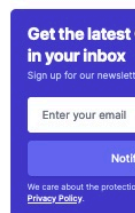
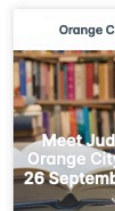
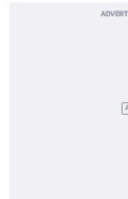
The plans submitted with the construction certificate were instead for treated pine.

VIDEO: The fence in question ...



Development services director David Waddell told councillors the certifier's role was to ensure projects were built in line with conditions.

"The private certifier has decided this [treated pine] was acceptable until raised – in this case, he must have satisfied himself that such a change was okay," he said.



Despite successful negotiations between Denoc Holdings director David Nock and neighbour Ernest Shave, councillors decided to keep the hardwood requirement, meaning Mr Nock would have to remove the treated pine fence.

READ MORE: [Byng Street hotel seeks to remove balconies](#)

Deputy mayor Joanne McRae said it was important to uphold consent conditions, especially when they were ordered by the court.

"If we allow this sort of change and make it alright later on, we're going to make a rod for our own back," she said.

Councillor Kevin Duffy asked to lodge a complaint with the Building Professionals Board about the way the construction certificate was issued.

Mr Nock said the switch was a mistake and he first became aware after a complaint from his neighbour.

READ MORE: [Court gives hotel the green light](#)

He said he would speak to the council again with the hope of reversing the decision on hardwood, "before we destroy a \$20,000 fence".

"It's surprising that councillors want to do that, it wasn't deliberate," he said.

"We don't have control over [the private certifier] at all."

The heritage-listed Yallungah mansion will soon provide 22 rooms.

Submission 2

28/9/2023

ORANGE NSW 2800

Development Services
Orange City Council
Civic Centre
135 Byng Street
ORANGE NSW 2800

Dear Sir/Madam

Re: DA 266/2023(1) – PAN-356373
5 Cadogan Crescent, Orange
7th September 2023

We write regarding the Development Application for 5 Cadogan Crescent, Orange.

It is hard to envisage how the proposed development we have seen on the Application fits in and respects the existing streetscape from the pictures we have been given.

The Development Application does not refer to consideration of access to the Crescent during the demolition and construction periods including any plans to mitigate difficulties during these phases. Difficulties identified relate to both foot access and vehicle access, and for both residents and their visitors, and include parking.

Factors include:

- There are no footpaths within the cul-de-sac. The uneven nature of the grass is not suitable for the elderly or for prams. We take daily walks for exercise, including the use of a walker. We are also visited by grandchildren, who use prams. Access is currently via the roadway.
- Footpath access is not possible, even on the grass, on either side of the entrance for the length of the houses with frontage to Byng Street due to vegetation.
- The cul-de-sac has limited street parking.
- The narrow nature of the cul-de-sac does not allow for parking on both sides of the street, especially large vehicles with wide trailers, which are the vehicle of choice for tradespeople. If two large vehicles were parked across from each other it would not be possible to pass between these vehicles.
- It has been noted on many occasions the difficulties already encountered by the garbage trucks.

- Access for emergency vehicles.
- The difficulty in backing out of our driveway when a large vehicle is parked opposite. We have, in the past, spoken with neighbours regarding this difficulty. We note that this will be resolved by the new positioning of the driveway following completion of this build.

Possible resolution could include:

- Tradespeople to park on Byng Street
- Residents notified in advance when access will be limited such as truck access during the demolition phase, delivery days and concrete pouring days. It is noted that access may still be necessary for any appointments (such as medical appointments which are often made well in advance and not able to be changed to suit a construction timetable).

We anticipate that demolition and construction will be a lengthy time period.

We would be grateful if Council and the developer could provide clarification on how access will be addressed and managed including days on which access will be limited.

Kind regards

Submission 3**DA 266/2023(1)-PAN356373** 5 Cadogan Crescent

Orange NSW 2800

27 September 2023

Chief Executive Officer

Orange City Council

PO Box 35

Orange NSW 2800

Dear Sir,

Regarding the demolition and rebuilding of a dwelling at 5 Cadogan Crescent, there are several issues in relation to the lodged Development Application and Statement of Environmental Effects that we do have serious and genuine concerns about.

The Development Application does not show-

- A Visual Bulk Envelope (VBE)
- Calculations on solar aspect (missing and not addressed)
- Insufficient measurements on the plans to accurately assess where the building and windows lie in relation to our property.
- Elevation plans do not show proximity to adjoining buildings. The garage wall on boundary line is higher than and approximately 600mm away from adjoining eave.
- Lack of detail of general plan of house, room layout, doors etc.
- May breach existing caveats.
- Working times on site.

Trees and Vegetation

The ash tree to be removed to allow for the driveway to be relocated appears to be on the verge, outside the boundary of 5 Cadogan Crescent. There are several ash trees in the street, quite evenly spaced that appear to be part of a planned streetscape and add to the general appeal of the street.

Statement of Environmental Effects**Part 2 Clause 6**

4.5 Height of Buildings (b) *to protect the amenity of neighbouring properties and public places, with particular regard to visual bulk, scale, overshadowing, privacy and views.*

1. No VBE has been provided

2. We will be significantly affected by overshadowing in our main living area and backyard. One of the reasons for purchasing this property was because of the abundance of sunlight in the main northeast facing living room and north facing back yard and the winter warmth that this provides to the whole house. The addition of a second storey that extends to the north well beyond the northern walls of our dwelling appears to be the main problem, however without proper plans it is difficult to assess the impact of the ground floor design.

3. We ask the council to reassess the prospective shadowing to our property including existing shadowing and allowing for height of fill.

4 There is a fall of approximately 550mm from the front to the rear of the proposed construction. This will affect the height of the building, shading calculations and VBE.

5. There are four second storey windows that face our property and will overlook a bedroom, bathrooms, toilet and main living room and primary outdoor area.

6.The eastern boundary of our property is a narrow area that already receives little sunlight. The second storey addition and the garage being against the boundary will exacerbate this issue with potential for a damp mouldy area that will affect both properties. The proposed gap between buildings is only around 600mm. and there is a lack of acknowledgement in the submitted plans of the windows alongside the proposed garage wall built on the boundary line.

7. Without adequate dimensions provided it appears that the ground floor parapet alignment will be above that of the neighbouring properties.

4.5 Floor Space Ratio (a) *to ensure the scale and bulk of development does not have an unacceptable or adverse impact on streetscape and the character of the area in which the development is located.*

1. The footprint and scale of the development is much larger than other properties in Cadogan Crescent and completely out of character for the area.

2. It will have an impact on sunlight and will adversely overshadow neighbouring properties as outlined previously.

7.1Earthworks (a) & (e)

Apparent lack of site inspection before drawing up plans and submission of development application. i.e., section 7.1 pp. 11/12 (a) & (e). There is a fall of approximately 550mm from front to back of proposed development that will require fill and will affect the shade calculations and VBE and impact drainage patterns.

Part 7**7.7 Design Elements for Residential Development**

Streetscape 1. *To ensure that the development fits into its setting and environmental features of the locality*

It is not considerate of neighbouring properties, it has a much larger footprint, height and scale and does not fit with character of other properties in the street.

7. to provide consistent design elements that protect private investment

This development will significantly devalue our property due to the overshadowing effects, loss of privacy, loss of views and severely decreased morning sunlight to our living areas.

7.7-1 Neighbourhood Character

The ambience of the area does not allow for a flat roof.

Unsympathetic to the existing character of the street.

There are no other two storey houses in Cadogan Crescent.

May breach existing caveats.

7.7-2 Building Appearance 1. *The building design, detailing and finishes relate to the desired neighborhood character, complement the residential scale of the area and add visual interest to the street.*

The addition of a second storey does not complement the bulk and scale of the area. There are no other two-storey buildings in Cadogan Crescent, and it is out of step with the general ambience of the street and the desires of most residents.

7.7 Bulk and Scale 2. *To allow adequate daylight, sunlight and ventilation to living areas and private open spaces of new and neighbouring developments*

As previously outlined, the second storey will adversely impact our property in all these areas. Although the second storey is set back, it extends well past the rear of our house and will have a significant impact on our outlook.

The views from our main living room windows to the north and east will be completely blocked.

Elevation plans do not show proximity to adjoining buildings. The garage wall on boundary line is higher than and approximately 600mm away from adjoining house.

7.7-7 Walls and Boundaries *1. Building to the boundary is undertaken to provide for efficient use of the site, taking into account the access to daylight reaching adjoining properties.*

The location of the garage on the boundary will block the sunlight to the immediately adjacent bedroom and bathroom windows and exacerbate the shade along the eastern aspect of our property, as previously outlined. The application incorrectly states that there are no windows against this wall and is alongside two bedrooms, likely to cause disturbance to residents.

Garage will completely overshadow adjoining bedroom and bathroom windows and be approximately 600mm from 4 Cadogan Crescent eave and will severely limit ventilation between properties.

7.7-8 Daylight and Sunlight

Daylight to habitable rooms in our dwelling will be significantly reduced.

Overshadowing of our back yard and main living area will be significantly increased.

7.7-10 Visual Privacy

The second storey windows on the western boundary will overlook windows onto our bedrooms, both bathrooms, toilet and main living area and main outdoor area. We do not believe that the proposed window hoods will mitigate this issue.

7.7-11 Acoustic Privacy

The proposed garage will be adjacent to our main and second bedrooms, we have noise concerns regarding this.

No room layout is provided in this DA, therefore there is no indication as to where the living areas are in relation to our property.

Conclusion

We would suggest the solution is to limit this development to a single storey with reasonable scale in relation to the street, with eave height comparable to adjacent dwellings.

Yours faithfully,

Submission 4

Orange

NSW 2800

2 October 2023

Mr David Waddell

Chief Executive Officer

Orange City Council

135 Byng Street

Orange NSW 2800

Dear Sir,

Development Application DA 266/2023(1)**Lot 22 DP 587007- 5 Cadogan Crescent Orange****Demolition of Existing House & Shed; Erection of a New Dwelling**

I am writing in response to your letter D23/67223 (PAN- 356373) dated 7 September 2023. The property is owned by me and lived in by my . Located two properties to the east of the proposed development at 5 Cadogan Crescent. We are not opposed to sympathetic development in the street, such as the development previously undertaken at 4 Cadogan Crescent which enhances the street, however the current proposal will diminish the streetscape and the general amenity of the Crescent.

Neighbourhood Character and Appearance

The current ambience of the street is single storey houses of brick and brick veneer constructed in the 1960s and 70s and in accordance with the Deeds issued by Hedley and Jeanette Taylor when they undertook the subdivision of this street. The proposal is not in keeping with the other buildings in the Crescent and the general ambience of the Crescent. The proposed construction is of a curved design (maybe modern art deco in concept) that is not replicated in this Crescent or in the immediate vicinity so it is out of character within this Conservation Area. We do not believe the Proposal complements and enhances the neighbourhood character as required by Section 7.7-1 of the Orange DCP or the Appearance under 7.7-2. The internal Courtyards do not in any way add to the neighbourhood character and appearance and do not add to open space generally.

Height

This area is not designated under Orange Councils LEP as being suitable for development over 6 metres . Although the Plans indicate a height of under 6 metres there is a fall on this side of Cadogan from the front of the block to the rear of about 0.6m to 0.75m so if that is added to the 5.955m that would exceed the 6 metres which without consent is only permitted in the more central areas of

Orange. The proponent has specifically stated on page 8 of the Heritage Impact statement that the floor levels of the existing building will be preserved. Hence under the LEP Section 7.1 Earthworks due to this fall some extensive earthworks may be required to level the site. It is suggested that the 5.955 m has not been measured using the existing floor level as a reference.

Tree Removal

The removal of the ash tree on the Council nature strip could be avoided by constructing the garage on the eastern side of the proposed Development and utilising part of the existing driveway. In some circumstances the removal of trees is necessary. However Orange Council and its residents have made Orange the City it is by judicious tree planting along its streets and in implementing the Spackman Mossop Master Tree plan of July 2012. In this instance the removal of this tree can be avoided.

Visual Bulk and Shadowing

The proposed new house will extend over approximately 36 metres of the blocks length of 44.635 metres. The set back from the street is 8.6 metres at the front which is just about all of the open space garden. Although there are interposed walled courtyards these only extend less than a third of the way across the block and the rear terrace is interposed at the rear. One of the great benefits of living in Cadogan Crescent and other streets in Orange is access and use of backyards that allow mostly uninterrupted views of the skyline and trees in neighbouring backyards which in Oranges winters is appreciated by residents on both sunny and overcast days. These allow children and residents to relax, garden and play at the rear of their houses.

The concern is the bulk of this development and, although it is broken up with walled courtyards, it extends over almost the entire block. The only open garden area is fronting Cadogan Crescent with a set back of 8.6 metres. The Northern Terrace is also of masonry construction and is on the top floor. Using the scale on the plans the top storey plus terrace extends to within 4 metres of the northern boundary on the eastern side and within 1.8 metres of the back(northern) boundary on the western side. This is not in keeping with the other properties in Cadogan Crescent with medium to large backyards. Hence In accordance with Section 4.5 (Floor space) of the LEP this building will have an adverse impact on the street and character of the area in which it is being constructed principally due to its bulk. This is also dealt with in 7.7-6 of the DCP and the buildings visual bulk.

Although the proponent claims 50% of the site is open space this is only achievable by three walled courtyards: entrance courtyard, Eastern Courtyard and Western Courtyard. The eastern and western courtyards are bounded on the non-walled side by a fence with the material not specified. In itself the character of the other properties in the street is open space at the rear of the properties not internally walled within the building envelope.

The Proponent states in response to 7.7 of the DCP "has no adverse effects on overshadowing" when clearly the proponents own architectural plans indicate the property does impact on at least Nos 4 and 6 Cadogan Crescent. The shadow plans do not include the effect of the terrace screening referred to in response to 7.7-10 Privacy.

Views

From the perspective of Cadogan when looking west from our rear room and from our northern garden area we will see the bulk of this development which will obscure the trees and sky to the west. Although the proponents shadow diagrams only indicate the property bulk will impose shadows over numbers 4 and 6 Cadogan Crescent we would be interested to see the Council's Visual

Bulk Envelope (VBE) diagrams/displays to understand the more substantive effect of this development on surrounding properties. The proponent's response to Section 7.7-9 of the DCP states there will be no impact on views. The views of the sky and surrounding trees will be significantly impacted due to the bulk of this property and the extent that it extends into the backyard area of the existing house at 5 Cadogan Crescent.

Layout

The proponent has stated this will be a 4 bedroom, 3 bathroom house and in various places states the sleeping areas have been separated from living spaces such as in Section 7.7-11 of the DCP. It is further stated that "All habitable rooms are provided with windows that face private open space, courtyard, verandah, patio or the like".

However no layout plan identifying the size and use of each room of the house ground floor and top storey has been provided so the veracity of these statements and similar statements cannot be verified.

Visual Privacy

Section 7.7-10 of the DCP deals with Visual Privacy. There appears to be at least one window on the second floor facing east that would allow line of sight to numbers 6 & 7 of Cadogan Crescent and views into their back yards and possibly into the back room and sunroom of No 6. It is noted the proponent is proposing hoods on the western windows that overlook no 4. The proponent has not explained how these hoods work. Usually window hoods are used to reduce western sun penetration in the afternoon and early evening; not for privacy as someone can still look through and down.

Section 7.7-10 refers to privacy screens on the rear terrace; these are not evident in any of the plans and the material that is to be used in these screens is not identified.

The statement is made in 7.7-10 that no terraces will be within 9 metres of habitable spaces. It is queried whether the back terrace will be within 9 metres of the ground floor habitable areas of Nos 4 and 6 Cadogan Crescent. Using an appropriate scale the edge of the terrace seems to be within 9 metres of both rear north facing habitable areas.

Fencing

The proponent's response to 7.7-5 of the DCP is "Compliant" but there is no reference to the material to be used in the fencing to the north, west and east of property and adjacent to the internal courtyards. This is of interest to residents; is it hardwood paling or something else?

Groundwater and Pool

Section 7.6 of the LEP deals with Groundwater. The proponent makes the statement that tank water will be used "for topping up of pool". The plans do not indicate a pool nor does the Environmental Effects statement. Any Pool should be subject to a DA application which is not evident.

Conclusion

The bulk and size of this development is of major concern to us and to others in this residential and family area of Orange.

My family and I are not opposed to development but believe in this residential area of Orange the development needs to take appropriate cognisance of the character and nature of the area in which the development is being constructed. This proposal :

- a) imposes a development that encompasses the majority of the Lot.
- b) has excessive bulk both length and height causing shadowing and visual loss of amenity.
- c) is not in character with the other buildings in the Crescent.
- d) overlooks backyards to the east and west from the second storey causing Privacy issues.
- e) reduces substantially available open space at the rear of the property.
- f) does not detail the floor layout and the location of the pool to understand the veracity of certain claims.

A well-developed Development Application enhances the character and appearance of the street and adds to the underlying value of surrounding properties and the ambiance of this central residential area of Orange; this DA falls short of these objectives for the reasons stated above.

Please notify me when this Development Application comes before Council as I would like to provide a presentation to Councillors on behalf of concerned residents in Cadogan Crescent.

Yours sincerely

29th September 2023

ORANGE CITY COUNCIL
BYNG STREET
ORANGE NSW 2800

Submission 5

RE DEVELOPMENT APPLICATION DA 266/2023(1)
LOT NO 22 DP-587007 S CADOGAN CRESENT

I

WISH TO EXPRESS MY FEELINGS
RE A TWO STORY HOUSE BEING
BUILT IN OUR STREET. I STRONGLY
DISAGREE WITH A TWO STORY
BUILDING GOING AHEAD IN CADOGAN
CRESENT, THINKING IT IS TOTALLY
OUT OF PLACE IN THIS STREET
AS ALL OTHER BUILDINGS ARE
IN ORDER WITH OUR AREA AND
THIS TYPE OF HOUSE WOULD BE
RIGHT OUT OF ORDER.
HOPING PLANNING CAN SEE WHERE
I AM COMMING FROM.

Submission 6

Orange N.S.W 2800
1st October 2023

Mr. David Waddell
Chief Executive Officer
Orange City Council, 135 Byng St.
Orange N.S.W. 2800

Dear Sir

Re Development Application DA 266/2023 (i)
Lot 22 DP 527007 - 5 Gadogan Crescent Orange.

Demolition of existing house and shed;
Erection of a New Dwelling.

We are writing in response to your letter
D23/67223 (PAN-356373) dated 7th September 2023

We are

the residents of

Our concern is that the new dwelling
while attractive, is a modern style not in
keeping with the homes in the area of our street.

Despite statements that homes adjacent
will not be overshadowed, we believe that

-2-

the height and depth (along the block) will overshadow our home, depriving us of valuable sunshine, light and warmth in our living area. If this were to occur devaluation of our property would result.

More information would be helpful in regard to this matter.

Yours sincerely

P.S. Our street (Cadogan Crescent) is a time capsule of the 1970's era in my opinion, and worthy of preserving as such (in my opinion)

Submission 7

Orange NSW 2800

2nd October 2023

Mr Mark Hodges,
Director Development Services
Orange City Council
PO Box 35
Orange NSW 2800
BY HAND

Your ref: D23/69651
PAN-356373

Dear Sir,
Re: Development Application DA 266/2023(1)
5 Cadogan Crescent Orange

I am writing to confirm my objection to the above application for erection of a two storey building as proposed within the above application.

The building will remove privacy and visual amenity from surrounding neighbours and is not consistent with the immediate neighbourhood. It will also increase traffic and introduce a rotation of visitors into what is a quiet and

(2)

safe street occupied and used by older people.

Retention of reasonable privacy and safety for residents requires rejection of this building.

I authorise my ^{to speak} further and to be a contact upon my behalf in this matter.

Yours faithfully,

Submission 8

Mr M Hodges
Orange City Council
By Hand

Your ref: D/23/69651, PAN-356373

Re: DA 266/2023(1) Lot 22, DP 587007 – 5 Cadogan Crescent, Orange

I am writing to confirm my opposition to the construction of a two storey building at 5 Cadogan Crescent, Orange.

The immediate surrounding area comprises single storey residential homes occupied by their owners.

The proposed development would significantly and adversely affect the privacy of neighbours, would invite commercial activity in a residential area, and would also involve increased traffic.

I authorise my son, [REDACTED] to engage in this matter upon my behalf.

Kind regards

Submissions received during the second exhibition period

Submission 1

To

30-1-2024

Mr. David Waddell

Chief Executive Officer, Orange City Council.

Dear Sir,

This letter is from

- residents of

Crescent Orange, to restate our worries regarding the demolition and, as we were notified, there will be a new house built next to us at 5 Cadogan Crescent.

We have been shown plans for this new building and did state our objections at that time. It is not in keeping with our 1970's style crescent.

We are also concerned about the upper storey of the building that may invade our privacy + perhaps overshadow us.

Yours sincerely.

D24/2226

Submission 2

PAN-356373 5 Cadogan Crescent

31 January 2024

Chief Executive Officer

Orange City Council

PO Box 35

Orange NSW 2800

Dear Sir,

Regarding the demolition and rebuilding of a dwelling at 5 Cadogan Crescent, there are several issues in relation to the lodged Development Application and Statement of Environmental Effects that we continue have serious and genuine concerns about. Despite efforts to mediate made to date and the minor alterations made to the proposal, most of our concerns have not been addressed.

The Development Application does not show-

- Clear measurements of proposed development and surrounds
- An accurate Visual Bulk Envelope (VBE)
- Calculations on solar aspect (missing and not addressed)
- Clear measurements on the plans to accurately assess where the building and windows lie in relation to other properties.
- Plans do not clearly show proximity to adjoining buildings.
- Any fixed reference point for elevation plans

Plans submitted omit dimensions of the proposed building in some plans and elevations making it difficult to determine the actual length of the second story, a particular concern regarding the miscalculated VBE.

Statement of Environmental Effects**Part 2 Clause 6**

4.5 Height of Buildings (b) *to protect the amenity of neighbouring properties and public places, with particular regard to visual bulk, scale, overshadowing, privacy and views.*

1. We will be significantly affected by overshadowing in our main living area and backyard. One of the reasons for purchasing this property was because of the abundance of sunlight in the main northeast facing living room and north facing back yard and the winter warmth that this provides to the whole house. Our eastern windows are the main source of early morning sun, with our northern windows shaded by existing structures. We have been told to expect the sun to appear around 10:30AM on the winter solstice. The addition of a second storey that extends to the north well beyond the northern walls of our dwelling appears to be the main problem. It is difficult to assess the impact of the ground floor without knowing the fill height.

2. The designers have stated to us several times that the building sits well within the desired VBE, however at the stated height of 5850mm with a stated setback of 3190mm of the top parapet the envelope would start at a height of 2660mm (not 2500mm) plus whatever level of fill needs to be added. This would appear to be a mistake in the submission.

3. We have concerns regarding the accuracy of the shadow diagram provided and we ask the council to reassess the prospective shadowing to our property including existing shadowing and allowing for height of fill and actual base level.

4 There is a fall of approximately 550mm from the front to the rear of the proposed construction. This will affect the height of the building, shading calculations and VBE. No reference point has been provided in relation to the building elevations.

5. There are four second storey windows that face our property and will overlook a bedroom, bathrooms, toilet and main living room and primary outdoor area.

7. Without adequate dimensions provided it appears that the ground floor parapet alignment will be above that of the neighboring properties.

4.5 Floor Space Ratio (a) *to ensure the scale and bulk of development does not have an unacceptable or adverse impact on streetscape and the character of the area in which the development is located.*

1. The footprint and scale of the development is much larger than other properties in Cadogan Crescent, essentially consuming the entire block except the front setback and two enclosed courtyards. There is no indication of the type or height of the proposed screening of the indicated private open space. This development is completely out of the existing character of the area and would appear to contravene the local Development Control Plan. The eastern elevation presents a solid brick wall from the end of Cadogan Crescent. If approved all future development in Cadogan Crescent would be able to be of a similar nature by precedent.

2. It will have an impact on sunlight and will adversely overshadow neighbouring properties as outlined previously.

7.1 Earthworks (a) & (e)

There is a fall of approximately 550mm from front to back of proposed development that will require fill and will affect the shade calculations and VBE and impact drainage patterns.

Part 7**7.7 Design Elements for Residential Development**

Streetscape 1. *To ensure that the development fits into its setting and environmental features of the locality*

It is not considerate of neighbouring properties, it has a much larger footprint, height and scale and does not fit with the character of other properties in the street.

When viewed from the eastern end of Cadogan Crescent the design presents as a monolithic brick wall completely out of character for the relaxed cul-de-sac (see artists impression in architects design).

7. to provide consistent design elements that protect private investment

This development will significantly devalue our property due to the overshadowing effects, loss of privacy, loss of local ambience, loss of views and severely decreased morning sunlight to our living areas.

7.7-1 Neighborhood Character

Unsympathetic to the existing character of the street.

There are no other two storey houses in Cadogan Crescent.

This would set a precedent for more intensive development of Cadogan Crescent.

7.7-2 Building Appearance 1. *The building design, detailing and finishes relate to the desired neighborhood character, complement the residential scale of the area and add visual interest to the street.*

The addition of a second storey does not complement the bulk and scale of the area. There are no other two-storey buildings in Cadogan Crescent, and it is out of step with the general ambience of the street and the desires of most residents. The proposed building does not offer any more bedrooms than the existing single level house.

7.7 Bulk and Scale 2. *To allow adequate daylight, sunlight and ventilation to living areas and private open spaces of new and neighbouring developments*

As previously outlined, the building extending all the way to the rear fence will adversely impact our property in all these areas. Although the second storey is set back, it extends well past the rear of our house and will have a significant impact on our outlook.

The views from our main living room windows to the north and east will be completely blocked.

7.7-8 Daylight and Sunlight

Daylight to habitable rooms in our dwelling will be significantly reduced.

Overshadowing of our back yard and main living area will be significantly increased.

Sunlight to proposed western courtyard at 5 Cadogan will be very limited due to existing vegetation (not shown in shadowing diagram).

7.7-10 Visual Privacy

The second storey windows on the western boundary will overlook windows onto our bedrooms, both bathrooms, toilet and main living area and main outdoor area. This was discussed at the mediation meeting, however, there is still no clarification or detail as to how the proposed window hoods will mitigate this issue.

Conclusion

We would suggest the solution is to limit this development to a single storey with reasonable scale in relation to the street, with eave height comparable to adjacent dwellings. It would also be helpful to us to know councils' responsibilities for rectification of any issues that do not comply with stated effects of this development such as shadowing effects.

Yours faithfully,

Submission 3

Orange

NSW 2800

31 January 2024

Mr David Waddell

Chief Executive Officer

Orange City Council

135 Byng Street

Orange NSW 2800

Dear Sir,

Amended Development Application DA 266/2023(1)**Lot 22 DP 587007- 5 Cadogan Crescent Orange****Demolition of Existing House & Shed; Erection of a New Dwelling**

I am writing in response to your letter D24/2226 dated 10 January 2024. I have previously written on 2 October 2023 in respect to Orange Council's letter D23/67223 (PAN- 356373) dated 7 September 2023. For completeness this is a complete submission including relevant sections that still apply from my 2 October 23 submission.

