

## THE LAND

The site is 22 Buckland Drive, Lot 401 DP 1228050 and 788.0m<sup>2</sup>.

The site is located within the North Orange Urban Release Area. The site is surrounded largely by established dwellings. A section to the north of the site is currently undergoing development, with many dwellings in Young Street to the north of the site currently under construction.

The site slopes gently to the north-west and is largely devoid of any mature or significant vegetation, due to the location in an established urban area and the preparation of the site for urban development pursuant to previous development applications on the land relating to the subdivision of the wider parcel.

## THE PROPOSAL

Council's consent is sought for a two lot Torrens title subdivision and construction of two dwellings.

The proposal is to be staged as follows:

- subdivision of the subject land to create proposed Lots 1 (4011) and 2 (4012).
- construction of proposed Dwellings 1 and 2

The subject site is a corner allotment fronting Buckland Drive and Bligh Street. The site has an area of approximately 788.0m<sup>2</sup>.

Dwelling 1 is proposed to gain access from Buckland Drive and Dwelling 2 will gain access from Bligh Street. The following table outlines the proposal in further detail.

Dual Occupancy			Subdivision		
Dwelling	Gross Floor Area	Description	Lot	Area	
1	147.99m <sup>2</sup>	Frontage to Buckland Drive	1	422m <sup>2</sup>	
2	153.31m <sup>2</sup>	Frontage to Bligh Street	2	366m <sup>2</sup>	

Proposed Dwelling 1 will contain 4 bedrooms, open plan kitchen, dining and family room, bathroom, laundry and double car garage.

Proposed Dwelling 2 will contain 4 bedrooms, open plan kitchen, dining and family room, bathroom, laundry and double garage.

The external finishes for both dwellings is proposed as outlined below:

- face brick walls
- Colorbond corrugated roof cladding
- powder coated aluminium-framed windows and doors
- Colorbond panel style garage doors.

The site is proposed to be landscaped and lawn areas will be established.

The SEE and plans demonstrate that private open space with reasonable solar access will be provided.

A retaining wall is proposed to address the cut and fill required along the proposed new boundary that will separate each proposed lot. The retaining wall will retain a maximum height of 0.8m. In addition a 1.8m high fence is proposed to be installed along the common boundary, to separate the two proposed lots.

A 1.5m high fence is already in place between the subject site and the adjoining dwelling on the southern boundary. A 1.8m high fence separates the subject site from the adjoining dwelling on the eastern boundary. This fencing is proposed to be retained.

### **Orange Local Environmental Plan 2012**

#### **Clause 1.9A - Suspension of Covenants, Agreements and Instruments**

No easements.

#### **Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table**

The subject site is located within the R1 General Residential zone. The proposed development is defined as a subdivision and construction of two dwellings and under OLEP 2011 and is permitted with consent for this zone. This application is seeking consent.

#### **Objectives of the R1 General Residential Zone**

- *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.*
- *To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.*
- *To ensure that development along the Southern Link Road has an alternative access.*

In relation to the first objective, the proposed development would act to provide additional housing stock within the City.

In relation to the second objective, the proposed dwellings do not provide a variation in design or materials used to differentiate the two developments from one another, however do provide a variation of housing type and density for the City, particularly within this area, which is predominantly single dwelling houses on the established subdivision pattern.

In relation to the third objective, the proposed development has no effect.

In relation to the fourth objective, the subject site is within close proximity to routes used by public transport (Bus Routes 533 and 538) and is also in close proximity to the North Orange shops, as well as other services interspersed within the residential locality of North Orange.

In relation to the last objective, the proposed development has no effect.

The proposed development is not inconsistent with the objectives of the zone.

#### **Clause 2.6 - Subdivision - Consent Requirements**

Application has been made for the subdivision of the subject land. Clause 2.6 of Orange LEP 2011 permits the subdivision of the subject land only with development consent.

#### **Clause 4.1B - Minimum Lot Sizes for Dual Occupancy, Multi Dwelling Housing and Residential Flat Buildings**

This clause establishes the minimum lot size required for dual occupancies and multi dwelling housing in the R1, R2 and R3 zones. The proposed dual occupancy project is situated on land within the R1 General Residential zone, that is not identified on the Minimum Lot Size Map. Accordingly, this clause requires the site to have a minimum area of 800m<sup>2</sup>.

