

# REVIEW OF ENVIRONMENTAL FACTORS

Proposed Residential Accommodation

at

7-9 Wattle Avenue, Orange, NSW 2800

November 2024





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Homes NSW acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by Homes NSW

REVIEW OF ENVIRONMENTAL FACTORS

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Having prepared the Review of Environmental Factors:

- I have declared any possible conflict of interests (real, potential or perceived) to the A/Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW.
- I do not consider I have any personal interests that would affect my professional judgement.
- I will inform the A/Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest.

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Date: 28/11/2024

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# 1 Executive Summary

The subject site is located at 7-9 Wattle Avenue, Orange, and is legally described as Lots 14 & 15 in Deposited Plan 36132. The proposed residential accommodation is described as follows:

Demolition of existing structures, removal of trees, and the construction of residential accommodation comprising 4 x 1-bedroom dwellings and 6 x 2-bedroom dwellings, with associated landscaping and fencing, surface parking for 8 cars and consolidation into a single lot.

The proposed activity can be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 2, Part 2, Division 6 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as the development is permitted with development consent on the land under the *Orange Local Environmental Plan 2011*; it does not exceed either 11m in height or a floor space ratio of 0.65:1, proposes less than 75 dwellings and provides the required amount of parking for development on land that is not in an accessible area.

The removal of trees on the site is covered by the definition of consent under Section 6 of the Housing SEPP. It has therefore been incorporated in this review of environmental factors under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 8 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential 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 proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Orange City Council;
- a BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets;
- 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; and
- Orange City Council, owners and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 10 September 2024. Comments on the response are provided in Section 7.1 of this REF. One submission was received from occupiers of adjoining land. Comments on the submission are provided in Section 7.2 of this REF.

The proposed activity, when carried out in accordance with the environmental mitigation measures outlined in the REF, will not result in any significant and long-term negative impacts on the environment and can proceed subject to the implementation of the identified requirements of determination contained in the Activity Determination.

## 2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Act 1979* (EP&A Act) is for an activity involving demolition of existing structures, removal of trees, and the construction of residential accommodation comprising 4 x 1-bedroom dwellings and 6 x 2-bedroom dwellings, with associated landscaping and fencing, surface parking for 8 cars and consolidation into a single lot at 7-9 Wattle Avenue, Orange

The activity<sup>1</sup> will be carried out by, or on behalf of, NSW Land and Housing Corporation (LAHC) and is 'development without consent' under the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

This REF has been prepared by LAHC in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the *Environmental Planning and Assessment Regulation* (EP&A Regulation) 2021.

A Statement of Compliance accompanying this REF certifies that in accordance with the requirements of the EP&A Act and EP&A Regulation, 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.

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### 2.1 Purpose of this Review of Environmental Factors (REF)

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 Section 171 of the EP&A Regulation by:

- describing the existing environment;
- describing the proposed activity;
- analysing the potential impacts of the activity on the environment;
- identifying measures to mitigate those impacts;
- analysing whether the activity, with the mitigating measures in place, will have a significant impact on the environment; and
- recommending identified requirements to ensure the mitigating measures are implemented if the activity were to proceed.

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### 2.2 Assessment Methodology

The following methodology was applied in undertaking this REF for the proposed development activity under Part 5 of the EP&A Act:

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Orange Local Environmental Plan 2011* (OLEP 2011);
- It was determined that *residential accommodation* is 'permitted with consent' in the R1 zoning pursuant to the OLEP 2011, and can be carried out 'without consent' under the provisions of Housing SEPP;

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<sup>1</sup> Note: The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the *Environmental Planning and Assessment Act 1979*.

- A site inspection and a desktop analysis and investigation of the site and surrounds was undertaken to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- Relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- An environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- Potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; and
- Identified requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

## 3 Existing Site & Locality

### 3.1 Existing Site and Immediately Adjoining Development

The site is located in the Orange local government area (LGA) and comprises 2 residential allotments. A location plan is provided at *Error! Reference source not found.* and **Figure 2**.

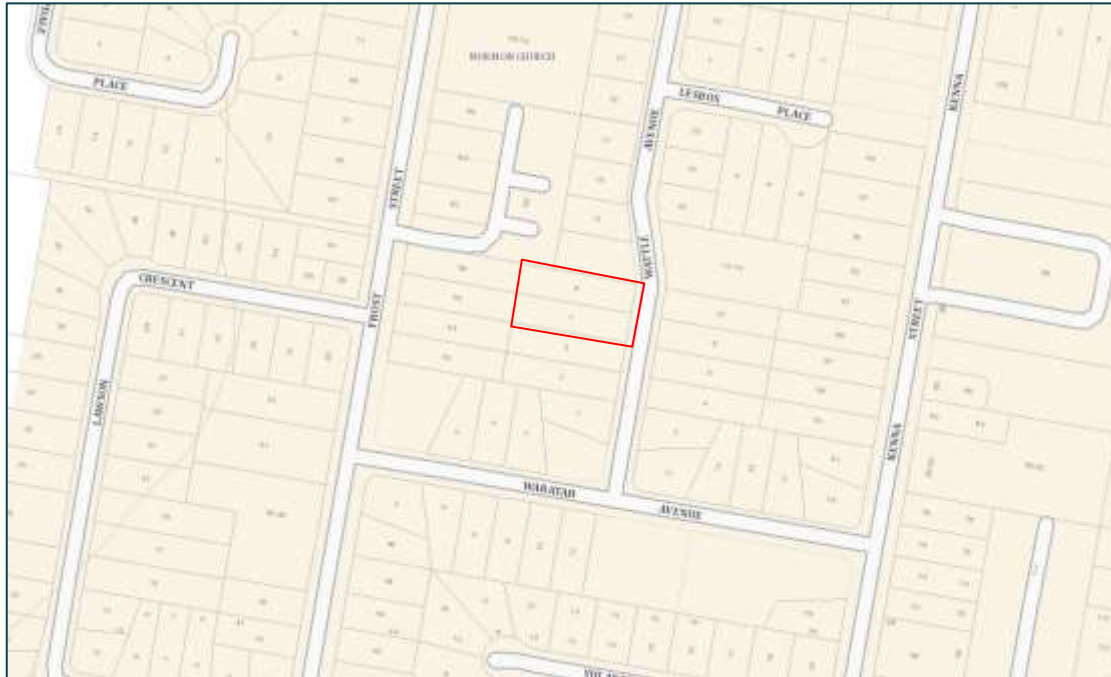


Figure 1 Location Plan (Source: SIX Maps accessed 9 October 2024)



Figure 2 Location Plan (Source: Nearmap accessed 3 September 2024)

## 3.2 Site Description

The site is legally described as Lots 14 and 15 in DP36132 and commonly known as 7-9 Wattle Avenue, Orange. It consists of two allotments, one being vacant and the other, occupied by a single storey dwelling of weatherboard facade and metal roofing (refer to photographs at **Figure 3** and **Figure 4**). Copies of the Section 10.7(2) Certificates (Nos 2047 and 2048 dated 9 October 2024) & Section 10.7 (5) Planning Certificates (Nos 1665 and 1666 dated 16 July 2024) are provided in **Appendix F**.

The site has a combined area of 1,795.6m<sup>2</sup> with a combined frontage to Wattle Avenue of 30.49m. The site is rectangular in shape and the remainder of the site's boundary lengths comprise:

- a northern boundary of 59.13m;
- southern boundary of 59.13m; and
- a western boundary of 30.49mm.

Refer to the submitted Survey Plan in **Appendix D** for further details.

The site is not affected by bushfire risk or landslip. Additionally, the site is not a biodiversity stewardship site nor subject to a Property Vegetation Plan. The Section 10.7(2) & (5) Planning Certificates (**Appendix F**) issued by Orange City Council for the subject site indicate that the land, 7 Wattle Avenue Orange, and specifically the south-western rear corner of the site, is between the flood planning area and the probable maximum flood (PMF) and is subject to flood development controls. However, the site is not identified as being within the Flood Planning Area or as land subject to overland flow deeper than 100mm, and Part 4A Flood Affected land of ODCP 2004 is not applicable. Therefore, flood development controls do not apply.

There are 25 trees considered by Arboricultural Impact Assessment and Tree Management Plan in **Appendix J** in relation to the proposed development. Eighteen trees (Trees 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21) are located within the site, 5 trees (Trees 4, 22, 23, 24 and 25) on a neighbouring property and 2 trees (Trees 1 and 7) located within the road reserve at the site frontage. Ten trees are proposed for retention with the remaining 15 trees recommended for removal and replacement. It is noted that 4 more trees are identified on the Survey Plan (**Appendix D**) which have not been considered by the Arboricultural Impact Assessment and Tree Management Plan (**Appendix J**). These additional trees are located on the northern side of adjoining southern property, Lot 13 in DP36132 and are sufficiently distanced to be safely retained and protected based on their proximity to Trees 24 and 25 which have been assessed as such.

### Traffic and Access

Vehicular access is currently provided to the site via crossovers from Wattle Avenue. Unrestricted kerbside parking is available along both sides of Wattle Avenue.

### Services

Water, sewer, electricity, gas, and telephone facilities are available to the site (refer to the submitted Survey Plan for the location of available services at **Appendix D**). Water, sewer, electricity, and telephone services are located along the road alignment of Wattle Avenue.

### Encumbrances

The site contains a stormwater easement of 1.83m wide located along the northern side boundary of 9 Wattle Avenue, Orange. There are no other encumbrances identified on the Certificates of Title (**Appendix Q**), Section 10.7 certificates (**Appendix F**) or indicated on the Survey Plan (**Appendix D**) that restrict the proposed development.





Figure 3 Development site – 7 Wattle Avenue, Orange (Source: Homes NSW site visit, May 2024)





Figure 4 Development site – 9 Wattle Avenue, Orange (Source: Homes NSW site visit, May 2024)

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### 3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older style single storey detached dwelling houses of brick and weatherboard construction with tiled and metal roofs interspersed with more recent 2-storey dwelling houses, dual occupancy and multi dwelling housing developments (refer to photographs at *Error! Reference source not found.* and *Error! Reference source not found.*).

The property immediately to the south of the subject site at 5 Wattle Avenue contains a single storey dwelling house of weatherboard finishes with metal sheet roofing (refer to photograph at **Figure 5**).



Figure 5 Adjoining southern site – 5 Wattle Avenue, Orange (Source: Homes NSW site visit, May 2024)

The property immediately to the north of the site, 11 Wattle Avenue contains a multi dwelling housing development with brick walls and tiled roofing (refer photograph at **Figure 6**).





Figure 6 Adjoining northern site – 11 Wattle Avenue, Orange (Source: Homes NSW site visit, May 2024)

Across the street from the site, are a number of dwellings consisting of single storey, brick facing and tiled roof multi dwelling units on 12-14 Wattle Avenue (see **Figure 7**), and single storey weatherboard and metal roofing dwelling houses on 8 and 10 Wattle Avenue (see **Figure 8**).