The property Cadogan Crescent is owned by me and lived in by my and Located properties to the east of the proposed development at 5 Cadogan Crescent. We are not opposed to sympathetic development in the street, such as the development previously undertaken at 4 Cadogan Crescent which enhances the street, however the current proposal will diminish the streetscape and the general amenity of the Crescent. It is not sympathetic to the character and ambiance of the street.

Neighbourhood Character and Appearance

The current ambiance of the street is single storey houses of brick and brick veneer with gable rooves constructed in the 1960s and 70s and in accordance with the Deeds issued by Hedley and Jeanette Taylor when they undertook the subdivision of this street. The proposal is not in keeping with the other buildings in the Crescent and the general ambiance of the Crescent. The proposed construction is of a curved design (maybe modern art deco in concept) and flat roof that is not replicated in this Crescent or in the immediate vicinity, so it is out of character within this Conservation Area. The bulk and density of the development is such that it will dominate the streetscape with its size, bulk and different architectural style. Houses such as nos 2,3,4 ,6 and 7 which have backyards on the north side of the street will see their backyards and vista dominated by this development (nearly 6 metres tall) which extends to nearly the rear fence. Whilst the proponent may say they have met the open

space requirements of Orange's Development Control Plan (DCP) this is through constructing three (3) internal courtyards so that there is a negligible backyard area. The internal Courtyards do not in any way add to the neighbourhood character and appearance and do not add to open space generally as typified by most Orange residences with open backyards. In particular the nature of this development is completely out of character for this street with large backyards that allow children and residents to relax, garden, barbecue and play at the rear of their houses. We do not believe the Proposal complements and enhances the neighbourhood character as required by Section 7.7-1 of the Orange DCP or the Appearance under 7.7-2. The contrary is true in that it degrades and diminishes the neighbourhood character and is completely contrary to the existing character and ambiance of the street.

Height

This area is not designated under Orange Councils LEP as being suitable for development over 6 metres. The Amended plans seek to take account of the fall on this side of Cadogan Crescent from the front of the block to the rear but no reference point for the height calculation is provided so more detail on this issue is required. On the basis of the PWAO plans the development is still 5.850m above ground level. The height of this development at the rear abutting the backyards of 4 and 6 Cadogan Crescent is over imposing and is to accommodate a vaulted ceiling 5.850 metres high above the living and kitchen areas of the proposed development. The over imposing bulk and density of this development over a kitchen and living area not only diminishes the character and ambiance of the backyards of nos 4 and 6 but also for nos 2,3 and 7 Cadogan Crescent as it is directly in their line of sight from their respective backyards.

Tree Relocation

The relocation, rather than removal of the ash tree as originally proposed, is a positive step by the proponent as Orange City Council and its residents have made Orange the City it is by judicious tree planting along its streets and in implementing the Spackman Mossop Master Tree plan of July 2012.

Visual Bulk

In accordance with Section 4.5 (Floor space) of the LEP this building will have an adverse impact on the street and character of the area in which it is being constructed principally due to its bulk.

The proposed new house will extend over approximately 36 metres of the block's length of 44.635 metres. The set back from the street is 8.6 metres at the front which is just about all of the open space garden. Although the proponent claims 50% of the site is open space this is only achievable by three walled courtyards: entrance courtyard, Eastern Courtyard and Western Courtyard. The eastern and western courtyards are bounded on the non-walled side by a fence with the material not specified. In itself the character of the other properties in the street is open space at the rear of the properties not internally walled within the building envelope.

One of the great benefits of living in Cadogan Crescent and other streets in Orange is access and use of backyards that allow mostly uninterrupted views of the skyline and trees in neighbouring backyards which in Oranges winters is appreciated by residents on both sunny and overcast days. These allow children and residents to relax, garden and play at the rear of their houses.

The bulk and density of the development is such that it will dominate the streetscape with its size, bulk and different architectural style. Houses such as nos 2,3,4 ,6 and 7 which have backyards on the north side of the street will see their backyards and vista dominated by this development (nearly 6 metres tall) to accommodate a vaulted ceiling above the living and kitchen areas of the proposed

development. The backyards of Nos 6 and 7 Cadogan will be dominated to the west by the bulk of a 5.850 metre unbroken brick wall (see Views below). This is also dealt with in 7.7-6 of the DCP.

Shadowing

The Proponent states in response to 7.7 of the DCP “has no adverse effects on overshadowing” when clearly the proponents own architectural plans indicate the property does impact on at least Nos 4 and 6 Cadogan Crescent. The proponents shadow diagrams show extensive shadowing for no 4 Cadogan Crescent in the winter solstice at 9am and for No 6 Cadogan Crescent in the winter solstice at 3pm. We would be interested to see the Council’s Visual Bulk Envelope (VBE) diagrams/displays to understand the more substantive effect of this development on surrounding properties.

Views

The proponent’s response to Section 7.7-9 of the DCP states there will be no impact on views. From the perspective of Cadogan when looking west from our rear room and from our northern garden area we will see the bulk of this development which will obscure the trees and sky to the west which we currently see. If this development is allowed the view will be of an unbroken pink brick wall some 6 metres high which will look industrial in nature. Although the second floor is set back when viewed from no this set back will not be evident; it will appear as a solid brick wall.

The development will also affect the current views of the sky and surrounding trees from nos 2,3,4 and 6 Cadogan Crescent

As stated above one of the great benefits of living in Cadogan Crescent and other streets in Orange is access and use of backyards that allow mostly uninterrupted views of the skyline and trees in neighbouring backyards which in Oranges winters is appreciated by residents on both sunny and overcast days.

Layout

The proponent has stated this will be a 4 bedroom, 3 bathroom house and in various places states the sleeping areas have been separated from living spaces such as in Section 7.7-11 of the DCP. It is further stated that “All habitable rooms are provided with windows that face private open space, courtyard, verandah, patio or the like”.

However, no layout plan identifying the size and use of each room of the house ground floor and top storey have been included as part of the DA for Privacy reasons, so the veracity of these statements and similar statements cannot be verified.

Visual Privacy

Section 7.7-10 of the DCP deals with Visual Privacy. There appears to be at least one window on the second floor facing east that would allow line of sight to numbers 6 & 7 of Cadogan Crescent and views into their back yards and possibly into the back room and sunroom of No 6. It is noted the proponent is proposing hoods on the western windows that overlook no 4. The proponent has not explained how these hoods work or what material is to be used in their construction. Usually, window hoods are used to reduce western sun penetration in the afternoon and early evening; not for privacy.

Fencing

The proponent's response to 7.7-5 of the DCP is "Compliant" but there is no reference to the material to be used in the fencing to the north, west and east of property and adjacent to the internal courtyards. This is of interest to residents; is it hardwood paling or something else?

Conclusion

The bulk and size of this development is of major concern to us and to others in this residential and family area of Orange. The development is of a completely different architectural style to existing houses in the street and will completely change the character and ambiance of the street.

My family and I are not opposed to development but believe in this residential area of Orange the development needs to take appropriate cognisance of the character and nature of the area in which the development is being constructed. This proposal:

- a) imposes a development that encompasses the majority of the Lot.
- b) has excessive bulk both length and height causing shadowing and visual loss of amenity.
- c) is not in character with the other buildings in the Crescent; the other residences being single storey brick and brick veneer houses with gable roofs and large open backyards.
- d) reduces visual amenity by reducing sunlight, views of the sky and trees.
- e) Imposes an industrial brick wall some 6 metres in height that will be viewed from the garden of Nos 6 & 7 Cadogan Crescent
- f) overlooks backyards to the east and west from the second storey causing Privacy issues.
- g) reduces substantially available open space at the rear of the property.

A well-developed Development Application enhances the character and appearance of the street and adds to the underlying value of surrounding properties and the ambiance of this central residential area of Orange; this DA falls short of these objectives for the reasons stated above.

Please notify me when this Development Application is to come before Council as I would like to provide a presentation to Councillors on behalf of concerned residents in Cadogan Crescent.

Yours sincerely

Submission 4

31/1/2024

Development Services
Orange City Council
Civic Centre
135 Byng Street
ORANGE NSW 2800

Dear Sir/Madam

Re: DA 266/2023(1) – PAN-356373
5 Cadogan Crescent, Orange

We write regarding the Amended Development Application for 5 Cadogan Crescent, Orange.

Issues of access outlined in our letter dated 25/9/2023 remain outstanding. A site inspection by Council will confirm the narrow nature of the cul-de-sac including no pedestrian access from Byng Street.

The houses in Cadogan Crescent are located in the Central Orange Heritage Area and represent a distinct period in Orange history. To dismiss these houses as being of no value is to provide a precedent across the Heritage area.

The replacement house is a modern, two storey curved house with brickwork of a modern pattern. The houses in the cul-de-sac have straight lines and traditional brickwork. It is very difficult to determine how the replacement is in keeping with the houses in the cul-de-sac.

We would very much appreciate your feedback on how you are going to manage this precedent should this development go ahead as submitted and your feedback for the management of access to the cul-de-sac.

Kind regards

5.3 DEVELOPMENT APPLICATION DA 288/2023(1) - 602 ICELY ROAD, EMU SWAMP

RECORD NUMBER: 2024/499

AUTHOR: Ben Hicks, Senior Planner

EXECUTIVE SUMMARY

Application lodged	7 September 2023
Applicant/s	Source Architects Pty Ltd
Owner/s	Ms K J Poole
Land description	Lot 200 DP 1301307 - 602 Icelly Road, Emu Swamp
Proposed land use	Decommissioning of Existing Dwelling; New Dwelling House; Farm Building (shed); Aboveground Water Tanks (2); and Swimming Pool
Value of proposed development	\$3,993,000.00

Council's consent is sought for the construction of a new dwelling, farm building, swimming pool, ancillary structures, and associated site works at 602 Icelly Road. The proposed new dwelling is intended to replace the existing one on the land.

The application initially involved retaining the existing dwelling and adding an additional dwelling to form a dual occupancy arrangement. However, this approach posed several challenges, particularly concerning the fragmentation of productive agricultural land and conflicts with the requirement for rural dual occupancies to be in "close proximity" due to proposed building locations. The initial access and driveway arrangements also raised issues related to impacts on biodiversity.

Several amendments have been made to the proposal to address these issues. These include the decision to forego the dual occupancy arrangement, opting instead to retain single occupancy. This decision eliminates the necessity of adhering to the concept of "close proximity" and also resolves concerns regarding the fragmentation of productive land that arises from having two dwellings in separate locations.

Although the existing dwelling structure will remain on the land, it is proposed to be decommissioned, allowing the immediate area to be utilised for agricultural purposes without potential conflict issues. Additionally, repositioning the location of the new access and driveway arrangements have been undertaken to mitigate impacts on biodiversity and to improve safety. As a result, the current proposal presents a satisfactory outcome with regards to environmental and land use considerations.

The land previously held two separate titles, Lot 4 DP 252511 and Lot 2 DP 555021. However, these titles have now been consolidated into a single entity, identified as Lot 200 DP 1301307. This consolidation was undertaken to facilitate the permissibility of the replacement dwelling within the boundaries of the former Lot 4, which previously lacked the requisite permissions for a dwelling.

The proposed development was notified development pursuant to Council's Community Participation Plan 2019 and Schedule 1 of the *Environmental Planning and Assessment Act 1979*. At the completion of the exhibition period, no representations had been received.

Essential Energy and Transgrid have been consulted due to the proximity of the development to significant electrical infrastructure. They have not raised any objections to the development, but have specified certain conditions that need to be met as part of any approval.

The application has been referred to the Planning and Development Committee for determination pursuant to Clause 4.10 Delegations of Orange City Council's Declaration of Planning and Development Assessment Procedures and Protocols (Version 5, 2019) due to a capital investment value exceeding \$2.5 million (\$3.99m).

Approval is recommended.



Figure 1 - Site Context and Locality Plan

DECISION FRAMEWORK

The development proposal is subject to several frameworks and regulations that govern development in the Orange Local Government Area. These include the Environmental Planning and Assessment Act 1979 and accompanying regulations, the Orange LEP 2011, and various SEPPs. The Orange Development Control Plan 2004 and Infill Guidelines are also used to guide development. All relevant matters have been taken into consideration in assessing the proposed development.

Council's Community Participation Plan 2019 outlines the parameters for community participation in environmental and land-use planning in the Orange LGA, including notification and exhibition requirements. The proposal was exhibited for a period of 14 days. No submissions were received during this period.

Furthermore, the development is neither integrated nor designated development, meaning that it does not require any further approval or assessment from other government bodies. Notwithstanding, the application was referred to Essential Energy and Transgrid under proximity to infrastructure provisions. Essential Energy and Transgrid raised no objections to the proposal and provided their requirements which will be included as conditions of consent.

The proposal has a capital investment value exceeding \$2.5 million (\$3.99m) and, therefore, has been tabled to the Planning and Development Committee for determination, pursuant to Clause 4.10 Delegations of Orange City Council's Declaration of Planning and Development Assessment Procedures and Protocols (Vers. 5, 2019).

DIRECTOR'S COMMENT

Council's consent is sought for the construction of a new dwelling, farm building, swimming pool, ancillary structures, and associated site works at 602 Icely Road. The proposed new dwelling is intended to replace the existing dwelling on the land.

The application has posed several challenges, particularly concerning the fragmentation of productive agricultural land and conflicts with the requirement of Council's DCP for rural dual occupancies to be positioned in "close proximity" due to proposed building locations. Driveway access from Icely Road also raised issues relating to safety and biodiversity.

Several amendments have been made to the proposal to address these issues.

Although the existing dwelling structure will remain on the land, it is proposed to be decommissioned, allowing the immediate area to be utilised for agricultural purposes without potential conflict issues.

The altered development proposal presents a satisfactory outcome with regards to environmental and land use considerations. It is recommended that Council supports the development subject to the adoption of Attached recommended Notice of Determination.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan Strategy "11.1. 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 288/2023(1) for *Decommissioning of Existing Dwelling; New Dwelling House; Farm Building (shed); Aboveground Water Tanks (2); and Swimming Pool* at Lot 200 DP 1301307, 602 Icely Road, Emu Swamp pursuant to the conditions of consent in the attached Notice of Determination.

FURTHER CONSIDERATIONS

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

SUPPORTING INFORMATION / THE LAND

The property is located at 602 Icely Road, Emu Swamp (Lot 200 DP 1301307) is situated approximately 8km east of the City of Orange. Covering an area of 66.70 hectares, the property is zoned C3 Environmental Management under the Orange Local Environmental Plan 2011. The LEP identifies the site as having high sensitivity biodiversity, being within a groundwater vulnerable area, and falling within a drinking water catchment area. While the property itself does not contain any mapped waterways, it is noteworthy that the Summer Hill Creek runs nearby, situated less than 1km to the west of the site. The site features small intermittent tributaries that contribute to this water system, which also form part of key fish habitat areas.

Currently, the subject site accommodates a standalone 3-bedroom residence positioned in the north-western corner. Surrounding the existing dwelling, several rural farm buildings are clustered extending up to 100m south-eastward with additional farm infrastructure situated near the eastern boundary of the site, close to the Reyfield Drive boundary.

The topography of the site inclines upward from Icely Road, with the north-facing slope visible from the road, being notably exposed. Eucalyptus trees are scattered across this slope. A ridge extends generally from the northwest to the southeast, with a 132kv powerline traversing along it (refer to Figure 2) This powerline is accompanied by a 40m wide easement. Beyond this ridge, the site transitions into open pastureland, gradually giving way to denser native vegetation and creek systems closer to the southern boundary (refer to Figure 3).

The surrounding land primarily consists of small-scale grazing enterprises with associated dwellings and farm infrastructure.



Figure 2 - existing site showing existing dwelling, outbuildings and landscape features (Icely Road in foreground)



Figure 3 - southern portion of the site showing landscape features comprising native vegetation and tributary stream

THE APPLICATION/PROPOSAL

Council's consent is sought for a new dwelling, farm building, swimming pool, ancillary structures, and associated site works.

The proposed dwelling will be double-storey and constructed using a mix of materials, including brick, large-panelled glass windows with aluminium frames, and Colorbond roof sheeting. Neutral colours will be utilised to seamlessly integrate the structure into the rural landscape. The architectural design of the proposal exemplifies contemporary aesthetics.

The proposed farm building will comprise an area of 30m x 14m and will be of steel construction. Two above-ground steel tanks will be installed with a combined water storage capacity of 700kl. Additionally, the inground pool will measure 10 x 4m with a capacity of 60kl.

The new buildings embody the principles of sustainability, leveraging the favourable northern aspect and integrating features green roofs and solar panels.

Figures 4 - 7 depict the architectural design and layout of the proposed developments.

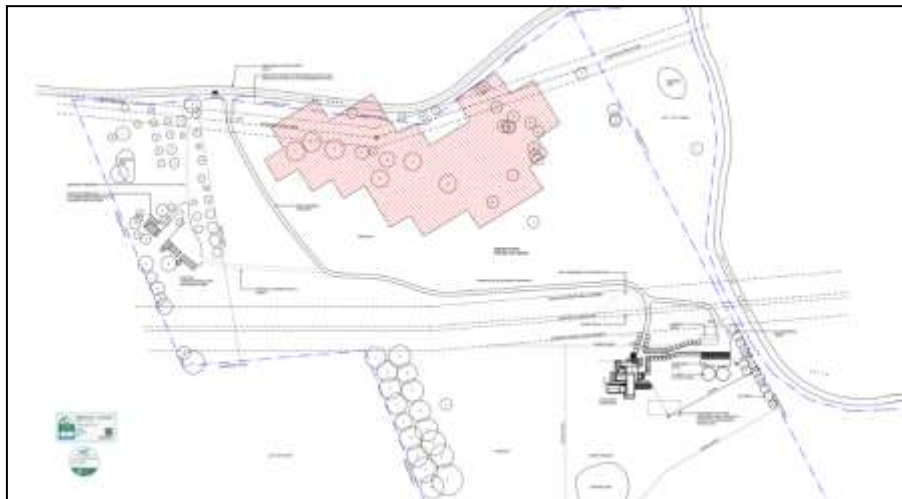


Figure 4 - proposed site layout



Figure 5 - visual representation of the dwelling's southern side



Figure 6 - visual representation of the dwelling's eastern side



Figure 7- visual representation of the dwelling's western side

ENVIRONMENTAL PLANNING ASSESSMENT

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

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

Biodiversity Conservation Act 2016

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

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

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

Trigger 1

The site is mapped on the Biodiversity Values Map and identified as containing high sensitivity biodiversity significance under the Orange Local Environmental Plan 2011.

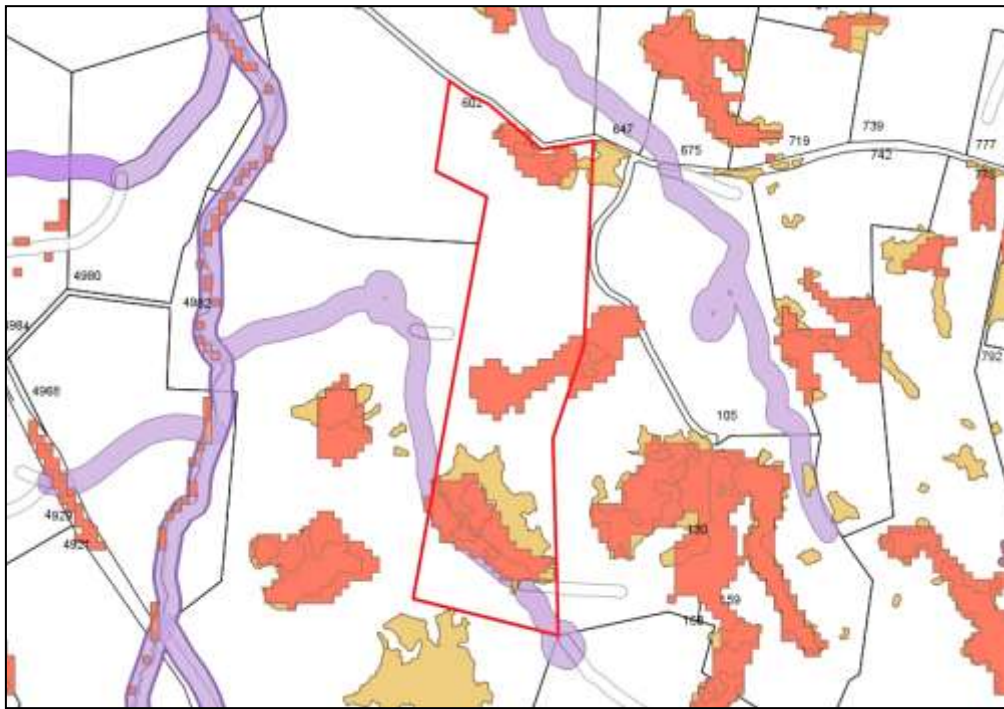


Figure 8 - Biodiversity Values Map (purple) and LEP High Sensitivity Biodiversity Areas (red)

Trigger 2

The clearing threshold for this site is 1 hectare, permitted for a property subject to a minimum lot size of 100 hectares. The total disturbance footprint of the development including new access driveway is estimated to be approximately 7,272 square metres, or 0.7272 hectares, below the permitted clearing threshold. Notwithstanding, mapped sensitive areas containing native eucalyptus vegetation will not be affected by the proposal.

Additionally, the area designated for the new dwelling and ancillary structures is predominantly disturbed grazing land with no significant native vegetation present. The environmental report by EnviroWest accompanying the Development Application indicates that the ground within the proposed development area consists mainly of pasture grasses and broadleaved weeds.

Trigger 3

The proposed site for the new buildings is situated outside of identified sensitive areas and is characterised by pasture grasses, broadleaved weeds, scattered thistle, and juncus, as detailed in the site classification report by EnviroWest Consulting. Due to past and current agricultural activities, the potential for the development site to attract less common native species outside of the sensitive areas is considered minimal. The habitat value of this area of the site is low, and it does not have realistic potential to provide valuable habitat. Furthermore, sufficient buffers between the proposal and identified sensitive areas are provided. As such, the proposal is not likely to have an adverse effect on any threatened species, endangered ecological communities, or critically endangered ecological communities, or their habitat.

Summary

As the proposal does not trigger any of the requirements for insertion into the Biodiversity Offsets Scheme, a Biodiversity Development Assessment Report is not required to be submitted with the application for development consent.

Fisheries Management Act 1994

Part 7A of the Fisheries Management Act 1994 requires the consent authority to have regard to the conservation provisions to conserve threatened species of fish and marine vegetation and their habitat.

Summer Hill Creek is located approximately 1km west of the subject site. The creek system does not directly form part of the property but does contain small intermittent tributaries that contribute to this water system, which also form part of key fish habitat areas.

A search of the NSW BioNet-Atlas database did not reveal any profiles for threatened species, populations, or ecological communities within the site (10km by 10km search). However, it should be noted that there may be vulnerable and protected frog, turtle, and duck species potentially present. It's important to highlight that targeted surveys confirming their presence have not been conducted.

In terms of key threatening process for aquatic systems, the FM Act 1994 provides the following issues:

- degradation of native riparian vegetation along New South Wales water courses
- hook and line fishing in areas important for the survival of threatened fish species.
- human-caused climate change
- installation and operation of instream structures and other mechanisms that alter natural flow regimes of rivers and streams.
- introduction of fish to waters within a river catchment outside their natural range
- introduction of non-indigenous fish and marine vegetation to the coastal waters of New South Wales
- removal of large woody debris from New South Wales rivers and streams
- the current shark meshing program in New South Wales waters.

The proposed development will not involve any of the above. It is considered that an adequate buffer zone between the development and the smaller headwater creeks and gullies. Conditions of consent will require suitable erosion controls, exclusion zones etc. to be in place during works to reduce the likelihood of any significant impact. Further, the environmental assessment by Envirowest verifies that an onsite sewerage management system can be supported on the site in compliance with the relevant Australian Standards and Environment and Health Protection Guidelines - Onsite Sewage Management for Single Households 1998.

SECTION 4.15 EVALUATION

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

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

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

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

The application is considered to be consistent with the above objectives, as outlined in this report.

Clause 1.6 - Consent Authority

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

Clause 1.7 - Mapping

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

Land Zoning Map:	C3 Environmental Management
Lot Size Map:	Minimum Lot Size 100ha
Heritage Map:	Not a heritage item or conservation area
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
Terrestrial Biodiversity Map:	high biodiversity sensitivity on the site
Groundwater Vulnerability Map:	Groundwater vulnerable
Drinking Water Catchment Map:	Within the drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse.
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Flood Planning Map:	Not within a flood planning area

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

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

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

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

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

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

The subject site is located within the C3 Environmental Management zone. The proposed development involves the construction of a dwelling house; farm building; aboveground water tanks and swimming pool. Dwelling houses and farm buildings are permitted in the C3 Environmental Management zone, and the applicant is seeking consent.

Matters in relation to the decommission of the existing dwelling have been addressed below under the heading *Clause 4.2A - Erection of Dwelling Houses on Land in Certain Rural and Environmental Protection Zones*. The proposed water storage tanks and swimming pool are ancillary to the use of the dwelling and thus also fall within the permissible development parameters.

Pursuant to the LEP:

Dwelling house means a building containing only one dwelling.

Farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

swimming pool means an excavation, structure or vessel -

- a) *that is capable of being filled with water to a depth of 300 millimetres or more, and*
- b) *that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,*

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the [Swimming Pools Act 1992](#) not to be a swimming pool for the purposes of that Act.

The proposal is considered to meet the requirements of the above use definitions.

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

Objectives of zone C3 Environmental Management

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

There are no aspects of the proposed development that contradict the zone objectives. In particular, adequate buffers and distances are maintained between the development areas, native vegetation, and natural waterways to ensure the preservation of these special values.

The rural and primary production function of the site is expected to remain largely unaffected by the proposed development. The site has been dedicated to grazing for a significant period, with no intention of changing this land use.

While it is acknowledged that every dwelling approved in a rural environment impacts the ability to use the immediate space around it for agricultural purposes, the impact is considered minimal in this case. The new dwelling, farm building, and its immediate curtilage would occupy less than 4% of the total area of 66 hectares. Additionally, the proposed buildings have been sited so that it does not intrude on existing rural activities within or around the subject land.

Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards

Clause 4.2A - Erection of Dwelling Houses on Land in Certain Rural and Environmental Protection Zones

The objectives of the clause are to minimise unplanned rural residential development and to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.

The clause allows for the erection of a dwelling house on land to which this clause applies if:

- (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.

Council staff are reasonably satisfied that the land contains an existing lawful building that is used as a dwelling and that the building meets the definition for a dwelling house under the LEP. On this basis, a replacement dwelling may be erected in accordance with Clause 4.2A(5)(a).

