

# REVIEW OF ENVIRONMENTAL FACTORS



**For**

Demolition of 2 single dwellings and removal of 4 trees to construct a 6 dwelling (4 x 1 bedrooms & 2 x 2 bedrooms) General Housing Development with 4 on grade car parking spaces, associated landscaping and lot consolidation

**at**

**1 Waratah Avenue and 50 Frost Street, Orange, NSW 2800  
Lots 5 & 6 IN DP 36132**

Job No. BGXUP  
May 2022

---

Department of Planning & Environment  
Land & Housing Corporation  
Postal address: LEVEL 17, 4 Parramatta Square, Parramatta, NSW 2150  
W [www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)  
T (02) 8753 9000

ABN 24 960 729 253

This document may only be used for the purposes associated with the subject activity to which this Part 5 Review of Environmental Factors relates and to the extent authorised under the provisions of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021, for the express purposes set out under that legislation, and may not otherwise be copied, reproduced, distributed or used without the written permission of the authors.

April 2022

---

## DOCUMENT CONTROL REGISTER

The following register documents the preparation and issue of this Part 5 Review of Environmental Factors (REF), for the New South Wales Land & Housing Corporation (LAHC).

No	Date	Version	Change since last version	Pages
1	24/03/22	1	NA	57
2	29/03/22	2	Amendments to include ARH SEPP	57
3	7/04/2022	3	Final	57
4	12/04/2022	4	LAHC minor amendments	57
5	26/04/2022	5	LAHC Amendments	53
6	17/05/2022	6	LAHC Amendments	61

### REF Prepared by:

Having prepared the Review of Environmental Factors:

1. I have declared any possible conflict of interests (real, potential or perceived) to the A/Head of Policy & Innovation.
2. I do not consider I have any personal interests that would affect my professional judgement.
3. I will inform the A/Head of Policy and Innovation as soon as I become aware of a possible conflict of interest.

Name: Debrah Barr

Designation: Senior Associate, WSP

Signature:



Date:

12.04.2022

### REF Reviewed by:

I certify that I have reviewed this Review of Environmental Factors:

Name: Carolyn Howell

Designation: Executive Planner, Portfolio Services

Signature:



Date: 26 May 2022

### REF Authorised for Issue by:

Having endorsed the Review of Environmental Factors:

1. I have declared any possible conflict of interests (real, potential or perceived) to the A/Head of Policy & Innovation.
2. I do not consider I have any personal interests that would affect my professional judgement.
3. I will inform the A/Head of Policy & Innovation as soon as I become aware of a possible conflict of interest.

Name: Peter Brackenreg

Designation: Executive Director, Delivery South, Land & Housing Corporation

Signature:



Date: 26 May 2022

## CONTENTS

<b>1. EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>2. INTRODUCTION .....</b>	<b>3</b>
2.1 BACKGROUND.....	3
2.2 PURPOSE OF THIS REPORT .....	3
<b>3. EXISTING SITE &amp; LOCALITY .....</b>	<b>4</b>
3.1 EXISTING SITE AND IMMEDIATELY ADJOINING DEVELOPMENT .....	4
3.2 SITE DESCRIPTION .....	8
3.2.1 <i>The Site</i> .....	8
3.2.2 <i>Site Constraints</i> .....	9
3.2.3 <i>Services</i> .....	10
3.2.4 <i>Flooding</i> .....	10
3.2.5 <i>Heritage</i> .....	10
3.2.6 <i>Trees and vegetation</i> .....	11
3.3 NEIGHBOURING DEVELOPMENT AND LOCALITY .....	11
3.3.1 <i>Access to Services - Shops and transport</i> .....	12
<b>4. PROJECT DESCRIPTION .....</b>	<b>13</b>
4.1 SUMMARY OF PROPOSED ACTIVITY .....	13
4.2 DEMOLITION .....	15
4.3 REMOVAL OF TREES.....	15
4.4 PROPOSED DEVELOPMENT .....	16
<b>5. ZONING AND PERMISSIBILITY .....</b>	<b>19</b>
<b>6. PLANNING FRAMEWORK.....</b>	<b>21</b>
6.1 STATE LEGISLATION .....	21
6.1.1 <i>Environmental Planning and Assessment Act 1979 (EP&amp;A Act)</i> .....	21
6.1.2 <i>Biodiversity Conservation Act 2016</i> .....	21
6.1.3 <i>Environmental Planning and Assessment Regulation 2021</i> .....	21
6.1.4 <i>State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)</i> .....	23
6.1.5 <i>Seniors Living Policy Urban Design Guidelines for Infill Development</i> .....	29
6.1.6 <i>Good Design for Social Housing</i> .....	31
6.1.7 <i>State Environmental Planning Policy (Housing) 2021</i> .....	31
6.1.8 <i>Other State Environmental Planning Policies (SEPPs)</i> .....	32
6.1.9 <i>Other Legislation</i> .....	32
6.2 LOCAL PLANNING CONTROLS.....	33
6.3 LOCAL DEVELOPMENT CONTROL PLAN (DCP) COMPLIANCE .....	34
<b>7. NOTIFICATION, CONSULTATION AND CONSIDERATION OF RESPONSES.....</b>	<b>39</b>
7.1 COUNCIL NOTIFICATION .....	39
7.2 NOTIFICATION OF OCCUPIERS OF ADJOINING LAND AND OTHER PERSONS .....	44
7.3 NOTIFICATION OF SPECIFIED PUBLIC AUTHORITIES.....	44
7.4 CONSULTATION WITH OTHER PUBLIC AUTHORITIES .....	45
<b>8. REVIEW OF ENVIRONMENTAL FACTORS.....</b>	<b>46</b>
8.1 NEIGHBOURHOOD CHARACTER .....	46
8.2 BULK AND DENSITY .....	46
8.3 STREETScape .....	47
8.4 VISUAL IMPACT .....	47
8.5 PRIVACY.....	47
8.6 SOLAR ACCESS .....	48
8.7 OVERSHADOWING .....	48
8.8 TRAFFIC & PARKING .....	48
8.9 FLORA AND FAUNA.....	49
8.10 HERITAGE (EUROPEAN/INDIGENOUS).....	50
8.11 ABORIGINAL HERITAGE.....	50
8.12 OTHER CULTURAL HERITAGE.....	50

---

8.13	SOILS/ CONTAMINATION/ ACID SULFATE SOILS/ SALINITY GEOTECHNICAL.....	50
8.14	CONTAMINATION .....	51
8.15	ACID SULFATE SOILS .....	51
8.16	DRAINAGE/ FLOOD PRONE LAND/ HYDROLOGY/ WATER QUALITY .....	51
8.17	BUSHFIRE PRONE LAND .....	52
8.18	NOISE AND VIBRATION.....	52
8.19	AIR QUALITY .....	52
8.20	WASTE MINIMISATION.....	53
8.21	RESOURCE USE & AVAILABILITY.....	53
8.22	COMMUNITY/SOCIAL IMPACTS.....	54
8.23	ECONOMIC IMPACT.....	54
8.24	CUMULATIVE IMPACT ASSESSMENT .....	54
<b>9.</b>	<b>CONCLUSION .....</b>	<b>56</b>
9.1	SUMMARY OF KEY ISSUES RAISED IN ASSESSMENT .....	56
9.2	RECOMMENDATION .....	56

## **APPENDICES**

APPENDIX A	PLANNING CERTIFICATES
APPENDIX B	NOTIFICATION & CONSULTATION
APPENDIX C	IDENTIFIED REQUIREMENTS
APPENDIX D	DEVELOPMENT PLANS
APPENDIX E	SURVEY PLANS
APPENDIX F	GEOTECH REPORT
APPENDIX G	ARBORIST REPORT
APPENDIX H	ACCESS REPORT
APPENDIX I	BCA REPORT
APPENDIX J	TRAFFIC REPORT
APPENDIX K	BASIX & NatHERS
APPENDIX L	SENIORS LIVING URBAN DESIGN GUIDELINE
APPENDIX M	WASTE MANAGEMENT PLAN
APPENDIX N	CERTIFICATES OF DESIGN COMPLIANCE
APPENDIX O	AHIMS SEARCH
APPENDIX P	DP & TITLES

---

# 1. Executive Summary

The subject site is located at 1 Waratah Avenue and 50 Frost Street, Orange and is legally described as Lot 5 in DP 36132 and Lot 6 in DP 36132.

The proposed activity is described as follows:

Demolition of 2 single dwellings and removal of 4 trees to construct a 6 dwelling (4 x 1 bedrooms & 2 x 2 bedrooms) General Housing Development with 4 on grade car parking spaces, associated landscaping and lot consolidation

The proposed housing development is to be carried out by the New South Wales Land & Housing Corporation (LAHC) and is therefore permitted without development consent under the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP)<sup>1</sup>.

Demolition has been considered as part of the proposed development activity. Demolition is permitted with consent under the provisions of the *Orange Local Environmental Plan 2011* (OLEP2011) and is therefore permitted without consent under the provisions of ARH SEPP.

The removal of trees on the site is covered in the definition of consent under the provisions of ARH SEPP and has therefore also been assessed under the provisions of the ARH SEPP and Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as part of the proposed development activity.

A Review of Environmental Factors (REF) has been undertaken of the proposed activity under Part 5 of the EP&A Act and Clause 171 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The REF has identified and considered the following:

- From an analysis of the environmental impacts associated with the proposed activity, it has been determined that preparation of an Environmental Impact Statement is not required;
- From a review of environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment;
- The proposal will not have any effect on matters of national significance and approval of the activity under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- The proposal is located in a 'non-accessible area' and meets all relevant provisions for affordable housing comprising self-contained dwellings carried out by the LAHC under the provisions of the ARH SEPP;

---

## <sup>1</sup> State Environmental Planning Policy (Housing) 2021

On 26 November 2021, *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) came into force, repealing the ARH SEPP.

Under the savings and transitional provisions in the Housing SEPP, as the proposed development has been notified to council but not yet granted approval, the provisions of the repealed ARH SEPP continue to apply to the proposed development and assessment under the Housing SEPP is not required.

- The proposal has adequately taken into account the design requirements specified in the ARH SEPP and the relevant design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development*, “*Good Design for Social Housing*” and the “*Land and Housing Corporation Dwelling Requirements*” as specified in the ARH SEPP;
- The site planning and design of the proposal adequately addresses the relevant development controls specified in the Orange Local Environmental Plan 2011 (*OLEP 2011*) and *Orange Development Control Plan 2004* (ODCP 2004);
- A BASIX certificate, NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government’s environmental sustainability targets; and
- There are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts.

Orange City Council and occupiers of adjoining land were notified of the proposed activity under the provisions of ARH SEPP on 26 November 2021. A response was received from Council (via email) on 19 January 2022. Additional clarification was sought from Council regarding stormwater design and OSD size (an email sent on 10<sup>th</sup> December 2021 and a council response via phone was received on 22<sup>nd</sup> December 2021). One submission was received from neighbouring properties. Comments on the submissions are provided in Sections 7.1 and 7.2 of this REF.

It is considered that the proposed activity, carried out in accordance with the environmental mitigation measures outlined in this REF, will not result in any significant effects, nor is it likely to have any significant long-term negative impacts on the environment, and can proceed subject to the recommended identified requirements of determination in **Appendix C**.

## **2. Introduction**

### **2.1 Background**

This Review of Environmental Factors (REF) has been prepared pursuant to Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and relates to the construction of 6 dwellings (4 x 1 bedrooms & 2 x 2 bedrooms) with 4 on grade car parking spaces and associated landscaping. The works include the demolition of 2 existing dwellings, tree removal, and lot consolidation.

The development is to be carried out by or on behalf of the New South Wales Land & Housing Corporation (LAHC) and is 'development without consent' under the ARH SEPP.

This REF by LAHC, in satisfaction of the provisions of Part 5 of the EP&A Act and Clause 171 of the EP&A Regulation.

A Statement of Compliance accompanying this REF certifies that in accordance with the requirements of Part 5 of the EP&A Act, all matters affecting or likely to affect the environment by reason of the proposed activity have been taken into account to the fullest extent possible and the activity will not have a significant impact on the environment.

### **2.2 Purpose of this Report**

The purpose of this REF is to assist LAHC to fulfil its obligations as a determining authority for the proposed activity in accordance with Part 5 of the EP&A Act and Clause 171 of the EP&A Regulation.



### 3. Existing Site & Locality

#### 3.1 Existing Site and Immediately Adjoining Development

The subject site is located at 1 Waratah Avenue and 50 Frost Street, Orange NSW. The site is legally described as Lots 5 and 6 in Deposited Plan 36132.

The development site is located in the Orange local government area (LGA).

The site is located within an existing residential area of Orange approximately 1.2km west of Orange town centre along Summer Street. A locality map and aerial photograph are provided at **Figures 1 & 2** respectively.

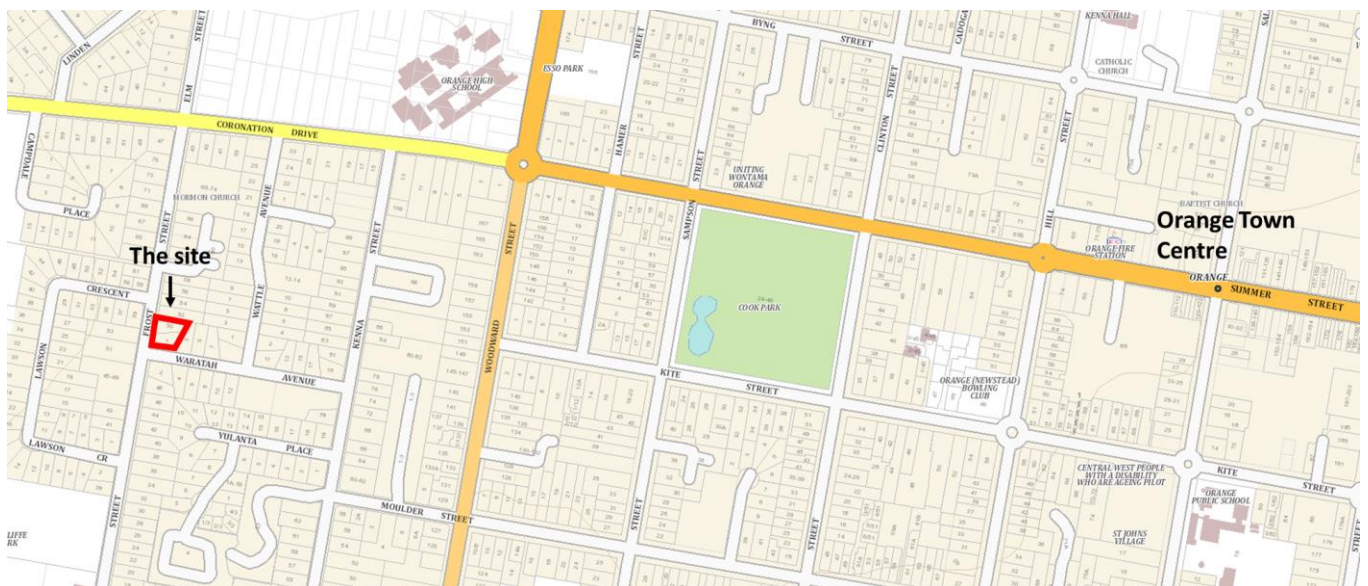


Figure 1 Locality Context Map  
(Source: Six Maps 2022)



Figure 2 Locality Aerial Map



(Source: Near Maps 2022)

The development site currently contains two single storey fibro and timber clad detached dwellings with single driveway crossovers (refer to **Photographs 1 - 3**).