Figure 7 Multi-dwelling units on neighbouring site – 12-14 Wattle Avenue, Orange (Source: Homes NSW site visit, May 2024)



Figure 8 Dwelling houses on neighbouring site – 8 and 10 Wattle Avenue, Orange (Source: Homes NSW site visit, May 2024)

**Figure 9** to Error! Reference source not found. show examples of two storey residential developments within the local area. **Figure 9** is an example of a recent two storey residential development located on 9 Waratah Avenue made of brick and rendered finishes with metal roofing. **Figure 10** is a two storey medium density



residential development also constructed of brick and rendered finishes with metal roofing located on 14 – 18 Waratah Avenue. **Figure 11** illustrates a two storey residential flat building of rendered and brick finishes and tiled roofing.



Figure 9 Neighbouring development – 9 Waratah Avenue, Orange (Source: Homes NSW site visit, May 2024)



Figure 10 Neighbouring development – 14-18 Waratah Avenue, Orange (Source: Homes NSW site visit, May 2024)



Figure 11 Neighbouring development – 22 Waratah Avenue, Orange (Source: Homes NSW site visit, May 2024)

## Public Transport

The subject site is serviced by the following bus services located north of the site on Coronation Drive and south of the site on Waratah Avenue:

- Bus stop ID: 2800145 (Coronation Drive at Wattle Avenue) – This is located about 240m north of the site.
- Bus stop ID: 2800111 (Coronation Dr Opposite Orange High School) – This is located approximately 400m north-west of the site.
- Bus stop ID: 2800729 (Waratah Avenue After Wattle Avenue) – This is located approximately 150m south-west of the site.
- Bus stop ID: 28001198 (Waratah Avenue Opposite Wattle Avenue) – This is located about 100m south-west of the site.

The identified bus stops are serviced by routes 534, 537 and 584. Whilst the identified bus stops satisfy being within 400m walking distance of the site, the bus routes do not operate at the required frequency to meet the definition of an ‘accessible area’ in accordance with the Housing SEPP. Therefore, the site is not an accessible area as defined within the Housing SEPP.

## Surrounding Land Use

Surrounding land use is predominantly residential with other uses, including open space, commercial development, and recreation areas. The site is located approximately 500m from Cutcliffe Park, about 800m from Calare Public School and about 650m from Orange High School. The E2 Commercial Centre Zone is located approximately 1.2km east of the site and contains grocery shops, banks, chemists, health centres, beauty services, takeaway food, a post office, cafes, and other retail stores.

# 4 Project Description

The proposed activity can be described as follows:

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## 4.1 Demolition

The proposed activity includes demolition of a single storey fibro dwelling house and associated structures as identified in the Demolition Plan (refer to **Appendix A**).

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## 4.2 Removal of Trees

The Arboricultural Impact Assessment and Tree Management Plan (**Appendix J**) details an assessment of existing trees on the site and in close proximity to the site.

Ten trees are proposed for retention on and adjoining the site, with the remaining 15 trees (Trees 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17 & 20) recommended for removal and replacement. Tree 20 is to be removed and replaced with a more appropriate specimen as suggested by Council (refer to Section 7.1 of this REF). Tree 7 is also to be removed as suggested by Council, given its poor form and proximity to existing powerlines. It is noted that Tree 13 is mistakenly referred to as ‘to be retained’ in the Tree Assessment Summary contained in the arborist report, however it is described in the text and shown on the Tree Identification plan as ‘to be removed’. It is also noted that 4 more trees are identified on the Survey Plan (**Appendix D**) which have not been considered by the Arboricultural Impact Assessment and Tree Management Plan (**Appendix J**). These additional trees are

located on the northern side of adjoining southern property, Lot 13 in DP36132 and are sufficiently distanced to be safely retained and protected based on their proximity to Trees 24 and 25 which have been assessed as such.

Tree removal within the site boundaries is recommended primarily to accommodate the proposed development (refer to submitted Arboricultural Impact Assessment and Tree Management Plan in **Appendix J**).

More appropriate tree plantings, including trees capable of reaching a mature height of 25m, will be provided as part of the proposed landscaping plan to compensate for the loss of trees removed (refer to submitted Landscape Plan in **Appendix B**).

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## 4.3 Proposed Dwellings

The proposed development contains 10 units consisting of 4 x 1 bedroom and 6 x 2 bedroom dwellings. All ground floor units have been designed to Liveable Housing Australia Silver Level including 1 adaptable unit.

The proposed housing represents a contemporary, high quality design. The use of face brick for external walls and metal roofing is consistent with the existing and developing character in Orange. Four of the 10 proposed units will address the street (Units 1 & 2 on the ground floor and Units 7 & 8 on the first floor) with living areas and living area windows facing the street for passive surveillance.

Minor cut and fill is proposed to provide a level building platform and facilitate the installation of the onsite stormwater drainage system and parking area.

A variety of new landscape plantings, including trees capable of reaching a mature height of up to 25m, are proposed to offset the proposed tree removal and enhance the appearance, privacy and microclimate of the site. New plantings will consist of a mixture of new trees, shrubs and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape.

Each unit will be provided with its own enclosed private open space area, directly accessible from internal living areas.

A total of 8 surface car parking spaces will be provided on the site including 1 accessible parking space.

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an aboveground combined detention and rainwater tank draining to the existing street drainage system on the site frontage. Roof water will be collected from downpipes and connected to the aboveground combined detention and rainwater tank.

A new 1.8m high metal fence is proposed along the side and rear boundaries. A combination of face brick masonry wall and slatted metal fencing with a combined height of 1.5m will be provided at the front of the development orientated to Wattle Avenue. The front fence is recessed from the front boundary to allow for landscaped area along the street frontage. A full masonry wall of height 1.5m is proposed to screen the front bin area.

**Figure 12 to Figure 15** include extracts from the architectural plans illustrating the proposed development.



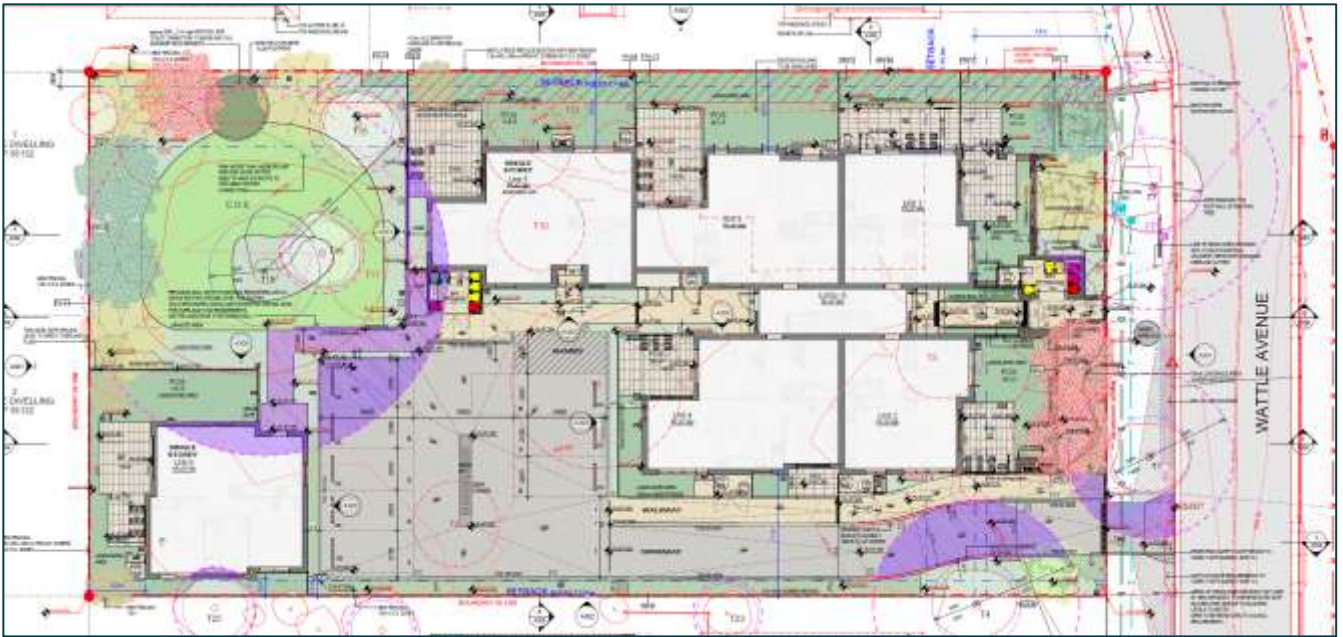


Figure 12 Extract from Architectural Plans – Site Plan (Source: Architectural Plans, SARM Architects, dated 30/09/2024)



Figure 13 Extract from Architectural Plans – Ground Floor Plan (Source: Architectural Plans, SARM Architects, dated 30/09/2024)



Figure 14 Extract from Architectural Plans – First Floor Plan (Source: Architectural Plans, SARM Architects, dated 30/09/2024)



Figure 15 Extract from Architectural Plans – Wattle Avenue Streetscape Perspective (Source: Architectural Plans, SARM Architects, dated 30/09/2024)

## 4.4 Supporting information

The proposal is detailed in the following plans, drawings and specialist reports and supporting information.

Table 1 Supporting information

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
<b>Architectural – Appendix A</b>				
Cover Page and Drawing List	A000	06	30/09/2024	SARM Architects
Context Block Analysis	A101	06	30/09/2024	SARM Architects



Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Site Analysis	A102	06	30/09/2024	SARM Architects
Demolition Plan	A103	06	30/09/2024	SARM Architects
Cut and Fill Plan	A104	06	30/09/2024	SARM Architects
Erosion and Sediment Control Plan	A105	06	30/09/2024	SARM Architects
Site Plan	A201	06	30/09/2024	SARM Architects
Ground Floor Plan	A202	06	30/09/2024	SARM Architects
First Floor Plan	A203	06	30/09/2024	SARM Architects
Roof Plan	A204	06	30/09/2024	SARM Architects
Elevations – East-Street/ West & Material Schedule	A301	06	30/09/2024	SARM Architects
Elevations – North/South	A302	06	30/09/2024	SARM Architects
Elevations – U4-U5-U6	A303	06	30/09/2024	SARM Architects
Long Section	A304	06	30/09/2024	SARM Architects
Short Section	A305	06	30/09/2024	SARM Architects
View from the Sun Study	A401	06	30/09/2024	SARM Architects
Shadow Diagrams	A402	06	30/09/2024	SARM Architects
Aerial Perspective	A403	06	30/09/2024	SARM Architects
<b>Landscape Plan – Appendix B</b>				
Landscape – Existing Trees	L01	E	24/07/2024	Lindy Lean Landscape Architect
Landscape Site Plan	L02	E	24/07/2024	Lindy Lean Landscape Architect
Landscape Planting Concept	L03	E	24/07/2024	Lindy Lean Landscape Architect
Landscape Planting Plan	L04	E	24/07/2024	Lindy Lean Landscape Architect
Landscape Details	L05	E	24/07/2024	Lindy Lean Landscape Architect
<b>Civil Plan – Appendix C</b>				
Notes & Legends	C01	8	25/07/2024	Greenview Consulting
Ground Floor Drainage Plan	C02	5	25/07/2024	Greenview Consulting
Site Stormwater Details Sheet 1	C03	4	25/07/2024	Greenview Consulting
<b>Contour and Detail Survey – Appendix D</b>				
Contour and Detail Survey	Sheet 1	C	15/05/2024	Premise Surveying, Engineering, Environmental & Town Planning Consultants
Contour and Detail Survey	Sheet 2	C	15/05/2024	Premise Surveying, Engineering, Environmental & Town Planning Consultants
Contour and Detail Survey	Sheet 3	C	15/05/2024	Premise Surveying, Engineering, Environmental & Town Planning Consultants