The applicant seeks development consent for the replacement dwelling in an alternate location within the land. It's understood that Clause 4.2A(5) does not strictly confine the replacement dwelling to the precise area or vicinity of the original dwelling. Instead, it implies that the replacement dwelling can be considered even if proposed for a different location within the land. This understanding is supported by the provision's wording, which uses general language like "intended only." Legal precedents further support this position, indicating that replacement dwellings can indeed be approved for locations distinct from the existing ones.

It should be noted that the land previously held two separate titles, Lot 4 DP 252511 and Lot 2 DP 555021. However, these titles have now been consolidated into a single entity, identified as Lot 200 DP 1301307. This consolidation is pertinent to the interpretation of 'land' within the regulatory framework. Considering the consolidation of titles, it is understood that the interpretation that 'land' encompasses the entirety of the Consolidated Lot at the time of application determination.

In light of this, Council staff are confident in its authority to assess the proposed replacement dwelling in its new location within the consolidated lot. This consolidation addresses any previous restrictions associated with the individual titles and enables the development of the replacement dwelling within the former Lot 4 boundaries.

Additionally, it's important to mention that while the existing dwelling structure would remain, it is proposed to be decommissioned as part of the replacement dwelling process. Attached are recommended conditions of development consent addressing the requirement to decommission the existing dwelling prior to the issue of an Occupation Certificate. Further, conditions have been recommended to require the applicant to create Restrictions on the title of the subject property under the NSW Conveyancing Act 1919 that specifies a building envelope around the approved residential development and places a limit the future use of the decommissioned residential building authorised under this application.

Part 5 - Miscellaneous Provisions

5.16 - Subdivision of, or Dwellings on, Land in Certain Rural, Residential or Conservation Zones

This clause seeks to minimise potential land use conflict between existing and proposed development on land in the E3 zone (among other zones).

The following matters are to be taken into account:

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

- (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in Paragraph (c).

The following comments are made in relation to this clause:

- The surrounding land use comprises agricultural grazing, pasture, and associated dwellings and farm infrastructure, consistent with the characteristics of the subject site. The new shed will be situated adjacent to the existing farm shed and will be shielded from Rayfield Drive by both existing and newly planted native canopy trees and screening vegetation. Moreover, the residence has been positioned approximately 100m from the shared boundary and 120m from Rayfield Drive, ensuring a sufficient buffer zone between adjoining agricultural activities.
- The proposed dwelling and farm building will facilitate the agricultural use of the site providing security and management of operations. The proposed works will not have a significant impact upon on land uses in the vicinity and is not considered to be incompatible with such.

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 proposal involves cutting and filling to create level building areas at several locations within the proposed building envelope. The earthworks will be supported onsite and the change in ground level is not substantial - cutting or filling will be undertaken no greater than 1.4m. The earthworks will allow for the proposed buildings to integrate into the landform and be positioned below the ridgeline. The land contains no defined watercourses (significant or sensitive); however, intermittent tributaries of the Summer Hill Creek system (1km west of the site) run through the property and forms multiple dams. The site of the proposed earthworks is located in excess of 200m from the nearest tributary and dam and is not expected to detrimentally affect the waterway.

Sedimentation controls will be required throughout construction as a condition of development consent to ensure minimal impact on drainage channels. The site is not known to contain any Aboriginal, European or archaeological relics; however, as a standard precaution an unexpected finds protocol is recommended to be implemented in the event that any Aboriginal, European or archaeological relics are uncovered during works.

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.*

In consideration of this clause, the proposed buildings will only occupy a relatively small footprint of the total site area and includes onsite retention of stormwater through the use of rainwater tanks. It is therefore considered that the post development runoff levels will not exceed the predevelopment levels and will have minimal impact on receiving waters.

7.4 - Terrestrial Biodiversity

This clause seeks to maintain terrestrial biodiversity and requires that consent must not be issued unless the application demonstrates whether or not the proposal:

- (a) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land*
- (b) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna*
- (c) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (d) is likely to have any adverse impact on the habitat elements providing connectivity on the land.*

Additionally, this clause prevents consent being 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, or*
- (c) if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The proposed development site is situated on land identified on the Terrestrial Biodiversity Map as "High Biodiversity Sensitivity." Specifically, these sensitive areas are found in two distinct sections: the northernmost and southernmost parts of the site, featuring native eucalyptus vegetation.

Importantly, the proposed development is located away from these sensitive areas. Additionally, the proposed amended vehicular access/driveway to the development avoids encroaching upon these zones.

As such, the proposal has been carefully designed to ensure that buildings and access are situated to prevent adverse impacts on the remnant vegetation. Furthermore, management conditions can be imposed to enhance protection of the environmental functions and values of the land.

Consequently, the proposal is unlikely to fragment, diminish, or disturb the biodiversity structure, ecological functions, or composition of the land. It also maintains habitat connectivity with adjoining sensitive areas.

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.*

An onsite sewerage management system is required for the proposed development. Onsite sewerage management systems have the potential to lead to groundwater contamination and impact on groundwater dependent ecosystems if not managed or maintained correctly. The applicant has submitted an Onsite Effluent Management Study to support the proposal.

The report verifies that an onsite sewerage management system can be supported on the site in compliance with Environment and Health Protection Guidelines - Onsite Sewage Management for Single Households, subject to correct management/maintenance of the system on an ongoing basis. The system will also be subject to an approval and regular reporting under the Local Government Act and thus risks to ground water contamination is considered minimal.

7.7 - Drinking Water Catchments

- (1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.*

- (2) *This clause applies to land identified as “Drinking water” on the Drinking Water Catchment Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to:*
- (a) the distance between the development and any waterway that feeds into the drinking water storage, and*
 - (b) the onsite use, storage and disposal of any chemicals on the land, and*
 - (c) the treatment, storage and disposal of waste water and solid waste generated or used by the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or*
 - (b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The proposed development is unlikely to impact the quality and quantity of water entering the drinking water catchment. The subject land does not encompass a mapped significant or sensitive waterway; however, it does contain intermittent tributaries of the Summer Hill Creek system. These natural drainage lines are situated more than 200m from the proposed building envelope. All wastewater from the dwelling will be treated by a modern onsite sewerage management system, and stormwater runoff from the development will be appropriately managed via onsite detention through rainwater tanks. Therefore, it is considered that there will be minimal impact on the drinking water catchment.

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.*

The site lacks connections to reticulated services, thus necessitating the development to rely on onsite water and sewer systems. It is important to note that the application includes provisions for 700KL of water storage, and site investigations have been conducted for Onsite sewerage management.

The latter will be subject to separate approval under the Local Government Act. New vehicle access is required to ensure safe access to the site and adhere to current standards. Telecommunication and electricity services are available for connection, subject to compliance with relevant authority requirements. In this regard, all essential services are either present or can be arranged to support the proposed development. The developer is responsible for the provision of necessary services at their expense. Relevant conditions addressing these matters have been incorporated into the consent.

STATE ENVIRONMENTAL PLANNING POLICIES

The following SEPPs applicable to the proposed development:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

SEPP (Resilience and Hazards) 2021 is applicable, and states in part:

4.6(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.*

Council's Senior Environmental Health Officer has reviewed the proposal and has advised that the site has a long history of low-density grazing. The site is not flagged as a potentially contaminated site, and there is a low risk of naturally occurring asbestos. Therefore, it is considered suitable for the proposed use. As per standard practice, an unexpected finds condition has been included to ensure that any unforeseen or unidentified contamination found during works is dealt with appropriately.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Development likely to affect an electricity transmission or distribution network.

Clause 45 of SEPP Infrastructure requires a consent authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists)
- immediately adjacent to an electricity substation
- within 5m of an overhead power line
- includes installation of a swimming pool any part of which is within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line.
- placement of power lines underground.

The northern portion of the site contains existing two separate overhead electricity lines running east-west across the site. The proposed development would be in proximity to the 132kv powerline and easement. Essential Energy and TransGrid have been consulted, both of which have provided their concurrence subject to conditions, which have been included in the consent.

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

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

DESIGNATED DEVELOPMENT

The 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. An assessment of the proposed development against the relevant Planning Outcomes will be undertaken below:

Chapter 6 - Rural Development

The DCP lists the following Planning Outcomes for Rural Dwelling Houses:

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

In consideration to the above clauses:

1. A BASIX Certificate and NatHERS Certificate have been submitted in support of the application which demonstrates compliance with relevant targets.
2. The land is suitable for residential purposes. The site is not known to be contaminated and is not in an area of risk for flooding or bushfires.

3. Impact upon the privacy or views of neighbouring dwellings is diminished through distances and intervening elements such as vegetation, topography. No adverse impacts assessed.
4. The provided Onsite Effluent Management Study prepared by Envirowest Consulting Pty Ltd addresses that there is a suitable area available on the subject site for the proposed sewerage system. The report describes the assessment and recommends a suitable effluent treatment and application system. The onsite sewerage management system will be subject to separate assessment and approval under the Local Government Act.
5. The proposed works will not have a significant impact on any vegetation present on the subject site, and care will be taken during construction to ensure that they are protected from any disturbance. This is reinforced through conditions of development consent.
6. The property will be required to have sufficient onsite water supply/storage and an onsite effluent management system.
7. An all-weather access will be provided to Icely Road. A condition has been included in the consent to this effect.
8. New entry gateways will be provided in compliance with current standards.
9. The proposal is considered satisfactory in terms of this planning outcome. Sufficient distance has been ensured between the proposed development and neighbouring agricultural activities. The proposed dwelling is set back 100m from the nearest property and located more than 230m away from adjacent farm buildings. The implementation of native landscaping will serve as a biological buffer between the properties, reducing the likelihood of any conflicts. Further discussion considering impact on primary production is provided under Section 4.15 of the report.
10. Proposed buildings are generally grouped together to form a traditional homestead. Given distance to boundaries and site characterises i.e. topography, vegetation etc. there is not expected to be any negative visual impacts when viewed from the road. Further discussion is provided under Section 4.15 of the report.

PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)**Demolition of a Building (clause 61)**

The proposal does not involve the demolition of a building.

Fire Safety Considerations (clause 62)

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

Buildings to be Upgraded (clause 64)

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

BASIX Commitments (clause 75)

A BASIX Certificate has been submitted in support of the proposed development which demonstrates compliance with relevant targets.

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

Visual Impacts

The visual impacts of the development are appropriate to the rural character and setting. The proposed buildings are carefully positioned within the rural landscape to minimise any visual disruptions and blend seamlessly with the surroundings. Despite the proposal involving a new cluster of buildings on the eastern side of the property, they have been strategically located to complement the existing settlement pattern in the locality.

The applicant conducted a detailed site analysis (refer to Figure 9) to justify the chosen location for the new buildings. The analysis demonstrates that clustering the new residence with existing buildings in the north-west quadrant of the site would lead to an overwhelming visual presence on an exposed hillside adjacent to a high-traffic public road (refer to Figure 10). By opting for a distinct location, the development avoids visual disruptions and integrates well into the landscape.

A key aspect contributing to the acceptable visual impact is the strategic placement of the proposed buildings over the hill and out of view from Icely Road. The buildings will be situated below the ridgeline on the southern side. This positioning ensures that the new buildings maintain a low profile in the landscape, minimising their visual prominence.

Furthermore, the protection and retention of all existing trees on the site, along with the addition of new trees, and minimal site works contribute to maintaining the site's natural character and visual appeal. This approach underscores the development's commitment to respecting and preserving the existing landscape features.

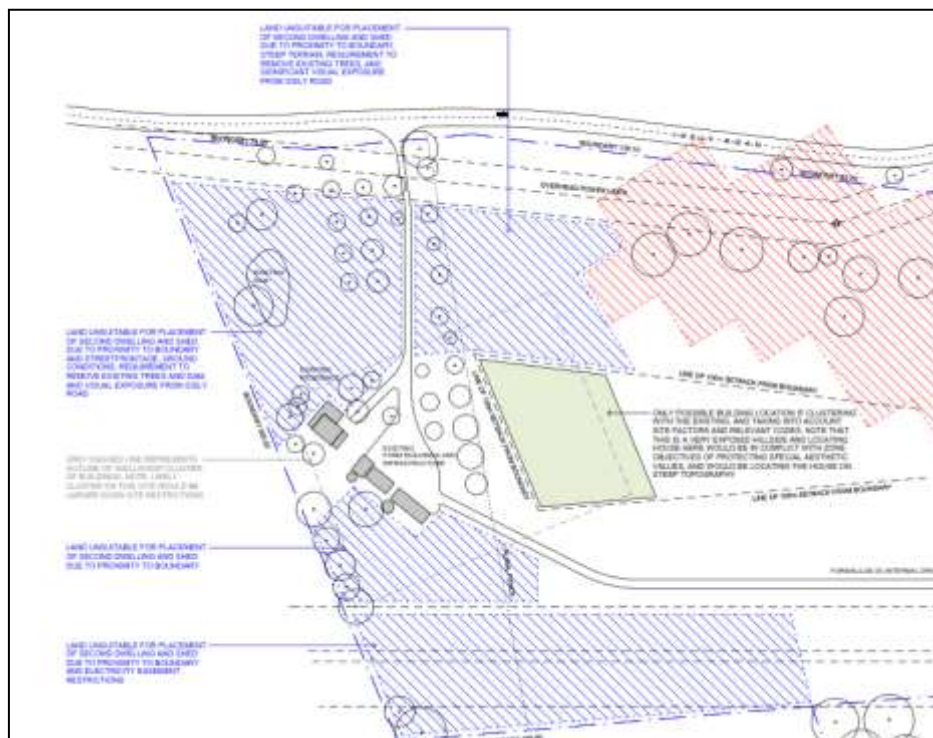


Figure 9 - site analysis

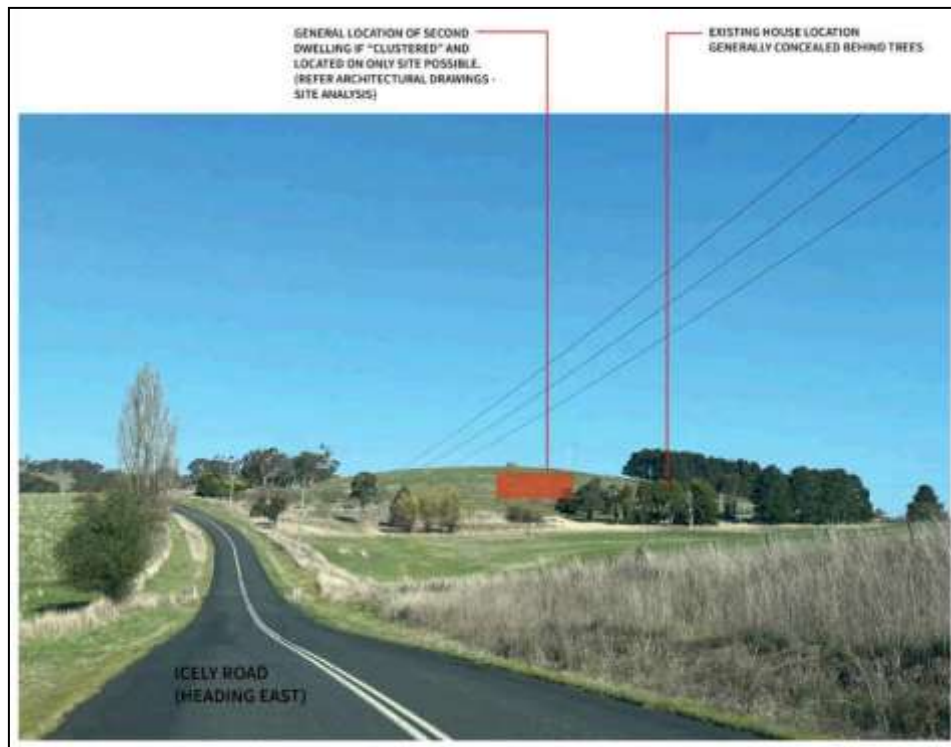


Figure 10 - visual impact of clustering with existing buildings

Primary Production Impacts

The subject site is currently utilised for low-density grazing of livestock, which has been the longstanding agricultural practice on the land. This practice is expected to continue into the foreseeable future, as indicated by the proponent. Similarly, neighbouring properties predominantly engage in low-level grazing, with no cropping, orchard, or grape cultivation activities in the immediate vicinity. The nearest vineyard, over 700m northeast of the proposed house site, is relatively small in scale, and Highland Heritage vineyard is situated over 1.4 kilometres away.

The proposed addition of a dwelling and shed, along with its associated curtilage, will lead to a slight reduction in the available grazing area on the rural allotment, amounting to approximately 4% of the total land. This estimate is conservative and accounts for the entirety of the 'home paddock'. Nonetheless, this reduction is anticipated to have minimal impact on the land's current agricultural use, as the remaining grazing area will still be substantial enough to support continued grazing activities and maintain productivity levels. It should also be noted that the decommissioning of the existing dwelling in will further facilitate agricultural use in that area.

Regarding building siting, a setback of 100m has been established to the nearest neighbouring property, which is situated 120m from Reyfield Drive. Furthermore, the proposed site is more than 230m away from the nearest farm building on an adjacent property. Additionally, existing and additional native vegetation will provide screening and biological buffering from adjoining operations.

Given these considerations, it is expected that there will be minimal disruption from factors such as spray drift, machinery noise, dust, or odours associated with farm-related activities. The proposed development is not likely to have a significant impact on the agricultural use or productivity of the subject property or neighbouring properties.

Access/Traffic Safety

Council's Technical Services staff advise that the amended positioning of the proposed access road is now acceptable. The new access will be required to be positioned east (approx. 50m) from the exiting intersection to achieve Austroads compliant sight distance. A recessed property access to accommodate 19m articulated vehicle will be required. Conditions of consent specify that a road opening permit will be required before works are undertaken. The amended driveway location avoids the positioning of the internal driveway traversing through sensitive vegetation which is supported.

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

The site is deemed appropriate for the erection of a new dwelling and ancillary structures. Despite several constraints, including high sensitivity biodiversity, location within a groundwater vulnerable area, and falling within a drinking water catchment area, as well as the presence of small feeder streams these factors have been thoroughly considered in the design and siting of the proposal. While the site is indeed constrained by these issues, it is feasible to construct a dwelling that will not exert a significant impact, as discussed in the preceding assessment report.

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

The proposed development was notified in accordance with Council's Community Participation Plan 2019. No submissions were received during the exhibition period.

PUBLIC INTEREST s4.15(1)(e)

Generally, the proposed development is considered in the public interest. As detailed in the assessment report any potential impacts have been mitigated or conditions to mitigate have been imposed. The proposed development is generally consistent with the relevant planning controls. No adverse impacts on the community, the environment or the economy are expected to result from the proposed development.

INTERNAL REFERRAL ADVICE

The requirements of the Environmental Health Officer, Building Surveyor and the Development Engineer are included in the attached Notice of Determination.

SUMMARY

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

ATTACHMENTS

- 1 Draft Notice of Approval, D24/37019 [↓](#)
- 2 Plans, D24/36713 [↓](#)
- 3 Annexure A - referral from Transgrid, D24/36715 [↓](#)

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Application number	DA 288/2023(1) PAN-362887
Applicant	Source Architects Pty Ltd c/- Mr D Sutherland 146 Lords Place ORANGE NSW 2800
Description of development	Decommissioning of existing dwelling; new dwelling house; farm building; above ground water tanks (2); and swimming pool.
Property	602 Icely Road, Emu Swamp 200/-/DP1301307
Determination	Approved Consent Authority - Council
Date of determination	16/04/24
Date from which the consent operates	17/04/24
Date on which the consent lapses	17/04/29

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

Reasons for approval

1. The proposed development will reasonably satisfy Local and State planning controls.
2. The proposed development will comply with the requirements of State approval authorities.
3. Impacts of the proposed development on the natural and built environment will be within acceptable limit, subject to mitigation conditions.
4. The proposed development will complement the existing or desired future character of the area.
5. The proposed development will be consistent with the zone objectives and principal development standards.
6. The proposed development is permitted in the zone.
7. Utility services are available and adequate.
8. Public exhibition of the application was undertaken in accordance with Council's Community Participation Plan or State legislation. No public submissions were received.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

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

Rights to appeal

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

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

Paul Johnston

Manager Development Assessments

Person on behalf of the consent authority

For further information, please contact Ben Hicks / Senior Planner

Terms and Reasons for Conditions

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

General Conditions

1	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia. 4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— <ol style="list-style-type: none"> a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. <p>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
2	<p>Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— <ol style="list-style-type: none"> a. showing the name, address and telephone number of the principal certifier for the work, and

	<ul style="list-style-type: none"> b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. <p>3. The sign must be—</p> <ul style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. <p>4. This section does not apply in relation to—</p> <ul style="list-style-type: none"> a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
	Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.
3	<p>Fulfilment of BASIX commitments</p> <p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—</p> <ul style="list-style-type: none"> 1. BASIX development, 2. BASIX optional development, if the development application was accompanied by a BASIX certificate.
	Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.
4	<p>Notification of Home Building Act 1989 requirements</p> <ul style="list-style-type: none"> 1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following— <ul style="list-style-type: none"> a. for work that requires a principal contractor to be appointed— <ul style="list-style-type: none"> i. the name and licence number of the principal contractor, and ii. the name of the insurer of the work under the Home Building Act 1989, Part 6, b. for work to be carried out by an owner-builder— <ul style="list-style-type: none"> i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit. 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.

	<p>4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p> <p>Condition reason: Prescribed condition under Section 71 of the Environmental Planning and Assessment Regulation 2021.</p>
5	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <ol style="list-style-type: none"> 1. Plans by Source Architects number DA00 – DA11, Revisions C and B (12 Sheets) 2. BASIX Certificate 1414168S_02 and NatHERS Certificate 0009249814 3. Statements of environmental effects or other similar associated documents that form part of the approval <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
6	<p>Development and subdivision works requirements</p> <p>All of the following conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All engineering work required by the following conditions is to be completed prior to the issue of an Occupation or Subdivision Certificate, unless stated otherwise.</p> <p>Condition reason: To comply with Council's Development and Subdivision Code.</p>
7	<p>TransGrid Requirements</p> <p>The development must be carried out in accordance with requirements of TransGrid dated 30 October 2023 attached to this consent as 'Annexure A'</p> <p>Condition reason: To ensure compliance with relevant statutory requirements.</p>

**Building Work
Before issue of a construction certificate**

8	<p>Road opening permit required</p> <p>A Road Opening Permit in Accordance with Section 138 of the Roads Act 1993 must be approved by Council prior to a Construction Certificate being issued or any intrusive works being carried out within the public road or footpath reserve.</p>
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	Condition reason: To ensure compliance with relevant statutory requirements.
9	Engineering plans required for new vehicle access to property. <p>The property shall be provided with a new bitumen sealed recessed vehicle access suitable for a 19m articulated vehicle located to the east of the existing access. The new access is to be generally in accordance with Austroads Guide to Road Design Part 4 Figure 7.4 Rural Property Access with Indented Access, Austroads Guide to Road Design Part 4 section 3 Sight Distance, and relevant DA conditions. The construction is to be as per the requirements of the Orange City Council Development and Subdivision Code and Road Opening Permit.</p> <p>Engineering plans, showing details of all proposed vehicle access 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 (certifier - subdivision) prior to the issue of a Construction Certificate for building work.</p> Condition reason: To comply with Council's Development and Subdivision Code.
10	Section 68 application - water and sewer <p>An approval under Section 68 of the <i>Local Government Act</i> is to be sought from Orange City Council, as the Water and Sewer Authority, for water, sewer and stormwater connection. Details concerning the proposed backflow prevention between the nominated water tank supply and the potable system are to be provided. No plumbing and drainage is to commence until approval is granted.</p> Condition reason: To ensure the utility services are available to the site and adequate for the development.

Before building work commences

11	Sediment control <p>Sediment and erosion control measures shall be implemented on the site.</p> Condition reason: To protect waterways from pollution by sediment-laden runoff.
12	Appoint PC <p>Appoint Principal Certifier. The person having the benefit of the development consent and a construction certificate shall:</p> <p>(a) Appoint a Principal Certifier and notify Council of the appointment (if Council is not appointed) and,</p>

	<p>(b) Notify Council of their intention to commence the erection of the building (at least two (2) day's notice is required)</p> <p>The Principal Certifier shall determine when inspections and compliance certificates are required.</p> <p>Condition reason: To ensure compliance with relevant statutory requirements.</p>
13	<p>Construction certificate required</p> <p>A construction certificate must be obtained from Council or an accredited certifier at least two (2) days prior to any building or ancillary work commencing. Where the construction certificate is obtained from an accredited certifier, the determination and all appropriate documents must be notified to Council within seven (7) days of the date of determination.</p> <p>Condition reason: Required by Section 6.6 (formerly 81A) of the Environmental Planning and Assessment Act, 1979 and Part 8, Division 2 of the Environmental Planning and Assessment Regulation, 2000.</p>
14	<p>No commencement until details received</p> <p>The construction works the subject of this development consent MUST NOT be commenced until:</p> <p>(a) Detailed plans/specifications of the building have been endorsed with a construction certificate by:</p> <p>(i) the Council, or</p> <p>(ii) a registered certifier, and</p> <p>(b) The person having the benefit of the development consent:</p> <p>(i) has appointed a Principal Certifier, and</p> <p>(ii) has notified the Council of the appointment, and</p> <p>(c) The person having the benefit of the development consent has given at least two (2) day's notice to the Council of the person's intention to commence the erection of the building; and</p> <p>(d) Builder's name and licence number has been supplied to Council or the Principal Certifier; or</p>

	<p>(e) Owner Builder's permit issued by Department of Fair Trading to be supplied to Council or the Principal Certifier; and</p> <p>(f) Home Building Compensation Fund (HBCF) has been paid and a copy of the Certificate supplied to Council or the Principal Certifier; and</p> <p>(g) A sign has been erected onsite in a prominent position containing the information prescribed by Clause 98A(2) and (3) of the EP&A Regulations, being the name, address and telephone number of the Principal Certifier for the work, name of the principal contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained onsite while work is being carried out and removed when the work has been completed.</p>
	Condition reason: To ensure compliance with relevant statutory requirements.
15	Onsite toilet
	A temporary onsite toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available onsite.
	Condition reason: To provide adequate public health and safety measures.
16	Structural details for construction certificate
	Prior to the issue of a construction certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A5.2(1)(e) of the National Construction Code (previously known as Building Code of Australia) must be submitted to the satisfaction of Council (where Council is the Accredited Certifier).
	Condition reason: To ensure structural certification is undertaken.
17	Dial Before You Dig
	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); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive .
	Condition reason: To ensure compliance with relevant statutory requirements.
18	ISSC 20 Guideline
	Any activities in proximity to electrical infrastructure 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;

	Condition reason: To ensure compliance with relevant statutory requirements.
19	encumbrances in favour of Essential Energy
	Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with
	Condition reason: To ensure compliance with relevant statutory requirements.