**Photograph 1 Development site – No. 1 Waratah Avenue (Source: LAHC)**



**Photograph 2 Development site – 50 Frost Street, Orange (Source: LAHC)**



**Photograph 3 Development site – No 1 Waratah Avenue and 50 Frost Street, Orange, view from Frost Street  
(Source: LAHC)**

The immediately adjoining property at No 52 Frost Street contains a detached single storey timber clad dwelling with a pitched metal roof. The site is listed as a Heritage Item under OLEP 2011, namely Item No. I180 – House. The property at No. 54 Frost Street is also listed as a Heritage Item under OLEP 2011, namely Item No. I181 – House. (Refer **Photograph 4**)



**Photograph 4 Adjoining Development – No 52 and 54 Frost Street (adjoining to the north)**

The immediately adjoining property to No 3 Waratah Avenue contains a detached single storey timber clad dwelling with a pitched metal roof (refer **Photograph 5**)





**Photograph 5 Surrounding site – No 3 Waratah Avenue, Orange (Source: LAHC)**

The properties opposite the site to the west contains multi dwelling housing complexes. (Refer ***Photograph 6***)



**Photograph 6 Surrounding site – No 51 and 53 Frost Street, Orange (Source: LAHC)**

The property opposite the site to the south at 2 Waratah Avenue contains a single storey dwelling house. (Refer **Photograph 7**)



Photograph 7 Surrounding site – No. 2 Waratah Avenue, Orange (Source: LAHC)

## 3.2 Site Description

### 3.2.1 The Site

The development site comprises 2 irregular shaped lots with a total area of 1,426.8m<sup>2</sup>. The development site has a frontage (west) to Frost Street of 38.6m and a frontage (south) to Waratah Avenue of 24.39m. Refer to aerial imagery in **Figure 3** and the Survey Plan **Appendix E**.

Copies of the section 10.7 (2) & (5) Planning Certificates (No's. 6249/2021, 6253/2021, 6250/2021, 6252/2021 and 6251/2021) dated 9 June 2021 are provided in **Appendix A**.





**Figure 3 Site (aerial imagery)**

(Source: Six maps 2022)

Site topography is generally level with minor fall from the west (Frost Street) to the east of approximately 1m. The stormwater drainage system has been designed for stormwater to predominantly drain toward the OSD in the north eastern portion of the site which will discharge to Waratah Avenue (southern boundary).

### **3.2.2 Site Constraints**

The Certificates of Title identify no site encumbrances. Refer to Titles in **Appendix P**.

The site topography is relatively level and the majority of stormwater will be transferred to the kerb via underground OSD in the proposed car park.

The site is not bushfire prone.

### 3.2.3 Services

Water, electricity, gas, stormwater, sewer and NBN are available to the subject site and the site is not burdened by any easements on title (refer to the Survey Plan in **Appendix E** for the location of available services).

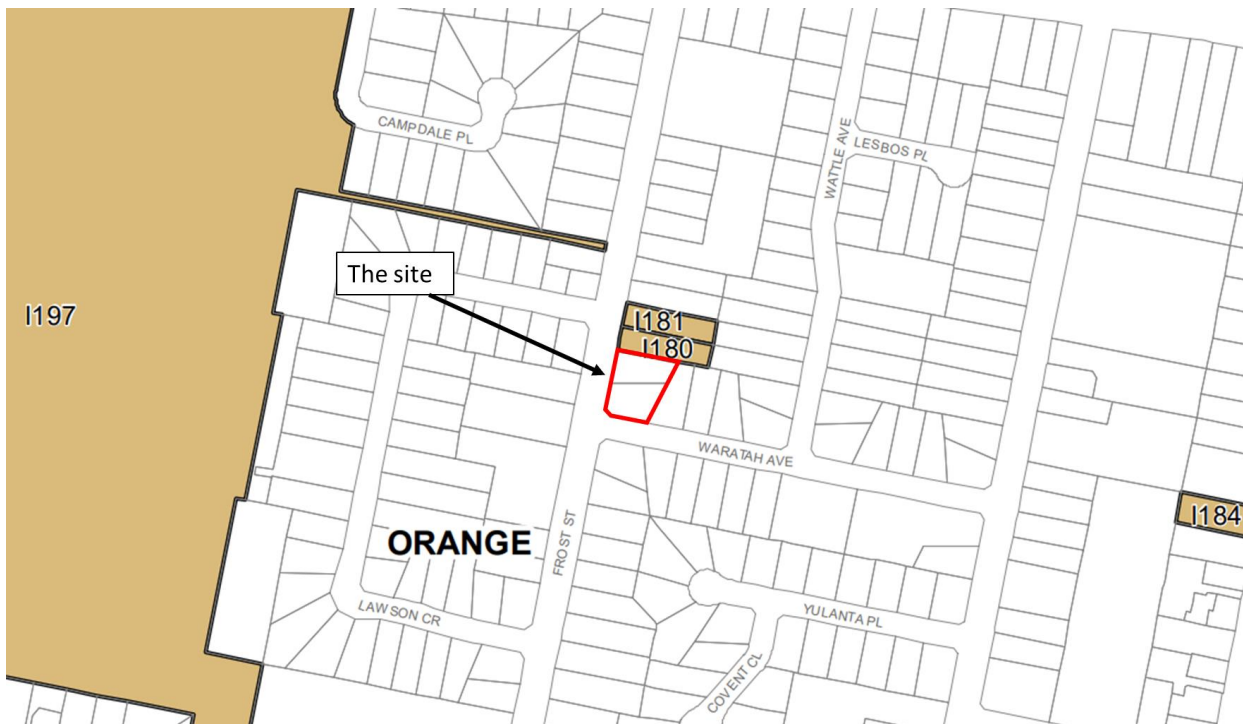
Existing sewer infrastructure will be retained along the northern boundary of the site.

### 3.2.4 Flooding

The Planning Certificates in **Appendix A** indicate that all lots are above the Flood Planning Level. No further assessment is required.

### 3.2.5 Heritage

The site is located adjoining Heritage Item No. I180 – House under OLEP 2011 located at 52 Frost Street. The site is also in close proximity to Heritage Item No. I181 – House under OLEP 2011 located at 54 Frost Street.



**Figure 4 Heritage**  
(Source: OLEP 2011)

A Heritage Impact Statement (HIS) has been prepared for the proposal and can be found at **Appendix N**. The HIS details that the development will have minimal impact on the significance of adjoining heritage items and the heritage items do not have curtilages extending onto the subject site.

### 3.2.6 Trees and vegetation

Nine existing prescribed trees located within the boundaries of the site, within adjacent lots and on the street were identified as potentially impacted by the development.

The removal of 4 trees (Tree No's 4, 5, 7 & 9) from within the site has been recommended to facilitate the proposed development. These trees have been assessed in the arborist report as having low or medium significance value.

Five trees have been identified for retention subject to appropriate tree protection measures being implemented in accordance with the Arboricultural Impact Assessment. These trees will not be impacted by the proposed development and will be retained and protected during construction.

The Arboricultural Impact Assessment is provided at **Appendix G**.

## 3.3 Neighbouring Development and Locality

The site is located within an established residential area generally characterised by older style single storey detached dwelling houses of brick and fibro construction. The locality also supports various multi dwelling housing developments to the southwest at 49-53 Frost Street and to the south east at 14-20 Waratah Avenue (**refer Photographs 8 and 9**).



Photograph 8 Multi Dwelling Housing – No 51 and 53 Frost Street (Source: LAHC, 2021)





Photograph 9 Multi dwelling housing – No 20 Waratah Avenue (Source: Google, 2021)

### **3.3.1 Access to Services - Shops and transport**

The site is located within 800m of Summer Street, the main street in Orange City Centre. The City Centre is approximately a 10 minute walk from the site and includes local services, cafés, restaurants, medical services and supermarkets.

Orange High School is located approximately 250m to the north of the site.

#### **Bus stops:**

The site is situated within a short walking distance (350m) from a bus stops on Coronation Drive (ID 2800145). There route is currently serviced by Bus No. 535 which provide connections between the site and Orange City Centre. Buses servicing these stops do not satisfy the frequency requirements of the ARH SEPP for an 'accessible area'; therefore, the non-accessible area parking rates apply to the development.

## **4. Project Description**

### **4.1 Summary of Proposed Activity**

The development is identified in the following plans and drawings:

#### ***Architectural***

- DTA Architects –
  - Drawing No.2021.009 – Sheet 01 Rev B dated 24-02-2022 – Cover Sheet
  - Drawing No.2021.009 – Sheet 02 Rev B dated 24-02-2022 – Block Analysis Plan
  - Drawing No.2021.009 – Sheet 03 Rev B dated 24-02-2022 – Site Analysis Plan
  - Drawing No.2021.009 – Sheet 04 Rev B dated 24-02-2022 – Demolition Plan
  - Drawing No.2021.009 – Sheet 05 Rev B dated 24-02-2022 – Development Data
  - Drawing No.2021.009 – Sheet 06 Rev B dated 24-02-2022 – Site Plan
  - Drawing No.2021.009 – Sheet 07 Rev B dated 24-02-2022 – Ground Floor Plan
  - Drawing No.2021.009 – Sheet 08 Rev B dated 24-02-2022 – First Floor Plan
  - Drawing No.2021.009 – Sheet 09 Rev B dated 24-02-2022 – Roof Plan
  - Drawing No.2021.009 – Sheet 10 Rev B dated 24-02-2022 – Elevations
  - Drawing No.2021.009 – Sheet 11 Rev B dated 24-02-2022 – Elevations
  - Drawing No.2021.009 – Sheet 12 Rev B dated 24-02-2022 – Elevations – Street view
  - Drawing No.2021.009 – Sheet 13 Rev B dated 24-02-2022 – Sections
  - Drawing No.2021.009 – Sheet 14 Rev B dated 24-02-2022 – Solar Access – View from Sun
  - Drawing No.2021.009 – Sheet 15 Rev B dated 24-02-2022 – Solar Access – View from Sun
  - Drawing No.2021.009 – Sheet 16 Rev B dated 24-02-2022 – Shadow Diagrams
  - Drawing No.2021.009 – Sheet 17 Rev B dated 24-02-2022 – Perspectives

#### ***Landscape***

- RFA landscape architects –
  - Drawing No. 2021.009 – Sheet 1 of 1 Rev P7 dated 07-02-2022 – Landscape Plan

#### ***Civil Design***

- MSL Consulting Engineers –
  - Sheet 1 of 3, Job No. 21087 Revision B dated 20-10-2021 – Specifications and Site Drainage Plan
  - Sheet 2 of 3, Job No. 21087 Revision C dated 17-02-2022 – Stormwater Details and Sections
  - Sheet 3 of 3, Job No. 21087 Revision B dated 20-10-2021 – Sediment and Erosion Control Plan
  - Sheet 1 of 1 Job No. 21087 Revision C dated 14-03-2022 – Cut and Fill Plan

#### ***Survey***

- Premise, consultant surveyors –
  - Sheet 1 of 2, Rev B dated 13-04-2021 – Contour and Detail Survey
  - Sheet 2 of 2, Rev B dated 13-04-2021 – Contour and Detail Survey

#### ***Hydraulic Plan***

- DeAngelis Taylor and Associates Pty
  - Sheet 1 of 4, Revision F dated February 2022 – Hydraulic Services Plan Legend & Notes
  - Sheet 2 of 4, Revision F dated February 2022 – Hydraulic Services Plan Site/Ground Floor Plan
  - Sheet 3 of 4, Revision F dated February 2022 – Hydraulic Services Plan First Floor/Roof Plan
  - Sheet 4 of 4, Revision F dated February 2022 – Hydraulic Services Plan Roof Plan

### ***BASIX / NatHERS***

- LC Consulting Engineers–
  - BASIX Certificate No 1218683M\_02 dated 03-03-2022
  - NatHERS Certificate (summary) No 0006735290, NatHERS Assessor Accreditation No. DMN/13/1645, dated 01-03-2022

### ***Specialist reports***

- Redgum Horticultural –
  - Arboricultural Impact Assessment Report, Ref. 6791, dated 29 October 2021
- Barnson Pty Ltd, geotechnical consultant –
  - Residential Site Investigation Report, Ref. 36151-GR01\_A dated 07-04-2021
- Philip Chun Building Compliance –
  - BCA 2019 Amendment 1 Report relating to Class 1A single storey dwelling, Ref. 020-014009 dated 01-11-2021
  - BCA 2019 Amendment 1 Report relating to Class 2 two storey building, Ref 020-014009 dated 01-11-2021
- Access-i, Access consultant –
  - Access Report – DA Final, Ref. 21228 – R2.1 dated 18-11-2021
- Park Transit, traffic consultant -
  - Traffic Impact Assessment Report, dated 26-10-21

### ***Waste management***

- Waste Management Plan, prepared DTA Architects, dated 29-10-2021

### ***Heritage***

- Heritage Impact Statement prepared by Ian Rufus dated 11-2021

### ***Design compliance and checklists***

- Seniors Living: Urban Design Guidelines for Infill Development Checklist – DTA Architects, dated 29-10-2021
- Architect's Certificate of Building Design Compliance – DTA Architects, dated 18-11-2021
- Certificate of Civil Design/Documentation Compliance – MSL Consulting Engineers dated 29-10-2021
- Certificate of Hydraulic (Stormwater) Compliance – MSL Consulting Engineers dated 29-10-2021

- Certificate of Hydraulic Design Documentation Compliance – Abel & Brown Pty Ltd dated 29-10-2021
- Certificate of Electrical Documentation Compliance – Building Services Engineers dated 06-05-2021
- Certificate of Landscape Design/Documentation Compliance – RFS Landscape Architects, dated 17-11-2021
- Safe Design of Building and Structures Report, DTA Architects dated 29-10-2021 Rev B

*Note: The final amendments do not have any implications on the assessment, conclusions or recommendations in the above consultant's reports.*