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
<b>Notification Plans – Appendix E</b>				
Cover Page	NP01	-	23/07/2024	SARM Architects
Site / Landscape Plan	NP02	-	23/07/2024	SARM Architects
Development Data	NP03	-	23/07/2024	SARM Architects
Elevations	NP04	-	23/07/2024	SARM Architects
Schedule of Finishes	NP05	-	23/07/2024	SARM Architects
Shadow Diagrams	NP06	-	23/07/2024	SARM Architects
<b>Access Report – Appendix H</b>				
DA Access Report	CA230114	DA-B	25/07/2024	Accessed
<b>AHIMS Web Search – Appendix I</b>				
AHIMS search	-	-	16/10/2024	NSW Government
<b>Arborist's Report – Appendix J</b>				
Arboricultural Impact Assessment and Tree Management Plan	-	3	29/07/2024	Horticultural Management Services
<b>BASIX – Appendix K</b>				
BASIX Certificate	Cert No. 1757376M	-	26/07/2024	Greenview Consulting
<b>BCA report – Appendix L</b>				
BCA Compliance Assessment	P240009	4	24/07/2024	BCA Vision
<b>NatHERS Certificate – Appendix N</b>				
Nationwide house energy rating scheme – class 1 summary	Cert No. 0009649680	-	25/07/2024	Greenview Consulting
<b>Geotechnical Investigation Assessment - Appendix P</b>				
Residential Site Investigation Report	40519-GR01_A	A	23/12/2022	Barnson
<b>Waste Management Plan – Appendix R</b>				
Waste Management Plan	-	-	-	-
<b>Traffic and Parking Impact Assessment - Appendix S</b>				
Traffic and Parking Impact Assessment	N244021A	1b	October 2024	Motion Traffic Engineers
<b>Carpark Report – Appendix T</b>				
Driveway and Carpark Certification of a Proposed Affordable Housing Development	N244021A	1b	July 2024	Motion Traffic Engineers

**Section 10.7 Planning Certificates – Appendix F**

Lot 14 DP 36132, Cert no. 1665, dated 16.07.2024 - Orange City Council

Lot 14 DP 36132, Cert no. 2047, dated 9.10.2024 - Orange City Council

Lot 15 DP 36132, Cert no. 1666, dated 16.07.2024 - Orange City Council

Lot 15 DP 36132, Cert no. 2048, dated 9.10.2024 - Orange City Council

**Notification letters & submissions – Appendix G**

**Design compliance and checklists – Appendix M**

Architect's Certificate of Building Design Compliance – 23/07/2024

Certificate of Landscape Documentation Compliance – 24/07/2024

Certificate of Stormwater Documentation Compliance – 25/07/2024

**Design Statement – Appendix O**

Good Design for Social Housing, LAHC Design Requirements letter written by SARM – 30/09/2024.

**Titles and Deposited Plans – Appendix Q**

Title Search, Folio: 14/36132, Search date 8.10.2024, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 15/36132, Search date 8.10.2024, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan 36132, Search Date 13.11.2020

## 5 Zoning and Permissibility

The site is zoned R1 General Residential (R1) under *Orange Local Environmental Plan 2011* (OLEP 2011). The proposed development is defined as 'residential accommodation' under the provisions of the OLEP 2011.

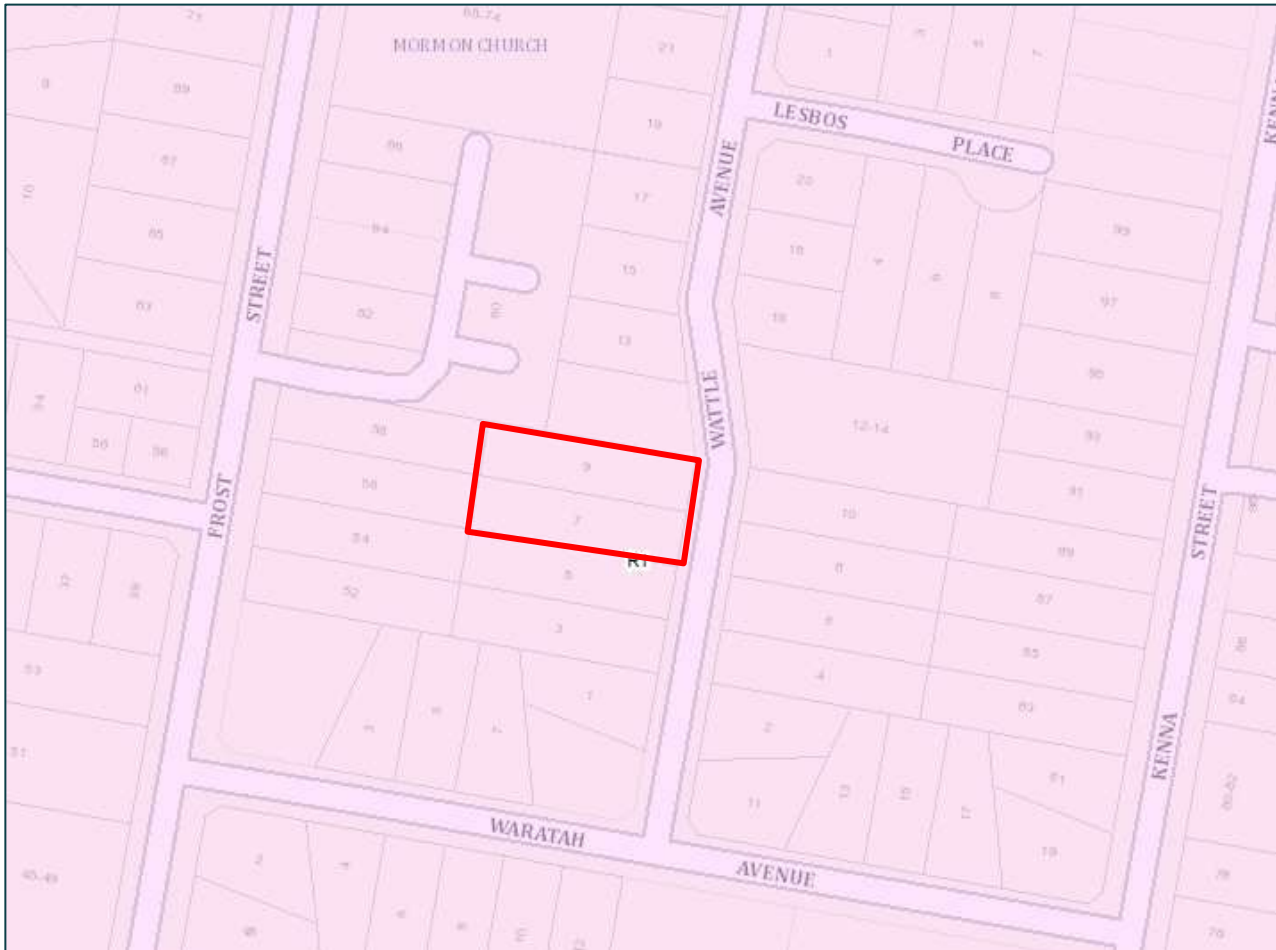


Figure 16 Land zoning map (Source: NSW Planning Portal Spatial Viewer)

Residential accommodation is permitted in the R1 zone under OLEP 2011 and therefore, is permitted on the subject land without consent under the provisions of the Housing SEPP, pursuant to section 42.

Residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

(a) attached dwellings; (b) boarding houses; (baa) co-living housing; (c) dual occupancies; (d) dwelling houses; (e) group homes; (f) hostels; (faa) (Repealed); (g) multi dwelling housing; (h) residential flat buildings; (i) rural workers' dwellings; (j) secondary dwellings; (k) semi-detached dwellings; (l) seniors housing; (m) shop top housing, but does not include tourist and visitor accommodation or caravan parks.

The relevant objectives of the R1 zone, as set out in OLEP 2011 are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development is consistent with the above objectives because it:

- will provide new affordable housing that meets the identified housing needs of the community;

- will provide a density and type of housing that is compatible with the scale of existing development and will add to the variety of housing in the locality; and
- will provide a high quality and attractive development that is well located to enable residents meet their day to day needs.

The resulting development will be generally consistent with the character of the neighbourhood as the development is permissible with consent and complies with the applicable development standards set out for the R1 zone.

Chapter 2, Part 2, Division 6 of the Housing SEPP permits residential development that may be carried out 'with consent' in a LEP to be carried out by LAHC as 'development without consent' subject to the provisions set out under Section 42. **Table 5** in subsection **6.5.1** of this REF demonstrates compliance with the relevant provisions of Section 42 of the SEPP.

## 6 Planning and Design Framework

### 6.1 Environmental Planning and Assessment Act 1979

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

Section 5.5(1) states that, 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.

**Table 2** below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 2 Compliance with subsection 3 of Section 5.5 of the EPA&Act 1979

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
Sub-section 3 Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the <i>Wilderness Act 1987</i> ) 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> ).

### 6.2 Biodiversity Conservation Act 2016 (BC Act)

Part 7 of the BC Act sets out the test for determining whether a proposed development or activity is likely to significantly affect threatened species, ecological communities or their habitats. For the purposes of Part 5 of the EP&A Act, 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 activity is unlikely to affect threatened species, ecological communities or their habitats and therefore no further assessment is necessary. This is because the land does not contain threatened species, endangered ecological communities or constitute habitat of threatened species or ecological communities. The proposed activity will neither be a key threatening process and the land is not part of or in the vicinity of any declared area of outstanding biodiversity value.

### 6.3 Other Acts

No other State and Commonwealth Acts are applicable to the proposed activity. The provisions of the *Contaminated Land Management Act 1997* are addressed in Section 6.6 with *State Environmental Planning Policy (Resilience and Hazards) 2021*.

## 6.4 Environmental Planning and Assessment Regulation 2021

### 6.4.1 Factors that must be taken into account concerning the impact of an activity on the environment [Section 171]

For the purposes of Part 5 of the EP&A Act, the factors in

**Table 4** and **Table 4** below have been taken into account in considering the likely impact of the proposed activity on the environment. The table 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.