During building work

20	Adjustments to utility services
	Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
	Condition reason: To comply with Council's Development and Subdivision Code.
21	Protection of the Environment Operations Act - material delivery
	All materials onsite or being delivered to the site are to be contained within the site. The requirements of the <i>Protection of the Environment Operations Act 1997</i> are to be complied with when placing/stockpiling loose material, or when disposing of waste products, or during any other activities likely to pollute drains or watercourses.
	Condition reason: To protect waterways from pollution by stockpiled or placed construction materials.
22	Unexpected finds - contamination
	In the event of an unexpected find during works such as (but not limited to) the presence of undocumented waste, odorous or stained soil, asbestos, structures such as underground storage tanks, slabs, or any contaminated or suspect material, all work onsite must cease immediately. The beneficiary of the consent must discuss with Council the appropriate process that should be followed therein. Works onsite must not resume unless the express permission of Council's Director Development Services is obtained in writing.
	Condition reason: To ensure any unexpected finds of contamination are notified to Council and managed appropriately.
23	No encroachment on easements
	No portion of the building or service to and from that building - including footings, eaves, overhang and service pipes - shall encroach into any easement.

	Condition reason: To prevent the proposed development having a detrimental effect on adjoining land uses.
24	Swimming pool - compliance with Act
	The swimming pool is to be in accordance with the <i>Swimming Pools Act 1992</i> and <i>Regulations</i> .
	Condition reason: To ensure compliance with relevant statutory requirements.
25	Swimming pool - inspections
	Where Orange City Council is appointed as the Principal Certifying Authority for the swimming pool, the following inspections will be required to be carried out by Council:
	<ul style="list-style-type: none"> • at commencement of building work; • slab reinforcement prior to the pouring of concrete; • when the temporary protective fencing is installed; • when the permanent swimming pool fence or suitable barrier is installed; • before backfill of any drainage lines (overflow to sewer); and • final inspection.
	Condition reason: To ensure compliance with the Building Code of Australia and the Swimming Pools Act, 1992.
26	Swimming pool - resuscitation notice
	An approved Resuscitation Notice is to be erected in a prominent position in the immediate vicinity of the swimming pool and kept current at all times.
	Condition reason: To ensure compliance with the Swimming Pools Act, 1992.
27	Swimming pool - temporary fencing
	No water is to be placed in the swimming pool until the required protective fencing has been inspected and approved by Council.
	Condition reason: To ensure compliance with relevant statutory requirements.
28	Demolition - demolition or decommissioning of dwelling
	Upon completion of the construction of the new dwelling, the existing dwelling situated in the north-western corner of the property must cease to be used for residential purposes, and the kitchen and laundry facilities must be removed from the dwelling.
	Condition reason: To ensure compliance with relevant statutory requirements.

Before issue of an occupation certificate

29	Completion of works on public land and services
	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, and stormwater have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions, and that Council will take ownership of the infrastructure assets.
	Condition reason: To comply with Council's Development and Subdivision Code.
30	Completion of works relating to road opening permit
	A Road Opening Permit Certificate of Compliance is to be issued for the works by Council prior to any Occupation Certificate being issued for the development.
	Condition reason: To ensure compliance with relevant statutory requirements.
31	Cut and fill
	The cut and fill is to be retained and/or adequately battered and stabilised (within the allotment) prior to the issue of an occupation certificate.
	Condition reason: To comply with the Environmental Planning & Assessment Act, 1979.
32	Landscaping - to be installed and maintained in accordance with approved plans
	Landscaping must be installed in accordance with the approved plans and must be permanently maintained to the satisfaction of Council's Manager Development Assessments.
	Condition reason: To ensure a quality urban design for the development which complements the surrounding environment.
33	No use or occupation without occupation certificate
	No person is to use or occupy the building or alteration that is the subject of this approval with the prior issuing of an occupation certificate.
	Condition reason: To ensure compliance with the Building Code of Australia.
34	Swimming pool - registration
	Prior to the issue of an occupation certificate, evidence of registration of the swimming pool/spa on the NSW Swimming Pool Register is to be submitted to Council/accredited certifier.
	Condition reason: To ensure compliance with relevant statutory requirements.

35	Section 68 final - water and sewer
	Where Orange City Council is not the Principal Certifier, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Orange City Council and a compliance certificate issued, prior to the issue of an occupation certificate.
	Condition reason: To ensure the utility services are available to the site and adequate for the development.
36	Decommission of existing dwelling and ongoing use.
	This consent provides for the replacement of the existing dwelling on the subject land. The existing dwelling shall be decommissioned by the removal of kitchen and laundry facilities at the time of the issue of an occupation certificate for the new dwelling and remain uninhabitable at all times. (i.e. not used for residential purposes)
	Condition reason: To ensure compliance with relevant statutory requirements.
37	Building Envelope
	Prior to issue of an occupation certificate, a building envelope shall be registered on the land in the location of the dwelling house approved under this consent. All residential buildings on the land must be located within the identified building envelope.
	Condition reason: To comply with statutory requirements.
38	Restriction as to User
	Prior to issue of an occupation certificate, a Section 88b Restriction as to User shall be registered on the land, prohibiting residential use of the decommissioned dwelling approved under this development consent.
	Condition reason: To comply with statutory requirements.

Occupation and ongoing use

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

General advisory notes

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

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

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

Dictionary

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

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

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

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

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

Council means ORANGE CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

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

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

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

Stormwater drainage system means all works and facilities relating to:

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

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

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

DEVELOPMENT APPLICATION
NEW RESIDENCE

POOLE RESIDENCE
602 ICELY ROAD, ORANGE, NSW 2800

DRAWING SCHEDULE

DRAWING NO.	DRAWING NAME	REV
DA00	COVER & FULL SITE PLAN	C
DA01	DAW SCHEDULE SHEET 1	B
DA02	ROOF PLAN	B
DA03	GROUND FLOOR	B
DA04	BASEMENT PLAN	B
DA05	ELEVATIONS	B
DA06	SECTIONS 01	B
DA07	SECTIONS 02	B
DA08	SHED PLANS	B
DA09	SHED ELEVATIONS	B
DA10	DAW SCHEDULE SHEET 1	B
DA11	DAW SCHEDULE SHEET 2	B

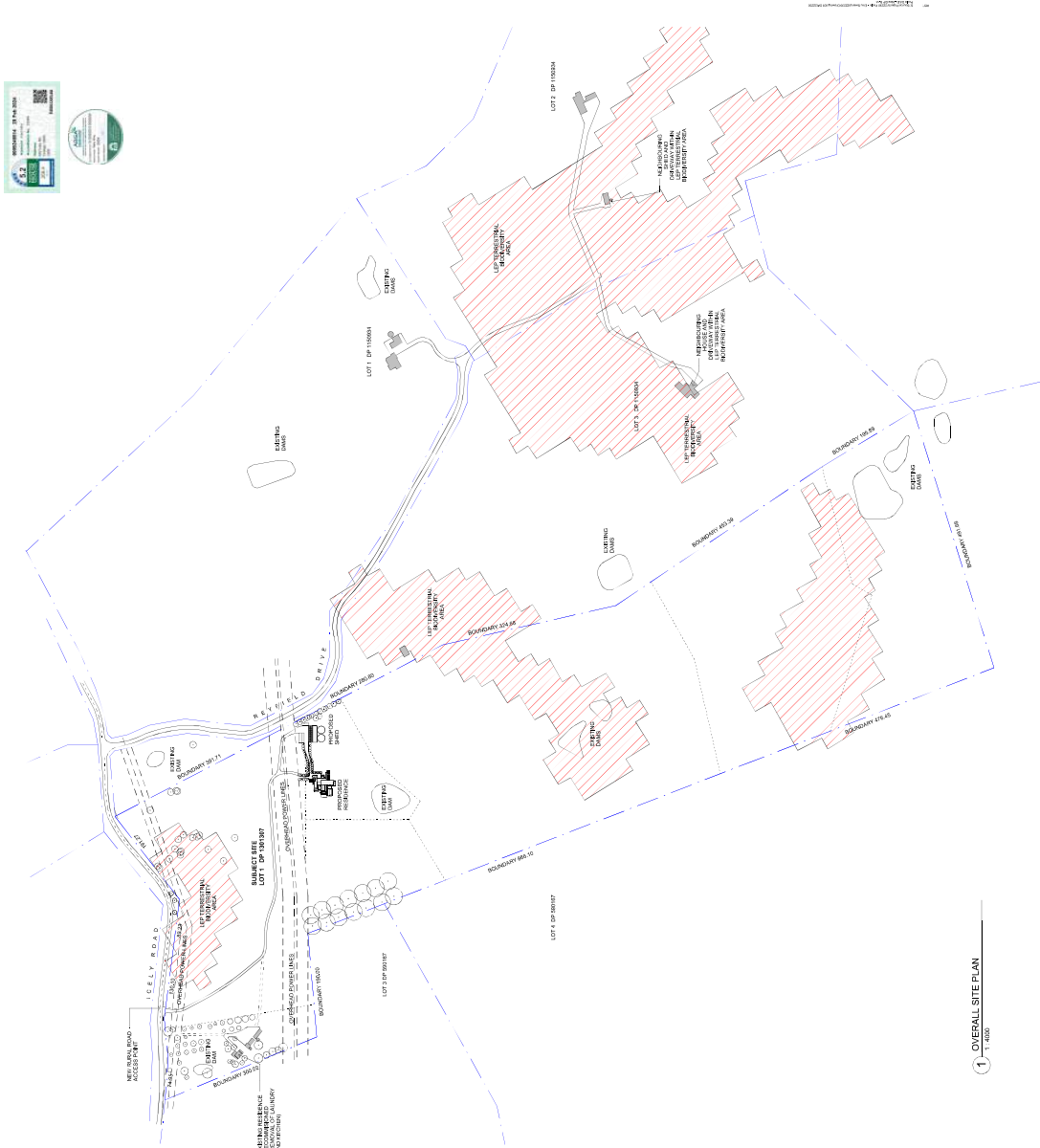


NOT FOR CONSTRUCTION



REV	DATE	DESCRIPTION
1	26.04.23	Schematic Design
2	18.07.23	Consultant Issue
B	27.08.23	Additional Information
C	24.01.24	Amended DA

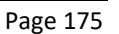
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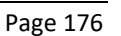


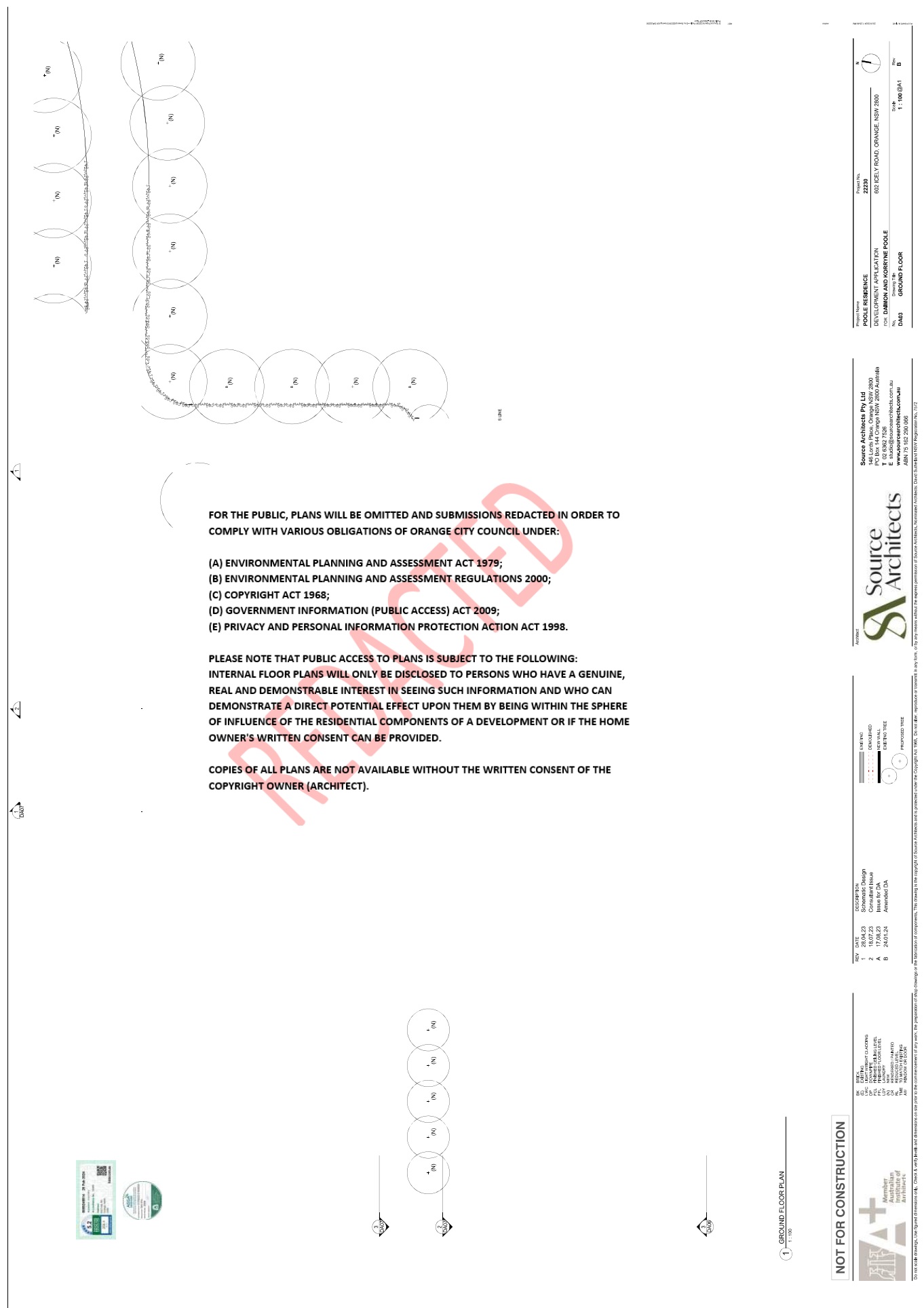
Project Name	Project No.	Project Address
POOLE RESIDENCE	2220	602 ICELY ROAD, ORANGE, NSW 2800
Development Application		
For	DAMON AND KIRSTINE POOLE	
Drawn by	DA00	
Check by		
Scale	1:4000/DA1	

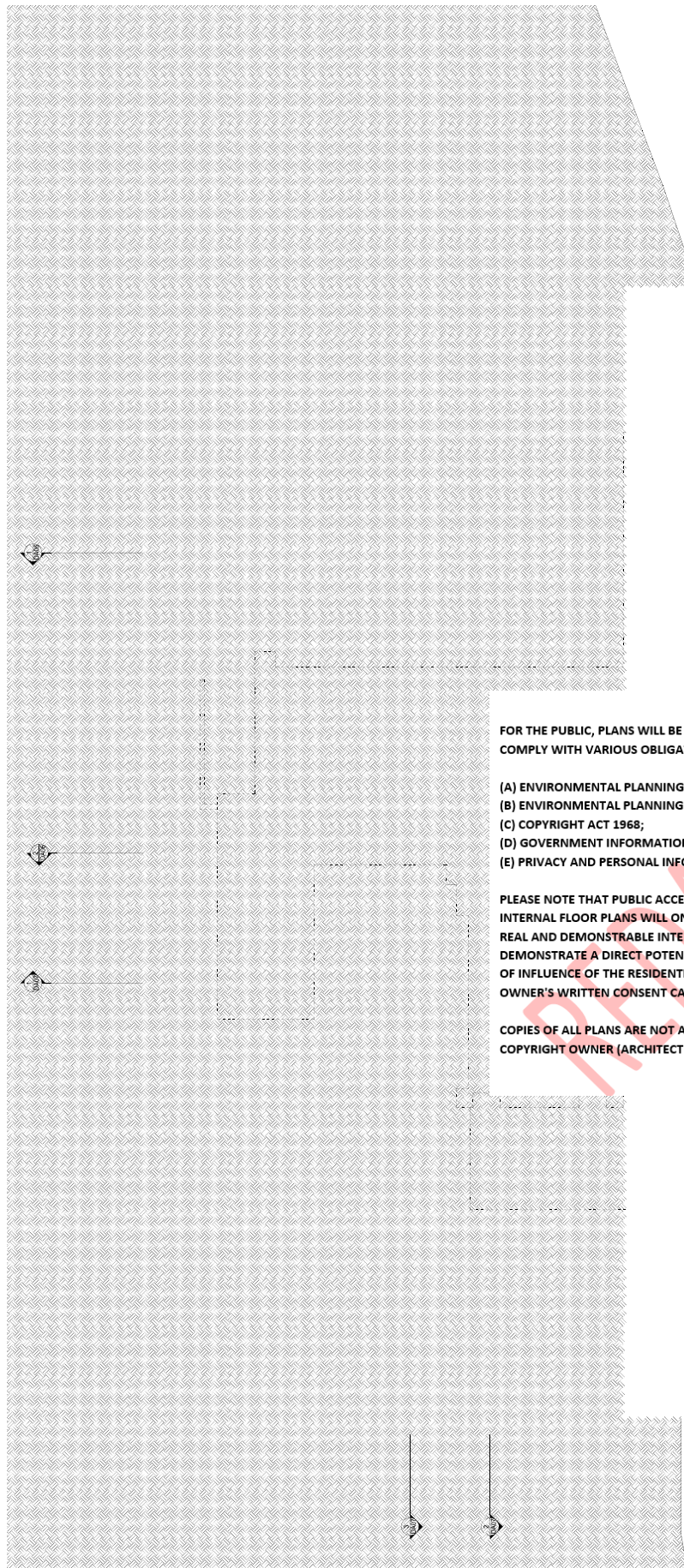
Source Architects Pty Ltd
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- (A) ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979;
- (B) ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2000;
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1 BASEMENT FLOOR PLAN
1:100

NOT FOR CONSTRUCTION



NAME: [Redacted]
REGISTERED ARCHITECT
NO. [Redacted]
EXPIRY DATE [Redacted]

REV. DATE DESCRIPTION

1 28/04/23 Schematic Design
2 18/07/23 Consultant Issue
B 24/07/24 Amended DA

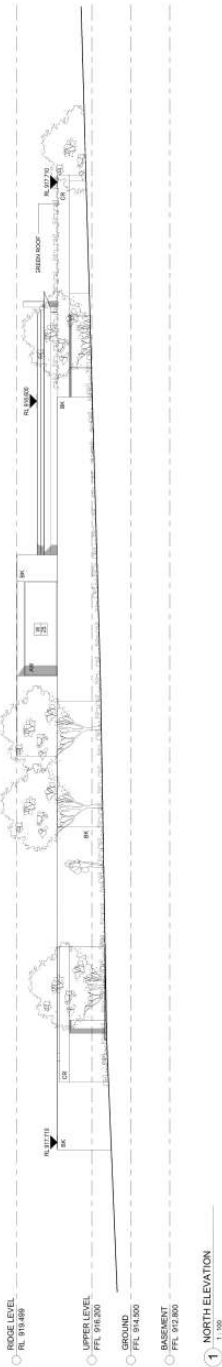
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CHECKED BY: [Redacted]



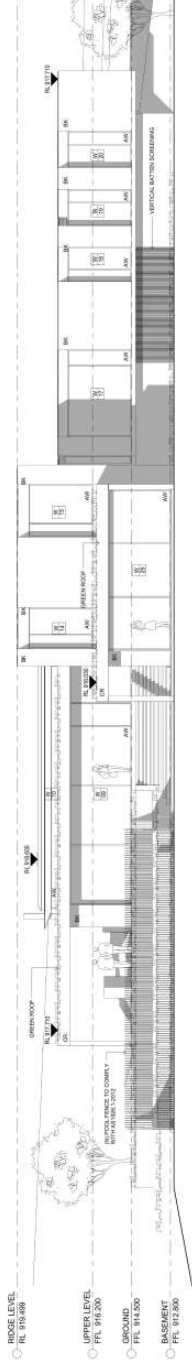
Source Architects Pty Ltd
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T 02 682 7508
F 02 682 7509
www.sourcearchitects.com.au
ABN 75 102 200 000

Project Name: POOLE RESIDENCE
Project No: 2220
Development Application: 002 DEVL ROAD, ORANGE, NSW 2800
For: DAMON AND KIRSTINE POOLE
Drawn By: [Redacted]
Checked By: [Redacted]
Date: 1:100 (DA) B

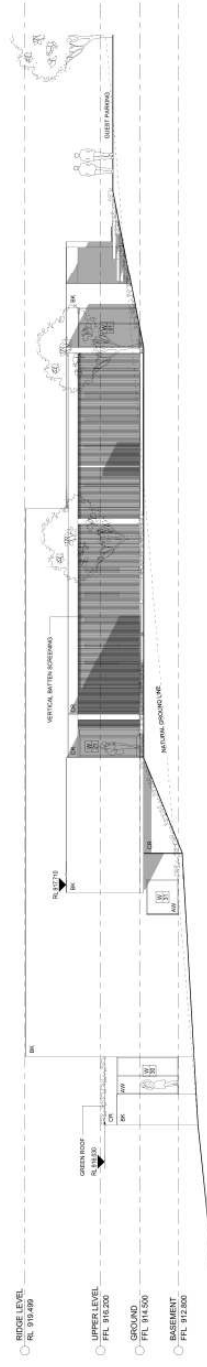
Insulation & Construction Details	
Roof colour	Medium (SA-O-475-070)
Roof	R1.3 anticon blanket
Ceilings	R1.0 (including gargoil)
External Walls	R1.5 and vapour permeable siding (except garage)
Internal Walls	R1.5 (internal walls shared with garage, bathroom, laundry, plant room, wall areas adjoining roof space)
Floors	R1.0 to underside of floor on ground floor (except K3 or equivalent)
	R1.0 to underside of floors on first floor
	R1.0 to underside of floors with open subfloor
	Draught stoppers & foam seals on all external doors & internal garage door
	Draught stoppers on all external windows
	Draught stopper on wood heater flue
Ceiling	Dowlights to be IC-F rated to permit coverage with insulation.
penetrations	Double glazed clear aluminium frame U=2.60 & SHGC=0.53 (+or- 5%)
Window / glass	Double glazed airights
door type	



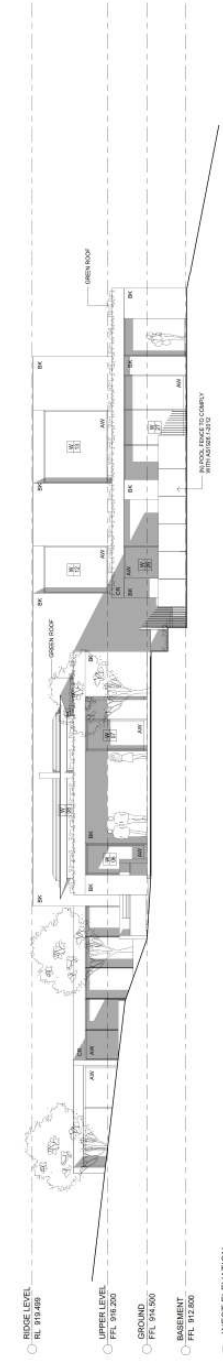
1 NORTH ELEVATION
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2 SOUTH ELEVATION
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3 EAST ELEVATION
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4 WEST ELEVATION
1:100

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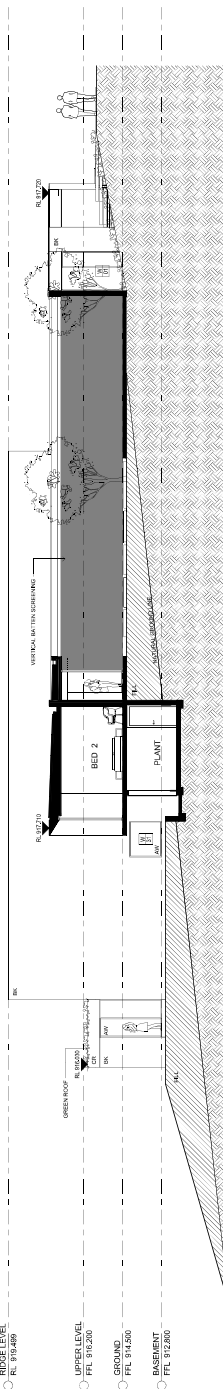
MEMBER
OF THE
INSTITUTE OF
ARCHITECTS
OF NEW ZEALAND

REVISION
1 28.04.23
2 18.07.23
3 24.07.24
4 24.07.24

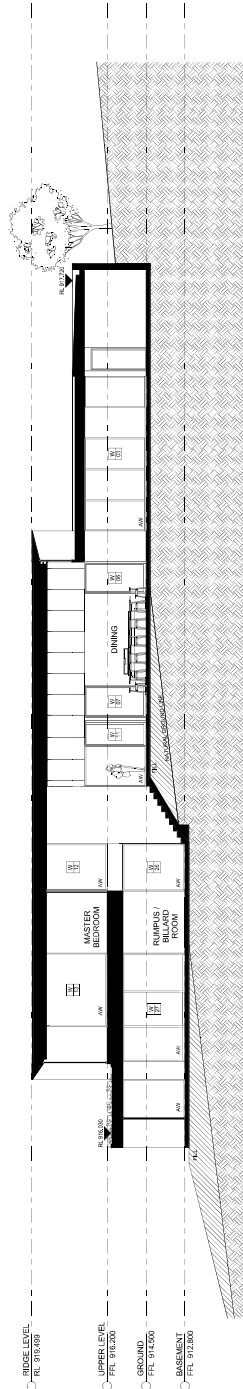
DESCRIPTION
1 Schematic Design
2 Consultative Scheme
3 Preliminary Design
4 Detailed Design