### **Supporting Information**

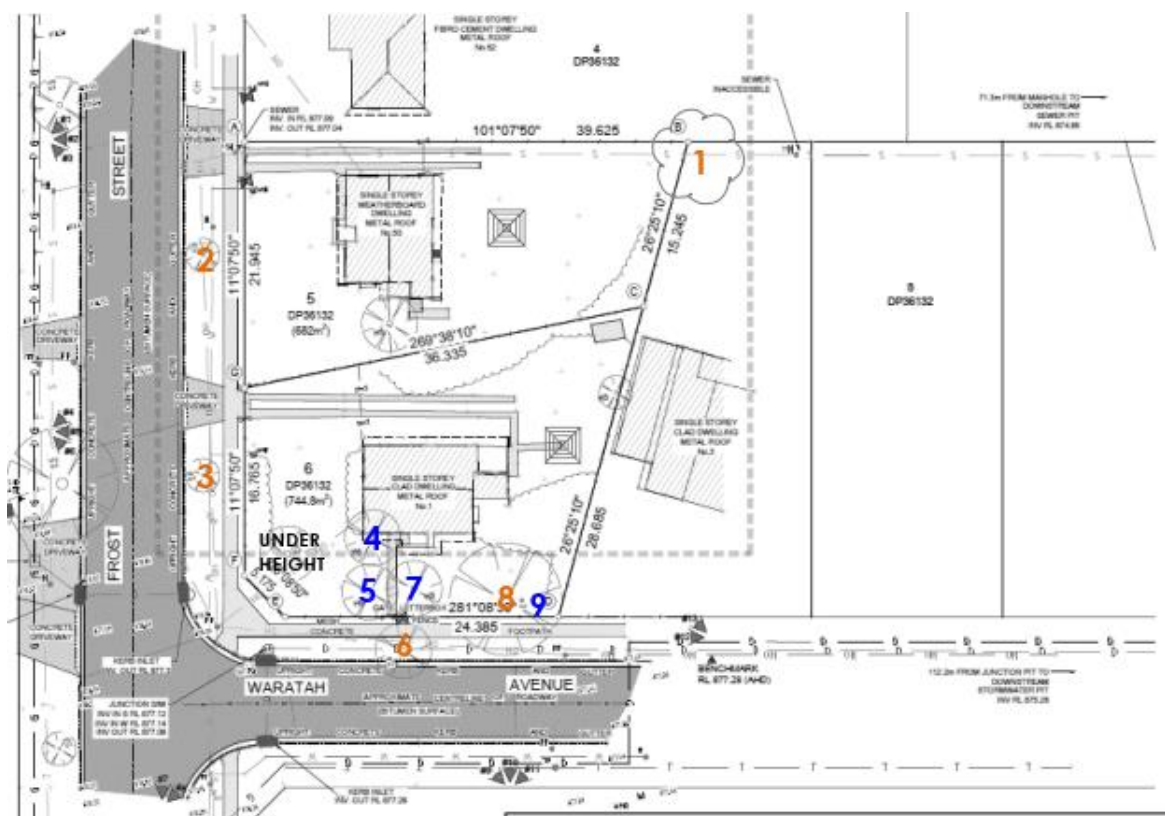
- Orange City Council –
  - Section 10.7(2) & (5) Planning Certificate – 50 Frost Street No. 608/20
  - Section 10.7(2) & (5) Planning Certificate – 50 Frost Street No. 609/20
- Title search –
  - Certificate of Title Folio 6/36132, search date 13-11-2020
  - Certificate of Title Folio 5/36132, search date 13-11-2020
- Sewerage Diagram
  - Sewerage Diagram SD803/202(1) dated 17-11-2020
- NSW Office of Environment & Heritage –
  - AHIMS Search, dated 01-01-2021

## **4.2 Demolition**

The proposal involves demolishing all on-site structures as identified in the Demolition Plan (refer to **Appendix D**).

## **4.3 Removal of Trees**

The consulting Arborist provided an assessment of 9 trees, 5 trees within the site, 1 tree on an adjacent site and 3 trees on the adjacent road reserve. The Arborist recommended the removal of 4 trees (Tree No's 4, 5, 7 & 9) within the site to facilitate the proposed development (refer Site Plan extract from Arboricultural Impact Assessment Report **Figure 5**). All trees outside of the site boundaries have been identified for retention.



**Figure 5 – Existing Tree Schedule**

(Source: Arborist Report, Redgum horticultural)

The 4 trees proposed for removal are assessed in the arborist report as having low or medium significance. All trees proposed for removal are sited within or in close proximity to the development footprint. A variety of new landscape planting is proposed to offset the removal of 4 trees from within the site, including replacement tree species with mature heights between 5m and 10m. New plantings will consist of a mixture of native tree species and shrubs, hedge plantings and groundcovers, as shown on the submitted Landscape Plans in **Appendix D**.

Five existing prescribed trees located within the boundaries of the site, within adjacent lots and on the street were identified as suitable for retention. Tree protection measures and tree protection zones for trees to be retained (Tree No's 1, 2, 3, 6 & 8) are to be implemented in accordance with the Arboricultural Impact Assessment Report.

Appropriate replacement tree plantings will be provided as part of the proposed landscaping scheme to compensate for the loss of 4 trees. A copy of the Arboricultural Impact Assessment Report is provided in **Appendix G**.

## 4.4 Proposed Development

The proposed development is for 6 dwellings (4 x 1 bedrooms & 2 x 2 bedrooms) with 4 at grade car parking spaces and associated landscaping.

Unit 1 has been designed as an adaptable dwelling (AS4299 Class C level) and includes associated AS4299 compliant parking (refer architectural plans in **Appendix D** and Access Report in **Appendix H**). An extract from the Site Plan is provided in **Figure 6**, with perspective views and elevations of the development being shown in **Figures 6 - 9**.





**Figure 6 - Extract from Site Plan**  
(Source: DTA Architects, 2022)



**Figure 7 - Extract from Architectural plans –view of proposed development from Frost Street**  
(Source: DTA Architects, 2022)

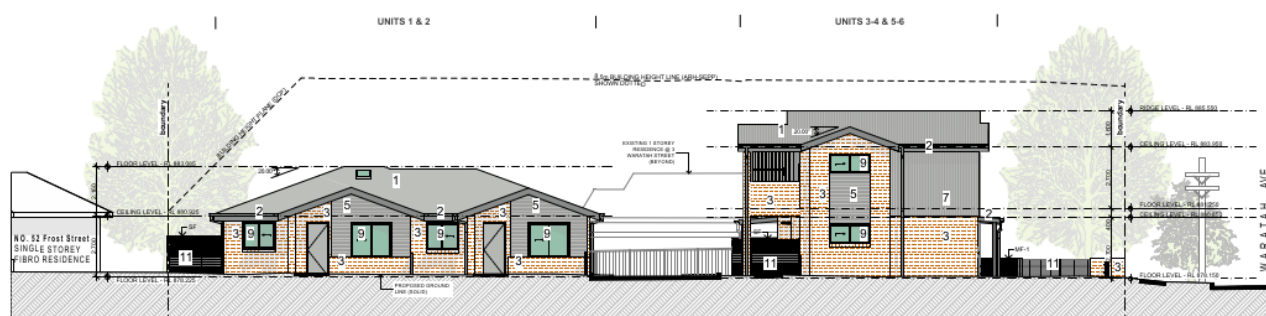
Each dwelling will be provided with its own private open space area in the form of a balcony or courtyard, directly accessible from living areas.

Solar panels have been incorporated into the design of the development.

A total of 4 car parking spaces at-grade will be provided on the site, including one accessible space.

Stormwater will be primarily collected via a series of stormwater drainage pits which will discharge to an 18m<sup>3</sup> underground OSD within the hardstand car park. This will connect to the existing street drainage network within the road reserve at Waratah Avenue (refer to Stormwater Drainage Plan in **Appendix D**). It is noted that due to topographical constraints, the level of the parking area will be slightly raised above natural ground level to accommodate the OSD tank in the north eastern corner of the site.

A new 1.2m high metal fencing is proposed on the Frost Street and Waratah Avenue elevations. 1.8m high slat screen fencing is proposed around the courtyards and boundary fencing with adjoining sites will consist of new 1.8m high colorbond fencing as indicated on the Landscape Plans (refer to **Appendix D**).



**Figure 8 - Extract from Architectural plans –Frost Street Elevation**  
 (Source: DTA Architects, 2022)



**Figure 9 - Extract from Architectural plans –Waratah Avenue Elevation**  
 (Source: DTA Architects, 2022)



## 5. Zoning and Permissibility

The site is zoned R1 General Residential under *Orange Local Environmental Plan 2011* (OLEP2011) (refer **Figure 10**).



**Figure 10 – Zoning Map extract**

(Source: NSW Legislation)

The proposed development is a form of “*residential accommodation*” and consists of 2 separate buildings, one containing 2 dwellings the other being a “*residential flat building*” containing 4 dwellings, on a consolidated parcel of land. “*Residential accommodation*” and “*residential flat buildings*” are permissible with consent in the R1 zone. The relevant R1 zone objectives are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.*

The proposed development provides housing to meet the needs of the community. The proposed design has regard for local amenity, is consistent with the scale of nearby development and will be



consistent with the above objectives. The building typology incorporates a mix of 1 and 2 bedroom dwellings which represents the variety needed to support the community.

Clause 40 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP) permits certain development that is 'permitted with consent' to be carried out 'without consent' by the New South Wales Land & Housing Corporation subject to the provisions set out under that clause. Table 3 in subsection 6.1.4 of this REF demonstrates compliance with the relevant provisions of Clause 40 of the ARH SEPP.

## 6. Planning Framework

### 6.1 State Legislation

#### 6.1.1 Environmental Planning and Assessment Act 1979 (EP&A Act)

##### ***Duty to consider environmental impact [Section 5.5]***

For the purpose of attaining the objects of the EP&A Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of the Act or the provisions of any other Act or of any instrument made under the EP&A Act or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity (refer to subsection 1 of Section 5.5).

This REF report addresses the above provisions of Section 5.5 of the EP&A Act. The table below demonstrates the effect of the proposed activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 1: Matters for consideration under sub-sections 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
<i>Sub-section 3</i>  Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the Wilderness Act 1987) in the locality in which the activity is intended to be carried on.	No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the <i>Wilderness Act 1987</i> ).

#### 6.1.2 Biodiversity Conservation Act 2016

Part 7 of the *Biodiversity Conservation Act 2016* (BC Act) sets out the requirements for biodiversity assessment and approvals under the EP&A Act. For the purposes of Part 5, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

Based on the criteria set out in Section 7.3 of the BC Act, the proposed development is unlikely to significantly affect threatened species or ecological communities, or their habitats and therefore no further assessment is necessary. The site is not located in an area of high or moderate biodiversity sensitivity under OLEP 2011.

Nine (9) existing prescribed trees located within the boundaries of the site, within adjacent lots and on the street, were identified as potentially impacted by the development. Four (4) of these trees are identified for removal of which none are threatened or endangered species.

Further assessment of the Act is not required.

#### 6.1.3 Environmental Planning and Assessment Regulation 2021

***Factors that must be taken into account concerning the impact of an activity on the environment [Clause 171]***

In accordance with Subsection 2 of Clause 171 of the EP&A Regulation a determining authority must prepare a review of the environmental factors that demonstrates how the environmental factors specified in the environmental factors guidelines, or the environmental factors specified in subsection (2) if no guidelines are in force, were taken into account when considering the likely impact of an activity.

**Table 2** demonstrates consideration of the factors contained in subsection 2 below have been taken into account. **Table 2** and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

<b>Table 2: Factors to be taken into account concerning the impact of an activity on the environment.</b>	<b>Nil /NA</b>	<b>Temporary</b>	<b>Minor</b>	<b>Significant [Note 1]</b>
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines. <b>[Note 2]</b>	x			
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines. <b>[Note 2]</b>	x			

If no guidelines are in force, will the activity cause:

(a) any environmental impact on the community		x	x	
(b) any transformation of a locality;			x	
(c) any environmental impact on the ecosystems of the locality;	x			
(d) any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;		x	x	
(e) The effects on any locality, place or building that has— (i) aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance, or (ii) other special value for present or future generations,			x	
(f) any impact on the habitat of protected or endangered animals (within the meaning of the Biodiversity Conservation Act 2016)	x			
(g) any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	x			
(h) any long-term effects on the environment;	x			
(i) any degradation of the quality of the environment;		x	x	
(j) any risk to the safety of the environment;	x			
(k) any reduction in the range of beneficial uses of the environment;	x			
(l) any pollution of the environment;		x	x	
(m) any environmental problems associated with the disposal of waste;			x	
(n) any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	x			
(o) any cumulative environmental effect with other existing or likely future activities.	x			
(p) any impact on coastal processes and coastal hazards, including those under projected climate change conditions. <b>[Note 3]</b>	x			

Table 2: Factors to be taken into account concerning the impact of an activity on the environment.	Nil /NA	Temporary	Minor	Significant [Note 1]
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1	x			

**Note 1:** A 'significant' impact will trigger the need for an Environmental Impact Statement.

**Note 2:** This means guidelines in force under clause 171, not guidelines such as the *Seniors Living Urban Design Guidelines* that are in force under other legislation or instruments.

**Note 3:** The *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* provides guidance on considering projected climate change conditions such as sea level rise.

The proposed development is not expected to generate any long term or significant impacts on the environment. The short term impacts during construction will provide for positive social outcomes in the long term, through provision of housing to meet the needs of the community. The impacts of construction will be mitigated through compliance with standard identified requirements that relate to hours of construction activity.

#### 6.1.4 State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)

Clause 40(1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP) permits certain development that may be carried out 'with consent' to be carried out by the New South Wales Land & Housing Corporation as 'development without consent' subject to the provisions set out under that clause. The table below demonstrates compliance with the relevant provisions of Clauses 40 & 40A of ARH SEPP.

