

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSWES-135 – Orange – DA98/2022
DA Number	DA98/2022(1)
LGA	Orange City
Proposed Development	Development comprises two stages: <ul style="list-style-type: none"> • Stage 1: Multi dwelling housing (17 townhouses) and Torrens title subdivision (3 lots) • Stage 2: Residential flat building (63 apartments) and recreation area (public park)
Street Address	103 Prince Street, Orange NSW 2800
Applicant/Owner	MAAS Group Properties 103 Prince Pty Limited (Applicant) Orange City Council (Owner)
Date of DA lodgement	24 March 2022
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> • 9 written submissions were received in total across 2 exhibition periods (relating to 1. original DA and 2. amended DA). These comprise 6 unique submissions in exhibition period 1 (original DA) and 2 unique submissions in exhibition period 2 (amended DA) • All submissions either objected to the proposal or were generally supportive of the overall development concept but raised concerns about the proposal's design and/or environmental impacts (Refer to uploaded copy of submissions).
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Section 2.19(1) and Clause 3 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: Council related development over \$5 million
List of all relevant s4.15(1)(a) matters	Relevant environmental planning instruments <ul style="list-style-type: none"> • <i>SEPP (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Building)</i> • <i>Sustainability Index: BASIX) 2004</i> • <i>SEPP (Industry and Employment) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>SEPP (Resilience and Hazards) 2021</i> • <i>SEPP (Transport and Infrastructure)</i> • <i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i> • <i>Orange Local Environmental Plan 2011</i> Relevant development control plan <ul style="list-style-type: none"> • <i>Orange Development Control Plan 2004</i> Relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 <ul style="list-style-type: none"> • Draft Planning Agreement Relevant regulations e.g. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> • EP&A Regulation 2021 (as applicable)
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Planning Assessment Report (Version 2.0, 24 October 2022) • Annexure A – DCP compliance Table • Annexure B – Architectural Plans • Annexure C – Landscape Masterplan • Annexure D – Clause 4.6 Request to Vary a Development Standard • Annexure E – SEPP 65 – Design Verification Statement • Annexure F – Public Submissions (redacted) (both exhibition period) • Annexure G – Heritage Advice
Clause 4.6 requests	<ul style="list-style-type: none"> • Application includes Clause 4.6 request seeking an exception to Orange LEP 2011 Clause 4.3 – Height of Buildings (building height standard)
Summary of key submissions	<ul style="list-style-type: none"> • Choice of trees for the proposed public park • South-facing balconies will not benefit from daylight access • Impacts on on-street car parking (loss of spaces in Sale Street combined with likely additional demand for on-street spaces in Sale Street and Prince Street) • Inappropriateness of locating basement car park access in Sale Street • Traffic impacts • Affordability of proposed housing • Need to provide for electric vehicle (EV) charging • Effects on overshadowing, loss of views and loss of privacy for adjoining development (No. 105 Prince Street)

	<ul style="list-style-type: none"> • Inappropriate bulk and scale (including inappropriateness of building height, lack of relief in building form and inadequacy of setbacks to Prince Street and eastern site boundary) • Streetscape impacts • Inappropriateness of materials and finishes • Removal of trees fronting Sale Street • Non-compliance of apartment mix with DCP control. • Absence of commercial uses (eg, kiosks or neighbourhood shops).
Report prepared by	Andrew Crump Town Planning
Report date	24 October 2022

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

No

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

No