Source Architects
Source Architects Pty Ltd
100/101, 102/103, 104/105, 106/107, 108/109, 110/111, 112/113, 114/115, 116/117, 118/119, 120/121, 122/123, 124/125, 126/127, 128/129, 130/131, 132/133, 134/135, 136/137, 138/139, 140/141, 142/143, 144/145, 146/147, 148/149, 150/151, 152/153, 154/155, 156/157, 158/159, 160/161, 162/163, 164/165, 166/167, 168/169, 170/171, 172/173, 174/175, 176/177, 178/179, 180/181, 182/183, 184/185, 186/187, 188/189, 190/191, 192/193, 194/195, 196/197, 198/199, 200/201, 202/203, 204/205, 206/207, 208/209, 210/211, 212/213, 214/215, 216/217, 218/219, 220/221, 222/223, 224/225, 226/227, 228/229, 230/231, 232/233, 234/235, 236/237, 238/239, 240/241, 242/243, 244/245, 246/247, 248/249, 250/251, 252/253, 254/255, 256/257, 258/259, 260/261, 262/263, 264/265, 266/267, 268/269, 270/271, 272/273, 274/275, 276/277, 278/279, 280/281, 282/283, 284/285, 286/287, 288/289, 290/291, 292/293, 294/295, 296/297, 298/299, 300/301, 302/303, 304/305, 306/307, 308/309, 310/311, 312/313, 314/315, 316/317, 318/319, 320/321, 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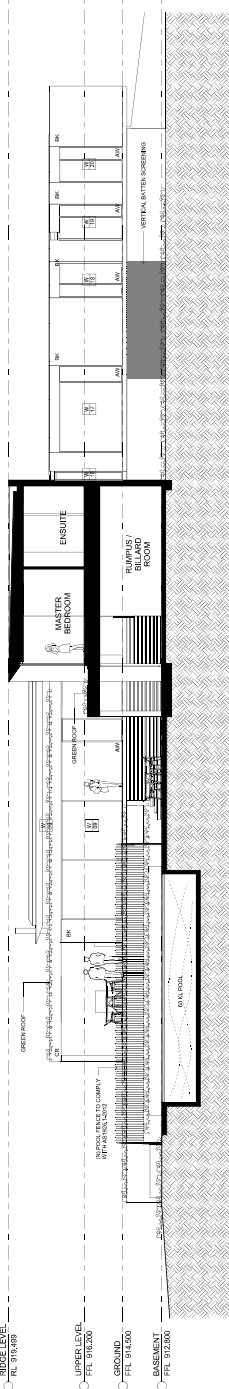
Insulation & Construction Details	
Roof colour	Medium (SA >475-5070)
Roof	R1.3 arctic blanket
Ceiling	R6.0 including garage
External Walls	R2.5 and vapour permeable sarking (except garage)
Internal Walls	R2.5 internal walls insulated with garage, bathroom, laundry, plant room, wall
Floors	R1.1 to underside of slab on ground (Kingspan IQ3 or equivalent)
Floors	R3.0 to underside of floors over concrete
Floors	R3.0 to underside of floors over steel joists
Floors	Draught stoppers & foam seals on all external doors & internal garage door
Floors	Draught stoppers & foam seals on all external doors & internal garage door
Floors	Draught stopper on second heater flue
Ceiling	Downlights to be IP F rated to permit coverage with insulation
Windows	Double glazed skylights
Door type	Double glazed skylights



SECTION 01
1:100



SECTION 02
1:100



SECTION 03
1:100

NOT FOR CONSTRUCTION



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REVISIONS
1. 25.04.23 Schematic Design
2. 25.04.23 Consultant Review
3. 25.04.23 Consultant Review
4. 25.04.23 Consultant Review
5. 25.04.23 Consultant Review
6. 25.04.23 Consultant Review
7. 25.04.23 Consultant Review
8. 25.04.23 Consultant Review
9. 25.04.23 Consultant Review
10. 25.04.23 Consultant Review

LEGEND
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Source Architects
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Project Name
POOLE KENNEDY
2220
002 DEEY ROAD, ORANGE, NSW 2800
FOR DAMON AND KIRSTINE POOLE
SECTION 01
Drawing No.
1:100 (SA) B



BK	BRICK
BL	EXISTING
LWC	LIGHT WEIGHT CLADDING
DW	DOWNING
FCL	FURNISHED CEILING LEVEL
FFL	FURNISHED FLOOR LEVEL
LQY	LAUNDRY
LN	NEW
ROR	REMOVED / PAINTED OR REDUCED LEVEL
TIME	TIME TO MATCH EXISTING
AW	WINDOW OR DOOR

REV	DATE	DESCRIPTION
1	28.04.23	Schematic Design

EXISTING
DEMOLISHED
NEW WALL
EXISTING TREE
PROPOSED TREE

Source Architects
ART1902

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146 Lords Place, Orange NSW 2800
PO Box 144 Orange NSW 2800 Australia
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E studio@sourcearchitects.com.au
www.sourcearchitects.com.au
ABN 75 162 290 066

Project Name	Project No.
POOLE RESIDENCE	22230
DEVELOPMENT APPLICATION	
FOR DAWSON AND KORRYNE POOLE	
No.	Drawing Title
DA07	SECTIONS 02
602 ICEL	





Member
Australian
Institute of
Architects

REV	DATE	DESCRIPTION	EXISTING	PROPOSED
1	18.07.23	Consultant Issue		
A	17.08.23	Issue for DA		
B	24.01.24	Amended DA		

Source Architects
Source Architects Pty Ltd
146 Little Picton, Orange NSW 2800
PO Box 144 Orange NSW 2800 Australia
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E info@sourcearchitects.com.au
www.sourcearchitects.com.au
ABN 75 162 280 066

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Project Name: **SOLE RESIDENCE**
 Project No.: **22200**
 602 ICELY ROAD, CHANGE, NSW 2000
 Drawing Title: **DAIRION AND KORYNNE POOLE**
 Drawing No.: **M9**
 SHED ELEVATIONS
 Scale: **1:100 @A1**
 Day: **8**



EXISTING
DEMOLISHED
NEW WALL
EXISTING TREE
PROPOSED TREE

REV	DATE	DESCRIPTION
1	18.07.23	Consultant Issue
A	17.08.23	Issue for DA

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Project Name
POOLE RESIDENCE

Project No.
22330


602 ICELY ROAD, ORANGE, NSW 2800

FOR **DAMION AND KORRYNE POOLE**

No. Drawing Title
DA10 D&W SCHEDULE SHEET 1

Scale
A5 @ 1:1

Rev
B



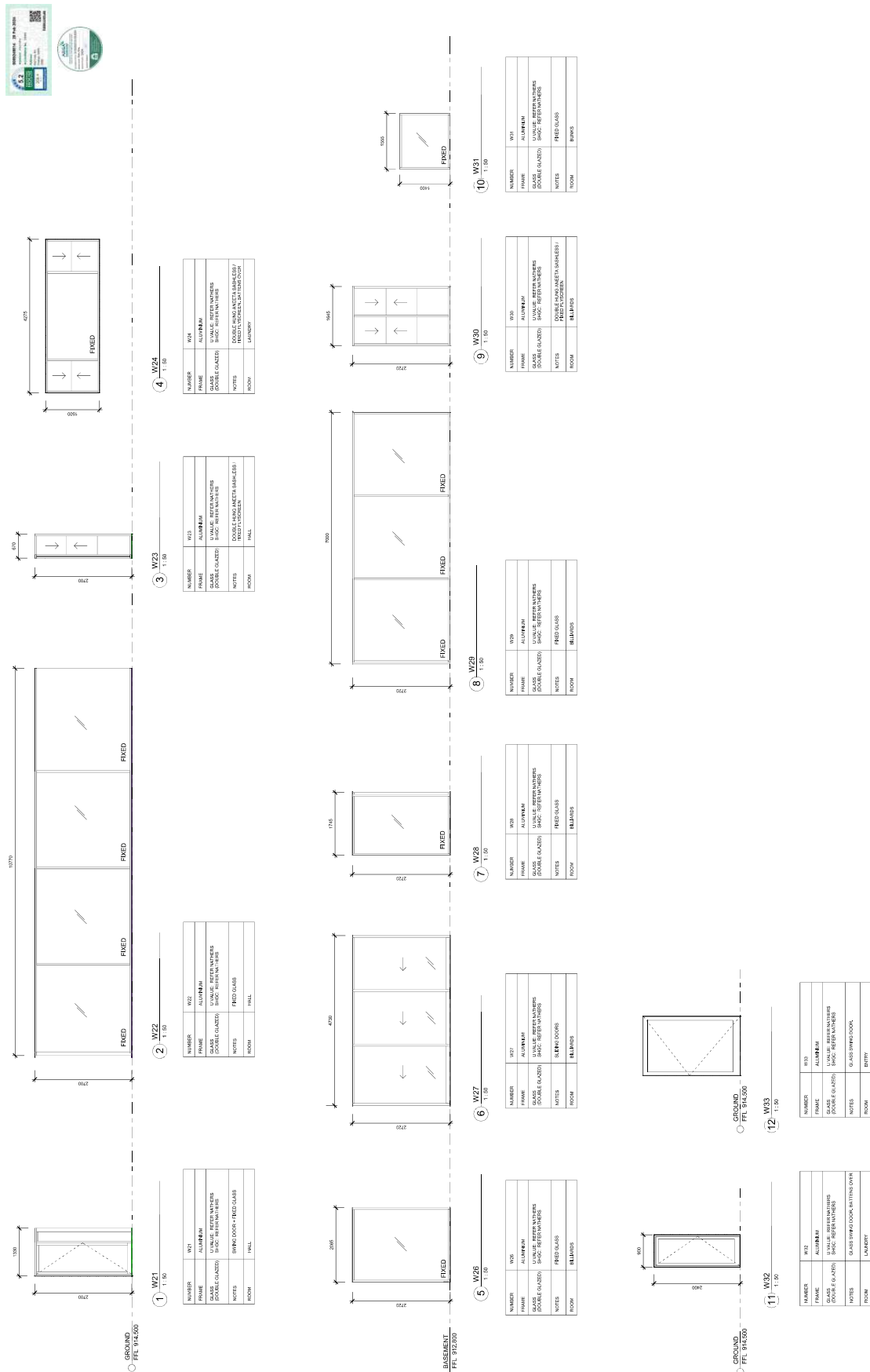
Source Architects
Source Architects Pty Ltd
148 Lisle Place, Cheltenham NSW 2000
PO Box 144, Cheltenham NSW 2000 Australia
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www.sourcearchitects.com.au
04 9125 4672, 0900 088

EXISTING
DEMOLISHED
NEW WALL
EXISTING TREE
PROPOSED TREE

REV	DATE	DESCRIPTION
1	18.07.23	Consultant Issue
A	17.08.23	Issue for DA

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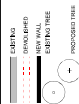
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NOT FOR CONSTRUCTION



REV	DATE	DESCRIPTION
1	18.07.23	Consultant Issue
A	17.08.23	Issue for DA
B	24.01.24	Amended DA

Source Architects
ART1902


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146 Lords Place, Orange NSW 2800
PO Box 144 Orange NSW 2800 Australia
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E studio@sourcearchitects.com.au
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ABN 75 162 290 066

Project Name	POOLE RESIDENCE
No.	DA11
Drawing Title	FOR DAWMON AND KORYNNE POOLE DEVELOPMENT APPLICATION D&W SCHEDULE SHEET 2

Project No. **22230**
602 ICELY ROAD, ORANGE, NSW 2800

Scale **As indicated**

Rev **B**



BASIX®Certificate

Building Sustainability Index www.basix.nsw.gov.au

Single Dwelling

Certificate number: 1414168S_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 1414168S lodged with the consent authority or certifier on 07 September 2023 with application PAN-362887.

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 Environment Planning and Assessment Regulation 2000

Secretary
Date of issue: Wednesday, 21 February 2024
To be valid, this certificate must be lodged within 3 months of the date of issue.






Project summary			
Project name	Poole House_02		
Street address	602 ICELY ROAD ORANGE 2800		
Local Government Area	Orange City Council		
Plan type and plan number	Deposited Plan 1301207		
Lot no.	200		
Section no.	-		
Project type	separate dwelling house		
No. of bedrooms	5		
Project score			
Water	✔ 70	Target 40	
Thermal Comfort	✔ Pass	Target Pass	
Energy	✔ 100	Target 35	

Certificate Prepared by	
Name / Company Name: David Sutherland	
ABN (if applicable):	

Description of project

Project address	
Project name	Poole House_02
Street address	602 ICELY ROAD ORANGE 2800
Local Government Area	Orange City Council
Plan type and plan number	Deposited Plan 1301207
Lot no.	200
Section no.	-
Project type	
Project type	separate dwelling house
No. of bedrooms	5
Site details	
Site area (m²)	517600
Roof area (m²)	430
Conditioned floor area (m²)	505.0
Unconditioned floor area (m²)	35.0
Total area of garden and lawn (m²)	1500
Roof area of the existing dwelling (m²)	0

Assessor details and thermal loads	
Assessor number	20094
Certificate number	0009249814
Climate zone	65
Area adjusted cooling load (MJ/m².year)	9
Area adjusted heating load (MJ/m².year)	260
Ceiling fan in at least one bedroom	No
Ceiling fan in at least one living room or other conditioned area	No
Project score	
Water	 70 Target 40
Thermal Comfort	 Pass Target Pass
Energy	 100 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
Landscape			
The applicant must plant indigenous or low water use species of vegetation throughout 500 square metres of the site.	✓	✓	
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 6 but ≤ 7.5 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 100000 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 400 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		✓	✓
• the cold water tap that supplies each clothes washer in the development		✓	✓

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<ul style="list-style-type: none">• 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.)• all hot water systems in the development• all indoor cold water taps (not including taps that supply clothes washers) in the development• a tap that is located within 10 metres of the swimming pool in the development		<div>></div> <div>></div> <div>></div> <div>></div>	<div>></div> <div>></div> <div>></div> <div>></div>
Swimming Pool			
The swimming pool must not have a volume greater than 60 kilolitres.	<div>></div>	<div>></div>	
The swimming pool must have a pool cover.		<div>></div>	
The swimming pool must be outdoors.	<div>></div>	<div>></div>	




Thermal Comfort Commitments				Certifier check
Simulation Method				
Assessor details and thermal loads				
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 an occupation certificate for the proposed development.				
The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.				
The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX certificate, including the Cooling and Heating loads shown on the front page of this certificate.				
The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate 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. 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.	✓		✓	✓
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.			✓	✓

Thermal Comfort Commitments				
Construction				
Where there is an in-slab heating or cooling system, the applicant must install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab, and underneath the slab if it is a suspended floor.		✓	✓	✓
The applicant must construct the floors and walls of the dwelling in accordance with the specifications listed in the table below.		✓	✓	✓
Floor and wall construction		Area		
floor - concrete slab on ground		436.0 square metres		
floor - suspended floor/open subfloor		19.0 square metres		
floor - suspended floor/enclosed subfloor		81.0 square metres		

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: electric storage.	✓	✓	✓
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 3-phase airconditioning; Energy rating: EER 3.0 - 3.5		✓	✓
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 3-phase airconditioning; Energy rating: EER 3.0 - 3.5		✓	✓
The cooling system must provide for day/night zoning between living areas and bedrooms.		✓	✓
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 3-phase airconditioning; Energy rating: EER 3.0 - 3.5		✓	✓
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 3-phase airconditioning; Energy rating: EER 3.0 - 3.5		✓	✓
The heating system must provide for day/night zoning between living areas and bedrooms.		✓	✓
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: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✓	✓
Artificial lighting			

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<p>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:</p> <ul style="list-style-type: none"> • at least 6 of the bedrooms / study; dedicated • at least 3 of the living / dining rooms; dedicated • the kitchen; dedicated • all bathrooms/toilets; dedicated • the laundry; dedicated • all hallways; dedicated 		<p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p>	<p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p> <p>➤</p>
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 3 bathroom(s)/toilet(s) in the development for natural lighting.	➤	➤	➤
Swimming pool			
The applicant must install the following heating system for the swimming pool in the development (or alternatively must not install any heating system for the swimming pool): electric heat pump		➤	
The applicant must install a timer for the swimming pool pump in the development.		➤	
Alternative energy			
The applicant must install a photovoltaic system with the capacity to generate at least 40 peak kilowatts of electricity as part of the development. The applicant must connect this system to the development's electrical system.	➤	➤	➤
Other			

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
The applicant must install an induction cooktop & electric oven in the kitchen of the dwelling.		✓	
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.	

Nationwide House Energy Rating Scheme NatHERS Certificate No. 0009249814

Generated on 20 Feb 2024 using BERS Pro v4.4.1.5 (3.21)

Property

Address 602 Icely Rd,
Orange , NSW , 2800
Lot/DP 200/1301307
NCC Class* 1A
Type New Dwelling

Plans

Main plan 22230
Prepared by Source Architects

Construction and environment

Assessed floor area (m²)*	Exposure type
Conditioned* 501.0	Open
Unconditioned* 139.0	NatHERS climate zone
Total 640.0	65
Garage 111.0	



Accredited assessor

Name marc kiho
Business name kiho building consulting
Email energy_rating@bigpond.com
Phone 0400 680 815
Accreditation No. 20094
Assessor Accrediting Organisation
ABSA
Declaration of interest Declaration completed: no conflicts

National Construction Code (NCC) requirements

The NCC's requirements for NatHERS-rated houses are detailed in 3.12.0(a)(i) and 3.12.5 of the NCC Volume Two. For apartments the requirements are detailed in J0.2 and J5 to J8 of the NCC Volume One.

In NCC 2019, these requirements include minimum star ratings and separate heating and cooling load limits that need to be met by buildings and apartments through the NatHERS assessment. Requirements additional to the NatHERS assessment that must also be satisfied include, but are not limited to: insulation installation methods, thermal breaks, building sealing, water heating and pumping, and artificial lighting requirements. The NCC and NatHERS Heating and Cooling Load Limits (Australian Building Codes Board Standard) are available at www.abcb.gov.au.

State and territory variations and additions to the NCC may also apply.



Thermal performance

Heating	Cooling
259.9	9.4
MJ/m²	MJ/m²

About the rating

NatHERS software models the expected thermal energy loads using information about the design and construction, climate and common patterns of household use. The software does not take into account appliances, apart from the airflow impacts from ceiling fans.

Verification

To verify this certificate, scan the QR code or visit hstar.com.au/QR/Generate?p=tBRrkJLS. When using either link, ensure you are visiting hstar.com.au



Certificate check

Ensure the dwelling is designed and then built as per the NatHERS Certificate. While you need to check the accuracy of the whole Certificate, the following spot check covers some important items impacting the dwelling's rating.

Genuine certificate

Does this Certificate match the one available at the web address or QR code in the verification box on the front page? Does the set of NatHERS-stamped plans for the dwelling have a Certificate number on the stamp that matches this Certificate?

Ceiling penetrations*

Does the 'number' and 'type' of ceiling penetrations (e.g. downlights, exhaust fans, etc) shown on the stamped plans or installed, match what is shown in this Certificate?

Windows

Does the installed window meet the substitution tolerances (SHGC and U-value) and window type, of the window shown on this Certificate? Substituted values must be based on the Australian Fenestration Rating Council (AFRC) protocol.

Apartment entrance doors

Does the 'External Door Schedule' show apartment entrance doors? Please note that an "external door" between the modelled dwelling and a shared space, such as an enclosed corridor or foyer, should not be included in the assessment (because it overstates the possible ventilation) and would invalidate the Certificate.

Exposure*

Has the appropriate exposure level (terrain) been applied? For example, it is unlikely that a ground-floor apartment is "exposed" or a top floor high-rise apartment is "protected".

Provisional* values

Have provisional values been used in the assessment and, if so, noted in "additional notes" below?

Additional notes

I have modeled the shading in accordance with NatHERS principles

Window and glazed door type and performance

Default* windows

Window ID	Window Description	Maximum U-value*	SHGC*	Substitution tolerance ranges	
				SHGC lower limit	SHGC upper limit
PVC-006-01 W	PVC-006-01 W uPVC B	2.6	0.53	0.50	0.56
	DG Argon Fill Clear-Clear				
PVC-005-01 W	PVC-005-01 W uPVC A	2.6	0.50	0.48	0.53
	DG Argon Fill Clear-Clear				

Custom* windows

Window ID	Window Description	Maximum U-value*	SHGC*	Substitution tolerance ranges	
				SHGC lower limit	SHGC upper limit
No Data Available					

0009249814 NatHERS Certificate

5.2 Star Rating as of 20 Feb 2024



Window and glazed door schedule

Location	Window ID	Window no.	Height (mm)	Width (mm)	Window type	Opening %	Orientation	Window shading device*
Living 1	PVC-006-01 W	n/a	2700	7000	n/a	00	S	No
Living 1	PVC-006-01 W	n/a	2700	1700	n/a	00	W	No
Living 1	PVC-006-01 W	n/a	2700	4600	n/a	60	W	No
Living 1	PVC-006-01 W	n/a	2700	1600	n/a	45	E	No
Bedroom 5	PVC-006-01 W	n/a	1400	1600	n/a	00	E	No
Day Time 1	PVC-006-01 W	n/a	2700	2100	n/a	00	W	No
Kitchen/Living	PVC-006-01 W	n/a	3000	8800	n/a	00	N	No
Kitchen/Living	PVC-006-01 W	n/a	2700	2100	n/a	00	W	No
Kitchen/Living	PVC-006-01 W	n/a	2700	2700	n/a	50	W	No
Kitchen/Living	PVC-006-01 W	n/a	3000	11100	n/a	00	S	No
Kitchen/Living	PVC-005-01 W	n/a	2700	1400	n/a	90	W	No
Kitchen/Living	PVC-005-01 W	n/a	2700	1400	n/a	90	W	No
Kitchen/Living	PVC-006-01 W	n/a	300	7000	n/a	00	W	No
Living 2	PVC-006-01 W	n/a	2800	3800	n/a	10	S	No
Living 2	PVC-006-01 W	n/a	2800	400	n/a	00	S	No
Bedroom 1	PVC-006-01 W	n/a	2800	1800	n/a	30	S	No
Bedroom 1	PVC-006-01 W	n/a	2800	3200	n/a	00	W	No
Night Time 2	PVC-006-01 W	n/a	2800	2300	n/a	20	S	No
Bedroom 2	PVC-006-01 W	n/a	2800	1600	n/a	30	S	No
Bedroom 3	PVC-006-01 W	n/a	2800	1600	n/a	30	S	No
Bedroom 4	PVC-006-01 W	n/a	2700	4400	n/a	50	W	No
Unconditioned 1	PVC-006-01 W	n/a	1500	4300	n/a	30	E	No
Unconditioned 1	PVC-005-01 W	n/a	2400	900	n/a	90	E	No
Unconditioned 2	PVC-006-01 W	n/a	2800	1600	n/a	30	S	No
Day Time 3	PVC-006-01 W	n/a	2700	1700	n/a	30	E	No
Day Time 4	PVC-006-01 W	n/a	2700	6700	n/a	00	W	No
Day Time 4	PVC-005-01 W	n/a	2700	1700	n/a	90	E	No
Day Time 6	PVC-006-01 W	n/a	2700	650	n/a	45	E	No
Day Time 6	PVC-006-01 W	n/a	2700	10800	n/a	00	N	No

* Refer to glossary.
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0009249814 NatHERS Certificate

5.2 Star Rating as of 20 Feb 2024



Location	Window ID	Window no.	Height (mm)	Width (mm)	Window type	Opening %	Orientation	Window shading device*
Day Time 6	PVC-005-01 W	n/a	2700	1300	n/a	90	E	No

Roof window type and performance

Default* roof windows

Window ID	Window Description	Maximum U-value*	SHGC*	Substitution tolerance ranges	
				SHGC lower limit	SHGC upper limit
No Data Available					

Custom* roof windows

Window ID	Window Description	Maximum U-value*	SHGC*	Substitution tolerance ranges	
				SHGC lower limit	SHGC upper limit
No Data Available					

Roof window schedule

Location	Window ID	Window no.	Opening %	Height (mm)	Width (mm)	Orientation	Outdoor shade	Indoor shade
No Data Available								

Skylight type and performance

Skylight ID Skylight description

GEN-04-008a	Double-glazed clear, Timber and Aluminium Frame
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Skylight schedule

Location	Skylight ID	Skylight No.	Skylight shaft length (mm)	Area (m ²)	Orientation	Outdoor shade	Diffuser	Skylight shaft reflectance
Night Time 3	GEN-04-008a	n/a	500	0.40	N	None	No	0.50
Night Time 4	GEN-04-008a	n/a	500	0.40	N	None	No	0.50

0009249814 NatHERS Certificate

5.2 Star Rating as of 20 Feb 2024



External door schedule

Location	Height (mm)	Width (mm)	Opening %	Orientation
Plant area	2040	4500	90	S
Garage	2040	5200	90	E

External wall type

Wall ID	Wall type	Solar absorptance	Wall shade (colour)	Bulk insulation (R-value)	Reflective wall wrap*
EW-1	Brick Veneer	0.50	Medium	No insulation	No
EW-2	Concrete Block	0.50	Medium	No insulation	No
EW-3	Brick Veneer	0.50	Medium	Bulk Insulation R2.7	No
EW-4	Brick Veneer	0.50	Medium	Bulk Insulation R2.5	No
EW-5	Brick Veneer	0.50	Medium	Bulk Insulation R2.7	No

External wall schedule

Location	Wall ID	Height (mm)	Width (mm)	Orientation	Horizontal shading feature* maximum projection (mm)	Vertical shading feature (yes/no)
Plant area	EW-1	2800	9995	S	1400	YES
Plant area	EW-2	2800	15595	N	3800	NO
Plant area	EW-2	2800	3800	E	7200	NO
Living 1	EW-3	2800	7000	S	1200	NO
Living 1	EW-3	2800	7795	W	2200	NO
Living 1	EW-3	2800	5795	E	200	NO
Living 1	EW-3	2800	800	S	600	YES
Living 1	EW-3	2800	2000	E	200	YES
Bedroom 5	EW-3	2800	2995	E	200	YES
Day Time 1	EW-3	2800	6795	W	2200	NO
Day Time 1	EW-4	2700	2195	N	3800	NO
Garage	EW-5	2800	8190	E	800	NO
Kitchen/Living	EW-3	3300	11600	N	800	YES
Kitchen/Living	EW-5	2800	7395	W	800	YES

* Refer to glossary.
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0009249814 NatHERS Certificate

5.2 Star Rating as of 20 Feb 2024



Location	Wall ID	Height (mm)	Width (mm)	Orientation	Horizontal shading feature* maximum projection (mm)	Vertical shading feature (yes/no)
Kitchen/Living	EW-3	3300	11200	S	2800	YES
Kitchen/Living	EW-3	3300	7000	W	800	NO
Living 2	EW-5	2800	5790	S	600	YES
Bedroom 1	EW-5	2800	4195	S	800	NO
Bedroom 1	EW-5	2800	7395	W	800	NO
Night Time 1	EW-5	2800	1795	E	200	YES
Night Time 2	EW-5	2800	5195	E	200	NO
Night Time 2	EW-5	2800	3595	S	800	NO
Bedroom 2	EW-5	2800	2395	S	800	YES
Bedroom 2	EW-5	2800	600	E	9600	YES
Bedroom 2	EW-5	2800	2000	S	200	NO
Bedroom 2	EW-5	2800	400	W	14400	YES
Bedroom 3	EW-5	2800	2200	S	200	NO
Bedroom 3	EW-5	2800	600	W	0	YES
Bedroom 3	EW-5	2800	2195	S	800	YES
Bedroom 3	EW-5	2800	4000	N	200	YES
Bedroom 3	EW-5	2800	5400	E	200	NO
Bedroom 4	EW-5	2800	3795	N	400	NO
Bedroom 4	EW-5	2800	5995	S	200	NO
Bedroom 4	EW-5	2800	4400	W	1400	NO
Unconditioned 1	EW-5	2800	7590	E	800	YES
Unconditioned 2	EW-5	2800	2590	S	800	NO
Day Time 3	EW-5	2800	6195	N	200	NO
Day Time 3	EW-5	2800	2595	E	800	NO
Day Time 4	EW-5	2800	8195	W	200	YES
Day Time 4	EW-5	2800	595	S	200	YES
Day Time 4	EW-5	2800	2795	N	400	NO
Day Time 4	EW-5	2800	1800	E	2400	YES
Day Time 4	EW-5	2800	595	N	2200	YES
Day Time 6	EW-5	2800	200	N	18600	YES