Table 3: Compliance with relevant provisions under Clause 40 & 40A of ARH SEPP for 'development without consent' carried out by the Land & Housing Corporation	
Provision	Compliance
<b>40 Development may be carried out without consent</b>	
(1) This clause applies to development for any of the following purposes where that development may be carried out with consent:	
(a) residential development, if any building will have a height of 8.5 metres or less and the development will result in 60 dwellings or less on a single site and the provision of not less than the following parking spaces:	Yes, maximum building height is 7.6m and the proposal is for 6 dwellings on a single site.
(i) for development on land in an accessible area—0.4 parking spaces for each dwelling containing 1 bedroom, 0.5 parking spaces for each dwelling containing 2 bedrooms and 1 parking space for each dwelling containing 3 or more bedrooms, or	Not applicable as the site is not within an accessible area.
(ii) for development that is not in an accessible area—0.5 parking spaces for each dwelling containing 1 bedroom, 1 parking space for each dwelling containing 2 bedrooms and 1.5 parking spaces for each dwelling containing 3 or more bedrooms,	Yes. Total 4 spaces required, 4 spaces provided Required spaces: <ul style="list-style-type: none"> <li>1 bedroom dwellings (4) – 4 x 0.5 = 2 spaces</li> <li>2 bedroom dwellings (2) – 2 x 1 = 2 spaces</li> </ul>
(b) demolition of dwellings and associated structures, but not if the dwelling or structure is on land that:	Demolition of two existing single storey dwellings and associated structures on the development site is proposed.
(i) contains a heritage item that is identified in an	The site does not contain a heritage item identified in any

**Table 3: Compliance with relevant provisions under Clause 40 & 40A of ARH SEPP for 'development without consent' carried out by the Land & Housing Corporation**

Provision	Compliance
<p>environmental planning instrument or an interim heritage order or on the State Heritage Register, or</p> <p>(ii) is identified in an environmental planning instrument as being within a heritage conservation area,</p> <p>(c) Subdivision of land and subdivision works.</p> <p>(2) This clause does not apply to:</p> <p>(a) Development to which Division 5 applies, or</p> <p>(b) Repealed</p> <p>(c) Development that is part of project determined under Section 75P of the Act.</p>	<p>environmental planning instrument or an interim heritage order or on the State Heritage Register.</p> <p>The site is not identified in an environmental planning instrument as being within a heritage conservation area.</p> <p>Consolidation of all lots into a single lot is proposed.</p> <p>Division 5, <i>Residential flat buildings – social housing providers, public authorities and joint ventures</i> does not apply in this instance given residential flat buildings are permissible under OLEP 2011.</p> <p>The subject development is not subject to Part 4 of the Act and no part of the project has been determined under Section 75P of the Act.</p>
<p>(3) Development to which this clause applies may be carried out by or on behalf of the Land and Housing Corporation without development consent.</p>	<p>The proposed development will be undertaken by or on behalf of LAHC.</p>
<p><b>40A Requirements for carrying out residential development</b></p> <p>(1) This clause applies to residential development referred to in clause 40(1) (a).</p> <p>(2) Before carrying out the residential development, the Land and Housing Corporation must-</p> <p>(a) request the council to nominate a person or persons who should, in the council's opinion, be notified of the development, and</p> <p>(b) give written notice of the intention to carry out the development to the council, to the person or persons nominated by the council and to the occupiers of adjoining land, and</p> <p>(c) take into account responses, if any, to the notice that are received within 21 days after the notice is given, and</p>	<p>Advice was sought from Council regarding additional persons or property who should be notified of the development via an email sent to Council on 28 July 2021. Council responded via an email on 10 August 2021 advising that no further persons or properties were required to be notified.</p> <p>A letter notifying Orange City Council of the proposed development activity was sent by the LAHC on 26 November 2021. Letters notifying, occupiers of adjoining land were sent by the LAHC on the same date.</p> <p>Council responded to LAHC's notification by email dated 19 January 2022 indicating that a number of matters were required to be addressed as part of the proposal. Additional clarification was sought from Council as discussed in Section 7.1.</p> <p>One submission was received from the adjoining landowners at 3 and 5 Waratah Avenue as discussed in Section 7.2.</p>
<p>(d) take into account the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that it is not inconsistent with this Policy, and</p>	<p>Refer to checklist in <b>Appendix L</b> and <b>Sub-section 6.1.5</b> of this report which indicates that the Guidelines have been taken into account.</p>
<p>(e) consider the <i>Good Design for Social Housing</i> and</p>	<p>Refer to <b>Sub-sections 6.1.5 &amp; 6.1.6</b> of this report and the</p>

**Table 3: Compliance with relevant provisions under Clause 40 & 40A of ARH SEPP for 'development without consent' carried out by the Land & Housing Corporation**

Provision	Compliance
the <i>Land and Housing Corporation Dwelling Requirements</i> , published in September 2020 on the website of the Land and Housing Corporation, to the extent that they are not inconsistent with this Policy, and	Architect's Statement and Certificate of Building Design Compliance in <b>Appendix N</b> which indicate that the design and dwelling requirements have been considered.
(f) if the development is for the purposes of a manor house or multi dwelling housing (terraces)- consider the provisions of Part 3B of the Codes SEPP, to the extent to which they apply to the development.	Not applicable.
(3) Clauses 16 and 17 of State Environmental Planning Policy (Infrastructure) 2007 apply to the residential development and, in the application of the clauses, a reference in the clauses to-  (a) that Policy is taken to be a reference to clause 40 of this Policy, and  (b) a public authority is taken to be a reference to the Land and Housing Corporation.	Consultation with specified public authorities other than Council is not required for the proposed development. Refer to <b>Section 7.3</b> of this report.
(4) In this clause, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted.

The proposal is for 'in-fill affordable housing' development under Division 1 of the ARH SEPP. **Table 4** below addresses compliance with the requirements of Division 1 of the SEPP.

**Table 4: Compliance with relevant provisions under Division 1 of ARH SEPP for 'in-fill affordable housing' carried out by the Land & Housing Corporation**

Provision	Compliance
<b>10 Development to which Division applies</b>	
(1) This Division applies to residential development if— (a) the development is permitted with consent under another environmental planning instrument, and	Yes, the development is a form of residential accommodation and both residential accommodation and residential flat buildings are permissible with consent under the OLEP 2011.
(b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, an interim heritage order or on the State Heritage Register under the Heritage Act 1977, and	The site does not contain a heritage item and is not subject to an interim heritage order. In accordance with Cl.6 (2) the proposed development is on land owned by Land & Housing Corporation and is therefore entirely for the purposes of affordable housing.
(c) the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20%, and	The site will be used for 100% social housing
(d) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and	Site is not located in one of these regions.
(e) for development on other land—all or part of the	Yes, site is located within 400m of the B4 zone, refer to

**Table 4: Compliance with relevant provisions under Division 1 of ARH SEPP for 'in-fill affordable housing' carried out by the Land & Housing Corporation**

Provision	Compliance
<p>development is within 400 metres walking distance of land within <b>Zone B1</b> Neighbourhood Centre, <b>Zone B2</b> Local Centre or <b>Zone B4</b> Mixed Use, or within a land use zone that is equivalent to those zones.</p> <p>(2) In this clause—  <b>Newcastle region means</b> land within the following local government areas—            (a) Cessnock,            (b) Lake Macquarie,            (c) Maitland,            (d) Newcastle,            (e) Port Stephens.  <b>residential development means</b> development for the following purposes—            (a) attached dwellings,            (b) dual occupancies,            (c) dwelling houses,            (d) manor houses,            (e) multi dwelling housing,            (f) multi dwelling housing (terraces),            (g) residential flat buildings,            (h) Semi-detached dwellings.  <b>Wollongong region means</b> land within the following local government areas—            (a) Kiama,            (b) Shellharbour,            (c) Wollongong.</p> <p><b>Note:</b> Cl.4 of ARH SEPP states:  <b>Greater Sydney region means</b>—            (a) the region comprising the local government areas within the boundary shown on the map in Schedule 1 to the Greater Sydney Commission Act 2015, and            (b) the region comprising the Central Coast local government area.</p>	<p>(Figure 10).</p>
<p>13 (1) Repealed</p> <p>(2) The maximum floor space ratio for the development to which this Division applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:</p> <p>(a) if the existing maximum floor space ratio is 2.5:1 or less:</p> <p>(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</p> <p>(ii) ...</p>	<p>The development is eligible for an additional FSR of 0.5:1. Although the OLEP 2011 does not prescribe a maximum FSR development control for the site.</p>
<p><b>14 (1) Site and solar access requirements</b>            A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p> <p>(a) (Repealed)</p> <p>(b) <b>site area</b></p>	

**Table 4: Compliance with relevant provisions under Division 1 of ARH SEPP for 'in-fill affordable housing' carried out by the Land & Housing Corporation**

Provision	Compliance
<p>if the site area on which it is proposed to carry out the development is at least 450 square meters,</p> <p>(c) <b>landscaped area</b> if: (i) in the case of a development application made by a social housing provider—at least 35 square meters of landscaped area per dwelling is provided, or (ii) in any other case—at least 30 per cent of the site area is to be landscaped,</p> <p>(d) <b>deep soil zones</b> if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:  (i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the <i>deep soil zone</i>), and  (ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and  (iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</p> <p>(e) <b>solar access</b> if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p> <p><b>(2) General</b> A consent authority must not refuse consent to development to which this Division applies on any of the following grounds: (a) <b>parking</b> if: (i) in the case of a development application made by a social housing provider for development on land in an <i>accessible area</i>—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or  (ii) in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling</p>	<p>Yes, the site area is 1427m<sup>2</sup>.</p> <p>Required = 35m<sup>2</sup> x 6 = 210m<sup>2</sup>. Yes, 637m<sup>2</sup> of landscaping N/A</p> <p>Required = 15% x 1427m<sup>2</sup> = 214.05m<sup>2</sup> Yes, 637m<sup>2</sup> (35%) of the site is proposed to be deep soil landscaping.</p> <p>Yes. The deep soil zones provided include a minimum dimension of 3m. Refer to the Deep Soil Diagram provided within Architectural Plans.</p> <p>43% of this deep soil zone is located at the rear and impractical to provide more considering car parking requirements.</p> <p>83% of dwellings in the development receive at least 3 hours direct solar access to the living areas and private open space on June 21. Refer to Architectural Plans provided in <b>Appendix D</b> for further confirmation.</p> <p>Not applicable, as the site is not located in an accessible area.</p> <p>Yes. The site is located within 400m of bus services, however the frequency does not comply with accessible area requirements. As such, the site is not classified as being within an accessible area. Total 4 spaces required; 4 spaces provided</p>



**Table 4: Compliance with relevant provisions under Division 1 of ARH SEPP for 'in-fill affordable housing' carried out by the Land & Housing Corporation**

Provision	Compliance
<p>containing 3 or more bedrooms,</p> <p>(b) <b>dwelling size</b> if each dwelling has a gross floor area of at least: (i) 35m<sup>2</sup> in the case of a bedsitter or studio, or (ii) 50m<sup>2</sup> in the case of a dwelling having 1 bedroom, or (iii) 70m<sup>2</sup> in the case of a dwelling having 2 bedrooms, or (iv) 95m<sup>2</sup> in the case of a dwelling having 3 or more bedrooms.</p> <p>(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in sub clause (1) or (2).</p>	<p>Required spaces:</p> <ul style="list-style-type: none"> <li>• 1 bedroom dwellings (4) – 4 x 0.5 = 2 spaces</li> <li>• 2 bedroom dwellings (2) – 2 x 1 = 2 spaces</li> </ul> <p>4 x 1 bedroom dwellings and 2 x 2 bedroom dwellings are proposed that all have a gross floor area that meet or exceed the relevant minimum dwelling size.</p> <p>1 bed units = between 50m<sup>2</sup> and 59m<sup>2</sup> 2 bed units = between 70m<sup>2</sup> and 77m<sup>2</sup></p>
<p><b>15 Design requirements</b></p> <p>(1) A consent authority must not consent to development to which this Division applies unless it has taken into consideration the following, to the extent to which they are consistent with this Policy—</p> <p>(a) the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004,</p> <p>(b) for development for the purposes of manor houses or multi dwelling housing (terraces)—the <i>Low Rise Housing Diversity Design Guide</i>.</p> <p>(2) This clause does not apply to development to which clause 4 of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies.</p>	<p>Refer to checklist in <b>Appendix N</b> and <b>Sub-section 6.1.5</b> of this report.</p> <p>Not applicable.</p>
<p><b>16 Continued application of SEPP 65</b> Nothing in this Policy affects the application of <i>State Environmental Planning Policy No 65—Design Quality of Residential Flat Development</i> to any development to which this Division applies.</p>	<p>Not applicable. The development does not trigger SEPP65 as it is only 2 storeys.</p>
<p><b>16A Character of local area</b> A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	<p>Yes. The proposal is designed with regard to the street and block layout and hierarchy, streetscape, built form and the emerging character of the locality. The proposed development aligns with the desired future character of the area by providing a development that is compliant with the ODCP 2004 design and local character requirements</p>
<p><b>18 Subdivision</b> Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.</p>	<p>Consolidation of the two lots into a single lot is proposed.</p>

### 6.1.5 Seniors Living Policy Urban Design Guidelines for Infill Development

An assessment of the project against the *Seniors Living Policy: Urban Design Guidelines for Infill Development* is provided at **Appendix L**. The development generally incorporates the Guidelines with the exceptions discussed below:

#### ***Tree retention (2.08, 2.09, 2.10)***

*‘2.08 Retain trees and planting at the rear of the lot to minimise the impact of new development on neighbours and maintain the pattern of mid-block deep-soil planting?’*

*2.09 Retain large or otherwise significant trees on other parts of the site through sensitive site planning?’*

*2.10 Where not possible to retain existing trees, replace with new mature or semi-mature trees?’*

Nine existing prescribed trees located within the boundaries of the site, within adjacent lots and on the street were identified as potentially impacted by the development. The removal of 4 trees (Tree No's 4, 5, 7 & 9) from within the site have been recommended to facilitate the proposed development. These trees have been assessed in the arborist report as having low or medium significance value.

Five trees located on the adjoining street, within the site and adjoining sites have been identified for retention subject to appropriate tree protection measures being implemented in accordance with the Arboricultural Impact Assessment. These trees will not be impacted by the proposed development and will be retained and protected during construction.

The site incorporates scattered vegetation, and retention of all site trees would significantly impact the design of the proposed development. A variety of new landscape planting is proposed to offset the removal of 4 trees from within the site, including replacement tree species with mature heights between 3m and 10+m. New plantings will consist of a mixture of native tree species and shrubs, hedge plantings and groundcovers, as shown on the submitted Landscape Plans. In addition, landscaped areas along the rear are proposed with suitable hedge planting to minimise impact on neighbouring properties.

#### ***Deep Soil Zone (2.18)***

*‘2.18 Provide at least 10% of the site area, at the rear of the site, for deep soils zones to create a mid-block corridor of trees within the neighbourhood?’*

A total of 151.78m<sup>2</sup> deep soil area is provided at the rear of the site which is more than 10% of site area and is consistent with the deep soil area requirement. It is noted that there is a calculation error within the SLUDG checklist, provided within Appendix L, which incorrectly states that 7% of site area is provided as deep soil zone at the rear.

The proposal is considered consistent with the requirements for DSZ within Seniors Living Urban Design Guidelines and ARH SEPP.

#### ***Hard surfaces (2.20 and 5.10)***

*‘2.20 Use semi-pervious materials for driveways, paths and other paved areas?’*

*5.10 Avoid large uninterrupted areas of hard surface?’*

The proposal is consistent with the LAHC Design requirements where driveway and parking areas need to be concrete to meet maintenance and durability requirements.

The proposal provides more than the required deep soil area which will assist in reducing stormwater run-off and an underground OSD tank will also retain stormwater on site.