Table 3 Environmental Planning and Assessment Regulation 2021 [Section 171]

Factors to be taken into account concerning the impact of an activity on the environment.	Comment
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.	No specific guidelines
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.	Yes - Department of Planning and Environment issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EPA regulation 2021

Table 4 Factors to be taken into account concerning the impact of an activity on the environment

Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(a) environmental impact on the community	Yes	x	x	
(b) transformation of a locality;	Yes		x	
(c) environmental impact on the ecosystems of the locality;	NA			
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Yes	x	x	
(e) effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	NA			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	NA			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	NA			
(h) long-term effects on the environment;	Yes		x	
(i) degradation of the quality of the environment;	Yes	x	x	
(j) risk to the safety of the environment;	Yes	x	x	
(k) reduction in the range of beneficial uses of the environment;	NA			
(l) pollution of the environment;	Yes	x	x	
(m) environmental problems associated with the disposal of waste;	Yes		x	

Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		x	
(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	NA			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in Section 6.4.2		x	
(r) other relevant environmental factors.	Yes – discussed in Section 8.	x	x	

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

**Note 2:** 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 housing development is not expected to generate any significant or long-term impacts on the environment. The short-term impacts, during construction, will be offset by positive social outcomes in the long-term social benefits of providing affordable housing that meets the needs of the community. The applicable Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at Section 5.1.5 of this report.

## 6.4.2 Strategic Planning Framework

### Orange Local Strategic Planning Statement 2020

The *Orange Local Strategic Planning Statement 2020* (LSPS) which came into effect in July 2020, sets out a 20-year land use planning vision for the Orange LGA.

The LSPS identifies 19 Planning Priorities for the LGA centred on 4 major themes - Live, Preserve, Prosper and Collaborate. Notably, Planning Priority 4 requires the provision of diverse housing choices and opportunities to meet changing demographics and population needs, with housing growth in the right locations.

The proposed development will contribute 10 affordable housing units to the Orange City LGA thereby upholding the intent of Planning Priority 4. As such, the proposed development aligns with the Orange Local Strategic Planning Statement.

### Community Strategic Plan 2022 - 2032

The Community Strategic Plan (CSP) 2022 - 2032 sets out a 10 year plan that outlines a strategic vision for the community, derived from an extensive community engagement process. The CSP consists of four themes – Live, Preserve, Prosper and Collaborate supported by key priorities and strategies for Council to facilitate via strategic actions in partnership with the community, government agencies and business.

The proposed development upholds the theme 'Live' and specifically Objective 3 which aims for a friendly environment where people feel safe and included.

- 3.6 . *Improve access, inclusion, equity and diversity in our community*



The proposed development is consistent with this objective as it will deliver additional affordable housing units to the local area to facilitate access, inclusion, equity and diversity in the community. As such, the proposal is not in conflict with the Orange Community Strategic Plan 2022-2032.

### 6.4.3 Activities in catchments [Section 171A]

The site is not located within a regulated catchment.

## 6.5 State Environmental Planning Policy (Housing) 2021

### 6.5.1 Development without Consent

Chapter 2, Part 2, Division 6 of the Housing SEPP permits LAHC to carry out certain development as 'development without consent' subject to the provisions set out under that section. **Table 5** below demonstrates compliance with the relevant provisions of section 42 of the Housing SEPP.

Table 5 Compliance with relevant provisions under sections Chapter 2, Part 2, Division 6 of the Housing SEPP for 'residential development without consent' carried out by LAHC

Provision	Compliance
<b>42 Development to which division applies</b>	
(1) – This Division applies to residential development if -	
(a) the development is permitted with consent on the land under Chapter 5 or another environmental planning instrument, and	The development is permissible with consent in the R1 General Residential zone under the OLEP 2011.
(b) all buildings will have a height not exceeding the greater of – (i) 11m, or (ii) the maximum permissible building height for the land, and	The maximum proposed building height is 8.2m
(c) all buildings will have a floor space ratio not exceeding the greater of – (i) 0.65:1, or (ii) the maximum permissible floor space ratio for the land, and	The proposed floor space ratio is 0.39:1.
(d) the development will not result in more than 75 dwellings on a single site, and	The development is for 10 dwellings.
(e) for development on land in an accessible area – the development will result in the following parking spaces – (i) for each dwelling containing 1 bedroom – at least 0.4 parking spaces (ii) for each dwelling containing 2 bedrooms – at least 0.5 parking spaces (iii) for each dwelling containing at least 3 bedrooms – at least 1 parking space, and	Not applicable
(f) for development on land that is not in an accessible area – the development will result in the following parking spaces –	The proposed development is on land that is not in an accessible area as demonstrated in section 3.3 above.

Provision	Compliance
(i) for each dwelling containing 1 bedroom – at least 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – at least 1 parking space (iii) for each dwelling containing at least 3 bedrooms – at least 1.5 parking space, and	The proposal provides 8 parking spaces in accordance with the identified rates:  4 x 1 bedroom = 2 parking spaces required 6 x 2 bedroom = 6 parking space required  Total parking spaces required = 8
(2) This division also applies to the following development if the development is permitted on the land under another environmental planning instrument –	
(a) the demolition of buildings and associated structures if the building or structure is on land – (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,	Demolition is included in this proposed development and is on land that is non-heritage land and not identified in an environmental planning instrument as being within a heritage conservation area.
(b) the subdivision of land and subdivision works.	Not applicable
(3) This Division does not apply to – (a) development to which Chapter 2, Part 2, Division 5 applies, or (b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.	Noted
(4) <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the sections – (a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and (b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Consultation with authorities other than Orange City Council was not required for this activity.  Noted
(5) In this section- <b>Former section 75P</b> means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011. <b>non-heritage land</b> means land that – (a) does not contain a heritage item, and (b) is not the subject of an interim heritage order under the Heritage Act 1977, and (c) is not listed on the State Heritage Register under the Heritage Act 1977.	Noted
<b>43 Development permitted without consent</b>	
(1) Development specified in section 42(1) may be carried out without consent if the development is carried out by or on behalf of –	Development will be carried out by or on behalf of Homes NSW LAHC.

Provision	Compliance
(a) Landcom, if all dwellings resulting from the residential development are used for affordable housing, or (b) another relevant authority.	(a) Not Applicable  (b) LAHC is a relevant authority
<b>43A Notification before carrying out development</b>	
(1) Before carrying out development under this Division, the relevant authority must-	
(a) request that the council nominate persons who must, in the council's opinion, be notified of the development,	Advice was sought from Orange City Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 15 February 2024. Council provided a response on 19 February 2024 confirming owner details of properties included in the scope of notification. Council reconfirmed owners details on 9 August 2024.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) any persons nominated by the council under paragraph (a), and (iii) the occupiers of adjoining land,	Notification of the proposed development activity to Orange City Council occurred through the NSW Planning Portal (ref: P5-2024-136) undertaken by LAHC on 27 August 2024. Letters notifying owners and occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date
(c) take into account the responses to the notice that are received within 21 days after the notice is given.	Council responded to LAHC's notification via the NSW Planning Portal on 10 September 2024. Comments on the response are provided in <b>Section 7.1</b> of this REF. One submission was received from adjoining occupiers. Comments on the submissions are provided in <b>Section 7.2</b> of this REF.
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be carried out.	Noted.
<b>43B Landcom must notify Secretary of Department of Communities and Justice</b>	
Before carrying out development to which this division applies, Landcom must – (a) give written notice of the intention to carry out the development to the Secretary of the Department of Communities and Justice, including the measures proposed to ensure the dwellings resulting from the residential development will be – (i) used for affordable housing, and (ii) managed by a registered community housing provider, and (b) take into account the responses to the notice that are received within 21 days after the notice is given.	Not applicable to LAHC
<b>43C Consideration of design of residential apartment development</b>	
Before carrying out residential apartment development to which this division applies, the relevant authority must consider the following –  (a) the quality of the design of the development, evaluated in accordance with the design principles	Not applicable as development is under three storeys

Provision	Compliance
for residential apartment development set out in Schedule 9,  (b) the Apartment Design Guide.	
<b>44 Considerations before carrying out development</b>	
(1) Before carrying out development to which this division applies, the Aboriginal Housing Office must consider the <i>AHO Design Guidelines NSW</i> , published by the Aboriginal Housing Office in January 2020.	Not applicable to LAHC
(2) Before carrying out development to which this division applies, the Land and Housing Corporation must consider —  (a) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation, in partnership with the Government Architect NSW, in September 2020, and  (b) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023.	(a) Refer to <b>subsection 6.5.2</b> which demonstrates that the <i>Good Design for Social Housing</i> has been considered.  (b) Refer to <b>subsection 6.5.3</b> which demonstrate that the <i>NSW LAHC Design Requirements</i> have been considered.
(3) Before carrying out development to which this division applies, Landcom must consider the <i>Landcom Affordable Housing Design Guideline</i> , published by Landcom, in partnership with the Government Architect NSW, in November 2023.	Not applicable to LAHC
<b>44A Exempt development</b>	
(1) Development for the purposes of landscaping and gardening carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation in relation to residential development to which this division applies is exempt development.	Noted
(2) Development for the purposes of repairs and maintenance work and non-structural renovations and building alterations carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation in relation to housing is exempt development.	Noted
(3) Subsection (2) does not apply to development involving the use of external combustible cladding within the meaning of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .	Noted

## 6.5.2 Good Design for Social Housing

*Good Design for Social Housing* establishes the four key goals and their underpinning principles to delivering better social housing outcomes for NSW.

Section 44(2)(a) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Good Design for Social Housing policy* (September 2020) when assessing a proposed residential development under Chapter 2, Part 2, Division 6 of the Housing SEPP.

The following assessment against the *Good Design for Social Housing* demonstrates that the proposed development has adequately considered the goals and principles outlined. Each goal is individually addressed below, and the Architect has provided a Design Statement (**Appendix O**) highlighting the proposed development's ability to comply with *Good Design for Social Housing policy* (September 2020).

### **Wellbeing**

The proposed development supports the wellbeing of future tenants by providing safe and accessible housing where residents have privacy and feel safe.

All ground floor units have been designed to achieve Liveable Housing Australia Silver Level with the ability to cater for all age groups and degrees of mobility. The development incorporates passive and active sustainable design by achieving cross-ventilation in all units and solar access during mid-winter to 70% of units. There is also the use of durable and low maintenance materials and appropriately sized units to reduce running costs. The proposal achieves a NatHERS average rating of 7.1 stars which meets the minimum targets set by LAHC. A minimum of 2kW photovoltaic system has been incorporated to offset energy use in the development with PV solar panels positioned north to maximise solar gains.

Each ground floor unit is provided with an area of private open space that accommodates a paved area for outdoor dining and attractive gardens planted with low maintenance species. High quality landscaping across the site will enhance the amenity for residents, and the common seating area at the rear will encourage social interaction in a peaceful landscaped setting.

Ample parking is provided to residents, and pedestrian access through the site is highly accessible and has good passive surveillance.

### **Belonging**

The form and materiality of the proposed development have been selected to respond to the style and character of the local area and will make a high quality contribution to the streetscape. The use of predominantly exposed brickwork and a neutral colour palette ensures the visual appeal of the development is maintained over time and makes the development indistinguishable from private housing.

The pedestrian entry, lobby area and communal spaces have been designed as welcoming, pleasant environments that create a sense of place for tenants and a safe transition from public to private spaces.

The mixed unit sizing caters to the needs of a diverse range of tenants.