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0009249814 NatHERS Certificate

5.2 Star Rating as of 20 Feb 2024



Location	Wall ID	Height (mm)	Width (mm)	Orientation	Horizontal shading feature* maximum projection (mm)	Vertical shading feature (yes/no)
Day Time 6	EW-5	2800	800	E	12200	YES
Day Time 6	EW-5	2800	10800	N	600	YES
Day Time 6	EW-5	2800	1395	E	1400	YES
Night Time 4	EW-5	2800	2790	N	400	NO

Internal wall type

Wall ID	Wall type	Area (m ²)	Bulk insulation
IW-1 - Cavity wall, direct fix plasterboard, single gap		144.00	Bulk Insulation, No Air Gap R2.5
IW-2 - Cavity wall, direct fix plasterboard, single gap		292.00	No insulation

Floor type

Location	Construction	Area (m ²)	Sub-floor ventilation	Added insulation (R-value)	Covering
Plant area	Concrete Slab on Ground 100mm	47.70	None	No Insulation	Bare
Living 1	Concrete Slab on Ground 100mm	58.90	None	Bulk Insulation in Contact with Floor R1.1	Carpet+Rubber Underlay 18mm
Bedroom 5	Concrete Slab on Ground 100mm	18.10	None	Bulk Insulation in Contact with Floor R1.1	Carpet+Rubber Underlay 18mm
Day Time 1	Concrete Slab on Ground 100mm	18.40	None	Bulk Insulation in Contact with Floor R1.1	Carpet+Rubber Underlay 18mm
Day Time 2	Concrete Slab on Ground 100mm	4.80	None	Bulk Insulation in Contact with Floor R1.1	Ceramic Tiles 8mm
Garage	Concrete Slab on Ground 100mm	62.90	None	No Insulation	Bare
Kitchen/Living /Plant area	Concrete Above Plasterboard 100mm	3.10		Bulk Insulation R3	Carpet+Rubber Underlay 18mm
Kitchen/Living /Day Time 1	Concrete Above Plasterboard 100mm	12.10		No Insulation	Carpet+Rubber Underlay 18mm
Kitchen/Living /Day Time 2	Concrete Above Plasterboard 100mm	3.60		No Insulation	Carpet+Rubber Underlay 18mm
Kitchen/Living	Concrete Slab on Ground 100mm	131.10	None	Bulk Insulation in Contact with Floor R1.1	60/40 Carpet 10mm/Ceramic
Living 2/Plant area	Concrete Above Plasterboard 150mm	21.50		Bulk Insulation R3	Carpet+Rubber Underlay 18mm
Living 2	Suspended Concrete Slab 150mm	7.90	Open	Bulk Insulation in Contact with Floor R3	Carpet+Rubber Underlay 18mm

* Refer to glossary.
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0009249814 NatHERS Certificate

5.2 Star Rating as of 20 Feb 2024



Location	Construction	Area (m ²)	Sub-floor ventilation	Added insulation (R-value)	Covering
Bedroom 1/Living 1	Concrete Above Plasterboard 100mm	22.30		No Insulation	Carpet+Rubber Underlay 18mm
Bedroom 1/Day Time 1	Concrete Above Plasterboard 100mm	5.90		No Insulation	Carpet+Rubber Underlay 18mm
Night Time 1/Living 1	Concrete Above Plasterboard 100mm	0.70		No Insulation	Carpet+Rubber Underlay 18mm
Night Time 1/Bedroom 5	Concrete Above Plasterboard 100mm	18.10		No Insulation	Carpet+Rubber Underlay 18mm
Night Time 1/Day Time 1	Concrete Above Plasterboard 100mm	0.70		No Insulation	Carpet+Rubber Underlay 18mm
Night Time 1/Day Time 2	Concrete Above Plasterboard 100mm	1.50		No Insulation	Carpet+Rubber Underlay 18mm
Night Time 2/Living 1	Concrete Above Plasterboard 100mm	18.30		No Insulation	Ceramic Tiles 8mm
Bedroom 2/Plant area	Concrete Above Plasterboard 150mm	15.50		Bulk Insulation R3	Carpet+Rubber Underlay 18mm
Bedroom 2	Suspended Concrete Slab 150mm	7.00	Open	Bulk Insulation in Contact with Floor R3	Carpet+Rubber Underlay 18mm
Bedroom 3	Concrete Slab on Ground 100mm	22.20	None	Bulk Insulation in Contact with Floor R1.1	Carpet+Rubber Underlay 18mm
Bedroom 4	Concrete Slab on Ground 100mm	19.10	None	Bulk Insulation in Contact with Floor R1.1	Carpet+Rubber Underlay 18mm
Night Time 3	Concrete Slab on Ground 100mm	4.10	None	Bulk Insulation in Contact with Floor R1.1	Ceramic Tiles 8mm
Unconditioned 1	Concrete Slab on Ground 100mm	19.50	None	Bulk Insulation in Contact with Floor R1.1	Ceramic Tiles 8mm
Unconditioned 2	Suspended Concrete Slab 150mm	8.90	Open	Bulk Insulation in Contact with Floor R3	Ceramic Tiles 8mm
Day Time 3	Concrete Slab on Ground 100mm	15.70	None	Bulk Insulation in Contact with Floor R1.1	Carpet+Rubber Underlay 18mm
Day Time 4	Concrete Slab on Ground 100mm	28.50	None	Bulk Insulation in Contact with Floor R1.1	Carpet+Rubber Underlay 18mm
Day Time 5	Concrete Slab on Ground 100mm	10.70	None	Bulk Insulation in Contact with Floor R1.1	Ceramic Tiles 8mm
Day Time 6	Concrete Slab on Ground 100mm	23.00	None	Bulk Insulation in Contact with Floor R1.1	Carpet+Rubber Underlay 18mm
Day Time 7	Concrete Slab on Ground 100mm	2.50	None	Bulk Insulation in Contact with Floor R1.1	Ceramic Tiles 8mm
Day Time 8/Plant area	Concrete Above Plasterboard 100mm	6.20		Bulk Insulation R3	Carpet+Rubber Underlay 18mm
Day Time 8	Concrete Slab on Ground 100mm	0.80	None	Bulk Insulation in Contact with Floor R1.1	Carpet+Rubber Underlay 18mm
Night Time 4	Concrete Slab on Ground 100mm	4.20	None	Bulk Insulation in Contact with Floor R1.1	Carpet+Rubber Underlay 18mm

* Refer to glossary.
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0009249814 NatHERS Certificate

5.2 Star Rating as of 20 Feb 2024



Ceiling type

Location	Construction material/type	Bulk insulation R-value (may include edge batt values)	Reflective wrap*
Plant area	Concrete Above Plasterboard	Bulk Insulation R3	No
Living 1	Plasterboard	Bulk Insulation R6	No
Living 1	Concrete Above Plasterboard	No Insulation	No
Bedroom 5	Concrete Above Plasterboard	No Insulation	No
Day Time 1	Concrete Above Plasterboard	No Insulation	No
Day Time 2	Concrete Above Plasterboard	No Insulation	No
Garage	Plasterboard	Bulk Insulation R6	No
Kitchen/Living	Plasterboard	Bulk Insulation R6	No
Living 2	Plasterboard	Bulk Insulation R6	No
Bedroom 1	Plasterboard	Bulk Insulation R6	No
Night Time 1	Plasterboard	Bulk Insulation R6	No
Night Time 2	Plasterboard	Bulk Insulation R6	No
Bedroom 2	Plasterboard	Bulk Insulation R6	No
Bedroom 3	Plasterboard	Bulk Insulation R6	No
Bedroom 4	Plasterboard	Bulk Insulation R6	No
Night Time 3	Plasterboard	Bulk Insulation R6	No
Unconditioned 1	Plasterboard	Bulk Insulation R6	No
Unconditioned 2	Plasterboard	Bulk Insulation R6	No
Day Time 3	Plasterboard	Bulk Insulation R6	No
Day Time 4	Plasterboard	Bulk Insulation R6	No
Day Time 5	Plasterboard	Bulk Insulation R6	No
Day Time 6	Plasterboard	Bulk Insulation R6	No
Day Time 7	Plasterboard	Bulk Insulation R6	No
Day Time 8	Plasterboard	Bulk Insulation R6	No
Night Time 4	Plasterboard	Bulk Insulation R6	No

* Refer to glossary.
Generated on 20 Feb 2024 using BERS Pro v4.4.1.5 (3.21) for Orange , NSW , 2800

0009249814 NatHERS Certificate

5.2 Star Rating as of 20 Feb 2024



Ceiling penetrations*

Location	Quantity	Type	Diameter (mm)	Sealed/unsealed
Day Time 2	1	Exhaust Fans	300	Sealed
Kitchen/Living	1	Exhaust Fans	100	Sealed
Kitchen/Living	1	Chimneys	150	Sealed
Night Time 2	1	Exhaust Fans	300	Sealed
Night Time 3	1	Exhaust Fans	300	Sealed
Day Time 7	1	Exhaust Fans	100	Sealed

Ceiling fans

Location	Quantity	Diameter (mm)
No Data Available		

Roof type

Construction	Added insulation (R-value)	Solar absorptance	Roof shade
Corrugated Iron	Bulk+Foil, Reflective Side Down, Anti-glare Up R1.3	0.50	Medium

* Refer to glossary.
Generated on 20 Feb 2024 using BERS Pro v4.4.1.5 (3.21) for Orange , NSW , 2800

0009249814 NatHERS Certificate

5.2 Star Rating as of 20 Feb 2024



Explanatory notes

About this report

A NatHERS rating is a comprehensive, dynamic computer modelling evaluation of a home, using the floorplans, elevations and specifications to estimate an energy load. It addresses the building layout, orientation and fabric (i.e. walls, windows, floors, roofs and ceilings), but does not cover the water or energy use of appliances or energy production of solar panels.

Ratings are based on a unique climate zone where the home is located and are generated using standard assumptions, including occupancy patterns and thermostat settings. The actual energy consumption of a home may vary significantly from the predicted energy load, as the assumptions used in the rating will not match actual usage patterns. For example, the number of occupants and personal heating or cooling preferences will vary.

While the figures are an indicative guide to energy use, they can be used as a reliable guide for comparing different dwelling designs and to demonstrate that the design meets the energy efficiency requirements in the National Construction Code. Homes that are energy efficient use less energy, are warmer on cool days, cooler on hot days and cost less to run. The higher the star rating the more thermally efficient the dwelling is.

Accredited assessors

To ensure the NatHERS Certificate is of a high quality, always use an accredited or licenced assessor. NatHERS accredited assessors are members of a professional body called an Assessor Accrediting Organisation (AAO).

Australian Capital Territory (ACT) licensed assessors may only produce assessments for regulatory purposes using software for which they have a licence endorsement. Licence endorsements can be confirmed on the ACT licensing register.

AAOs have specific quality assurance processes in place, and continuing professional development requirements, to maintain a high and consistent standard of assessments across the country. Non-accredited assessors do not have this level of quality assurance or any ongoing training requirements.

Any questions or concerns about this report should be directed to the assessor in the first instance. If the assessor is unable to address these questions or concerns, the AAO specified on the front of this certificate should be contacted.

Disclaimer

The format of the NatHERS Certificate was developed by the NatHERS Administrator. However the content of each individual certificate is entered and created by the assessor to create a NatHERS Certificate. It is the responsibility of the assessor who prepared this certificate to use NatHERS accredited software correctly and follow the NatHERS Technical Notes to produce a NatHERS Certificate.

The predicted annual energy load in this NatHERS Certificate is an estimate based on an assessment of the building by the assessor. It is not a prediction of actual energy use, but may be used to compare how other buildings are likely to perform when used in a similar way.

Information presented in this report relies on a range of standard assumptions (both embedded in NatHERS accredited software and made by the assessor who prepared this report), including assumptions about occupancy, indoor air temperature and local climate.

Not all assumptions that may have been made by the assessor while using the NatHERS accredited software tool are presented in this report and further details or data files may be available from the assessor.

Glossary

Annual energy load	the predicted amount of energy required for heating and cooling, based on standard occupancy assumptions.
Assessed floor area	the floor area modelled in the software for the purpose of the NatHERS assessment. Note, this may not be consistent with the floor area in the design documents.
Ceiling penetrations	features that require a penetration to the ceiling, including downlights, vents, exhaust fans, rangehoods, chimneys and flues. Excludes fixtures attached to the ceiling with small holes through the ceiling for wiring, e.g. ceiling fans; pendant lights, and heating and cooling ducts.
Conditioned	a zone within a dwelling that is expected to require heating and cooling based on standard occupancy assumptions. In some circumstances it will include garages.
Custom windows	windows listed in NatHERS software that are available on the market in Australia and have a WERS (Window Energy Rating Scheme) rating.
Default windows	windows that are representative of a specific type of window product and whose properties have been derived by statistical methods.
Entrance door	these signify ventilation benefits in the modelling software and must not be modelled as a door when opening to a minimally ventilated corridor in a Class 2 building.
Exposure category – exposed	terrain with no obstructions e.g. flat grazing land, ocean-frontage, desert, exposed high-rise unit (usually above 10 floors).
Exposure category – open	terrain with few obstructions at a similar height e.g. grasslands with few well scattered obstructions below 10m, farmland with scattered sheds, lightly vegetated bush blocks, elevated units (e.g. above 3 floors).
Exposure category – suburban	terrain with numerous, closely spaced obstructions below 10m e.g. suburban housing, heavily vegetated bushland areas.
Exposure category – protected	terrain with numerous, closely spaced obstructions over 10 m e.g. city and industrial areas.
Horizontal shading feature	provides shading to the building in the horizontal plane, e.g. eaves, verandahs, pergolas, carports, or overhangs or balconies from upper levels.
National Construction Code (NCC) Class	the NCC groups buildings by their function and use, and assigns a classification code. NatHERS software models NCC Class 1, 2 or 4 buildings and attached Class 10a buildings. Definitions can be found at www.abcb.gov.au .
Opening percentage	the operability percentage or operable (moveable) area of doors or windows that is used in ventilation calculations.
Provisional value	an assumed value that does not represent an actual value. For example, if the wall colour is unspecified in the documentation, a provisional value of 'medium' must be modelled. Acceptable provisional values are outlined in the NatHERS Technical Note and can be found at www.nathers.gov.au
Reflective wrap (also known as foil)	can be applied to walls, roofs and ceilings. When combined with an appropriate airgap and emissivity value, it provides insulative properties.
Roof window	for NatHERS this is typically an operable window (i.e. can be opened), will have a plaster or similar light well if there is an attic space, and generally does not have a diffuser.
Shading device	a device fixed to windows that provides shading e.g. window awnings or screens but excludes eaves.
Shading features	includes neighbouring buildings, fences, and wing walls, but excludes eaves.
Solar heat gain coefficient (SHGC)	the fraction of incident solar radiation admitted through a window, both directly transmitted as well as absorbed and subsequently released inward. SHGC is expressed as a number between 0 and 1. The lower a window's SHGC, the less solar heat it transmits.
Skylight (also known as roof lights)	for NatHERS this is typically a moulded unit with flexible reflective tubing (light well) and a diffuser at ceiling level.
U-value	the rate of heat transfer through a window. The lower the U-value, the better the insulating ability.
Unconditioned	a zone within a dwelling that is assumed to not require heating and cooling based on standard occupancy assumptions.
Vertical shading features	provides shading to the building in the vertical plane and can be parallel or perpendicular to the subject wall/window. Includes privacy screens, other walls in the building (wing walls), fences, other buildings, vegetation (protected or listed heritage trees).

**Annexure A****Sydney West**

200 Old Wallgrove Road
PO Box 87 Horsley Park
NSW 2175 Australia
T (02) 9620 0777

ABN 70 250 995 390
F (02) 9620 0384

Monday, 30 October 2023

Transgrid ID: **2023/ 543**
Property Address: **602 Icely Road, Emu Swamp (Lot 4 in DP 252511 and Lot 2 in DP 555021)**
Proposal: **CNR- 60981 | DA 288/2023(1)**
 New dwelling as part of Dual occupancy development, shed, site consolidation.
Transgrid Asset: **Transmission Line No. 948 | Panorama – Orange North 132KV | Structure Span 122-128**

Thank you for requesting Transgrid's permission for the proposal at **602 Icely Road, Emu Swamp**.

Please be advised that after reviewing your proposal, Transgrid **gives its permission** for the proposed development.

Please be advised of the following:

Summary of Findings:

- (1) Two internal driveways cross the easement
- (2) The existing shed and proposed dwelling are outside the easement
- (3) The current access track is near the existing shed from Reyfield Drive
- (4) Current rural fences traverse the easement
- (5) Transgrid towers are not indicated on the Site Analysis Plan No DA13

Works Acceptable?

Yes

Technical Conditions:

- (1) The internal driveway must be a minimum of 22m from structure 123.



(2) Where access by Transgrid vehicles is expected (along tracks and within 30m of a structure), batters/ ground slopes shall not exceed 1 in 6 and underground services must be capable of withstanding loads of maintenance vehicles (40t). Any gates impacting access need to be fitted with a Transgrid lock.

Maintenance Conditions:

During construction, adequate precaution shall be taken to protect structures from accidental damage, and the easement area shall not be used for temporary storage of construction spoil, topsoil, gravel or any other construction material.

From an access and maintenance perspective only, provided access to the easement & structure at the location is maintained and exclusion zones observed, we would not expect any issue with the proposed development.

Additional Notes:

- (1) During the construction phase, Transgrid should not be restricted from undertaking normal maintenance & inspection activities. At the completion of the works, access to the Transmission Line and structures shall be available at all times for Transgrid's plant & personnel.
- (2) Any mobile machinery operating within Transgrid's easement shall not exceed 4.3m in height, and at least 22m away from TL structures or supporting guys, such as excavators, trucks, etc.
- (3) After the works, vehicles utilising the internal driveways must have a height restriction of 4.3m, including farming machinery like planters and harvesters.
- (4) During construction, adequate precautions shall be taken to protect Transgrid structures from accidental damage. The easement area shall not be used for temporary storage of construction spoil, topsoil, gravel or any other construction material.
- (5) If fence heights are not stipulated on the plans, then approval is based on the assumption that all fences will be no higher than 2.5m. Full details must be provided if fences are planned taller than 2.5m. Metallic fencing must be earthed. For more details, please refer to "TransGrid Fencing Guidelines".
- (6) Works must not create excessive quantities of dust, and the proponent must employ dust suppression. A dust management plan is not expected to be provided to Transgrid, but provision must be made for such a plan to avoid causing damage to the transmission line, such as dust pollution on insulators.
- (7) The maximum mature height of trees within the easement is 4m, and they cannot be within 30m of a Transgrid structure.

Transgrid shall be notified of any amendments/ modifications to the proposal which may change proposed distances to Transgrid structures or conductors.



All works must be carried out in accordance with Transgrid Easement Guidelines and NSW WorkCover ***'Working near overhead powerlines' Code of Practice 2006.***

If you have any questions, please do not hesitate to contact Transgrid's Easements & Development Team at Easements&Development@transgrid.com.au.

Please see accompanying Transgrid Easement Guidelines.

Yours faithfully

Easements & Development Team

Transgrid

5.4 STATEMENT OF INVESTMENTS - MARCH 2024

TRIM REFERENCE: 2024/546

AUTHOR: Francesco Rombola, Chief Financial Officer

EXECUTIVE SUMMARY

The purpose of this report is to provide a statement of Council's investments held for the period March 2024.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "18.2. Ensure financial stability and support efficient ongoing operation".

FINANCIAL IMPLICATIONS

Nil.

POLICY AND GOVERNANCE IMPLICATIONS

Nil.

RECOMMENDATION

That Council resolves:

- 1 To note the Statement of Investments for the period March 2024.
- 2 To adopt the certification of the Responsible Accounting Officer.

FURTHER CONSIDERATIONS

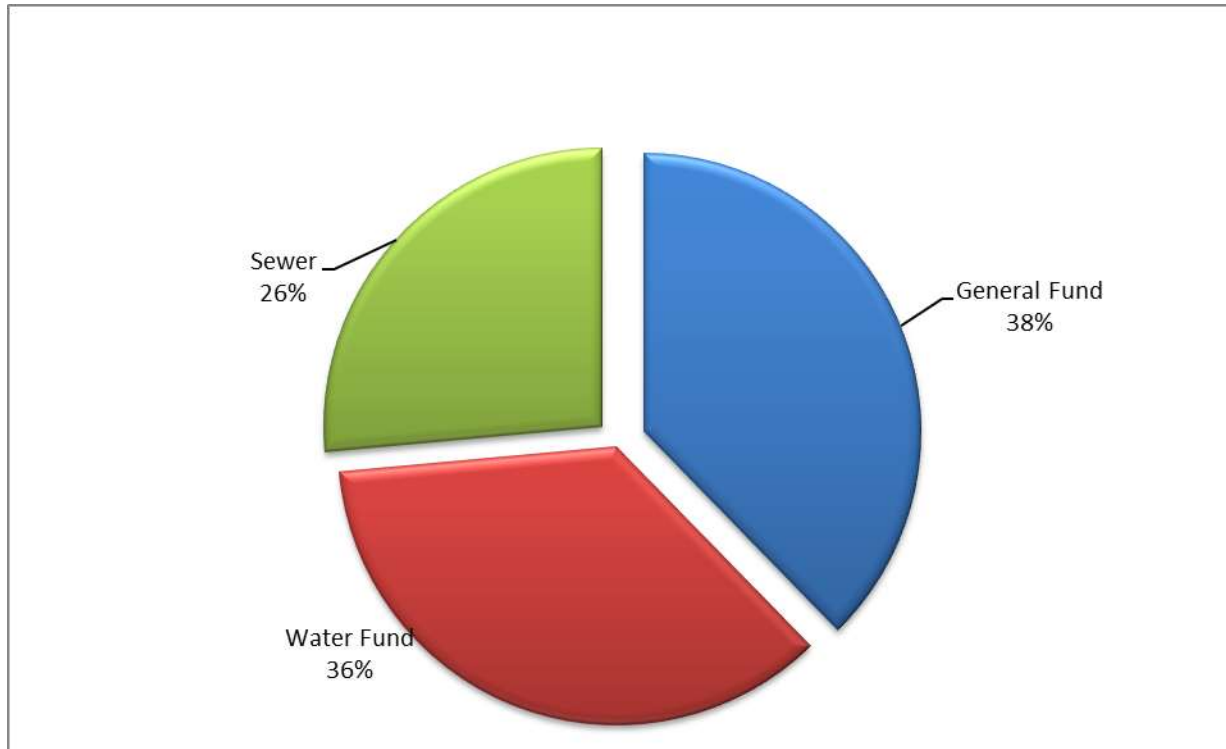
Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

Section 212(1) of the Local Government (General) Regulation 2005 requires that a written report be presented each month at an Ordinary Meeting of the Council detailing all money that Council has invested under Section 625 of the Local Government Act 1993.

For the period March 2024, the investments held by Council in each fund is shown below:

	31/03/2024	29/02/2024
General Fund	92,866,652.55	94,701,773.24
Water Fund	88,423,374.66	85,817,293.25
Sewer Fund	65,174,513.76	64,395,952.96
Total Funds	246,464,540.97	244,915,019.45

**Portfolio Advice**

Council utilises the services of an independent investment advisor in maintaining its portfolio of investments. Council's current investment advisor is Arlo Advisory Pty Ltd, an independent asset consultant that works with wholesale investors to develop, implement and manage their investment portfolio. Arlo Advisory Pty Ltd is a leading provider of independent investment consulting services to a broad range of institutional investors including government agencies, superannuation funds and not-for-profit organisations.

Arlo Advisory Pty Ltd major services provided to Council include:

- Quarterly portfolio summary reports
- Advice on investment opportunities, in particular Floating Rate Note products.
- Advice on policy construction
- Year-end market values for Floating Rate Note products held by Council.

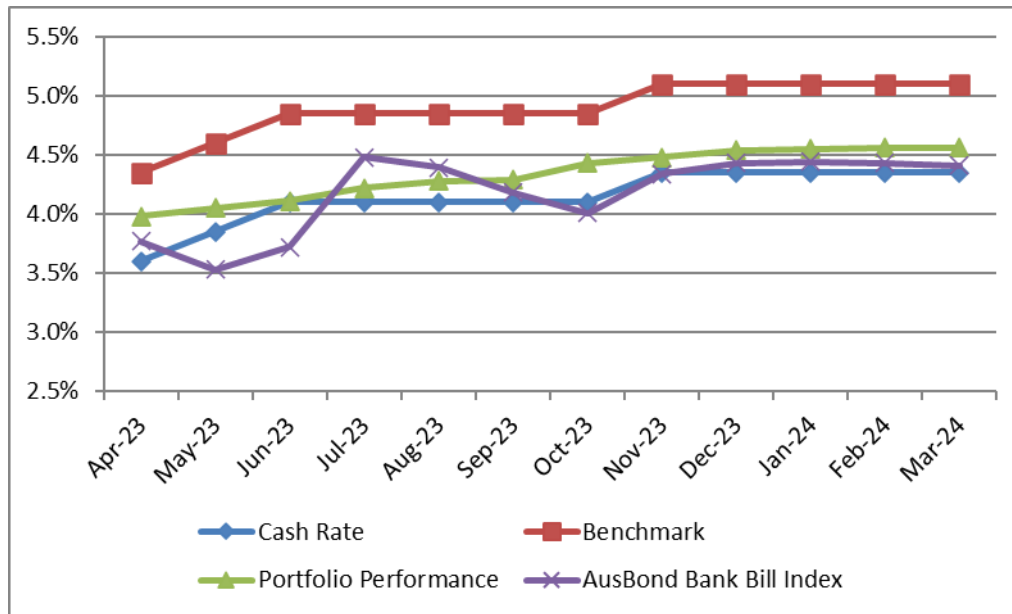
Portfolio Performance

Council's current Long Term Financial Plan establishes the target for Council's interest on investments at "75 basis points above the current cash rate". The cash rate for the period March 2024 remained at 4.35 percent. The weighted average interest rate of Council's investment portfolio at the same reporting date was 4.56 percent which is below Council's target i.e., the cash rate of 4.35 percent plus 0.75 percent (or 510 basis points).

With 15 consecutive interest rate rises in the last year, it is taking some time for Council's investments to be able to reach the set target. Maturing investments in the next few months that have low interest rates will be able to be rolled at an improved rate of return. Retiring investments are being monitored closely and being reinvested to optimise their returns in line with Council's investment policy.

5.4 Statement of Investments - March 2024

Council has also utilised the AusBond Bank Bill Index to provide a further benchmark focused on long term investments. For the period March 2024, the AusBond rate was 4.41 percent. The weighted average interest rate of Council's investment portfolio at the same reporting date was 4.56 percent. Please note that the AusBond Bank bill index was updated back to March 2023. Finance has been able to source historical information, and going forward will rely on our investment consultants Arlo Advisory Pty Ltd, to supply this index.