The proposal is considered to be consistent with the objectives of Part 2 within Seniors Living Urban Design Guidelines.

***Upper Level Setback (3.06 and 4.03)***

*'3.06 Setback upper levels behind the front building façade?'*

*4.03 Set upper storeys back behind the side or rear building line?'*

The proposal is consistent with the setbacks requirements contained within Orange Development Control Plan (ODCP). The front setback is consistent with those of adjoining properties and secondary setback (from Waratah Avenue) is 6.5m which is more than required 2m. Side/ rear setbacks are 2.5m and 3.8m respectively which are also more than required 900mm.

The proposal is consistent in form with nearby 2 storey developments which include articulation to the façade, rather than upper level setbacks to ensure development is sympathetic to the character of the area.

Existing and proposed landscaping will provide a vegetated buffer between the proposed development and the Street which will soften the built form and ensure the proposal fits comfortably with surrounding development.

Accordingly, the proposal is considered to be consistent with the emerging character of development in the locality as contemplated by ODCP.

***Roof Elements (3.08 and 4.04)***

*'3.08 reduce the apparent bulk and visual impact of the building by breaking down the roof into smaller roof elements?'*

*4.04 Reduce the visual bulk of roof forms by breaking down the roof into smaller elements rather than having a single uninterrupted roof structure?'*

The roof has been designed as a hip and gable. The roof form is traditional in form and style and consistent with the design of surrounding buildings.

The building façade incorporates relief features such as patios, wall offsets and windows to relate to the neighbourhood character and minimise any visual bulk to neighbouring properties. The development incorporates variation in materials, detailing, form, façade lines and relief and provide for individual designs for dwellings that complement the setting within a consistent neighbourhood theme.

The proposal will not result in adverse impacts on adjoining properties in terms of overshadowing and visual privacy due to the roof form proposed and as discussed above.

Accordingly, the proposal is considered to be consistent with the ODCP with respect to the objectives and controls relating to neighbouring amenity impact.

***Driveway Alignment and Design (3.22, 3.24 and 3.27)***

*'3.22 vary the alignment of driveways to avoid a 'gun barrel' effect?'*

*3.24 Consider alternative site designs that avoid driveways running the length of the site?'*

*3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (e.g. to delineate individual dwellings)'*

Various forms of landscaping including trees, shrubs and ground covers have been incorporated into the design to soften and reduce the visual impact of the driveway. The main driveway is located centrally with proposed landscaping on each side and to the rear will reduce the visual

impact. Overall, the proposal consolidates the two existing driveways into one and as such reduces the visual prominence of parking within the site.

In addition, the car parking spaces are located to the rear behind the building to screen their view from the public domain.

### **Gates (3.29)**

#### **'3.29 Provide gates at the head of driveways to minimise visual 'pull' of the driveway?'**

While SLUDG recommends a gated driveway a gate would be out of character within the locality and not suitable for this type of development. Further, a gate on the common driveway would be difficult to manage and is not supported by the LAHC design standards.

## **6.1.6 Good Design for Social Housing**

An assessment of the proposed development against the *Good Design for Social Housing* document, published in September 2020, indicates that the proposed development has adequately considered the goals and principles as outlined in the Table below. Refer to Certificate of Compliance from the Architect in **Appendix N**.

<b>Table 5: Good Design for Social Housing – Relevant Goals &amp; Principles</b>		
<b>Goals</b>	<b>Principles</b>	<b>Comment - Discussion on how the design responds to the principles:</b>
<b><i>Wellbeing</i></b>	<ul style="list-style-type: none"> <li>• Healthy environments</li> <li>• Good for tenants</li> <li>• Quality homes</li> </ul>	<ul style="list-style-type: none"> <li>• The site is walking distance from public recreation areas.</li> <li>• Safe access is provided from the street and car parking areas to the main entry lobbies.</li> <li>• The units have been designed to ensure residents have privacy, and feel safe.</li> <li>• The development is compliant with BASIX requirements (<b>Appendix K</b>).</li> <li>• The proposal includes high quality landscaping to enhance the site amenity for residents and the streetscape.</li> </ul>
<b><i>Belonging</i></b>	<ul style="list-style-type: none"> <li>• Mixed tenure</li> <li>• Good shared and public spaces</li> <li>• Contribute to local character</li> </ul>	<ul style="list-style-type: none"> <li>• The development has easily identified front entrances and includes attractively designed landscaping along street frontage.</li> <li>• The building design and landscaping has been considered in the context of the existing and developing character of the surrounding residential neighbourhood</li> </ul>
<b><i>Value</i></b>	<ul style="list-style-type: none"> <li>• Whole of lifecycle approach</li> <li>• Sustainability and resilience</li> <li>• Make every dollar count</li> </ul>	<ul style="list-style-type: none"> <li>• The development incorporates durable building materials and low maintenance landscape species.</li> <li>• The orientation of each dwelling and private open space area has been designed to optimise natural light to these areas.</li> </ul>

## **6.1.7 State Environmental Planning Policy (Housing) 2021**

On 26 November 2021 ('commencement date') the Housing SEPP came into force.

The commencement of the Housing SEPP repealed the ARH SEPP (repealed ARH SEPP)

The savings and transitional provisions (savings provisions) in Schedule 7A of the Housing SEPP provide that the Housing SEPP does not apply to a proposed development after the commencement date if the council has been notified under the provisions of clause 40A (2) of the repealed ARH SEPP, and approval for the proposed development is granted prior to 26 November 2022.

As noted at section 7.1 of this REF, Orange City Council was notified of the proposed development by letter dated 26 November 2021 in accordance with the repealed ARH SEPP, Clause 40A(2); and approval of the development is imminent. As such, the provisions of the repealed ARH SEPP continue to apply to the proposed development and assessment under the Housing SEPP is not required.

### 6.1.8 Other State Environmental Planning Policies (SEPPs)

<b>Table 6</b> below outlines compliance and applicability with a variety of State Environmental Planning Policies (SEPPs). <b>Table 6 – Compliance with other applicable State Environmental Planning Policies</b>	
<b>State Environmental Planning Policy</b>	<b>Applicability</b>
SEPP 65 (Design Quality of Residential Apartment Development)	The proposed development does not meet the height/ storey trigger requiring assessment of SEPP 65 and the Apartment Design Guide.  Further assessment is not required.
State Environmental Planning Policy (Transport and Infrastructure) 2021	The development is “residential development” under Clause 42(6) of ARH SEPP. As required by Clause 42(5) (a) of the ARH SEPP, consideration has been given to the need to notify the “specified public authorities” identified in Clause 2.15 of SEPP (Transport and Infrastructure) 2021 (formerly Clause 16 of Infrastructure SEPP 2007). This is discussed further in <b>Section 7.4</b> .
SEPP (Building Sustainability Index: BASIX) 2004	A BASIX Certificate has been provided for the development proposal, as required under the SEPP (refer to <b>Appendix K</b> ).
SEPP (Resilience and Hazards) 2021	<i>Chapter 4 – Remediation of Land</i>  The site is located within a developed residential area of Orange. A desktop analysis did not reveal any information about the past use of the site beyond that of its existing residential use. As such, given the long-term continuous use of the land for residential purposes, the highly disturbed nature of the site and given that the Section 10.7 Planning Certificates indicate the site has not been identified as being subject to any matters arising from the Contaminated Land Management Act, it is unlikely that the subject land is affected by contamination.  Whilst the site is not known to be affected by any contamination it is acknowledged that there is potential for contamination to be discovered during the construction process and also to occur as a result of the construction process, e.g. chemical spill, as such Identified Requirement No. 17 is recommended to ensure appropriate action is taken should such an instance arise.

There are no other relevant State Environmental Planning Policies applicable to the development.

### 6.1.9 Other Legislation

There is no other State or Commonwealth legislation relevant to the development.

## 6.2 Local Planning Controls

The applicable planning instrument for the site is OLEP 2011. The site is zoned R1 General Residential under the LEP.

Compliance with the relevant provisions/ development standards set out in OLEP 2011 is demonstrated in **Table 7** below.

Table 7: Orange Local Environmental Plan 2011 Relevant Provisions / Development Standards for Residential Flat Building Development			
Control	Required	Proposed	Compliance
<b>Principal development standards</b>			
4.3 Height of Buildings	No maximum building height under OLEP 2011.	Building height of 7.6m proposed.	N/A
4.4 Floor space ratio	No maximum FSR under OLEP 2011.	0.27:1 FSR proposed.	N/A
<b>Miscellaneous provisions</b>			
5.10 Heritage	Consider potential heritage impacts	<p>The site adjoins a Heritage Item under OLEP 2011 known as I180 – House located at 52 Frost Street and is in the vicinity of I181 – House located at 54 Frost Street.</p> <p>A Heritage Impact Statement (HIS) has been prepared for the proposal and can be found at <b>Appendix N</b>. The HIS details that the development will have minimal impact on the significance of adjoining heritage items and the heritage items do not have curtilages extending onto the subject site.</p> <p>Therefore, no further action is required.</p>	Yes
<b>Additional local provisions</b>			
7.1 Earthworks	The purpose of this clause is to ensure any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land,	Earthworks have been minimised where possible and the development has been designed to limit the need for excavation. Fill will be introduced to provide suitable finished floor levels and appropriate trafficable pathways across the site which are in keeping with site topography.	Yes
7.2A Floodplain risk management	Development must be compatible with the flood hazard of the land	Section 10.7 certificates confirm the site is located above the Flood Planning Level.	Yes
7.3 Stormwater Management	The objective of this clause is to minimise the impacts of urban stormwater on the land to which the development applies and on adjoining downstream properties, native bushland and receiving waters.	The development has been designed to adequately manage stormwater. See Stormwater Plan at <b>Appendix D</b> .	
7.4 Terrestrial Biodiversity	Development is to protect native flora and fauna and ecological processes.	The site is not identified on the OLEP Terrestrial Biodiversity Map.	Yes

Table 7: Orange Local Environmental Plan 2011 Relevant Provisions / Development Standards for Residential Flat Building Development			
Control	Required	Proposed	Compliance
7.5 Riparian Lands and Watercourses	Development is to protect and maintain the water quality within watercourses, the stability of the bed and banks of watercourses, aquatic and riparian habitats, ecological processes within watercourses and riparian areas.	The site is not identified in the OLEP Watercourse mapping as being within 40m of a watercourse.	N/A
7.6 Groundwater Vulnerability	Development is to maintain the hydrological functions of key groundwater systems.	The site is identified on the OLEP as being subject to Groundwater Vulnerability. The Geotechnical report demonstrates there will be minimal impact to groundwater as a result of the development "(Appendix F).	Yes
7.7 Salinity	Development should include appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity	Site is not subject to salinity controls.	N/A
7.11 Essential Services	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 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) stormwater drainage or on-site conservation, (e) suitable vehicular access.	The development includes suitable provision of water, electricity, reticulated sewer, stormwater, OSD and vehicle access	Yes

### 6.3 Local Development Control Plan (DCP) Compliance

Orange Development Control Plan 2004 (ODCP) is applicable to the proposed development. Compliance with the key applicable requirements of the ODCP (excluding those already addressed as part of the ARH SEPP) are listed in **Table 8** below.

Table 8: Orange Development Control Plan 2004 Chapter DCP 07 – Development in Residential Areas Compliance with Applicable Key Requirements			
Control	Required	Proposed	Compliance
Planning Outcome (PO) 7.2-1	Corner lots provide for a house to front one street.	The development includes consolidation of the existing 2 lots. The proposal includes 2 buildings, 1 fronting Frost Street and 1 fronting Waratah Avenue.	Yes
P7.5-1	All residential development demonstrates that the principles and objectives of each design element as	See below.	Yes – See below.

**Table 8: Orange Development Control Plan 2004 Chapter DCP 07 – Development in Residential Areas  
Compliance with Applicable Key Requirements**

Control	Required	Proposed	Compliance
	outlined in section 7.7 are achieved.		
PO7.7-1 Neighbourhood Character	– Buildings are designed to complement the relevant features and built form that are identified as part of the desired neighbourhood character  The streetscape is designed to encourage pedestrian access and use.	The development has been designed to complement the character of the area through simple roof forms and lighter colours and materials that are reflective of the style of surrounding dwellings.  The development incorporates landscaping into the development while also retaining views to the street for passive surveillance.	Yes
PO7.7-2 – Building Appearance	Building design relates to residential scale of the area and adds visual interest  Frontage of buildings address the street  Garage and carports do not dominate street frontage	The development incorporates lighter materials and finishes to complement development in the surrounding area. The car parking area is located at the rear of the site behind the buildings to minimise its visual impact on the street.	Yes
PO7.7-3 - Heritage	New development complements heritage items	The development adjoins a Heritage Item under OLEP 2011. The development has been designed to minimise impacts to the heritage item through adequate setbacks and incorporation of light colours materials and finishes reflective of the heritage item. The Heritage Impact Statement accompanying this REF ( <b>Appendix N</b> ) also confirms that the proposed development complements the heritage values and setting of the adjoining dwellings.	Yes
PO7.7-4 – Setbacks	Front setback consistent with the front building line of adjoining development  A 2m setback to the secondary street frontage boundary	The front setback of the development is consistent with the front setback of the development at 3 Frost Street. The development is setback at least 6m from the secondary street frontage (Waratah Avenue).	Yes
PO7.7-5 – Fences and Walls	Maximum of 1.2m front fence  Side fences on corner lots to have a maximum height of 1.8m behind front building line.	The development proposes a 1.2m high fence along the length of the Frost Street and Waratah Avenue street frontages.	Yes
PO7.7-6 – Visual Bulk	Buildings are contained within an envelope generated by planes projected at 45° over the site	The development is a 2 storey development and is adjoined by largely single storey development.	There is a minor exceedance of 300mm in the south-eastern corner of the site. However, the



**Table 8: Orange Development Control Plan 2004 Chapter DCP 07 – Development in Residential Areas  
Compliance with Applicable Key Requirements**