### **Value**

The development meets sustainability targets, with 6 of the 10 dwellings achieving a NatHERS score of 7 or above. The scheme incorporates sustainable features including insulation, high-quality glazing, clothes lines, native plantings, ceiling fans, and good solar access and cross-ventilation. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

The building materials, construction method and services have been selected to ensure that the development is durable, minimises maintenance and contributes to the low on-going running costs of the dwellings.

The yield is compatible with the planning provisions and the capability of the site, whilst providing a comfortable space for tenants and a positive streetscape contribution for the wider community.

### **Collaboration**

The project involved a rigorous design process in collaboration with design professionals and engineers to ensure that the development incorporates the current best practice in affordable housing design. The development is in keeping with current government initiatives to deliver quality housing stock.

The design and assessment process involved close collaboration with a number of stakeholders, including input from Orange City Council and adjoining landowners.

### 6.5.3 Land and Housing Corporation Design Requirements

The *Land and Housing Corporation Design Requirements* (LAHC Design Requirements) (February 2023) are used to inform the design and development of the LAHC social housing portfolio. These requirements apply to all new LAHC developments and are driven by tenant wellbeing, design quality, environmental performance and operational effectiveness within cost parameters.

Section 44(2)(b) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Land and Housing Corporation Design Requirements* when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

The Architect has provided a Design Statement (**Appendix O**) highlighting the proposed development's ability to comply with the LAHC Design Requirements. Refer to Certificate of Compliance from the Architect in **Appendix M**. Further detail will be incorporated in the construction documentation.

## 6.6 Other State Environmental Planning Policies

**Table 6** below outlines applicability of, and compliance with, other State and Environmental Planning Policies (SEPPs).

Table 6 Compliance with other applicable State and Environmental Planning Policies

SEPP (Sustainable Buildings) 2022
A BASIX Certificate has been obtained for the development proposal (refer to <b>Appendix K</b> ).
SEPP (Transport and Infrastructure) 2021
The Transport and Infrastructure SEPP provides planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications and electrical networks), educational establishments and childcare facilities and major infrastructure corridors. The site is not located in close proximity to a State Classified Road, adjacent/near a rail corridor or electricity infrastructure and as such, the provisions of the SEPP do not apply.
SEPP (Biodiversity and Conservation) 2021
This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.
<u>Tree removal</u> The development proposes tree removal and thus the provisions of the SEPP related to vegetation clearing do apply. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. The proposed development seeks the removal of 13 trees within the development footprint – Trees 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16 and 17 as detailed in the Arboricultural Impact Assessment and Tree Management Plan ( <b>Appendix J</b> ), as well as Tree 7 and 20 as recommended by Council. Tree removal is recommended primarily to accommodate the proposed development especially where encroachment will have an adverse impact for viability and stability of the individual species recommended for removal. Section 6 of Housing SEPP specifies that development permitted without consent may be carried out without any other consent or a licence, permission, approval or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.
<u>Regulated Catchment</u> The site is not located within a regulated Catchment.
SEPP (Resilience and Hazards) 2021

The Resilience and Hazard SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.

Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent.

The site is located within a developed residential area of Orange. The s10.7 Planning Certificates do not identify the site as potentially contaminated (refer to **Appendix F**). Notwithstanding, the draft *Contaminated Land Planning Guidelines* (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination. These matters are considered in the table below:

Previous evidence of contamination	Yes/ No	Response
a) Was the subject land at any time zoned for industrial, agricultural or defence purposes?	No	LAHC records indicate that the land has been used for residential purposes since the early 1950's
(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)	No	LAHC records indicate that the land has not been used for a potentially contaminating activity listed in Table 1, Appendix 1 of the draft Guidelines.
(c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1?	No	7 Wattle Avenue is vacant while 9 Wattle Avenue currently contains a single storey detached dwelling. There was no evidence during inspection that the site was being used for potentially contaminating activities.
(d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1?	No	LAHC records indicate that the land has not been regulated through licensing or other mechanisms.
(e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act?	No	As noted in the section 10.7 certificates, there are no land use restrictions relating to contamination under the CLM Act.
(f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1?	No	A site inspection has been undertaken and did not indicate that the site may have been associated with potentially contaminating activities listed in Table 1.
g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is residential.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	A standard identified requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / construction works.
i) Is the site adjacent to a site on the EPA's list of notified sites under s60 of the CLM Act, or adjacent to a site regulated by the EPA under the CLM Act?	No	A review of the EPA's register of notified sites indicates that the land is not adjacent to a notified site under s60 of the CLM act or a site regulated by the EPA under the CLM Act.



Given the above it is unlikely that the site is contaminated however a recommended Identified Requirement (No. 17) requires implementation of management measures in the unlikely event of contamination prior or during construction works.

## 6.7 Orange Local Environmental Plan 2011 (OLEP 2011)

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

Table 7 Orange Local Environmental Plan 2011

Relevant Provisions / Development Standards for Residential Flat Buildings			
Clause	Provision / Development Standard	Required	Provided
4.1B	Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings	Multi dwelling housing in Zone R1 General Residential - minimum site area - 1,250m <sup>2</sup>  No parameters detailed for RFB's	Not Applicable
4.3	Height of Buildings	No maximum height of building under OLEP 2011.	Proposed maximum building height is 8.2 metres.
4.4	Floor Space Ratio	No maximum FSR under OLEP 2011.	Proposed FSR is 0.39:1
5.10	Heritage conservation	(4) Effect of proposed development on heritage significance: The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.  (6) Heritage assessment: The consent authority may, before granting consent to any development — c) on land that is within the vicinity of land on which a heritage item is located or land that is within a heritage conservation area, require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	The site is located in close proximity to local heritage items on 52 and 54 Frost Street (Item No.: 1180 and 1181). However, the proposed development is suitably located away from the identified heritage items and is not anticipated to have any unacceptable impacts. No further assessment required.
5.22	Special Flood Considerations	(2) This clause applies to — (a) for sensitive and hazardous development — land between the flood	The s10.7 certificate for 7 Wattle Avenue identifies that the land or part of the land is between the flood planning area and the probable maximum flood (PMF) and is



### Relevant Provisions / Development Standards for Residential Flat Buildings

		<p>planning area and the probable maximum flood, and</p> <p>(b) for development that is not sensitive and hazardous development — land the consent authority considers to be land that, in the event of a flood, may —</p> <p>(i) cause a particular risk to life, and</p> <p>(ii) require the evacuation of people or other safety considerations.</p>	<p>subject to flood related development controls.</p> <p>In accordance with Council's Flooding Information Fact Sheet for Property Owners and confirmed by Council's Manager Engineering Services (refer to <b>Appendix U</b>), disaster planning and emergency requirements apply only to developments identified as 'sensitive and vulnerable'. The proposed development for residential accommodation is not identified as 'sensitive and hazardous development' and is therefore not subject to flood development controls. Furthermore, the identified PMF does not impact the Wattle Avenue frontage but rather the rear south-western corner of the site. As such, it is considered that safe occupation and efficient evacuation of people can occur in the event of a flood. Refer to Section 8.12 of this REF for further discussion.</p>
7.6	Groundwater vulnerability	The site is identified as 'Groundwater Vulnerability' on the Groundwater Vulnerability Map of OLEP2011.	A Residential Site Investigation Report has been prepared by Barnson ( <b>Appendix P</b> ) which highlights that groundwater was not encountered during site investigation. As such, it is considered unlikely that the proposed development will have unacceptable impact on groundwater systems.

## 6.8 Orange Development Control Plan 2004

*Orange Development Control Plan 2004* (ODCP 2004) contains specific development controls for residential development which are addressed in **Table 8** below.

The general controls for all development set out in ODCP 2004 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP.

Table 8 Orange Development Control Plan 2004

Compliance with relevant controls for residential development		
Residential development		
Clause	Requirement	Proposed
7.7-1 Neighbourhood Character	a) The application includes information that clearly indicates how the proposed design responds to the site analysis and considers neighbourhood character.	<p>Complies:</p> <p>The site is located within an established residential area characterised by older style dwellings of brick and weatherboard construction with tiled and metal roofs. The proposed development has been designed</p>

## Compliance with relevant controls for residential development

		<p>to respond to the style and character of the local area through the use of predominantly exposed brickwork, pitched metal roofing and a neutral colour palette which ensures it blends in well with existing development.</p> <p>The development is also proposed as a two-storey development similar to existing developments within the local area as identified in Section <b>3.3</b> of this report.</p>
<b>7.7-2 Building Appearance</b>	<p>a) Dwellings facing public streets or internal accessways have:</p> <ul style="list-style-type: none"> <li>- a front door and living room window facing that street or accessway, to provide for surveillance;</li> <li>- the difference in building height between existing buildings and the new development appearing to be no more than one storey when viewed from the street (except for heritage conservation areas where the building height appears to be single storey from the street);</li> <li>- building design, roof form and detailing that complements neighbourhood character;</li> <li>- the building façade to the public street including relief features (verandahs, windows, balconies, wall offsets) and relating to the dimensions of the other houses in the street, particularly in heritage conservation areas;</li> <li>- variation in materials, detailing, form, façade lines and relief and provide for individual designs for dwellings that complement the setting within a consistent neighbourhood theme.</li> </ul>	<p>Complies:</p> <ul style="list-style-type: none"> <li>- Four units (U1, U2, U7 and U8) have been designed to face the street thereby promoting surveillance.</li> <li>- The proposed development presents a similar height as that of existing 2 storey developments within the local area and is no more than one storey difference to adjoining single storey development when viewed from the street. Additionally, the proposed building height of 8.2m is compliant with the requirements of the Housing SEPP which stipulates a height limit of 11m.</li> <li>- Proposed building design and roof form complements neighbourhood character specifically, the use of face brick, timber-look screening, pitched metal roofing and a neutral colour palette complement surrounding developments within the local area.</li> <li>- The proposed building façade includes patios for ground floor units and balconies for upper level units which provide building articulation and modulation.</li> <li>-The proposed development incorporates a variety of building materials of different colours such as face brick, wall cladding and timber-look screening as detailed in Materials Schedule (refer to <b>Appendix A</b>) that complement the neighbourhood setting.</li> </ul> <p>Extensive landscaping, the amount of 663m<sup>2</sup>, is proposed to compensate for any</p>