Council's Investment Policy establishes limits in relation to the maturity terms of Council's investments as well as the credit ratings of the institutions with whom Council can invest.

The following tables provide a dissection of Council's investment portfolio as required by the Policy. The Policy identifies the maximum amount that can be held in a variety of investment products or with institutions based on their respective credit ratings.

Table 1 shows the percentage held by Council (holdings) and the additional amount that Council could hold (capacity) for each term to maturity allocation in accordance with limits established by Council's Policy.

Table 1: Maturity – Term Limits

Term to Maturity Allocation	Maximum	Holdings	Capacity
0 - 3 Months	100.00%	17.68%	82.32%
3 - 12 Months	100.00%	56.26%	43.74%
1 - 2 Years	70.00%	17.05%	52.95%
2 - 5 Years	50.00%	9.01%	40.99%
5+ Years	25.00%	0.00%	25.00%

5.4 Statement of Investments - March 2024

Table 2 shows the total amount held, and the weighted average interest rate (or return on investment), by credit rating. The credit rating is an independent opinion of the capability and willingness of a financial institution to repay its debts, or in other words, the providers' financial strength or creditworthiness. The rating is typically calculated as the likelihood of a failure occurring over a given period, with the higher rating (AAA) being superior due to having a lower chance of default. However, it is generally accepted that this lower risk will be accompanied by a lower return on investment.

The level of money held in the bank accounts has been added to the table to illustrate the ability of Council to cover the operational liabilities that typically occur (for example payroll, materials and contracts, utilities).

Table 2: Credit Rating Limits

Credit Rating	Maximum	Holding	Remaining Capacity	Value	Return on investment
Bank Accounts	100.00%	8.35%	91.65%	20,580,441.37	4.35%
AAA	100.00%	0.40%	99.60%	997,115.00	4.50%
AA	100.00%	47.24%	52.76%	116,429,479.00	4.26%
A	60.00%	22.83%	37.17%	56,256,471.00	4.86%
BBB & NR	40.00%	21.18%	18.82%	52,201,034.60	5.04%
Below BBB	0.00%	0.00%	0.00%	0.00	0.00%

Council still holds a number of lower interest rate investments at this point at time, and the costs to redeem early were significant and would have been detrimental to the interest revenue received. These investments shall be redeemed at their maturity and reinvested into a higher performing product.

Certification by Responsible Accounting Officer

I, Francesco Rombola, hereby certify that all investments have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2021 and Council's Investment Policy.

ATTACHMENTS

- 1 Orange City Council monthly report March 2024, D24/36275 [↓](#)



Investment Report

01/03/2024 to 31/03/2024



Portfolio Valuation as at 31/03/2024

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Rabobank Australia Branch	A+	FRN	SEWER	Quarterly	19/04/2021	19/04/2024	4.6889	499,646.50	500,000.00	4,688.90	1,991.18
Rabobank Australia Branch	A+	FRN	WATER	Quarterly	19/04/2021	19/04/2024	4.6889	499,646.50	500,000.00	4,688.90	1,991.18
BOQ	BBB+	TD	WATER	At Maturity	19/10/2023	26/04/2024	5.1400	2,500,000.00	2,500,000.00	58,089.04	10,913.70
ING Bank (Australia) Ltd	A	TD	WATER	Annual	27/04/2023	02/05/2024	4.5000	3,000,000.00	3,000,000.00	125,753.42	11,465.75
Commonwealth Bank	AA-	TD	GENERAL	At Maturity	31/08/2023	30/05/2024	5.2200	2,000,000.00	2,000,000.00	61,209.86	8,866.85
P&N Bank	BBB	TD	GENERAL	At Maturity	08/06/2023	06/06/2024	5.5400	1,000,000.00	1,000,000.00	45,230.68	4,705.21
BOQ	BBB+	TD	GENERAL	At Maturity	16/12/2022	20/06/2024	4.4900	5,000,000.00	5,000,000.00	290,312.33	19,067.12
Westpac	AA-	TD	SEWER	Quarterly	15/06/2023	20/06/2024	5.3500	1,000,000.00	1,000,000.00	2,491.78	2,491.78
Westpac	AA-	TD	WATER	Quarterly	15/06/2023	20/06/2024	5.3500	500,000.00	500,000.00	1,245.89	1,245.89
Westpac	AA-	TD	GENERAL	Quarterly	15/06/2023	20/06/2024	5.3500	500,000.00	500,000.00	1,245.89	1,245.89
BOQ	BBB+	TD	GENERAL	At Maturity	28/12/2023	27/06/2024	4.9000	2,000,000.00	2,000,000.00	25,506.85	8,323.29
ING Bank (Australia) Ltd	A	TD	WATER	Quarterly	30/06/2022	27/06/2024	4.5000	1,000,000.00	1,000,000.00	493.15	493.15
ING Bank (Australia) Ltd	A	TD	SEWER	Quarterly	30/06/2022	27/06/2024	4.5000	500,000.00	500,000.00	246.58	246.58
ING Bank (Australia) Ltd	A	TD	GENERAL	Quarterly	30/06/2022	27/06/2024	4.5000	3,000,000.00	3,000,000.00	1,479.45	1,479.45
Commonwealth Bank	AA-	TD	GENERAL	Semi-Annual	05/01/2023	04/07/2024	4.8300	5,000,000.00	5,000,000.00	59,547.95	20,510.96



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Commonwealth Bank	AA-	TD	SEWER	Semi-Annual	05/01/2023	04/07/2024	4.8300	5,000,000.00	5,000,000.00	59,547.95	20,510.96
Commonwealth Bank	AA-	TD	WATER	Semi-Annual	05/01/2023	04/07/2024	4.8300	5,000,000.00	5,000,000.00	59,547.95	20,510.96
Westpac	AA-	TD	GENERAL	Quarterly	08/07/2021	11/07/2024	0.7800	2,000,000.00	2,000,000.00	3,590.14	1,324.93
Heritage and Peoples Choice Limited	BBB	TD	WATER	At Maturity	20/07/2023	18/07/2024	5.8000	5,000,000.00	5,000,000.00	203,397.26	24,630.14
Heritage and Peoples Choice Limited	BBB	TD	SEWER	At Maturity	20/07/2023	18/07/2024	5.8000	5,000,000.00	5,000,000.00	203,397.26	24,630.14
NAB	AA-	TD	SEWER	At Maturity	19/10/2023	25/07/2024	5.2200	2,000,000.00	2,000,000.00	47,194.52	8,866.85
Suncorp	A+	FRN	WATER	Quarterly	25/07/2019	30/07/2024	5.1243	1,000,771.00	1,000,000.00	8,704.29	4,352.15
Commonwealth Bank	AA-	TD	GENERAL	At Maturity	03/08/2023	01/08/2024	5.5200	5,000,000.00	5,000,000.00	182,991.78	23,441.10
BOQ	BBB+	TD	WATER	Annual	02/08/2019	01/08/2024	2.2000	2,000,000.00	2,000,000.00	29,293.15	3,736.99
Commonwealth Bank	AA-	TD	GENERAL	At Maturity	24/08/2023	22/08/2024	5.4400	5,000,000.00	5,000,000.00	164,690.41	23,101.37
BOQ	BBB+	TD	SEWER	Annual	18/08/2022	22/08/2024	4.0400	2,000,000.00	2,000,000.00	49,365.48	6,862.47
Commonwealth Bank	AA-	TD	GENERAL	At Maturity	31/08/2023	29/08/2024	5.2700	2,000,000.00	2,000,000.00	61,796.16	8,951.78
BOQ	BBB+	TD	GENERAL	At Maturity	31/08/2023	29/08/2024	4.9900	1,000,000.00	1,000,000.00	29,256.44	4,238.08
Bendigo and Adelaide	BBB+	FRN	SEWER	Quarterly	05/09/2019	06/09/2024	5.3133	1,000,749.00	1,000,000.00	3,784.82	3,784.82
NAB	AA-	TD	GENERAL	At Maturity	07/09/2023	12/09/2024	5.2300	2,000,000.00	2,000,000.00	59,321.10	8,883.84
Police Bank	BBB	TD	WATER	Annual	14/10/2022	17/10/2024	4.7500	1,000,000.00	1,000,000.00	21,863.01	4,034.25



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Defence Bank	BBB	TD	WATER	At Maturity	16/11/2023	14/11/2024	5.4500	3,000,000.00	3,000,000.00	61,368.49	13,886.30
Suncorp	A+	TD	WATER	At Maturity	16/11/2023	14/11/2024	5.4500	5,000,000.00	5,000,000.00	102,280.82	23,143.84
Suncorp	A+	TD	SEWER	At Maturity	16/11/2023	14/11/2024	5.4500	5,000,000.00	5,000,000.00	102,280.82	23,143.84
Citibank, N.A.	A+	FRN	SEWER	Quarterly	14/11/2019	14/11/2024	5.2259	1,001,337.00	1,000,000.00	6,729.24	4,438.44
Commonwealth Bank	AA-	TD	SEWER	At Maturity	16/11/2023	21/11/2024	5.3800	5,000,000.00	5,000,000.00	100,967.12	22,846.58
Commonwealth Bank	AA-	TD	GENERAL	At Maturity	16/11/2023	21/11/2024	5.3800	1,500,000.00	1,500,000.00	30,290.14	6,853.97
Commonwealth Bank	AA-	TD	SEWER	At Maturity	16/11/2023	21/11/2024	5.3800	1,000,000.00	1,000,000.00	20,193.42	4,569.32
Commonwealth Bank	AA-	TD	WATER	At Maturity	16/11/2023	21/11/2024	5.3800	1,500,000.00	1,500,000.00	30,290.14	6,853.97
Westpac	AA-	TD	GENERAL	At Maturity	23/11/2023	27/11/2024	5.4600	5,000,000.00	5,000,000.00	97,232.88	23,186.30
Defence Bank	BBB	TD	GENERAL	At Maturity	30/11/2023	28/11/2024	5.5000	3,000,000.00	3,000,000.00	55,602.74	14,013.70
Defence Bank	BBB	TD	GENERAL	At Maturity	30/11/2023	28/11/2024	5.5000	2,000,000.00	2,000,000.00	37,068.49	9,342.47
Commonwealth Bank	AA-	TD	GENERAL	At Maturity	30/11/2023	28/11/2024	5.2900	5,000,000.00	5,000,000.00	89,132.88	22,464.38
Suncorp	A+	TD	GENERAL	At Maturity	30/11/2023	28/11/2024	5.4600	3,000,000.00	3,000,000.00	55,198.36	13,911.78
Westpac	AA-	TD	GENERAL	Quarterly	02/12/2021	05/12/2024	1.6000	3,000,000.00	3,000,000.00	3,682.19	3,682.19
Westpac	AA-	TD	GENERAL	Quarterly	21/12/2023	19/12/2024	5.0400	5,000,000.00	5,000,000.00	7,594.52	7,594.52
Suncorp	A+	TD	WATER	Quarterly	21/12/2023	19/12/2024	5.1500	5,000,000.00	5,000,000.00	7,760.27	7,760.27
Newcastle Greater Mutual Group Ltd	BBB	FRN	WATER	Quarterly	05/02/2020	04/02/2025	5.4692	350,142.80	350,000.00	2,936.89	1,625.78



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Newcastle Greater Mutual Group Ltd	BBB	FRN	SEWER	Quarterly	05/02/2020	04/02/2025	5.4692	350,142.80	350,000.00	2,936.89	1,625.78
Macquarie Bank	A+	FRN	SEWER	Quarterly	12/02/2020	12/02/2025	5.1872	2,005,070.00	2,000,000.00	13,927.28	8,811.13
Commonwealth Bank	AA-	TD	SEWER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	350,000.00	1,829.59	630.19
Commonwealth Bank	AA-	TD	WATER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	350,000.00	1,829.59	630.19
Westpac	AA-	TD	WATER - GREEN TD	At Maturity	15/02/2024	20/02/2025	5.1900	5,000,000.00	5,000,000.00	32,704.11	22,039.73
ING Bank (Australia) Ltd	A	TD	GENERAL	Quarterly	17/02/2022	20/02/2025	2.5800	2,250,000.00	2,250,000.00	6,679.73	4,930.27
Westpac	AA-	TD	WATER	Quarterly	02/03/2023	03/03/2025	4.9500	3,000,000.00	3,000,000.00	11,391.78	11,391.78
Defence Bank	BBB	TD	GENERAL	At Maturity	07/03/2024	06/03/2025	5.1200	5,000,000.00	5,000,000.00	17,534.25	17,534.25
Westpac	AA-	TD	SEWER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	3,511.78	3,511.78
Westpac	AA-	TD	WATER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	3,511.78	3,511.78
Westpac	AA-	TD	GENERAL	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	3,511.78	3,511.78
Defence Bank	BBB	TD	SEWER	Annual	16/03/2023	20/03/2025	4.6000	4,000,000.00	4,000,000.00	7,057.53	7,057.53
Westpac	AA-	TD	WATER	Quarterly	21/03/2024	20/03/2025	5.0000	2,500,000.00	2,500,000.00	3,767.12	3,767.12
ING Bank (Australia) Ltd	A	TD	WATER	Annual	19/03/2020	20/03/2025	1.7800	2,000,000.00	2,000,000.00	1,267.95	1,267.95
NAB	AA-	TD	WATER	At Maturity	21/03/2024	20/03/2025	5.0100	2,000,000.00	2,000,000.00	3,019.73	3,019.73
NAB	AA-	TD	SEWER	At Maturity	21/03/2024	20/03/2025	5.0100	1,500,000.00	1,500,000.00	2,264.79	2,264.79
NAB	AA-	TD	SEWER	Quarterly	31/03/2022	03/04/2025	2.9500	3,500,000.00	3,500,000.00	1,131.51	1,131.51



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
NAB	AA-	TD	WATER	Quarterly	31/03/2022	03/04/2025	2.9500	1,500,000.00	1,500,000.00	484.93	484.93
Westpac	AA-	TD	WATER	Quarterly	25/11/2021	27/11/2025	1.9400	2,000,000.00	2,000,000.00	3,720.55	3,295.34
ING Bank (Australia) Ltd	A	TD	SEWER	Annual	14/12/2023	11/12/2025	5.2000	4,500,000.00	4,500,000.00	69,879.45	19,873.97
ING Bank (Australia) Ltd	A	TD	WATER	Annual	14/12/2023	11/12/2025	5.2000	2,500,000.00	2,500,000.00	38,821.92	11,041.10
ING Bank (Australia) Ltd	A	TD	GENERAL	Annual	14/12/2023	11/12/2025	5.2000	3,000,000.00	3,000,000.00	46,586.30	13,249.32
ING Bank (Australia) Ltd	A	TD	GENERAL	Quarterly	16/12/2022	18/12/2025	4.7000	5,000,000.00	5,000,000.00	9,013.70	9,013.70
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	21/12/2023	18/12/2025	5.0800	3,500,000.00	3,500,000.00	49,686.58	15,100.82
Commonwealth Bank	AA-	FRN	WATER	Quarterly	13/01/2023	13/01/2026	5.2502	3,017,241.00	3,000,000.00	33,227.29	13,377.22
ING Bank (Australia) Ltd	A	TD	SEWER	Annual	11/01/2024	15/01/2026	4.9600	3,000,000.00	3,000,000.00	33,021.37	12,637.81
Westpac	AA-	TD	SEWER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	2,886.30	1,826.03
Westpac	AA-	TD	WATER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	2,886.30	1,826.03
Westpac	AA-	TD	GENERAL	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	2,886.30	1,826.03
Westpac	AA-	TD	WATER	Quarterly	04/03/2021	05/03/2026	1.2000	1,500,000.00	1,500,000.00	1,380.82	1,380.82
Westpac	AA-	TD	SEWER	Quarterly	04/03/2021	05/03/2026	1.2000	1,000,000.00	1,000,000.00	920.55	920.55
P&N Bank	BBB	TD	WATER	Quarterly	16/03/2023	19/03/2026	4.7000	5,000,000.00	5,000,000.00	9,013.70	9,013.70
P&N Bank	BBB	TD	WATER	Quarterly	13/07/2023	16/07/2026	5.7500	2,000,000.00	2,000,000.00	24,260.27	9,767.12
Westpac	AA-	TD	GENERAL	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	1,000,000.00	3,072.33	1,511.78



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Westpac	AA-	TD	SEWER	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	1,000,000.00	3,072.33	1,511.78
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	2,000,000.00	2,000,000.00	6,144.66	3,023.56
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	4,500,000.00	4,500,000.00	13,825.48	6,803.01
Westpac	AA-	TD	WATER	Quarterly	02/12/2021	03/12/2026	2.0000	1,000,000.00	1,000,000.00	1,534.25	1,534.25
Westpac	AA-	TD	SEWER	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	2,000,000.00	3,068.49	3,068.49
Westpac	AA-	TD	GENERAL	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	2,000,000.00	3,068.49	3,068.49
Westpac	AA-	TD	WATER	Quarterly	25/01/2024	28/01/2027	4.8400	1,000,000.00	1,000,000.00	8,884.38	4,110.68
NAB	AA-	TD	SEWER	Quarterly	10/02/2022	09/02/2027	2.3500	1,000,000.00	1,000,000.00	3,154.79	1,995.89
Westpac	AA-	TD	SEWER	Semi-Annual	15/02/2024	18/02/2027	4.8700	1,340,000.00	1,340,000.00	8,224.30	5,542.46
NAB	AA-	BOND	WATER	Semi-Annual	25/02/2022	25/02/2027	2.9000	429,313.50	450,000.00	1,251.37	1,108.36
NAB	AA-	BOND	SEWER	Semi-Annual	25/02/2022	25/02/2027	2.9000	429,313.50	450,000.00	1,251.37	1,108.36
Royal Bank of Canada	AAA	BOND	WATER	Semi-Annual	13/07/2022	13/07/2027	4.5000	997,115.00	1,000,000.00	9,493.15	3,821.92
ANZ Bank	AA-	FRN	SEWER	Quarterly	31/03/2023	31/03/2028	5.4042	1,513,611.00	1,500,000.00	888.36	888.36
Commonwealth Bank	AA-	CASH	WATER	Monthly	31/03/2024	31/03/2024	4.3500	7,779,144.86	7,779,144.86	35,535.58	35,535.58
Commonwealth Bank	AA-	CASH	SEWER	Monthly	31/03/2024	31/03/2024	4.3500	6,684,643.96	6,684,643.96	21,924.34	21,924.34
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	31/03/2024	31/03/2024	4.3500	6,116,652.55	6,116,652.55	13,070.24	13,070.24
TOTALS								246,464,540.97	246,470,441.37	3,264,599.23	827,115.74



Counterparty Compliance as at 31/03/2024

Long Term Investments

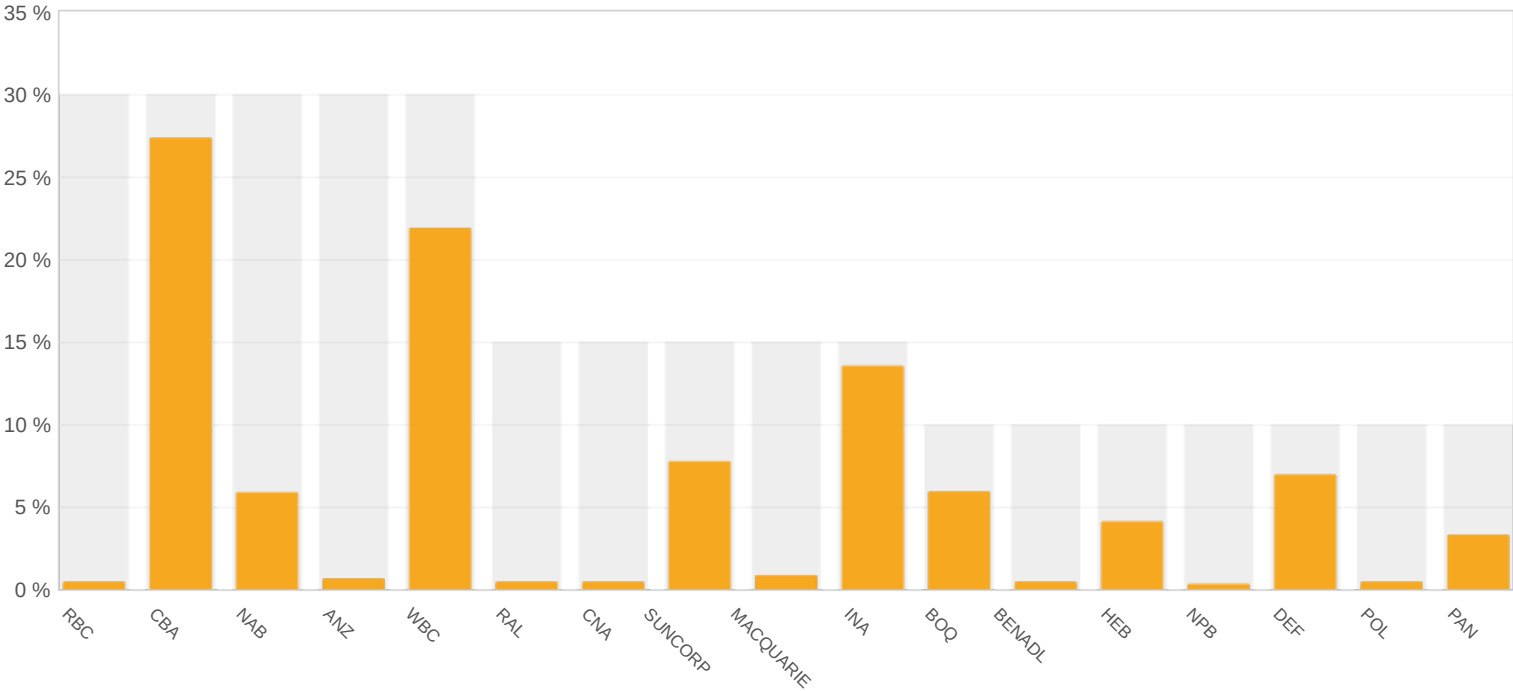
Compliant	Bank Group	Term	Rating	Invested (\$)	Invested (%)	Limit (%)	Limit (\$)	Available (\$)
✓	Royal Bank of Canada	Long	AA-	997,115.00	0.41	30.00	-	72,942,247.29
✓	Commonwealth Bank	Long	AA-	67,297,682.37	27.30	30.00	-	6,641,679.92
✓	NAB	Long	AA-	14,358,627.00	5.83	30.00	-	59,580,735.29
✓	ANZ Bank	Long	AA-	1,513,611.00	0.61	30.00	-	72,425,751.29
✓	Westpac	Long	AA-	53,840,000.00	21.84	30.00	-	20,099,362.29
✓	Rabobank Australia Branch	Long	A+	999,293.00	0.41	15.00	-	35,970,388.15
✓	Citibank, N.A.	Long	A+	1,001,337.00	0.41	15.00	-	35,968,344.15
✓	Suncorp	Long	A+	19,000,771.00	7.71	15.00	-	17,968,910.15
✓	Macquarie Bank	Long	A+	2,005,070.00	0.81	15.00	-	34,964,611.15
✓	ING Direct	Long	A	33,250,000.00	13.49	15.00	-	3,719,681.15
✓	BOQ	Long	BBB+	14,500,000.00	5.88	10.00	-	10,146,454.10
✓	Bendigo and Adelaide	Long	BBB+	1,000,749.00	0.41	10.00	-	23,645,705.10
✓	Heritage Bank	Long	BBB	10,000,000.00	4.06	10.00	-	14,646,454.10
✓	Newcastle Permanent	Long	BBB	700,285.60	0.28	10.00	-	23,946,168.50



Compliant	Bank Group	Term	Rating	Invested (\$)	Invested (%)	Limit (%)	Limit (\$)	Available (\$)
✓	Defence Bank	Long	BBB	17,000,000.00	6.90	10.00	-	7,646,454.10
✓	Police Bank	Long	BBB	1,000,000.00	0.41	10.00	-	23,646,454.10
✓	P&N Bank	Long	BBB	8,000,000.00	3.25	10.00	-	16,646,454.10
TOTALS				246,464,540.97	100.00			



Counterparty Compliance - Long Term Investments



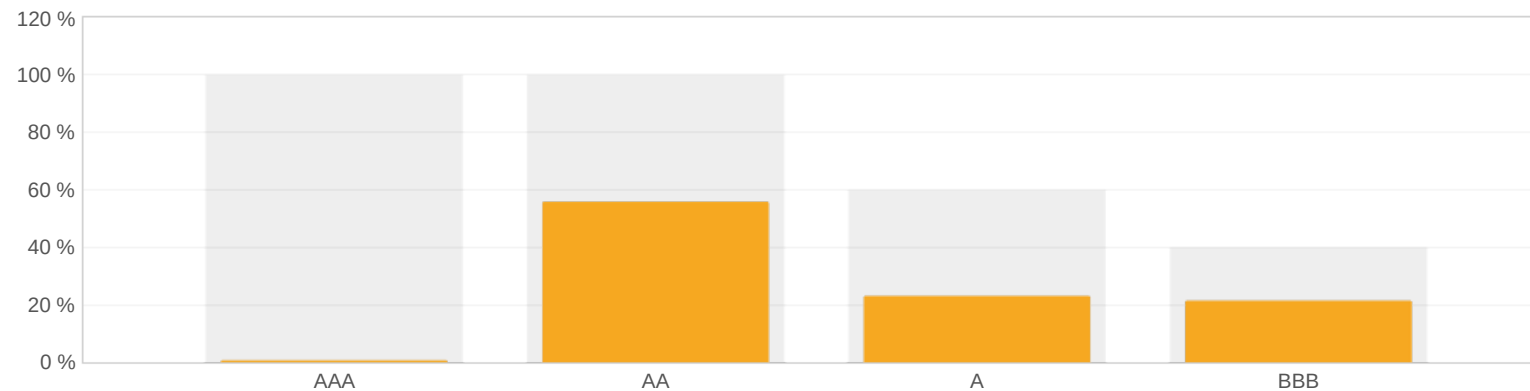


Credit Quality Compliance as at 31/03/2024

Long Term Investments

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
✓	AAA	997,115.00	0.41	100.00	245,467,425.97
✓	AA	137,009,920.37	55.59	100.00	109,454,620.60
✓	A	56,256,471.00	22.82	60.00	91,622,253.58
✓	BBB	52,201,034.60	21.18	40.00	46,384,781.79
TOTALS		246,464,540.97	100.00		

Credit Quality Compliance - Long Term Investments



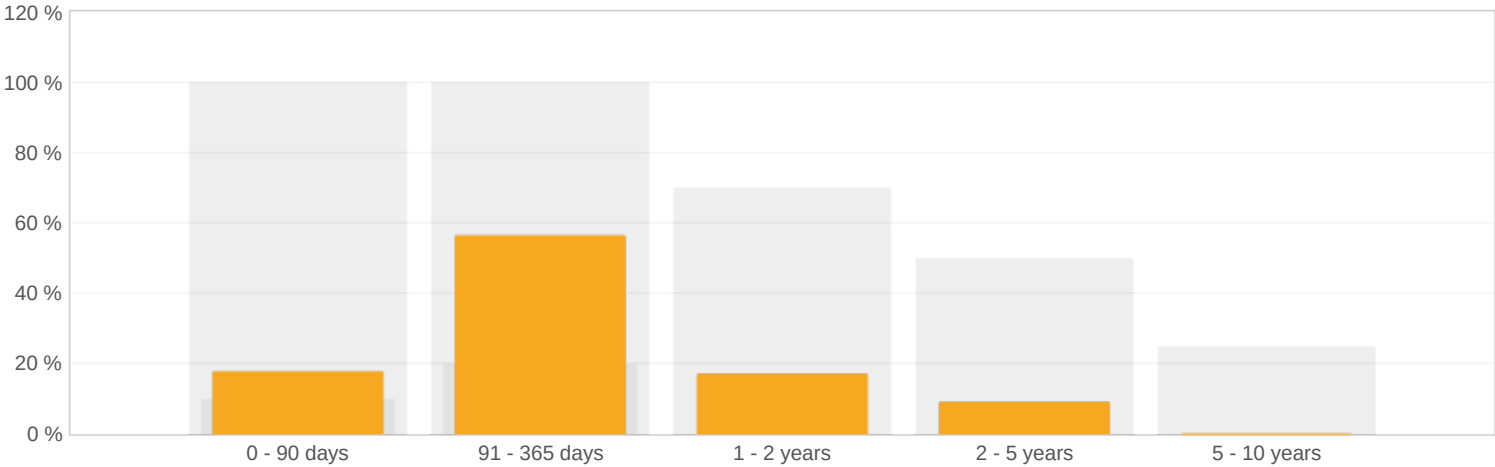


Maturity Compliance as at 31/03/2024

Compliant	Term	Invested (\$)	Invested (%)	Min Limit (%)	Max Limit (%)	Available (\$)
✓	0 - 90 days	43,579,734.37	17.68	10.00	100.00	202,884,806.60
✓	91 - 365 days	138,658,212.60	56.26	20.00	100.00	107,806,328.37
✓	1 - 2 years	42,017,241.00	17.05	0.00	70.00	130,507,937.68
✓	2 - 5 years	22,209,353.00	9.01	0.00	50.00	101,022,917.49
✓	5 - 10 years	-	0.00	0.00	25.00	61,616,135.24
TOTALS		246,464,540.97	100.00			



Maturity Compliance



5.5 SMALL DONATIONS - REQUESTS FOR DONATIONS

RECORD NUMBER: 2024/548

AUTHOR: Jen Sharp, Manager People and Culture

EXECUTIVE SUMMARY

This report provides information to Council to allow for the consideration of a resolution regarding applications for funding through the Small Donations & Grants Program received between March 2024 and April 2024. The Amend Project is a newly established profitable organisation, and the application does not comply with Council's Donations and Grants Policy – ST32 – Program Categories 5.1 – “Must be a not-for-profit applicant”.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “16.2. Support community organisations and groups to deliver services and programs”.