Control	Required	Proposed	Compliance
	<p>commencing 2.5m above existing ground level from each side and rear boundary.</p> <p>Buildings within 15m of the street frontage, in areas of predominantly single-storey houses, are or appear as single storey</p> <p>Maximum 50% site coverage</p>	<p>with the locality.</p> <p>The development has a site coverage of less than 50% of the site area.</p>	<p>proposal does not result in adverse overshadowing or visual privacy impacts.</p> <p>Furthermore, 2 storey developments can be found in the surrounding area and as such the development is not out of character.</p> <p>The proposal is considered to meet the objectives of this part.</p>
PO7.7-7 – Walls and Boundaries	<p>Minimum setback of 900mm from side boundaries</p> <p>No impacts to privacy and overshadowing</p>	<p>The development is setback a minimum of 2.5m from the side boundaries.</p> <p>The development includes a parking area that is slightly raised above natural ground level to accommodate an OSD tank. The development has been designed to reduce impacts to the neighbouring property at 3 Waratah through boundary fencing and a significant landscape buffer.</p>	Yes
PO7.7-8 – Daylight and Sunlight	<p>Windows provided to habitable rooms</p> <p>Sunlight to at least 40% of adjoining private open space and 75% of adjoining living areas for 3 hours between 9am and 3pm on June 21</p>	<p>The proposal will result in overshadowing largely over the subject site and the adjoining road reserves. The shadow diagrams at <b>Appendix D</b> demonstrate the adjoining properties will retain three hours of solar access to private open space and living areas.</p>	Yes
PO7.7-9 – Views	<p>Allow shared view and vistas of heritage items or landmarks</p>	<p>There are no significant views or vistas to or from the site and the heritage impact statement confirms that there will be no impact on the adjoining heritage items.</p>	Yes
PO7.7-10 – Visual Privacy	<p>Habitable rooms on upper floors within 9 metres of adjoining windows are offset and include screening</p>	<p>Balconies associated with Units 5 and 6 are orientated internally or toward Frost Street and include extensive screening to mitigate any adverse impacts on neighbouring properties.</p> <p>Windows on the eastern elevation are limited to minimise overlooking impacts to nearby dwellings.</p>	Yes
PO7.7-11 – Acoustic Privacy	<p>Site layout separates communal space and adjoining garages and living rooms from bedrooms</p>	<p>The development has been designed to separate high noise areas from bedrooms through fencing and siting of</p>	Yes

**Table 8: Orange Development Control Plan 2004 Chapter DCP 07 – Development in Residential Areas  
Compliance with Applicable Key Requirements**

Control	Required	Proposed	Compliance
		development.	
PO7.7-12 – Security	CPTED principles achieved for multi-unit development  Buildings design to allow casual surveillance	The development t includes windows and private open space areas that overlook the street and internal communal areas to ensure passive surveillance in accordance with CPTED principles.	Yes
PO7.7-14 – Circulation Design	Driveways designed to enable vehicles to enter a garage in a single turning movement and leave in no more than two turning movements  Include space for cars to pass where more than 3 dwellings within the site	The parking area has been designed to allow appropriate manoeuvring as detailed within the architectural drawings in <b>Appendix D</b> .  The development has also been designed to include a passing bay at the entry to the site.	Yes
PO7.7-15 – Car Parking	Parking areas to be located behind rear building line  At least one undercover parking for each dwelling	The development includes a car parking area at the rear of the proposed development.  The development does not include any undercover parking.	Yes  The proposal includes car parking at the rear of the proposed buildings.  However, the proposal does not include undercover parking required by the DCP.  Within the current scheme the provision of undercover parking would have adverse impacts on visual bulk to neighbouring properties. In general open car parking is the most suitable in terms of management for LAHC. As such the provision of hard stand car parking area is considered appropriate in the circumstances.
PO7.7-16 – Private Open Space	50% of dwelling area is provided as private open space for ground floor development  First floor development provides a balcony of 8m <sup>2</sup> in area with a minimum dimension of 2m.	The proposed private open space for ground floor units:  Unit 1 – 14m <sup>2</sup> * Unit 2 – 20m <sup>2</sup> Unit 3 – 20m <sup>2</sup> Unit 4 – 79m <sup>2</sup> (* Note: The area refers to hard surface area only.)  The proposed total POS area including soft landscape for Unit 1 is 80.3m <sup>2</sup> , Unit 2 is 38.83m <sup>2</sup> and Unit 3 is 87.66m <sup>2</sup>	Yes. The proposal is consistent with the POS requirements within ARH SEPP and ODCP.

**Table 8: Orange Development Control Plan 2004 Chapter DCP 07 – Development in Residential Areas  
 Compliance with Applicable Key Requirements**

Control	Required	Proposed	Compliance
		The proposal provides the following private open space for first floor units Unit 5 – 8m <sup>2</sup> Unit 6 – 8m <sup>2</sup>	
PO7.7-17 – Open Space and Landscaping	At two thirds of the front setback is soft landscaped	The development provides at least two thirds of the front setback as landscaped area incorporating trees, shrubs and ground cover.	Yes
PO7.7-18 – Stormwater	Site drainage allows for on-site stormwater retention and stormwater storage for reuse  Landscape design assists on site infiltration	The stormwater plans demonstrate the site provides on-site stormwater detention in accordance with the relevant requirements.  A substantial amount of the site is landscaped to provide for rainwater infiltration.	Yes
PO7.7-19 - Erosion and Sediment Control	Prepare a Stormwater and Soil Management Plan	A stormwater and soil management plan has been prepared at <b>Appendix D</b> .	Yes

## 7. Notification, Consultation and Consideration of Responses

Copies of the notification plans that were sent to the local council and to the adjoining occupiers are provided in **Appendix B**, together with copies of all responses received and a record of any responses.

### 7.1 Council Notification

In accordance with Clause 40A (2) (b) of the ARH SEPP, Orange City Council was requested to nominate any other persons who should, in the Council's opinion, be notified of the development via email dated 26 July 2021 Council confirmed via email dated 10 August 2021, that no further properties were required to be notified, refer to email correspondence with Council in **Appendix B**.

In accordance with Clause 40A (b) of the ARH SEPP, Orange City Council was notified of the development by letter dated 26 November 2021 (refer to **Appendix B**). The notification response period formally closed on 23 December 2021. Council responded to the notification by email dated 19 January 2022, with comments extracted below.

Matter raised	LAHC information in response
<p><b>PO 7.7-1 Planning Outcomes – Neighbourhood Character</b></p> <ul style="list-style-type: none"> <li>The existing housing vernacular is largely post-war fibro houses and brick homes built around the 1980's-1990's. There is some lower scale tree planting on site and small street trees within the area.</li> <li>The proposed building design is of a modern aesthetic. The proposed Silica PGH brick is of a lighter colour not typical of the surrounding brick homes. Other alternatives that would be suitable are the Balmoral brick or Endeavour brick encompassing some red tones that are reflective of the surrounding character.</li> <li>The overall darker appearance of the second floors could be further lightened by painting protruding elements in a white to reduce the bulk of the second storey. This also responds to the broader neighbourhood character in which most buildings are coloured in light colour schemes.</li> <li>The proposed landscaping will enhance the streetscape however needs to be balanced with passive surveillance of the street.</li> </ul>	<p>Red tone bricks (Pilbara colour) are proposed as face brick and a lighter render, cladding is proposed on the first floor to ensure the development is consistent with the surrounding character.</p> <p>Various species of Shrubs with heights from 0.75m to 1m are proposed along the front boundary and some trees with height from 5m to 10m are proposed to enhance the streetscape and to provide privacy to the units facing to the street.</p> <p>Large windows are proposed to the habitable rooms looking into the street which allows passive surveillance of the street.</p>

<b>Matter raised</b>	<b>LAHC information in response</b>
<b>PO 7.7-2 Planning Outcomes – Building Appearance</b> <ul style="list-style-type: none"> <li>Building materials and colours, see recommendations under 7.7.1.</li> <li>Bin storage areas must be suitably screened from the streetscape. Landscaping must be supported by fencing to enclose the visual and odour impact of storage to the streetscape.</li> </ul>	<p>Red tone bricks (Pilbara colour) are proposed as face brick and a lighter render, cladding are proposed on the first floor to ensure the development is consistent with the surrounding character.</p> <p>The bin areas are screened behind the wall and enclosed by proposed 1m high metal fence.</p>
<b>PO 7.7-4 Planning Outcomes – Setbacks</b> <ul style="list-style-type: none"> <li>Frost Street setbacks are consistent with prevailing setbacks</li> <li>Waratah Avenue setbacks are consistent with the guidelines for the Planning Outcome in relation to corner allotments allowing a 2m setback from the secondary street.</li> </ul>	Noted
<b>PO 7.7-6 Planning Outcomes – Visual Bulk</b> <ul style="list-style-type: none"> <li>There is a minor exceedance of bulk and scale envelope on the southern elevation. This generally has no impact on the overshadowing or visual privacy given the proposed windows on the Eastern elevation are highlight windows.</li> </ul>	Noted
<b>PO 7.7-7 Planning Outcomes – Walls and Boundaries</b> <ul style="list-style-type: none"> <li>The increase in the floor level for the underground OSD and rainwater tank (RL 878.225 – 878.335) to the 3 Waratah Avenue and the height of the fence (RL 878.350) and planting Melaleuca Claret Tops (height 1.2m at RL 877.495) raises concerns around the visual privacy impacts that this may have on the adjoining neighbour's private open space (RL 877.41). Alternative options to reduce the increase in the proposed floor level or suitable screening must be explored to alleviate the visual privacy impacts on 3 Waratah Avenue.</li> </ul>	<p>In consultation with the Council engineer, a shallower, 500mm deep OSD tank is proposed which has lowered the overall height of the car park level by 500mm. As recommended by the Council Engineer, a few extra pits have been added to facilitate maintenance of this shallower OSD tank.</p> <p>The reduced car park level, together with the proposed boundary fence and proposed landscape treatment will minimise visual privacy impacts on adjoining properties.</p>

<b>Matter raised</b>	<b>LAHC information in response</b>
<p><b>PO 7.7-8 Planning Outcomes – Daylight and Sunlight</b></p> <ul style="list-style-type: none"> <li>Plans do not indicate the habitable windows on 3 Waratah Avenue. It is recommended a shadow diagram be provided for each hour on the 21 June to suitably understand the impact on the adjoining neighbour. Further information on the overshadowing impact of the fence and significant tree planting to the Eastern boundary is required to determine the impact on the neighbours habitable windows and private open space. It is recommended the following be considered: <ul style="list-style-type: none"> <li>Existing overshadowing impacts</li> <li>Proposed shadow diagrams including proposed trees to the East</li> <li>Assessment of location of habitable windows and shadow diagrams if they are present on the Western side for 3 Waratah Avenue</li> <li>Shadow diagrams for each hour to completely understand impact and assess if solar access is significantly reduced</li> </ul> </li> </ul>	<p>The shadow diagrams in '<b>Appendix – D</b>' demonstrates that the adjoining dwelling is receiving 3hrs of sunlight and the shadow casted at 3pm on adjoining windows and doors is from a 1.8m high boundary fence.</p> <p>The vegetation proposed along the eastern boundary will improve privacy and minimise overlooking into the adjoining property.</p> <p>There is no additional overshadowing to the rear private open space of the adjoining dwelling at 3 Waratah Avenue apart from the shadow cast in the afternoon by the 1.8m high boundary fence</p>
<p><b>PO 7.7-10 Planning Outcomes – Visual Privacy</b></p> <ul style="list-style-type: none"> <li>As per commentary under 7.7-7 Planning Outcomes – Walls and Boundaries</li> <li>Highlight windows on Eastern elevation of Units 3-6 have been suitably utilised to ameliorate any visual privacy impacts, similarly the 1.8m high fence and landscaping will provide suitable screening and privacy to the neighbours to the North.</li> </ul>	<p>As discussed above, the reduction in height of OSD tank and subsequent lowering of the car park area will minimise the visual privacy impacts on neighbouring properties.</p>
<p><b>PO 7.7-12 Planning Outcomes – Security</b></p> <ul style="list-style-type: none"> <li>A CPTED report should be prepared to ensure that passive surveillance to the street is adequate not concealed by the landscaping.</li> </ul>	<p>Appropriate plant species are proposed to ensure privacy as well as provide clear sightlines to the street.</p> <p>The proposal complies with CPTED principles and is consistent with the requirements of the Seniors Living Urban Design Guidelines with regard to safety. '<b>Appendix L</b>'</p>

<b>Matter raised</b>	<b>LAHC information in response</b>
<p><b>PO 7.7-16 Planning Outcomes – Private Open Space</b></p> <ul style="list-style-type: none"> <li>Private open space for unit 1 (14.32m<sup>2</sup> – 19% of total GFA), unit 2 (20.15m<sup>2</sup> – 28% of total GFA), unit 3 (20.35m<sup>2</sup> – 39% of total GFA), unit 4 (79.35m<sup>2</sup> – 155% of total GFA), units 5 (8.21m<sup>2</sup> – 8.21 – 15.2% of total GFA) and 6 (8.21m<sup>2</sup> – 15% of total GFA).</li> <li>Private open space for units 1, 2, 3 is not considered compliant with Council's DCP, noting the site is constrained in layout. Further consideration of communal open space opportunities should be given especially where unit 4 provides more than the requirements to ensure equitable open space opportunities for all residents.</li> </ul>	<p>The private open space areas in the development data table for Unit 1, 2 &amp; 3 accounts for hard surface area only. When the total proposed POS (Hard + soft landscape) for Ground floor units are calculated, ground floor units comply with Council's requirement for POS to be 50% of the floor area.</p> <p>Additionally, the proposed POS areas for ground floor and first floor units comply with the requirements of the ARH SEPP.</p>
<p><b>PO 7.7-18 Planning Outcomes – Stormwater</b></p> <ul style="list-style-type: none"> <li>Councils' engineers have noted concern regarding the on-site retention tanks and drainage causing nuisance flows to adjoining properties to the East of the site. Concerns have been raised that this will exacerbate flooding problems experience along and at the end of Waratah Avenue.</li> <li>Councils' engineers recommend alternative solutions be sought through Councils existing stormwater system.</li> </ul>	<p>An alternative design with a shallower OSD tank has been supported by Council's engineers.</p> <p><b>'Appendix – B'</b></p>
<ul style="list-style-type: none"> <li><b>Parking garaging and vehicular circulation – consider providing covered parking for residents in line with Council requirements and to improve amenity.</b></li> </ul>	<p>The provision of covered parking would result in adverse impacts on the amenity of neighbouring dwellings and would detract from the character of the locality.</p> <p>The proposed open car park is compliant with the provisions under the ARH SEPP and the LAHC Dwelling requirements 2020.</p>