Compliance with relevant controls for residential development		
	<p>b) New development complements or enhances the desired neighbourhood character by:</p> <ul style="list-style-type: none"> <li>- providing sufficient space for planting trees and providing gardens in setback areas;</li> <li>- retaining and protecting existing vegetation, where possible.</li> </ul>	<p>tree losses and to enhance the appearance of the overall development.</p> <p>- 6 existing trees (Trees 1, 7, 15, 18, 19, 21) within the site and in the road reserve in front of the site are proposed for retention. Trees on neighbouring properties will be retained and protected.</p>
<b>7.7 – 3 Heritage</b>	Building form, massing, roof shapes, pitch, height and setbacks are consistent with nearby buildings of Heritage significance.	The site is located in proximity to local heritage items on 52 and 54 Frost Street (Item No.: 1180 and 1181). However, the proposed development is suitably located away from the identified heritage items and is not anticipated to have any unacceptable impacts
<b>7.7 - 4 Setbacks</b>	<p>a) Building setbacks from the public street:</p> <ul style="list-style-type: none"> <li>- are generally consistent with those of adjoining developments;</li> <li>- provide a front garden area;</li> <li>- relate to the width of the street and footpaths to provide quality urban environment</li> </ul> <p>c) In established areas (infill) the setback shall be up to the front building line of the residential part of a building on adjoining (but not adjacent) land.</p>	<p>Complies:</p> <p>The setback to adjoining dwellings ranges between approximately 7m and 10.5m. The proposed front setback is approximately 7.5m to the main face of the building, with first floor balconies projecting into the articulation zone.</p>
<b>7.7 – 5 Fences and Walls</b>	<p>a) Front fences and walls:</p> <ul style="list-style-type: none"> <li>- have a maximum height of 1.2 metres.</li> </ul> <p>b) Front fences and walls are designed to use similar or compatible materials used in the locality to positively contribute to the streetscape</p>	<p>Complies with intent:</p> <p>The development proposes front fences and walls of maximum height 1.5m. However, the proposed fences and walls are recessed between 1.2m – 4m from the front boundary to allow for extensive landscaping along the street frontage. The proposed fences and walls create a sense of identity, screen the bin storage area and provide privacy, and are constructed of materials similar to that of the main building to promote positive visual amenity outcomes.</p>
<b>7.7 – 6 Visual Bulk</b>	<p>a) Buildings are contained within an envelope generated by planes projected at 45° over the site commencing 2.5m above existing ground level from each side and rear boundary.</p> <p>b) Buildings within 15 metres of the street frontage, in areas of predominantly single-storey houses, are or appear as single storey.</p> <p>c) Buildings may cover up to 50% of the site area (except for single dwellings which may cover up to 60% including outbuildings).</p>	<p>Complies with intent:</p> <p>The proposed development is sited in accordance with the building envelope requirement of 45 degrees over the site commencing 2.5m above existing ground level as illustrated on Elevation Plan (refer to <b>Appendix A</b>).</p> <p>Whilst the development is proposed as two storeys when viewed from the street, it is still considered to contribute positively to the streetscape through high quality</p>

## Compliance with relevant controls for residential development

		<p>building materials and an attractive building design.</p> <p>As identified in Section <b>3.3</b> of this report, there are several examples of two storey developments within the immediate local area. Furthermore, the relevant zone – R1 General Residential allows for developments such as Residential Flat Buildings, Multi Dwelling Housing, Seniors Housing and so on, which can all take the form of two storey developments.</p> <p>Moreover, the development leads to a site cover of approximately 26.7% which is well under the 50% requirement. The development does not lead to unacceptable overshadowing impacts.</p> <p>It is therefore considered that the development does not lead to unacceptable visual bulk impacts.</p>
<b>7.7 – 10 Visual Privacy</b>	<p>a) Site and building layout ensures windows do not provide direct and close views into the windows, balconies or private open spaces of adjoining dwellings.</p> <p>b) Habitable room windows on upper-floor levels (ie, floor level greater than 1.5 metres above predevelopment ground level) within 9 metres from windows of living areas of adjacent dwellings:</p> <ul style="list-style-type: none"> <li>- are off-set sufficient distance to limit direct views;</li> <li>or</li> <li>- include measures to screen or obscure views between the dwellings (curtains are not sufficient for screening).</li> </ul> <p>c) Balconies of an upper-floor level (as defined above) within 9 metres of habitable rooms or private open space are permanently screened to reasonably obscure direct views to adjacent rooms and private open space.</p>	<p>Complies:</p> <p>a) The development and in effect, proposed windows, are adequately separated from adjoining properties – 4.4m from the northern boundary; 7m from the southern boundary for the residential flat building component; and 1m for the single storey dwelling component (Unit 6) which is not anticipated to cause adverse privacy impacts given building height, use of translucent windows and proposed 1.8m boundary fencing.</p> <p>b) Habitable room windows for Units 7 and 9 facing the northern boundary, incorporate translucent panels to obscure views and enhance privacy.</p> <p>c) Unit 9 balcony which is oriented towards the northern boundary, is adequately screened with timber look slat screening of 1.8m height to obscure direct views to adjoining rooms and private open space. Unit 7 balcony though oriented towards the street, is provided with an opening to the northern side. This is not considered to cause any adverse amenity impact as the relevant section directly faces the front boundary of the adjoining northern property.</p>

## Compliance with relevant controls for residential development

**7.7 – 12 Security**

- a) Applications for multi-unit development include a crime-risk assessment and demonstrate that the principles of “Crime Prevention Through Environmental Design” (CPTED) are achieved.
- b) Buildings adjacent to public streets, spaces or communal areas are designed to allow casual surveillance and should have at least one habitable-room window facing that area.
- c) Shared entrances for multi-unit buildings are able to be locked and serve a limited number of dwellings. Consideration should be given to security systems for access into multi-unit buildings.

## Complies:

- a) Refer to Section **8.17** of this REF for an assessment against CPTED principles.
- b) 4 of the 10 proposed units will address the street (Units 1 & 2 on the ground floor and Units 7 & 8 on the first floor) with living areas and living area windows facing the street for passive surveillance. Unit 4 patio and Unit 10 balcony are orientated toward the rear parking area, providing casual surveillance of the parking area.
- c) Complies with intent:  
Entry doors to individual units will be provided with dead latches. Windows are to also have dead latches to reduce opportunities for forced entry as per Homes NSW guidelines. As such, security is considered to be upheld within the proposed development.

## 7 Notification, Consultation and Consideration of Responses

### 7.1 Council Notification

In accordance with section 43A of the Housing SEPP, Orange City Council was notified of the development via the NSW Planning Portal (ref: P5-2024-136) on 27 August 2024 (refer to **Appendix G**). The notification response period formally closed on 20 September 2024 and Council responded to the notification on 10 September 2024 via the NSW Planning Portal, which has been extracted in **Table 9** below. A response is provided in relation to the matters raised by Council and where appropriate, these matters have been addressed in the identified requirements in the **Activity Determination**.

Table 9 Issues raised in Council submission

Issues raised	Response
<b>Overall comments:</b>	
The proposal entails a number of elements that are well designed and contribute positively to the renewal of the area. The roof design is a contemporary interpretation of the surrounding context and predominant use of brick echoes the surrounding materiality.	Noted.
The visual bulk of the proposed building is a departure from the prevailing character of the area, however, there are examples of development of a similar bulk and scale within the immediate vicinity of the site. The articulation and fenestration as well as projecting architectural elements add to the quality of the design.	Noted.
The following is recommended in terms of safety by design, improving the amenity and materiality consistent with the local character:	
<b>Brick Colour</b> Revise the brick colour consistent with the prevailing streetscape character which is a warmer tone rather than the cool grey tones proposed.	The Architectural Plans have been revised to reflect warmer tones for the development – dark brown and blush red in place of the original dark grey and light beige. Refer to Architectural Plans in <b>Appendix A</b> .
<b>Front Bin Area</b> Relocate the bin store away from the front entry to reduce bulk of solid walls to the frontage and enhance amenity for the residents.	The proposed solid wall bin enclosure has been slightly reconfigured and now has a width 2.55m, which amounts to 8.3% of the entire site frontage, and is considered to have minimal bulk impacts. Additionally, the same material used for the solid walls is also used for the adjoining front fence and the main building. This provides a sense of continuity and cohesion leading to an overall attractive development. The provision of landscaping including grevillea, callistemon and scented emu bush, ranging in mature heights from 1.3m – 3m will assist in screening the bin enclosure and will contribute to the streetscape. Furthermore, the provision of two

Issues raised	Response
	communal bin areas provides the opportunity for equitable service for all residents regardless of their location within the development.  It is therefore considered that amenity of residents is duly maintained despite the location of the front bin area.
<b>Landscape Management Plan</b> Consider developing a Landscape Management Plan to ensure quality is maintained, as the landscaping will provide visual relief to the bulk and scale of the proposed development as well as contributing to the amenity	Identified Requirement No. 18 is recommended to require the preparation of a Landscape Management Plan and ensure the maintenance of proposed landscaping.
<b>CPTED Assessment</b> Undertake a CPTED assessment of the proposal and implement any recommendations that arise from the assessment.	An assessment against the CPTED principles is provided in Section 8.17.
<b>City Presentation Manager comments:</b>	
<b>Tree Removal</b> The arborist report talks about retaining a <i>Salix matsudana</i> Corkscrew Willow – willows are an exempt species due to their pest nature I would suggest this tree be removed and replaced with a more appropriate specimen.	The removal and replacement of Tree 20 ( <i>Salix matsudana</i> Corkscrew Willow), as suggested by Council, is covered by Identified Requirement No. 20.
<b>Exempt Status of Trees</b> Also, Flowering Plum (Trees 12, 13, 14, 16, 18) are not exempt, whilst they are a <i>Prunus</i> and <i>Prunus</i> sp are fruiting plums used for fruit production, the flowering varieties are not an automatic exemption unless they do not meet the requirements of 300mm diameter trunk at 1400mm above ground level – which in most instances these tree will rarely attain.	Noted.  Trees 12, 13, 14 and 16 are proposed for removal given their location within the proposed building envelope. New planting will be provided to mitigate any tree losses.
<b>Street Tree Removal</b> The street tree outside number 9 Wattle Avenue – could be removed and replaced if required. The specimen is of poor form as it is growing under powerlines which have a change in direction. This has resulted in an aesthetically unsightly tree. The species is also slightly different to the nearby <i>Fraxinus</i> sp (likely to be rootstock of <i>Fraxinus angustifolia</i> ) and not <i>F x 'Raywoodii'</i> .	Identified Requirement No. 20 is recommended to ensure tree removal and replacement occurs via consultation with Council
<b>Landscaping Plan</b> No issues with proposed tree retention / removals or tree protection measures. Landscaping plan species list is all good	Noted.
<b>Engineering comments:</b>	
<b>Services</b> Water and sewer services are available to the site.	Noted.
Water and sewer headworks contributions are applicable for the multi-dwelling development (contribution is to be based on 3.3 ETs for both water and sewer).	Noted. Identified Requirement No. 75 is recommended to ensure water and sewer contributions are paid.



Issues raised	Response
<b>Passing Bay</b> The driveway to the common carpark requires a passing bay behind the front boundary and the proposed footpath crossing to be a minimum width of 6.0m to permit 2-way traffic flow.	A Driveway and Carpark Certification report has been prepared by Motion Traffic Engineers ( <b>Appendix T</b> ) which confirms the carparking area and driveway as overall compliant with Australian Standards. The proposed driveway has been designed to minimise impacts on the neighbouring tree at 5 Wattle Avenue.
<b>Footpath</b> Existing footpath crossing for 9 Wattle Ave (made redundant by proposed development) is to be removed and standard kerb and gutter reinstated.	Identified Requirements No. 11 is recommended to ensure compliance.

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

Under section 43A(1)(a) of the Housing SEPP, the Orange City Council was requested to nominate any other persons who should, in the Council's opinion, be notified of the development.

