| ***Matter raised***  | ***LAHC information in response*** |
| --- | --- |
| **PO 7.7-1 Planning Outcomes – Neighbourhood Character** * 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.
* 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 suitable are the Balmoral brick or Endeavour brick encompassing some red tones that are reflective of the surrounding character.
* 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.
* The proposed landscaping will enhance the streetscape however needs to be balanced with passive surveillance of the street.
 | 1. 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.
2. Various species of Shrubs with heights from 0.75 m 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.
3. Large windows are proposed to the habitable rooms looking into the street which allows passive surveillance of the street.
 |
| **PO 7.7-2 Planning Outcomes – Building Appearance** * Building materials and colours, see recommendations under 7.7.1.
* 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.
 | 1. 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.
2. The bin areas are screened behind the wall and enclosed by proposed 1m high metal fence.
 |
| **PO 7.7-4 Planning Outcomes – Setbacks** * Frost Street setbacks are consistent with prevailing setbacks
* 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.
 | 1. Noted
 |
| **PO 7.7-6 Planning Outcomes – Visual Bulk** * 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.
 | 1. Noted
 |
| **PO 7.7-7 Planning Outcomes – Walls and Boundaries** * 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.
 | 1. In consultation with the Council engineer, a shallower, 500mm deep OSD tank is proposed resulting in reduced car park level by 500mm. As recommended by the Council Engineer, a few extra pits have been added to facilitate maintenance of this shallow OSD tank.
2. The proposed RL of car park is 877.7 and 3m high screen planting on natural ground level is proposed to minimise visual privacy impacts
 |
| **PO 7.7-8 Planning Outcomes – Daylight and Sunlight** * 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:
	+ Existing overshadowing impacts
	+ Proposed shadow diagrams including proposed trees to the East
	+ Assessment of location of habitable windows and shadow diagrams if they are present on the Western side for 3 Waratah Avenue
	+ Shadow diagrams for each hour to completely understand impact and assess if solar access is significantly reduced
 | 1. The shadow diagrams in ‘***Appendix – D’*** shows that the adjoining dwelling is receiving 3hrs of sunlight and the shadow casted at 3pm on adjoining windows and doors is from 1.8m high which is same as existing fence.
2. The proposed vegetation along the eastern boundary is provided for better privacy and reduce overlooking issue into the adjoining property.
3. The proposed development is not overshadowing the private open space of adjoining dwelling at 3 Waratah Avenue.
 |
| **PO 7.7-10 Planning Outcomes – Visual Privacy** * As per commentary under 7.7-7 Planning Outcomes – Walls and Boundaries
* 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.
 | 1. The reduction in height of OSD tank and car park area will minimise the visual privacy impacts. Please refer to response no. 10 & 11.
2. High sill of 1200mm is proposed for windows proposed along eastern boundary for Units 3-6 which will minimise the visual privacy impacts.
 |
| **PO 7.7-12 Planning Outcomes – Security** * A CPTED report should be prepared to ensure that passive surveillance to the street is adequate not concealed by the landscaping.
 | 1. Appropriate plant species are proposed which ensures privacy as well as provide clear sightlines to the street.
2. The proposal is considered to comply with CPTED principles in its design and is consistent with the requirements of the Seniors Living Urban Design Guidelines with regard to safety. ‘**Appendix L’**
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| **PO 7.7-16 Planning Outcomes – Private Open Space** * Private open space for unit 1 (14.32m2 – 19% of total GFA), unit 2 (20.15m2 – 28% of total GFA), unit 3 (20.35m2 – 39% of total GFA), unit 4 (79.35m2 – 155% of total GFA), units 5 (8.21m2 – 8.21 – 15.2% of total GFA) and 6 (8.21m2 – 15% of total GFA).
* 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.
 | 1. The Private Open Space area in development data table for Unit 1, 2 & 3 accounts for hard surface area only.
2. The total proposed POS (Hard + soft landscape) for Ground floor units are as follows:
* Unit 1 : 80.3m² ,
* Unit 2 : 38.83m²,
* Unit 3 : 87.66m²,
* Unit 4 : 79m²
1.
2. The proposed POS area for ground floor and first floor units are in compliance with the requirements under ARH SEPP.
 |
| **PO 7.7-18 Planning Outcomes – Stormwater** * 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.
* Councils’ engineers recommend alternative solutions be sought through Councils existing stormwater system.
 | 1. The design of proposed OSD tank of 500mm, extra pits for maintenance and stormwater system is supported by the Council engineers. ‘**Appendix – B’**
 |
| **SECTION 7.11 CONTRIBUTIONS** The payment of **$10,724.32** is to be made to Council in accordance with *Section 7.11* of the *Environmental Planning and Assessment Act 1979* and *Orange Development Contributions Plan 2017* (Remainder of LGA) towards the provision of the following public facilities:

|  |
| --- |
| **1 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  |
| **TOTAL:**  |  | **$10,724.32**  |

*Orange Development Contributions Plan 2017* (Remainder of LGA). This Plan can be inspected at the Orange Civic Centre, Byng Street, Orange. Council Contributions will be adjusted to account for indexation at the time of payment. **SECTION 64 CONTRIBUTIONS** 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.  | 1. As per section 7.11 of EPI Act, the contributions are payable to the consent authority when a development consent is sought. However, the proposed development is not subject to Part 4 development consent and it is a Part 5 activity under the EPI act. Hence, the contributions are not payable.
 |
| * *Parking garaging and vehicular circulation* – consider providing covered parking for residents in line with Council requirements and to improve amenity.
 | 1. 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.
2. The proposed open car park is compliant with the provisions under the ARH SEPP and the LAHC Dwelling requirements 2020.
 |