Matter raised	LAHC information in response																																													
<p><b>SECTION 7.11 CONTRIBUTIONS</b></p> <p>The payment of <b>\$10,724.32</b> is to be made to Council in accordance with <i>Section 7.11</i> of the <i>Environmental Planning and Assessment Act 1979</i> and <i>Orange Development Contributions Plan 2017</i> (Remainder of LGA) towards the provision of the following public facilities:</p> <table border="1"><thead><tr><th colspan="3">Bedroom Dwelling</th></tr></thead><tbody><tr><td>Open Space and Recreation</td><td>@ \$1,786.60 x 4 - 1 bedroom dwelling</td><td>7,146.40</td></tr><tr><td>Community and Cultural</td><td>@ \$518.11 x 4 - 1 bedroom dwelling</td><td>2,072.44</td></tr><tr><td>Roads and Traffic Management</td><td>@ \$2,630.89 x 4 - 1 bedroom dwelling</td><td>10,523.56</td></tr><tr><td>Stormwater Drainage</td><td>--</td><td>--</td></tr><tr><td>Plan Preparation &amp; Administration</td><td>@ \$139.90 x 4 - 1 bedroom dwelling</td><td>559.60</td></tr><tr><th colspan="3">2 Bedroom Dwelling</th></tr><tr><td>Open Space and Recreation</td><td>@ \$2,418.05 x 2 - 2 bedroom dwelling</td><td>4,836.10</td></tr><tr><td>Community and Cultural</td><td>@ \$701.24 x 2 - 2 bedroom dwelling</td><td>1,402.48</td></tr><tr><td>Roads and Traffic Management</td><td>@ \$3,288.66 x 2 - 2 bedroom dwelling</td><td>6,577.32</td></tr><tr><td>Stormwater Drainage</td><td>--</td><td></td></tr><tr><td>Plan Preparation &amp; Administration</td><td>@ \$189.33x 2 - 2 bedroom dwelling</td><td>378.66</td></tr><tr><th colspan="3">Credits</th></tr><tr><td>3 bedroom per lot for existing lots</td><td>@11,386.12 x 2 lots (equivalent to 3 bedroom dwelling rate)</td><td>22,772.24</td></tr><tr><td><b>TOTAL:</b></td><td></td><td><b>\$10,724.32</b></td></tr></tbody></table> <p><i>Orange Development Contributions Plan 2017</i> (Remainder of LGA). This Plan can be inspected at the Orange Civic Centre, Byng Street, Orange.</p> <p>Council Contributions will be adjusted to account for indexation at the time of payment.</p> <p><b>SECTION 64 CONTRIBUTIONS</b></p> <p>Council will require S64 sewer and headworks to be paid at the time of construction. Please liaise with Council Technical Services Team regarding these contributions.</p>	Bedroom Dwelling			Open Space and Recreation	@ \$1,786.60 x 4 - 1 bedroom dwelling	7,146.40	Community and Cultural	@ \$518.11 x 4 - 1 bedroom dwelling	2,072.44	Roads and Traffic Management	@ \$2,630.89 x 4 - 1 bedroom dwelling	10,523.56	Stormwater Drainage	--	--	Plan Preparation & Administration	@ \$139.90 x 4 - 1 bedroom dwelling	559.60	2 Bedroom Dwelling			Open Space and Recreation	@ \$2,418.05 x 2 - 2 bedroom dwelling	4,836.10	Community and Cultural	@ \$701.24 x 2 - 2 bedroom dwelling	1,402.48	Roads and Traffic Management	@ \$3,288.66 x 2 - 2 bedroom dwelling	6,577.32	Stormwater Drainage	--		Plan Preparation & Administration	@ \$189.33x 2 - 2 bedroom dwelling	378.66	Credits			3 bedroom per lot for existing lots	@11,386.12 x 2 lots (equivalent to 3 bedroom dwelling rate)	22,772.24	<b>TOTAL:</b>		<b>\$10,724.32</b>	<p>As per section 7.11 of EPA Act, contributions may be levied by a consent authority when a development consent is sought. However, the proposed development is “<i>development without consent</i>” and hence contributions cannot be levied.</p> <p>The requirement for s.64 Contributions under the Local Government Act are noted.</p>
Bedroom Dwelling																																														
Open Space and Recreation	@ \$1,786.60 x 4 - 1 bedroom dwelling	7,146.40																																												
Community and Cultural	@ \$518.11 x 4 - 1 bedroom dwelling	2,072.44																																												
Roads and Traffic Management	@ \$2,630.89 x 4 - 1 bedroom dwelling	10,523.56																																												
Stormwater Drainage	--	--																																												
Plan Preparation & Administration	@ \$139.90 x 4 - 1 bedroom dwelling	559.60																																												
2 Bedroom Dwelling																																														
Open Space and Recreation	@ \$2,418.05 x 2 - 2 bedroom dwelling	4,836.10																																												
Community and Cultural	@ \$701.24 x 2 - 2 bedroom dwelling	1,402.48																																												
Roads and Traffic Management	@ \$3,288.66 x 2 - 2 bedroom dwelling	6,577.32																																												
Stormwater Drainage	--																																													
Plan Preparation & Administration	@ \$189.33x 2 - 2 bedroom dwelling	378.66																																												
Credits																																														
3 bedroom per lot for existing lots	@11,386.12 x 2 lots (equivalent to 3 bedroom dwelling rate)	22,772.24																																												
<b>TOTAL:</b>		<b>\$10,724.32</b>																																												

## 7.2 Notification of Occupiers of Adjoining Land and Other Persons

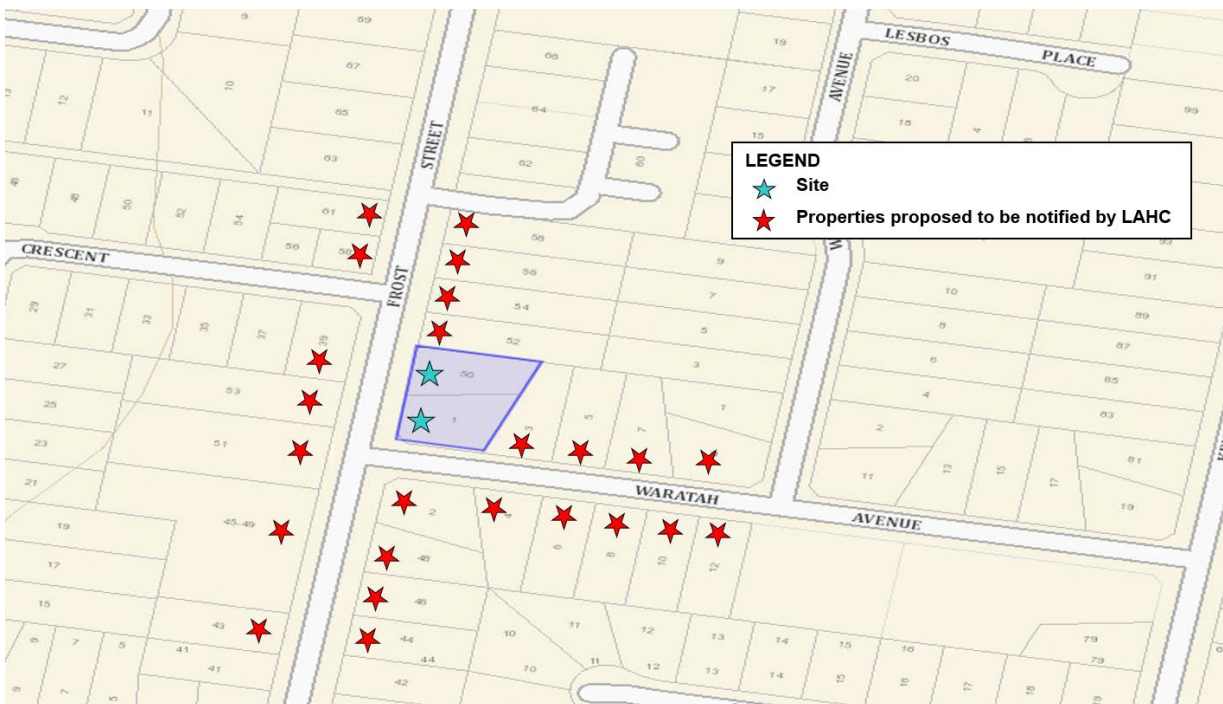
Under Clause 40A(2)(a) of the ARH SEPP, occupiers of adjoining land, as identified below, were notified of the proposed development activity by letter dated 26 November 2021. Copies of the notification letters are provided at **Appendix B**.

**Figure 10 – Map of Properties Notified of the Proposed Development**

Source: LAHC Notification map

The notification response period formally closed on the 23 December 2021. One submission was received from the landowners at 3 Waratah Avenue and 5 Waratah Avenue. The submission raised the following concerns:

- Privacy impacts due to the 850mm elevated car park;
- Drainage impacts and associated costs due to the elevated car park and increase to



impervious areas.

In response to the above concerns, the depth of the OSD has been reduced by 500mm resulting in the top of the OSD and carpark being lowered by 500mm. The OSD outlet will connect to the piped street drainage system in Waratah Ave.

Lowering the overall car park height will also address privacy concerns. The proposed design provides screen planting along the eastern boundary as shown in the site/landscape plan as a supplementary privacy measure to the fencing.

## 7.3 Notification of Specified Public Authorities

The development is “residential development” under Clause 40(1) (a) of ARH SEPP. As required by Clause 40(5) of the ARH SEPP, consideration has been given to the need to notify the

“specified public authorities” identified in Clause 2.15 of *SEPP (Transport and Infrastructure) 2021* (formerly Clause 16 of *Infrastructure SEPP 2007*), as discussed below.

Table 10: Notification of Public Authorities	
Public authority	Requirement for notification
Office of Environment, Energy & Science	Not required – the development is not adjacent to land reserved under the <i>National Parks and Wildlife Act 1974</i> and is not on land in Zone E1 National Parks and Nature Reserves or in a land use zone that is equivalent to that zone.
Department of Primary Industry Marine Estate Management Authority	Not required – the development is not adjacent to an aquatic reserve or a marine park declared under the <i>Marine Estate Management Act 2014</i>
Sydney Harbour Foreshore Authority	Not required – the development is not in the foreshore area within the meaning of the <i>Sydney Harbour Foreshore Authority Act 1998</i> .
Roads and Maritime Services	Not required – the development does not comprise a fixed or floating structure in or over navigable waters.
NSW Rural Fire Service	Not required – the development is not identified as bushfire prone land.
Director of the Observatory	Not required – Orange is not located within the Dark Sky Region.
Commonwealth Department of Defence	Not required – the site is not located within a defence communications facility buffer zone.
Mine Subsidence Board	Not Required – the site is not located within a mine subsidence district.

## 7.4 Consultation with Other Public Authorities

Consultation with other public authorities was not required under any planning policies or legislation.

## **8. Review of Environmental Factors**

This review of environmental factors examines the significance of likely environmental impacts of the proposal and the measures required to mitigate any adverse impacts to the environment.

A review of the salient environmental factors associated with the proposed development is provided below.

### **8.1 Neighbourhood Character**

The site is located within an established residential area generally supporting single storey detached dwelling houses of fibro or weatherboard construction with tiled roofs and associated structures, such as pergolas, garages and carports and multi dwelling houses complexes of more modern materiality and design. Although the locality primarily still incorporates single dwelling detached housing, it is evident that Orange has undergone a moderate level of transition where some sites in the area have been redeveloped through the demolition of the existing dwellings and replacement with newer two storey medium density development. It is expected that the proposed development could act as a catalyst for further medium density development west of the town centre.

The bulk and scale of the proposed development will be compatible with the existing character of the neighbourhood and will deliver a built form outcome consistent with the planning controls for the locality. The two storey design, siting, layout and landscape setting of the proposed development aligns with that of emerging development in the locality.

No mitigation measures are required, as the design of the proposed development is sympathetic to the neighbourhood character, providing setbacks to neighbouring development that are consistent with surrounding dwelling houses. Suitable design treatments, including fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to neighbourhood character.

### **8.2 Bulk and Density**

The proposed development is consistent with the bulk and scale of surrounding development in the locality of Orange. The two storey building incorporates appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the apparent visual bulk of the development. The development consists of 2 separate buildings, one single storey the other is two storeys. These buildings have been designed with suitable façade articulation and roof form to minimise bulk and scale.

The proposal incorporates a floor space ratio of 0.27:1 and a maximum height of 7.6m. The FSR and part single storey, part two storey built form is sympathetic to the surrounding context and is considered to appropriately respond to the desired future character envisaged for the locality, as it encourages corner allotments to provide orientation to both street frontages. The overall built form is single and two storey and is of a similar scale to surrounding developments and is consistent with the objectives of the R1 zone and controls for residential development.

The reasonable floor space ratio confirms the proposal does not constitute an overdevelopment of the site. The proposal will suitably increase housing density for the site which is consistent with State and regional strategies and the development controls applying to the site. As such, no mitigation measures are required.

### **8.3 Streetscape**

The architectural style of the proposed development activity is compatible with the form of medium density development emerging in the surrounding locality. The street façade is divided into a number of distinct elements, separated with substantial landscaping resulting in a finer grained streetscape appearance, consistent with existing dwellings in the area. In addition, the hard stand car parking area will be generally obscured from the streetscape, resulting in a built form that has been designed with consideration of the dwellings surrounding.

In conjunction with strong articulation and modulation along the front façades and improved landscaping proposed within the street setback areas, it is considered the proposed development will make a positive contribution to the streetscapes of Waratah Avenue and Frost Street. The proposed development will replace ageing housing stock that has reached the end of its economic life with a new contemporary residential development.

The built form has been designed to address the two street frontages through incorporation of street facing windows and doors, as well as patios and balconies within the front setback, improving casual surveillance of the street.

### **8.4 Visual Impact**

The proposed development will generate some short term visual impact on the surrounding area during construction, with a long term positive visual impact associated with the establishment of new dwellings in an existing urban residential context.

The proposed development will make a positive contribution to the residential streetscape through the construction of new contemporary dwellings that respond to the site context and neighborhood character. Articulation, diverse mix of materials and a neutral color palette will assist with the overall aesthetic of the site.

New landscaping within the front setback will incorporate the planting of 13 new trees ranging in mature height of 5-10m. Considered tree and shrub planting along the side and rear boundaries of the site will add to the long term visual amenity of the surroundings and improve the appearance of the site from the street and outlook from adjoining dwellings. As such, no mitigation measures are required.

### **8.5 Privacy**

A high level of internal and external privacy is maintained by the proposed development activity through a range of measures including careful and considered site landscaping, new 1.2m – 1.8m high fencing, adequate site setbacks and strategic placement of windows and elevated outdoor areas so as to avoid direct overlooking of neighbours. In particular:

- Balconies associated with Units 5 and 6 are orientated internally and toward Frost Street and include extensive screening to mitigate views to and from the adjoining properties to the east. Units 5 and 6 balconies are generally orientated internally and to the north. The balconies are setback from the northern boundary by over 20 metres to ensure there will be no adverse overlooking impacts.
- Landscaping, including trees and shrubs, are proposed within the front setback and along the eastern boundary to improve the streetscape amenity and privacy for both future residents of the development and existing neighbours. Window openings have been

minimised within first floor eastern elevations of Unit 5 to ensure that overlooking is mitigated to adjacent development on Waratah Avenue. Further windows have been minimised on the northern elevation of Unit 1 to mitigate privacy impacts for the adjoining property at 52 Frost Street.

- Proposed 1.8m colour bond fencing will mitigate unacceptable overlooking from ground level units into properties in the south from living areas.
- Patios within the development have been appropriately separated by location or fencing and/or landscape treatments.