Advice was sought from Council regarding additional persons or property that should be notified of the development via an email dated 15 February 2024. Council provided an email response on 19 February 2024 advising that the notification map is consistent with Council's Community Participation Plan and acceptable to Council. Land owners details were re-confirmed on 9 August 2024, prior to notification letters being sent. **Figure 17** illustrates the properties in which the occupiers and landowners were notified of the development.



Figure 17 Map of Properties Notified of the Proposed Development (Source: LAHC)



Under section 43A(1)(b) of Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 27 August 2024. A sample of the notification letter is provided at **Appendix G**.

The notification response period formally closed on 20 September 2024 and submissions are discussed in **Table 10**.

Table 10 Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
<b>Colour of boundary fence</b> Preference for fence to be dark grey	The architectural plans ( <b>Appendix A</b> ) have been revised to address this preference and illustrate the proposed boundary fence colour as dark grey (Monument) which is considered to complement the overall development.
<b>Car Parking</b> Concern with the number of car parking spaces provided and impact on narrow street	In accordance with requirements set out under the Housing SEPP, the proposed development is required to provide 8 car parking spaces based on the non-accessible area parking rate of 0.5 parking spaces for 1 bedroom units and 1 parking space for 2 bedroom units with which the development complies. The Traffic and Parking Assessment Report ( <b>Appendix S</b> ) indicates that the additional trips generated by the proposed development will have minimal impacts on the existing traffic activity and road network capacity. Notwithstanding this, social housing tenants typically have lower car ownership rates than the general community. It is therefore considered that the parking and traffic impacts as a result of the proposed development are minor.

## 7.3 Notification of Specified Public Authorities

The development is “residential development” under section 42 of the Housing SEPP. As required by section 42(4) of the Housing SEPP, consideration has been given to the need to notify the “specified public authorities” identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council.

## 8 Review of Environmental Factors

A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

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### 8.1 Neighbourhood Character

The site is located within an established residential area generally consisting of a mix of housing typologies from single dwelling houses to multi-unit developments. Most residential developments within the local area are of brick and fibro construction. Currently, there is a gradual transition from low density housing to medium density development within the immediate locality, with the proposed development promoting more contemporary medium density development in the Orange local area.

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 2-storey design, siting, layout and landscape setting of the proposed development aligns with that of emerging development in the locality.

#### **Mitigation measures**

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 developments. Suitable design treatments, including fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to neighbourhood character.

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### 8.2 Bulk and Density

The proposed development is consistent with the bulk and scale of surrounding development in the locality of Orange. The 2-storey building incorporates appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. Single storey dwellings are located at the rear of the site to minimise impacts on adjoining properties. The development is designed with suitable façade articulation and roof form to minimise bulk and scale.

The proposal incorporates a floor space ratio of 0.39:1 and a maximum height of 8.2m which is generally consistent with a low-density residential area. The FSR and 2-storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R1 General Residential zone, which encourages a variety of housing types and densities. Each unit within the development achieves a high level of amenity for residents with all ground floor units achieving Silver Level Livable housing standards.

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

#### **Mitigation Measures**

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 street view, which will ensure the development provides a positive streetscape presence.

In conjunction with strong articulation and modulation along the front façades and improved landscaping proposed within the street setback areas, the proposed development will make a positive contribution to the streetscapes of Wattle Avenue. 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 street frontage through incorporation of street facing windows and doors, as well as courtyards and balconies within the front setback, improving casual surveillance of the street.

### Mitigation measures

No mitigation measures are required.

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## 8.4 Visual Impact

The proposed development will generate some short-term visual impacts 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 construction of new contemporary dwellings that respond to the site context and neighbourhood character. Articulation, diverse mix of materials and a neutral colour palette will assist with the overall aesthetic of the site.

New landscaping proposed within the front setback will incorporate the planting of 1 x Snow Gum (*Eucalyptus pauciflora*) tree to an approximate mature height of 15m; 1 x Golden Ash (*Fraxinus excelsior Aurea*) tree to an approximate mature height of 8m; 2 x Trident Maple (*Acer buergerianum*) trees to an approximate mature height of 10m and 1 x Bottle Tree (*Brachychiton populneus*) to an approximate mature height of 25m, and various shrubs to mature heights of 0.2-3m. Considered tree and shrub planting along the side and rear boundaries of the site will add to the long-term visual amenity of the surrounding properties and improve the appearance of the site from the street.

### Mitigation Measures

No mitigation measures are required.

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## 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 1.5m-1.8m high fencing, adequate site setbacks and strategic placement of windows to avoid direct overlooking of neighbouring properties. In particular:

- Ground floor courtyards and upper level balconies associated with Units 1, 2, 7 and 8 are orientated toward Wattle Avenue with landscaping, including trees and shrubs, proposed within the front setback to improve streetscape amenity and privacy for future residents.
- The patio of Unit 4 and balcony of Unit 10 are orientated toward the rear parking area to maximise privacy to adjoining properties, while providing casual surveillance of the parking area.
- Units 5 and 6 at the rear of the site are single storey to prevent potential overlooking of adjoining properties.
- Privacy screening to a height of 1.8m is provided along the northern edge of the balcony of Unit 9 to direct views towards the rooftop of Unit 5 and minimise potential privacy impacts to the adjoining property to the north.
- Fencing with a height of 1.8m is provided around the private open space for ground floor units to the side and rear of the site to provide a sense of privacy and security.
- Adequate boundary setbacks are proposed to assist with mitigating overlooking to adjacent developments.
- Solid balustrades to balconies at the side and rear of the development are proposed which will assist in reducing overlooking.
- The proposed development allows for adequate deep soil areas to accommodate planting of larger trees that reach a mature height of 25m to ensure the privacy for adjacent developments is maintained and overlooking potential is minimised.
- Proposed 1.8m Colorbond fencing will mitigate unacceptable overlooking from ground level units into properties to the south, west and north.
- Patios within the development have been appropriately separated by location or fencing and/or landscape treatments.

#### Mitigation Measures

No mitigation measures are required.

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## 8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas, private open spaces and the private open space areas of neighbouring properties. The submitted Architectural Plans (**Appendix A**) indicate that 70% of dwellings (Units 1, 3, 5, 6, 7, 9 and 10) receive at least 3 hours direct solar access to the living and POS areas on June 21, which meets the requirements of the *NSW Land and Housing Design Requirements* under the Housing SEPP.

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

#### Mitigation Measures

No mitigation measures are required.



## 8.7 Overshadowing

The shadow diagrams (**Appendix A**) confirm the development has been designed to minimise overshadowing of surrounding development. Shadow diagrams 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 site and partially out to the southern adjoining property at 5 Wattle Avenue.

At 12pm, shadows are contained within the subject site with minor impacts to the northern side setback area of adjacent southern development at 5 Wattle Avenue.

At 3pm, shadows are cast to the south-east, within the site with minor impacts to the northern side setback area of adjacent southern development at 5 Wattle Avenue and toward the road reserve of Wattle Avenue. These properties shall receive not less than 3 hours of sunlight at the mid-winter solstice between 9am and 3pm.

Due to the north-south orientation and spatial relationship between the subject site and the adjoining property, the southern property is more susceptible to overshadowing impacts. However, the proposed development provides a southern boundary setback of 7.1m within the section of the site directly related to the dwelling on the adjoining property. This is considered adequate separation to mitigate any potential overshadowing impacts. Furthermore, the adjoining development has windows to the street frontage which assists in providing solar access to the dwelling. Shadow elevations demonstrate that the proposed development will cast shadows to the windows of the adjoining dwelling at 9am, however from 12 noon onwards, no additional shadows impact these windows. Overall, the shadow diagrams demonstrate there will be acceptable overshadowing impacts by the proposed development on the adjoining southern property.

### Mitigation measures

No mitigation measures are required.

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## 8.8 Traffic & Parking

A total of 8 car parking spaces for residents, including 1 accessible space, will be available on site to serve the proposed development. The provision of on-site car parking meets the parking requirements set out in the Housing SEPP for developments carried out by LAHC on land that is not in an accessible area. Unrestricted street parking is available on Wattle Avenue to accommodate any overflow parking demand generated by the proposed development.

The Traffic and Parking Assessment Report (**Appendix S**) indicates that the additional trips generated by the proposed development will have minimal impacts on the existing traffic activity and road network capacity.

### Mitigation measures

No mitigation measures are required.

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## 8.9 Flora and Fauna

An Arboricultural Impact Assessment and Tree Management Plan has been prepared for the site by Horticultural Management Services (**Appendix J**). The report considers 25 trees in relation to the proposed development, 18 of which are located within the subject site (Trees 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21) while 2 are street trees in the Wattle Avenue road reserve (Trees 1 and 7) and the remaining 5 trees are within the southern neighbouring property (Trees 4, 22, 23, 24 and 25).

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The report recommends the removal of 13 existing trees within the site that are either located within the proposed development footprint or that would be impacted by an unavoidable major encroachment within their tree protection zones. In response to Council comments, Tree 20 which is identified as a weed species and Tree 7, a street tree identified as having poor form, are also proposed to be removed.

There are 10 trees recommended for retention, consisting of 4 trees within the site, 1 street tree and the 5 trees within the southern neighbouring property. Among the retained trees is Tree 19, a 15m high mature Southern Blue Gum tree located at the rear of the site. This tree is identified as being of high significance with relevant tree protection measures identified to ensure its safe retention. The Arboricultural Impact Assessment and Tree Management Plan identifies that the proposed development is sufficiently setback from trees proposed to be retained.

It is noted that 4 more trees are identified on the Survey Plan (**Appendix D**) which have not been considered by the Arboricultural Impact Assessment and Tree Management Plan (**Appendix J**). These additional trees are located on the northern side of adjoining southern property, Lot 13 in DP36132 and are sufficiently distanced to be safely retained and protected based on their proximity to Trees 24 and 25 which have been assessed as such.

Appropriate replacement planting is proposed, as indicated on the landscape plan (**Appendix B**). The new plantings will provide replacement tree cover on the site and increase the variety of species, including trees capable of reaching a mature height of up to 25m and various shrubs to mature heights of 0.2-3m. Considered tree and shrub planting along the side and rear boundaries of the site will add to the long-term visual amenity of the surrounding properties and improve the appearance of the site from the street. There will be no significant impact on native fauna as a result of the proposed development, given that compensatory planting is proposed.

#### Mitigation measures

Identified Requirements (No's. 1, 18 – 20 and 76) are included in the **Activity Determination** and require the implementation of the Landscape Plan; and the tree protection measures as recommended in the Arboricultural Impact Assessment and Tree Management Plan.

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## 8.10 Heritage (European / Indigenous)

Orange City Council's Section 10.7(2) & (5) Planning Certificate did not identify any heritage items on the site (refer **Appendix F**). The site is located in proximity to local heritage items on 52 and 54 Frost Street (Item No.: 1180 and 1181). Figure 18 below shows the relationship of the subject site, outlined in red, to the local heritage items shown in brown. The proposed development is suitably located away from the identified heritage items and is not anticipated to have any unacceptable impacts, particularly given the proposed single storey nature of the development at the rear of the subject site.