FINANCIAL IMPLICATIONS

The budget for General Donations within the Small Donations & Grants Program for 2023/2024 is **\$80,000** with \$73,940.26 spent to date. The total requested in this round is \$3,421.29.

<i>Annual budget 23/24</i>	\$80,000.00
<i>Total spent to date</i>	\$73,940.26
<i>Requested amount this round</i>	\$3,421.29
<i>Remaining balance</i>	\$6,059.74

POLICY AND GOVERNANCE IMPLICATIONS

Refer to Council's Donations and Grants Policy – ST32.

This policy is in accordance with these sections in the Local Government Act 1993:

1. Section 356 (financial assistance)
2. Section 377 (delegated authority)
3. Section 610E (waive or reduce fees)

And in accordance with this section in the Local Government Regulation 2021:

Section 207 (record of donations for auditing purposes)

This application does not comply with Council's Donations and Grants Policy – ST32 – Program Categories 5.1 – Must be a not-for-profit applicant.

RECOMMENDATION

Council determines the following applications:

- 1 To donate \$1,926.30 to The Amend Project to contribute to the cost of holding their not-for-profit event “Remembering Our Mates” to educate on men’s health and suicide prevention.**
- 2 To donate \$1,494.99 to The United Social Club Incorporated to purchase a defibrillator to add an additional element of Health Safety awareness while in the community.**

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

Applicant 1	The Amend Project
Assistance Would Support	<p>The request is to support the “Remembering our Mates” Candlelight BBQ on 8 May 2024</p> <p>There will be no cost for entry or to participate. There will be LED candles, BBQ and soft drinks provided. The donation would contribute to the costs of these event items.</p> <p>The promoter stated that the event isn’t being held to gain anything financially, it’s purely to give back to a community need that is ever present and to bring community together and increase safety.</p> <p>The Amend Project is the latest innovative approach to men’s mental health and suicide prevention for regional and remote communities. As the organisation is quite new and still finding its feet, there is not financials placed aside yet for community events.</p> <p>The total Cost of the event is estimated at \$2,426.30 and the promoter would contribute \$500, requesting the remaining \$1,926.30 to be provided by Council.</p>
Amount Requested	\$1,926.30
Policy Category	Community event not being event sponsorship
Category Maximum	\$2,500
Complies With Policy	No – Organisation does not meet non-for-profit requirement
Previously funded by Council?	No

Applicant 2	The United Social Club
Assistance Would Support	<p>The request is to support the purchase of a defibrillator to add an additional element of Health Safety awareness while in the community.</p> <p>The United Social Club is a not-for-profit organisation with approximately 20 members from Orange, Bathurst and Sydney who meet on a fortnightly basis and attend a vast array of local community events. The aim of the group is to provide structured</p>

5.5 Small Donations - Requests for Donations

	support to members and their families while being an active entity within the local community. The organisation has raised much needed funds for our local charities, such as Headspace Orange 2022 (\$3,250) and Anglicare Crisis Relief Team Orange/Bathurst 2023 (\$6,291) through a collection of donated prizes and raffles.
Amount Requested	\$1,494.99
Policy Category	Projects or Equipment Purchase or Providing a Community Service
Category Maximum	\$2,500
Complies With Policy	Yes
Previously funded by Council?	No

ATTACHMENTS

- 1 Small Donations Program - General Donations - Application Form - Remembering Our Mates - The Amend Project (redacted), D24/30352 [↓](#)
- 2 Small Donations Program - General Donations - Application Form - United Social Club Inc - defibrillator (redacted), D24/36707 [↓](#)



A: 135 Byng Street, Orange
T: 6393 8000
E: council@orange.nsw.gov.au
W: www.orange.nsw.gov.au

SMALL DONATIONS PROGRAM - APPLICATION FORM

General donations

APPLICANT'S DETAILS

Name of organisation: The Amend Project

Contact name: Lewis Bird

Position: Owner

Postal address

Phone:

Mobile:

Email:

What is the legal status of your organisation? (eg Incorporated, Association, etc.)

If not-for-profit please attach evidence – such as charter/constitution showing no personal gain will be available to members, charitable status advice or a statutory declaration

Please select:

☒

Profit

or

☐

Not-for-Profit

If not-for-profit:

☐

Constitution, tax ruling or other document confirming not-for-profit status is attached

Is your group/organisation registered for GST?

☒

Yes

☐

No

If applicable, please provide:

ABN:

ACN:

BANK ACCOUNT DETAILS FOR PAYMENT

BSB No

Account No:

Account Name

Bank

YOUR ORGANISATION

Please describe your organisation and its purpose

The Amend Project is the latest innovative approach to men’s mental health and suicide prevention for regional and remote communities. With the utmost focus on up-to-date research and data, over a decade of experience and education in mental health and suicide prevention and combining this with the understanding of the difficulties faced by males in regional and remote communities, The Amend Project is focused on giving back to community through genuine and dedicated support. The overall aim of The Amend Project is to amend the statistics of suicide and mental illness through partnering with sporting clubs, schools, and workplaces to deliver education and training and counselling support for at risk males.

REASON FOR APPLYING FOR FINANCIAL ASSISTANCE

As the organisation is quite new and still finding its feet, there isn’t financials placed aside as of yet to serve for community events. At this event there is no cost for entry, to participate, for the LED candle, BBQ, soft drinks etc. only for donations if people wish too. The event isn’t being held to gain anything financially, it’s purely to give back to a community need that is ever present and to bring community together and increase safety.

Your costs	\$ 2,426.30
Your contribution	\$
Your voluntary contribution	\$500.00
Amount required from Council (eligible amounts are listed in the ST029 Donations and Grants Policy)	\$1,926.30

Please describe your project, equipment purchase, community service, community event (including the date of the event) or other eligible category listed in the ST029 Donations and Grants Policy

Council Costs - \$96.30

LED Candles - \$80.00

BBQ - \$500.00

Soft drinks - \$250.00

Advertisement - \$250.00

Welcome/acknowledgement of country - \$500.00.

Local speaker - \$250.00

Total = \$1,926.30

YOUR COSTS, COST OF PROJECT OR PURCHASE OF EQUIPMENT OR COMMUNITY EVENT (OR ELIGIBLE CATEGORY) AND YOUR CONTRIBUTION

Please attach evidence of your costs. For purchase equipment, please attach three quotations.

DONATION CATEGORY

Which category are you applying under?

☐ Projects or Equipment Purchase or Providing a Community Service

☒ Community Events (not being Event Sponsorship)

☐ Non-sport Individuals or Teams Representing Orange at a National Event or at an Overseas Event

☐ Prize Giving (Central Women's Association (CWA) or Orange Eisteddfod)

☐ Grand Finals, Carnivals/Championships and Invitationals

ALIGNMENT TO COUNCIL’S STRATEGIC COMMUNITY PLAN

Which Theme/s is your project, purchase equipment community event (or other eligible category) under?

- ☒ **LIVE - A healthy, safe, inclusive and vibrant community**
This theme recognises the importance of encouraging healthy lifestyles, community pride and a sense of belonging. This can be achieved by maintaining a safe, caring and connected community, with active community participation supported by enhanced cultural and recreational facilities and services that cater for all of our residents. The beautiful parks, gardens and natural assets of our City are amongst our most cherished assets and contribute to making Orange a desirable place to live, work and play.
- ☐ **PRESERVE - Balancing the natural and built environment**
This theme ensures that the unique natural, cultural, social and historical aspects of our community are preserved while recognising the need for growth and development. The community was strong in its desire to be more sustainable by promoting renewable energy, reducing waste and protecting our natural resources. There is also an expectation for infrastructure to support a growing City, with roads, footpaths, parking and a vibrant CBD seen as priorities.
- ☐ **PROSPER - A smart, innovate and resilient economy**
This theme focuses on providing the community with positive choices for investment, employment and study. It includes strengthening and diversifying our economy by targeting new and innovative industries, as well as fostering our existing strengths such as medical services, mining, local food and wine production and tourism. Orange residents are keen to see more engagement between Council, local business and industry and the education providers.
- ☐ **COLLABORATE - Leadership and partnership**
This theme looks at forging a collaborative community that engages with open and ongoing decision making. Developing future leaders and supporting community groups to deliver services and programs were identified as priorities during the consultation. The community is looking to Council to provide leadership, guidance and responsive governance.

LOCAL BUSINESS USE

Will you be supporting local businesses? Please list any local business that you will be using and the level of expenditure.

Business	Expenditure
Supa IGA Orange - drinks	\$ 250.00
Local Speaker - TBC	\$ 250.00
Welcome/Acknowledgement to Country - local elder Neil Ingram.	\$ 500.00
BBQ meat – North Orange Butchers	\$ 500.00
Advertisement – Officeworks Orange and Local media outlets	\$ 250.00
Council Costs – Orange City Council	\$ 96.30

SMALL DONATIONS PROGRAM GENERAL DONATION APPLICATION

Updated June 2021

page 3 of 4

DECLARATION

On behalf of The Amend Project

☒

I certify to the best of my knowledge that the statements made in this application and any supporting documentation are true.

Signec

Date 26.03.2024

Print name: Lewis Bird

Position in organisation: Owner

The information you provide will be handled in accordance with the Privacy and Personal Information Protection Act 1998. The supply of information by you is voluntary. If you cannot provide or do not wish to provide the information sought, your application may be unable to be processed. Any personal information collected from you will be in order to process your application.

SMALL DONATIONS PROGRAM GENERAL DONATION APPLICATION

Updated June 2021

page 4 of 4

 **ORANGE**
CITY COUNCIL

A: 135 Byng Street, Orange
T: 6393 8000
E: council@orange.nsw.gov.au
W: www.orange.nsw.gov.au

SMALL DONATIONS PROGRAM - APPLICATION FORM

General donations

APPLICANT'S DETAILS

Name of organisation: United Social Club Incorporated (INC 1801456)

Contact name: David Walter

Position: Assistant to Secretary

Postal address: _____

Phone: _____ Mobile: _____

Email: l

What is the legal status of your organisation? (eg Incorporated, Association, etc.)

If not-for-profit please attach evidence - such as charter/constitution showing no personal gain will be available to members, charitable status advice or a statutory declaration

We operate under the Model Constitution as Not for Profit.

Please select: ☐ Profit or ☐ Not-for-Profit

If not-for-profit: ☒ Constitution, tax ruling or other document confirming not-for-profit status is attached

Is your group/organisation registered for GST? ☐ Yes ☒ No

If applicable, please provide: ABN: _____ ACN: _____

BANK ACCOUNT DETAILS FOR PAYMENT

BSB No: _____ Account No: _____

Account Name: _____ Orange City Council
Scanned

Bank: _____

28 FEB 2024

CONTAINER No.

F2709-24

YOUR ORGANISATION

Please describe your organisation and its purpose

United Social Club is a not-for-profit organisation with approximately 20 members which formed in 2017. Currently, members from Orange, Bathurst and Sydney meet on a fortnightly basis and attend a vast array of local community events. The aim of the group is to provide structured support to members and their families while being an active entity within our local community.

REASON FOR APPLYING FOR FINANCIAL ASSISTANCE

Please describe your project, equipment purchase, community service, community event (including the date of the event) or other eligible category listed in the ST029 Donations and Grants Policy

We have raised much needed funds for our local charities, such as Headspace Orange 2022 (\$3,250) and Anglicare Crisis Relief Team Orange/Bathurst 2023 (\$6,291) through a collection of donated prizes and raffles. We aim to continue this much appreciated support to our local charity groups in the future and request your support with a defibulator to add an additional element of Health Safety awareness while in the community.

Quote 1 - \$1,494.99 Includes Resus pack, AED tag and delivery.

Quote 2 - \$2,395 is a smaller unit and includes delivery.

Quote 3 - \$1,470 is base unit plus delivery.

United Social believes quote represents better value for money from Novic Pt Ltd

YOUR COSTS, COST OF PROJECT OR PURCHASE OF EQUIPMENT OR COMMUNITY EVENT (OR ELIGIBLE CATEGORY) AND YOUR CONTRIBUTION

Please attach evidence of your costs. For purchase equipment, please attach three quotations.

Your costs	\$ 0
Your contribution	\$ 0
Your voluntary contribution	\$ 0
Amount required from Council (eligible amounts are listed in the ST029 Donations and Grants Policy)	\$ 1,494.99

DONATION CATEGORY

Which category are you applying under?

- ☒ Projects or Equipment Purchase or Providing a Community Service
- ☐ Community Events (not being Event Sponsorship)
- ☐ Non-sport Individuals or Teams Representing Orange at a National Event or at an Overseas Event
- ☐ Prize Giving (Central Women's Association (CWA) or Orange Eisteddfod)
- ☐ Grand Finals, Carnivals/Championships and Invitationals

ALIGNMENT TO COUNCIL'S STRATEGIC COMMUNITY PLAN

Which Theme/s is your project, purchase equipment community event (or other eligible category) under?

- ☒ **LIVE - A healthy, safe, inclusive and vibrant community**
This theme recognises the importance of encouraging healthy lifestyles, community pride and a sense of belonging. This can be achieved by maintaining a safe, caring and connected community, with active community participation supported by enhanced cultural and recreational facilities and services that cater for all of our residents. The beautiful parks, gardens and natural assets of our City are amongst our most cherished assets and contribute to making Orange a desirable place to live, work and play.
- ☐ **PRESERVE - Balancing the natural and built environment**
This theme ensures that the unique natural, cultural, social and historical aspects of our community are preserved while recognising the need for growth and development. The community was strong in its desire to be more sustainable by promoting renewable energy, reducing waste and protecting our natural resources. There is also an expectation for infrastructure to support a growing City, with roads, footpaths, parking and a vibrant CBD seen as priorities.
- ☐ **PROSPER - A smart, innovate and resilient economy**
This theme focuses on providing the community with positive choices for investment, employment and study. It includes strengthening and diversifying our economy by targeting new and innovative industries, as well as fostering our existing strengths such as medical services, mining, local food and wine production and tourism. Orange residents are keen to see more engagement between Council, local business and industry and the education providers.
- ☐ **COLLABORATE - Leadership and partnership**
This theme looks at forging a collaborative community that engages with open and ongoing decision making. Developing future leaders and supporting community groups to deliver services and programs were identified as priorities during the consultation. The community is looking to Council to provide leadership, guidance and responsive governance.

LOCAL BUSINESS USE

Will you be supporting local businesses? Please list any local business that you will be using and the level of expenditure.

Business	Expenditure
	\$
	\$
	\$
	\$
	\$
	\$

DECLARATION

On behalf of: (name of organisation if applicable)

☒ I certify to the best of my knowledge that the statements made in this application and any supporting documentation are true.

Signer

Date 28 February 24

Print name David Walter

Position in organisation Assistant to Secretary

The information you provide will be handled in accordance with the Privacy and Personal Information Protection Act 1998. The supply of information by you is voluntary. If you cannot provide or do not wish to provide the information sought, your application may be unable to be processed. Any personal information collected from you will be in order to process your application.



Certificate of Incorporation as an Association on Change of Name

THIS IS TO CERTIFY

UNITED SOCIAL CLUB INCORPORATED

is registered as an incorporated association in New South Wales
under the *Associations Incorporation Act 2009*

Registration Number **INC1801456**

Date of Incorporation **12 October 2018**

Name History

UNITED RIDERS AUSTRALIA SOCIAL MOTORCYCLE CLUB INCORPORATED from 12/10/2018

UNITED SOCIAL CLUB INCORPORATED from 23/07/2020

Issued by NSW Fair Trading on **23 July 2020**.

Rose Webb
Fair Trading Commissioner
NSW Fair Trading



QUOTE - 1

QUOTE

United Riders NSW
NSWDate
26 Feb 2024Quote Number
QU-3367Reference
EmailABN
12 328 731 505Novic Pty Ltd trading as
Defibrillators Australia.
Unit 4/385 McClelland Dr,
Langwarrin VIC 3910
ABN 12 328 731 505
1300 33 11 93
www.defibrillatorsaustralia.
com.au

Description	Quantity	Unit Price	Discount	GST	Amount AUD
360BASUK10 - Heartsine 360P Fully Automatic Defibrillator (Adult Pads & Battery). 3-Step operating procedure with visual & automatic prompts. TGA Approved: ARTG 228210 8 Year Warranty on Defibrillator 4 Year Expiry on Pads & Battery	1.00	1,494.99		GST Free	1,494.99
1 x Resus Pack 1 x AED Tag	1.00	0.00			0.00
Freight FREE	1.00	49.95	100.00%		0.00
Subtotal (includes a discount of 49.95)					1,494.99
TOTAL AUD					1,494.99

QUOTE - 2

Hi David,

Our 500p Defib is normally \$2695.
However, we can do it for \$2395 Including Express Post.

Best Regards
Daniel Millman - Sales



SafetyDave
Fire safety, first aid & rear vision systems

Safety Hotline 1800 072 338 | **F** +61 3 9555 3575
E

1 Edgecombe Court | Moorabbin | Victoria 3189
P.O. Box 633 | Moorabbin | Victoria 3189
W www.safetydave.com.au





PRIMIVO GROUP
ABN 86 124 489 267
268 Montague Rd
West End, QLD 4101
1300 361 222

QUOTE - 3

Date	Proforma Invoice #
27-02-2024	18738

Proforma Invoice to	Ship to
United Riders united Social Walk in Customer 268 Montague Road West End Queensland 4101 Australia	United Riders united Social Walk in Customer 268 Montague Road West End Queensland 4101 Australia

Product Code	Name	Qty	RRP Unit Price (Ex GST)	Discount %	Sub Total (Ex GST)	GST	Total (Inc GST)
DSAM360S	AED - 360P Samaritan - Single Unit	1	\$2150.00	31.63%	\$1470.00	\$0.00	\$1470.00

Page 1/1

Bupa Provider Number EP00786 NIB Provider Number 1003 6474		Total Discount: \$680.00 Sub Total (Ex GST): \$1470.00 GST: \$0.00
EFT Transfer details:	Please record the Proforma Invoice No. in the payment reference details. Please email remittance to admin@primivo.com.au - Phone number 1300 789 541	Total (Inc GST): \$1470.00

**HEARTSINE 360P****Tough & Lightweight**

Highest AED Rating! IP56 Certified. Lightweight & Portable! 1.1kg with a small footprint!

Tough & Ready

Comes with a shock-proof carry case. Can be operated from within the case, saving precious seconds in an emergency

**Automatic Shock**

Provides the shock automatically. Reduces operation to single-button functioning

**Fast time to Shock**

If required will administer the first shock within 10 seconds

**Low Cost**

Battery & pads are combined in one cartridge with a 4-year life. This makes it extremely easy to monitor the expiry and cuts costs dramatically

Simple Operation

Easy 3-step operating procedure with visual & audio prompts



1300 33 11 93

defibrillatorsaustralia.com.au

5.6 INFLATABLES - LAKE CANOBOLAS

RECORD NUMBER: 2024/521

AUTHOR: Scott Maunder, Director Community, Recreation and Cultural Services

EXECUTIVE SUMMARY

This report seeks Council's support for a proposed Inflatable Recreation Park (Aqua Park) to be established at Lake Canobolas which will require a Development Application to be lodged with Cabonne Council.

To do so the applicant would require landowners consent from Orange City Council. Whilst this is a delegation of the CEO it is being brought to Council as it could be considered a contentious matter.

Full details of the set up and operation would be made available at the Development Application stage. A similar inflatable recreation park is set up in Bathurst at Chifley Dam.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "2.1. Deliver sport and recreation facilities to service the community into the future".

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council provide landowners consent for a Development Application to be lodged with Cabonne Council for the establishment of an Inflatable Recreation Park at Lake Canobolas.

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

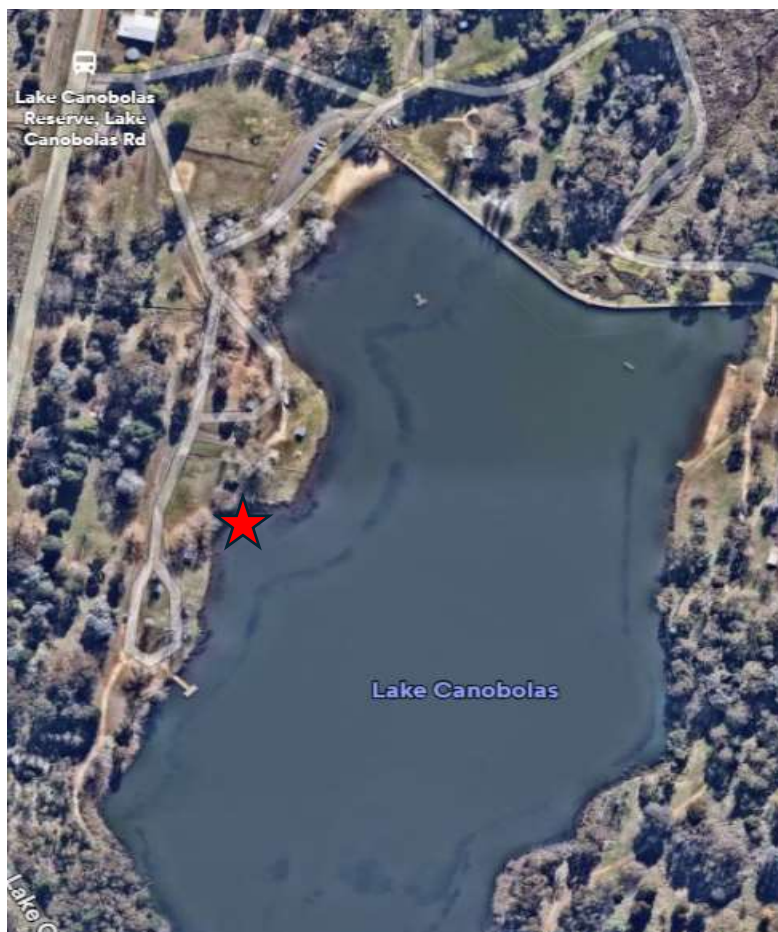
Council has been approached by an operator of inflatable recreation parks to establish an Aqua Park for commercial use at Lake Canobolas. The size and scale of the park would be designed to fit with in the available area and ensure that required safety depths are met.

5.6 Inflatables - Lake Canobolas



This proposal would require a Development Application to be lodged by the applicant with Cabonne Council. As mentioned above this would also require landowners consent from Council.

The proposal would seek to establish the park on the western bank of Lake Canobolas south of the main beach area and not to interfere with either the future board walk or other existing functions such as dragon boating. A possible location is indicated below.



6 CLOSED MEETING - SEE CLOSED AGENDA

The Chief Executive Officer will advise the Council if any written submissions have been received relating to any item advertised for consideration by a closed meeting of Orange City Council.

The Mayor will extend an invitation to any member of the public present at the meeting to make a representation to Council as to whether the meeting should be closed for a particular item. In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2021, in the opinion of the Chief Executive Officer, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

RECOMMENDATION

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

6.1 Tender - F4154 - Sewer Main Upgrades

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.2 Minutes of the Audit Risk and Improvement Committee Meeting 27 March 2024

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.3 Submission Redaction Report - 16 April 2024

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (e) information that would, if disclosed, prejudice the maintenance of law.

6.1 TENDER - F4154 - SEWER MAIN UPGRADES

RECORD NUMBER: 2024/542

AUTHOR: Joshua Barnes, Water and Sewer Engineer

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.2 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 27 MARCH 2024

RECORD NUMBER: 2024/574

AUTHOR: Janessa Constantine, Manager Corporate Governance

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.3 SUBMISSION REDACTION REPORT - 16 APRIL 2024

RECORD NUMBER: 2024/547

AUTHOR: Janessa Constantine, Manager Corporate Governance

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (e) information that would, if disclosed, prejudice the maintenance of law.

7 RESOLUTIONS FROM CLOSED MEETING