## 8.6 Solar Access

The design and siting of the proposed development will ensure adequate daylight access to the living and private open spaces areas of the proposed dwellings and the private open spaces of adjoining properties in accordance with the ARH SEPP. The submitted Architectural Plans indicate that 83% of dwellings receive at least 3 hours direct solar access to the living and POS areas on June 21, which complies with the requirement for 70% of dwellings to achieve 3 hours of direct solar access to the living and POS areas on June 21.

Shadow diagrams also confirm the proposed development will not restrict sunlight to living and private open space areas of the dwellings on adjoining sites consistent with the requirements of Orange DCP.

Proposed living and open space areas have been carefully sited to maximise solar access and the proposal is consistent with ARH SEPP requirements.

## 8.7 Overshadowing

The shadow diagrams confirm the development has been designed to minimise overshadowing of surrounding development.

Shadow diagrams in **Appendix D** confirm the proposed development will not generate unacceptable shadow impacts to living areas and private open space of dwellings on adjoining sites. At 9am, shadows generated by the proposed development are generally contained within the front setback of the site and towards Waratah Avenue road reserve. At 12pm, shadows are contained within the subject site and within the Waratah. At 3pm, shadows are cast to the front setback of the adjoining property at 3 Waratah Avenue and within the side setback of 3 Waratah Avenue as a result of the boundary fencing. Notwithstanding, 3 Waratah Avenue will receive more than 3 hours of sunlight per day between 9.00 am and 3.00 pm to their private open space and living areas.

The adjoining properties will therefore maintain a minimum 3 hours of sunlight to living and principal private open space areas between 9.00am and 3.00pm at the mid–winter solstice.

## 8.8 Traffic & Parking

A total of 4 surface car parking spaces for residents, including one accessible space will be available on site to serve the proposed development. Proposed on-site car parking is consistent with requirements of the ARH SEPP for a development within a non-accessible area and design is consistent with AS/NZS 2890.1 and AS/NZ 2890.6, refer to the Traffic and Parking Assessment in **Appendix J** for confirmation.

Frost Street and Waratah Avenue support two lanes of traffic with on street parking permitted on both roads.

The Traffic Impact and Parking Assessment indicates the existing vehicle generation associated with the development is 2 vehicles per hour during peak period. The proposed development results in approximately 3 vehicle trips per hour during peak period which is considered to be a negligible increase in traffic activity.

The minimal increase in traffic activity is likely to be less than the typical daily variation and will not have a detrimental impact on the operation of the surrounding road network.

Driveway access is proposed from Frost Street and has been designed in accordance with AS2890.1. The proposed driveway generally operates as a one-way driveway and complies with the relevant requirements. The proposal includes a passing bay at the site entry and exit and is considered adequate to service the development.

Each individual parking space complies with the relevant requirements of the AS2890 series with a minimum access width of 3.5m to support the adaptable units. The ingress movements are in a forward direction and egress movements in a reverse direction.

## 8.9 Flora and Fauna

The site does not contain any mapped areas of biodiversity.

An Arboricultural Impact Assessment prepared by Redgum Horticultural (**Appendix G**) provided assessment of 9 trees on the subject site, within the road reserve and adjacent to the subject lots. The Arborist recommended the removal of 4 trees (Tree No's 4, 5, 7 and 9) to facilitate the proposed development (refer Site Plan extract from Arboricultural Impact Assessment Report in **Figure 6**). The four trees proposed for removal are assessed in the arborist report as having low or medium significance value. All trees proposed for removal are sited within or in close proximity to the development footprint.

Five existing prescribed trees located within the boundaries of the site, within adjacent lots and on the street were identified as suitable for retention.

Street trees (Trees 2 and 3) and Tree 1 with 3 Waratah Avenue will not be impacted by the proposed development and will be retained and protected during construction. The alignment of pits and pipes will result in a minor encroachment to trees 6 and 8. The pathways will result in a minor encroachment to the TPZ of Tree 8 and as such the pathways will be constructed using tree sensitive and construction techniques such as pier and beam construction with a suspended slab.

A variety of new landscape planting is proposed to offset the removal of four trees from within the site, including replacement tree species with mature heights between 5m and 10+m. New plantings will consist of a mixture of native tree species and shrubs, hedge plantings and groundcovers, as shown on the submitted Landscape Plans. The new plantings will provide replacement tree cover on the site and increase the variety of species, including flowering trees, which will provide additional habitat for fauna in the long-term. The proposed landscaping is consistent with the streetscape and sustainability requirements for the site.

There will be no significant impact on native flora or fauna as a result of the proposed development and compensatory planting.



## **Mitigation measures**

**Identified requirements** (no. 1 & 18-20) are included in **Appendix C** to require implementation of the *Landscape Plan* and tree protection measures as recommended in the arborist report including protection of existing street trees.

Retained trees are to be protected in accordance with the protection measures contained within the Arboricultural Impact Assessment (refer **Appendix G**).

### **8.10 Heritage (European/Indigenous)**

The site adjoins a Heritage Item under OLEP 2011 known as I180 – House located at 52 Frost Street and is in the vicinity of I181 – House located at 54 Frost Street.

A Heritage Impact Statement (HIS) has been prepared for the proposal and can be found at **Appendix N**. The HIS details that the development will have minimal impact on the significance of adjoining heritage items and the heritage items do not have curtilages extending onto the subject site.

Therefore, no further action is required.

### **8.11 Aboriginal Heritage**

An Aboriginal Heritage Information Management System (AHIMS) search, dated 1 January 2021, did not identify any record of Aboriginal Sites or Places on the site or in the surrounding 200m locality and the site is disturbed land (**Appendix O**). Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, therefore, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

AHIMS Search is provided at **Appendix O**.

### **8.12 Other Cultural Heritage**

No cultural heritage items have been identified in the Section 10.7 (2) & (5) Planning Certificates and the likelihood of any heritage relics being discovered during excavation/construction is considered to be minimal.

## **Mitigation Measures**

**Identified Requirement Nos 45 & 46** have been applied should any cultural heritage relics be discovered on the site during excavation / construction.

### **8.13 Soils/ Contamination/ Acid Sulfate Soils/ Salinity Geotechnical**

The Residential Site Investigation Report, prepared by Barnson (**Appendix F**), indicates the following:

- A 0.2m thick layer of topsoil was encountered at the borehole locations. The topsoil consisted of clayey silt with traces of gravel and loam.

- The subsurface conditions generally consist of residual soils comprising slightly moist sandy silty clay to 0.3m.

#### **Mitigation Measures**

**Identified Requirement No. 1** and **No. 13** are recommended to require implementation of the recommendations in the site investigation report and that sediment control measures be implemented during demolition/construction in accordance with Council requirements and/or the guidelines contained in the Blue Book *Managing Urban Stormwater: Soils and Construction* (4<sup>th</sup> edition, Landcom, 2004).

### **8.14 Contamination**

As noted on Council's Section 10.7 (2) & (5) Planning Certificates, the land is not listed on the State or Council Register of potentially contaminated land or subject to any contaminated land order or contaminated land management proposal.

#### **Mitigation Measures**

**Identified Requirement No. 17** has been recommended to address the possibility of discovery of site contamination during demolition / construction works.

### **8.15 Acid Sulfate Soils**

As noted on Council's Section 10.7 (2) & (5) Planning Certificates, the land is not affected by a policy restriction relating to acid sulfate soils.

### **8.16 Drainage/ Flood Prone Land/ Hydrology/ Water Quality**

The Section 10.7 (2) & (5) Planning Certificates issued by Orange City Council for the subject site (**Appendix A**) indicate that the land is sited above the Flood Planning Level.

Stormwater will be collected via a series of stormwater pits and underground on-site detention (OSD) with a volume of 17.92m<sup>3</sup> within the car park.

Due to site constraints, the surface level of the carpark is located slightly above natural ground level (less than 300mm) to accommodate the OSD tank underneath. The OSD tank is required to be located slightly above natural ground level due to the level of the connection point and the pipe lengths required. The depth of the OSD tank has been reduced from originally proposed to ensure it, and the level of the carpark will not result in adverse privacy impacts on the adjoining dwellings.

The proposed development has been designed to generate no adverse impact on the hydrology or water quality within the local area.

#### **Mitigation Measures**

**Identified Requirement No's. 6-9, 34, 35 and 73** are recommended to manage stormwater run-off.

## 8.17 Bushfire Prone Land

The Section 10.7 (2) & (5) Planning Certificates (**Appendix A**) for the subject site indicate that the land is not bushfire prone.

## 8.18 Noise and Vibration

### During Demolition/ Construction

Demolition / construction noise will be controlled to within acceptable limits by sound attenuation measures and undertaking construction activities within prescribed hours and within EPA / local council requirements.

### During Occupation

Noise generated when the proposed residential dwellings are completed and occupied will be entirely in keeping with their residential surroundings. No major plant or equipment, which would generate unacceptable noise during occupation, will be installed in the proposed development. The report provided the following building envelope noise control treatments and roof and wall construction recommendations:

- Carpet and underlay for bedrooms
- Hard flooring for living rooms
- Tiles for kitchen/wet areas
- Glazing Rw levels
- Masonry wall ratings
- Acoustic rated sealant
- Mechanical ventilation
- Air conditioning (to allow for windows to remain closed if required)

### **Mitigation Measures**

Demolition/construction noise will be controlled to within acceptable limits by sound attenuation measures and undertaking construction activities within EPA/local council requirements.

Buildings will be constructed to comply with the deemed-to-comply provisions of the Building Code of Australia contained in the NCC and EPA criteria with respect to noise transmission.

Appropriate standard **Identified Requirement No's. 2 & 60** have been applied to ensure compliance with the above mitigation measures.

## 8.19 Air Quality

Temporary and localised air quality impacts including dust, smoke, grit, odours, and fumes could arise during the clearing and excavation of the site and construction of the proposed development.

### **Mitigation Measures**

Appropriate standard **Identified Requirements No's. 33, 64 – 66** have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

## 8.20 Waste Minimisation

The following waste minimisation and management elements have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the demolition/building contractor.

A Waste Management Plan is provided at **Appendix M**.

### During Demolition/Site Clearance

Demolition materials will be stored wholly within the site prior to removal for recycling or disposal. Demolition waste will be removed from the site to an approved waste management facility or will be recycled.

Specific intentions for recycling/re-use/disposal of demolition waste will be determined by the demolition contractor prior to commencement of demolition.

### During Construction

Construction materials must be stored wholly within the site prior to removal for recycling or disposal. Construction materials waste must be removed from the site to an approved waste management facility or should be recycled, as follows:

- Contractor to store excavation material, timber, concrete, bricks, tiles, metal, plasterboard offcuts, floor covering, containers, paper/cardboard and residual waste in site skip bin(s) for recycling or disposal; and
- Packaging (used pallets & pallet wrap) to be collected by waste contractor for reuse.

### During Occupation

General and non-recyclable waste is to be disposed of in Council's standard waste storage bins located in the waste storage areas provided either for each Unit or within combined waste storage areas.

Paper/ metal/ glass to be disposed of in Council's standard waste recycling bins, which will also be located in the bin storage areas frontage and placed on the street kerb by residents for collection by Council's waste services.

### Mitigation Measures

**Identified Requirement No. 39b, 44, 49-56** are recommended to require a final waste management plan to be prepared for the demolition, construction and occupation phases of the development.

## 8.21 Resource Use & Availability

The proposed development is not considered to result in any significant depletion or degradation of natural resources. The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal (refer **Appendix K**).

### Mitigation Measures

The recycling and reuse of materials during demolition/site clearance, construction and on-going occupation of the proposed development will reduce the consumption of natural resources.

The proposed development is to make better use of the site by providing increased social housing. The proposed development will provide contemporary housing that will satisfy current State Government environmental sustainability requirements, particularly through improved energy and water efficiency. These factors will ensure reduced depletion and degradation of natural resources in the long term.

## **8.22 Community/Social Impacts**

It is considered that the proposed development will generate a number of positive social and economic effects. These are discussed below.

### **Social Effects**

The proposed development will:

- achieve the Objectives of the EP&A Act 1979 to promote the delivery and maintenance of affordable housing;
- be consistent with the Government's Policy of growing the social housing portfolio and improving tenant experience under the *Future Directions for Social Housing in NSW*;
- assist the Land & Housing Corporation in meeting its significant and growing demand for social housing in the Orange local government and surrounding area;
- assist the Land & Housing Corporation in improving the amenity of accommodation for its tenants, by providing new, more appropriate housing aligning with demand for social housing;
- improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency; and
- provide accessible housing on the site.

## **8.23 Economic Impact**

The proposed development is likely to contribute to a range of economic benefits in the Orange local government and surrounding areas through:

- more efficient use of land resources, existing infrastructure and existing services;
- local sourcing of construction materials;
- the local sourcing of tradespeople and other construction-related professionals;
- on-going consumption from new/ additional households;
- the low maintenance costs of the new housing; and
- savings associated with improved energy and water efficiency.

## **8.24 Cumulative Impact Assessment**

The proposed development activity is not likely to have any cumulative environmental impacts which are likely to combine with each other or with impacts of other activities to produce any unacceptable adverse or beneficial effects for the following reasons:



- the proposed development activity will not result in any adverse cumulative impact when considered in conjunction with any other proposals or developments in the area;
- there will be no synergistic effects of individual project impacts from the proposed development activity when considered in combination; and
- there are no known environmental stresses in the area affected by the proposed development activity or likely contribution of the proposed activity to increasing or decreasing those stresses.

## 9. Conclusion

### 9.1 Summary of Key Issues Raised in Assessment

It is considered that the proposed development activity, given its scale and location, will be sympathetic with the existing residential environment of Orange and the surrounding area. Given the location, size and natural features of the subject site, and given it is not subject to any significant hazards, no key issues have been identified as being outstanding or requiring further assessment.

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and Clause 171 of the EP&A Regulation 2021. In this regard, it should be noted that following an analysis of the impacts associated with the proposed development activity it was determined that an environmental impact statement was not required.

As demonstrated in this REF, the proposed activity is considered to be consistent with the relevant objectives and standards set out in ARH SEPP, OLEP 2011 and Orange DCP 2004 and the design principles and better practices set out in relevant design guidelines.

In addition, as demonstrated by the environmental impact analysis and assessment undertaken in this REF, the proposed development will have environmental impacts that can be mitigated to an acceptable level in accordance with current standards, and a number of positive environmental effects in terms of the built environment, as well as assisting in the delivery of a range of social and economic benefits.

The proposed development will allow the LAHC to meet the increasing need for affordable rental housing dwellings in the local area. Therefore, the proposed development is considered to be clearly in the public interest.

### 9.2 Recommendation

Given the above, it is recommended that LAHC proceed with the proposed activity, subject to the following recommendations:

1. Adoption of the Identified Requirements listed in **Appendix C** of this REF.