Figure 18 Extract of Heritage mapping (Source: NSW Planning Portal Spatial Viewer accessed 15 November 2024)

### Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 16 October 2024 (**Appendix I**) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. 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, however, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

### Other Cultural Heritage

No cultural heritage items have been identified in Orange City Council's 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**

Standard identified requirements (No's, 46 and 47) have been applied should any cultural heritage relics be discovered on the site during excavation / construction.

## 8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

### Geotechnical

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

- The subsurface conditions generally consist of topsoil of sandy silt. The topsoil is present to depths of 0.3m. Slightly moist sandy silt to clayey silt to sandy silty clay underlie the topsoil to depths of 0.5m to 3.0m.
- The allowable bearing capacity at depths ranging from 0.0m to 1.2m is considered to be less than 100kPa.
- The allowable bearing capacity at depths ranging from 1.2m to 3m is considered to be 100-350kPa.
- Groundwater was not observed during site investigation.

The report classifies the site as a *problem site (P)* based on the site having large trees and low soil bearing capacity in the upper layers of less than 100kPa.

- Based on the site's classification, the report provides recommendations on how the foundation and structural design should be designed with guidance from the Australian Standards.

#### Contamination

As detailed above in section 6.6 of this REF the site is unlikely to be contaminated.

#### Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not affected by a policy restriction relating to Acid Sulfate Soils.

#### Salinity

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not affected by a policy restriction relating to salinity.

#### **Mitigation Measures**

Standard Identified Requirement (No.1) is recommended to require compliance with the recommendations of the Geotechnical Investigation prepared by Barnson. Standard Identified Requirement (No.17) is also recommended to address any potential soil contamination occurrence.

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## 8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements. Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an aboveground combined detention and rainwater tank draining to the existing stormwater drainage system within Wattle Avenue at the site frontage. Roof water will be collected from downpipes and connected to the aboveground combined detention and rainwater tank.

The Section 10.7(2) & (5) Planning Certificates (**Appendix F**) issued by Orange City Council for the subject site indicate that the land, 7 Wattle Avenue Orange, is between the flood planning area and the probable maximum flood (PMF) and is subject to flood development controls (see Figure 19 below).





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

Identified requirements (Nos. 6-9, 14 & 72) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

The Section 10.7(2) & (5) Planning Certificates issued by Orange City Council for the subject site advise that the land is not bushfire prone.

No mitigation measures are required.

### During Demolition / Construction

During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours of 7am to 5pm Monday to Saturday, consistent with the requirements for complying development across NSW.

#### During Occupation

Noise generated when the proposed buildings 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 Architectural Plans (**Appendix A**) illustrate the provision for air conditioning units for each individual unit. Specific details of the air conditioning system are to be provided in the detailed construction documentation. Any air conditioning units must be designed and operated in accordance with the acoustic requirements set by EPA Guidelines and the *Protection of the Environment Operations (Noise Control) Regulation 2017*. Acoustic certification is required at construction documentation stage and prior to occupation to ensure that the air conditioning units are appropriately designed and installed. Their operation is also subject to an Identified Requirement relating to ongoing use.

Buildings will be constructed to comply with the deemed-to-comply provisions of the *Building Code of Australia* with respect to noise transmission. Buildings to be designed and constructed to achieve internal noise level design targets.

#### **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* and EPA criteria with respect to noise transmission.

Appropriate standard identified requirements (Nos. 2, 60 & 73) have been applied to ensure compliance with the above mitigation measures.

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## 8.15 Air Quality

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

#### **Mitigation Measures**

Appropriate standard identified requirements (Nos. 64 & 65) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

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## 8.16 Waste Minimisation

A Waste Management Plan (**Appendix R**) has been prepared for the site identifying waste minimisation and management measures 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 building contractor.

#### During Demolition

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, as follows:

- Bricks will be reused for retaining walls, fill materials and so on, with excess transported to Boral Recycling Orange, organised by contractors;
- Concrete will be reused for fill materials with excess transported to Boral Recycling Orange, organised by contractors;
- Garden organics will be reused for garden beds with excess transported to Boral Recycling Orange, organised by contractors;
- Timber, Plasterboard, Metal will be transported to Orange Community Recycling Centre.

#### 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 shall be recycled as follows:

- Excavation material to be reused on site as fill or landscaping, after treatment and testing of soil;
- Bricks will be transported to Boral Recycling Orange, organised by contractors;
- Concrete will be transported to Boral Recycling Orange, organised by contractors;
- Timber will be reused for timber framing or outdoor structures with excess transported to Orange Community Recycling Centre;
- Plasterboard and Metal will be transported to Orange Community Recycling Centre.

#### During Occupation

General and non-recyclable waste will be disposed of in Council's standard waste storage bins in the garbage storage enclosures located towards the rear car parking area and front building entrance and placed on the street kerb for weekly collection by Council's waste services.

Paper / metal / glass will be disposed of in Council's standard waste recycling bins to be located in the garbage storage enclosures located towards the rear car parking area and front building entrance and placed on the street kerb by residents for collection by Council's waste services.

Green waste will be disposed of in Council's standard waste storage bins in the garbage storage enclosures located towards the rear car parking area and front building entrance and placed on the street kerb for collection by Council's waste services.

Homes NSW will appoint a caretaker/manager responsible to oversee waste management on site. Rental of units, as part of the tenancy agreement, will specify usage conditions to ensure waste management of the site satisfies Council requirements.

#### **Mitigation Measures**

Standard identified requirements (Nos. 34b, 50-54) are recommended to ensure construction/demolition waste is appropriately managed and disposed of.

A standard identified requirement (No. 37) is recommended to require the preparation of a final waste management plan for the demolition, construction and occupation phases of the development.

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## 8.17 Crime Prevention Through Environmental Design

The Crime Prevention Through Environmental Design (CPTED) assessment aims to ensure environmental factors take into account potential crime risk factors to promote safety amongst residents living in the proposed development. The assessment considers the four key principles associated with CPTED – Surveillance, Access Control; Territorial Re-enforcement; Space Management.

### PRINCIPLE 1 – SURVEILLANCE

- Landscaping includes low level ground cover species to maintain view lines to and from the building and minimize concealment opportunities (Refer to landscape plan (**Appendix B**) for more detail).
- The building form and unit orientation generally provides good passive surveillance of the private landscape area and public streetscape from proposed units and balconies.
- Habitable rooms at front of the development encourage passive and natural surveillance of the property entry and the street.
- All external areas will be well lit to minimise concealment in building design. Ground floor areas have been designed to avoid concealed spaces when entering and exiting the building. Further details regarding lighting to be provided during construction stage as detailed in BCA Report (**Appendix L**).
- In accordance with Homes NSW requirements, security screens are to be provided for any openings which can be accessed from ground level or from balconies or climbable elements, enabling security as well as passive surveillance.

### PRINCIPLE 2 – ACCESS CONTROL

- Building form provides clear pedestrian and vehicle entry points to development.
- No large trees are proposed near the buildings which could provide vertical access to units above ground storey.
- Entry doors to have dead latches, windows to also have dead latches to reduce opportunities for forced entry as per Homes NSW guidelines.

### PRINCIPLE 3 – TERRITORIAL RE-ENFORCEMENT

- The use of a fence at the front boundary will assist in creating territorial reinforcement at the street frontage. This provides a delineation between public and private spaces.
- The separation of vehicle and pedestrian site access, in accordance with Homes NSW design guidelines, guides people to preferred pathways.

### PRINCIPLE 4 – SPACE MANAGEMENT

- Homes NSW have a property maintenance plan, particularly with regard to the landscaped areas.
- Prevention of vandalism and graffiti through robust/durable masonry material at ground floor frequented by pedestrian traffic.
- Garbage bin areas secured for resident use.

### **Mitigation Measures**

No additional mitigation measures are required.



## 8.18 Resource Use & Availability

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

The recycling and reuse of materials during demolition, construction and on-going occupation of the proposed development will reduce the consumption of natural resources. Additionally, the incorporation of a photovoltaic system (minimum of 2kW) offsets energy use in the development which helps to reduce energy costs.

The proposed development is for the replacement of existing housing that has reached the end of its economic lifespan. 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.

### Mitigation Measures

No additional mitigation measures are required.

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## 8.19 Community / Social Effects

The proposed development will generate a number of positive community and social effects, including:

- assist LAHC in meeting its significant, long-standing and continually-growing demand for social housing in the Orange local government and surrounding area;
- assist LAHC 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 more accessible housing on the site.

### Mitigation Measures

No mitigation measures are required.

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## 8.20 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, where possible;
- the local sourcing of tradespeople and other construction-related professionals, where possible;
- on-going consumption from new/ additional households;
- the reduced maintenance costs of the newer housing; and
- savings associated with improved energy and water efficiency.

### Mitigation Measures

No mitigation measures are required.

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## 8.21 Cumulative Impact Assessment

The proposed activity is not likely to have singular or cumulative environmental impacts which would result in unacceptable adverse effects for the following reasons:

- The proposed 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 activity when considered in combination; and
- there are no known environmental stresses in the area of the proposed activity that would be increased.

### **Mitigation Measures**

No mitigation measures are required.

## 9 Conclusion

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### 9.1 Summary of Key Issues Raised in Assessment

The proposed activity, given its scale, location and design, will be sympathetic with its residential environment. Following a review of the site constraints, it has been determined that the subject land does not contain any significant environmental hazards and that there are no key issues that have been identified that require further assessment.

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and Section 171 of the EP&A Regulation. Following an analysis of the potential impacts associated with the proposed activity it was determined that an environmental impact statement is not required.

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, OLEP 2011, and the design principles and better practices set out in the relevant guidelines.

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

The proposed development will enable LAHC to meet the increasing demand for 1 and 2 bedroom dwellings in the local area. Therefore, the proposed development is clearly in the public interest.

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### 9.2 Recommendation

Given the above review of environmental factors, it is recommended that LAHC proceed with the proposed activity subject to the implementation of the Identified Requirements listed in the **Activity Determination** accompanying this REF.

## 10 Appendices

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – LANDSCAPE PLAN

APPENDIX C – CIVIL PLANS

APPENDIX D – SURVEY PLAN

APPENDIX E – NOTIFICATION PLANS AND SCOPE OF NOTIFICATION

APPENDIX F – SECTION 10.7 CERTIFICATES

APPENDIX G – NOTIFICATION LETTERS AND SUBMISSIONS

APPENDIX H – ACCESS REPORT

APPENDIX I – AHIMS SEARCH

APPENDIX J – ARBORIST REPORT

APPENDIX K – BASIX CERTIFICATE

APPENDIX L – BCA REPORT

APPENDIX M – DESIGN COMPLIANCE CERTIFICATES

APPENDIX N – NatHERS CERTIFICATE

APPENDIX O – DESIGN STATEMENT

APPENDIX P – GEOTECHNICAL INVESTIGATIONS

APPENDIX Q – TITLE SEARCH AND DP

APPENDIX R – WASTE MANAGEMENT PLAN

APPENDIX S – TRAFFIC REPORT

APPENDIX T – CARPARK REPORT

APPENDIX U – COUNCIL FLOOD ADVICE