This subject land is 788m<sup>2</sup>. Dual occupancy is not proposed under this application.

## 7.1 - Earthworks

The earthworks proposed in the application are limited to the extent of cutting and filling required for the dwellings in the form of approximately 0.8m of cut. The extent of disruption to the drainage of the site is considered to be minor and will not detrimentally affect adjoining properties or receiving waterways.

The extent of the earthworks will not materially affect the potential future use or redevelopment of the site that may occur at the end of the proposed development's lifespan.

The site is not known to be contaminated, nor is the site known to contain any Aboriginal, European or Archaeological relics. Previous known uses of the site do not suggest that any relics are likely to be uncovered. However, conditions are imposed to ensure that should site works uncover a potential relic or artefact, works will be halted to enable proper investigation by relevant authorities and the proponent required to seek relevant permits to either destroy or relocate the findings.

## 7.3 - Stormwater Management

The proposal has been designed to include permeable surfaces. Further, the proposed development will be connected to the existing stormwater mains.

## 7.6 - Groundwater Vulnerability

The proposal is not anticipated to involve the discharge of toxic or noxious substances and is therefore unlikely to contaminate the groundwater or related ecosystems. The proposal does not involve extraction of groundwater and will therefore not contribute to groundwater depletion. The design and siting of the proposal avoids impacts on groundwater and is therefore considered acceptable.

## Clause 7.11 - Essential Services

In consideration of this clause, all utility services are available to the land and adequate for the proposal.

## STATE ENVIRONMENTAL PLANNING POLICIES

### State Environmental Planning Policy (Building Sustainability Index BASIX)

A BASIX certificate has been prepared in support of the development which demonstrates compliance with the state Government Water and Thermal efficiency targets.

### State Environmental Planning Policy 55 – Remediation of Land

*State Environmental Planning Policy 55 - Remediation of Land* (SEPP 55) is applicable. Pursuant to Clause 7 *Contamination and remediation to be considered in determining development application*:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The site is considered to be suitable for the residential use proposed.

## Development Control Plan 2004

### PART 7

#### SUBDIVISION

The DCP sets the following (applicable) Planning Outcomes in regard to urban residential subdivision:

- *Lots below 500m<sup>2</sup> indicate a mandatory side setback to provide for solar access and privacy.*

The proposed lots will comprise areas of 422m<sup>2</sup> (Lot 1) and 366m<sup>2</sup> (Lot 2).

The size and shape of the proposed lots will achieve reasonable residential amenity in terms of privacy and solar access.

- *Lots are fully serviced and have direct frontage and access to a public road.*

The proposed lots will each have direct street frontage and legal and practical access. Separate access will be provided to the proposed lots via vehicle crossings and driveways.

#### Neighbourhood Character

The character and identity of the development are influenced by building design that maintains a common theme and consistent use of materials. It is considered that the proposal will complement the pattern of development that characterises the "Waratah" residential neighbourhood, ie contemporary, single storey detached dwellings at the site frontage. Whilst the scale of the proposed buildings is slightly smaller than typical residential development in North Orange, the building design and detailing for the proposed dwellings will appropriately relate to the finishes of recently established dwellings in nearby streets.

#### Building Appearance

The external finishes are considered appropriate in this neighbourhood. The building design and detailing will complement recent dwellings constructed in this locality. Proposed Dwelling 1 will address Buckland Drive with a stepped facade. Proposed Dwelling 2 will address Bligh Street, again with a stepped facade. Landscaping of the frontage of both dwellings is proposed as indicated in the site plan. The attached double garage for Dwelling 1 will be set back slightly behind the main front dwelling façade, which is satisfactory. The garages will comprise less than 50% of the dwellings' frontages, in compliance with the DCP requirements.

#### Setbacks

Proposed Dwelling 1 will have a front setback of between 4.4m and 4m from Buckland Drive with the attached garage set back 5.5m. Proposed Dwelling 2 will have a front setback of 5m from Bligh Street and a garage set back of 6.6m.

Whilst the setback of Dwelling 1 is slightly forward to that required under the DCP, it appears consistent to the building line of 20 Buckland Drive. The protruding wing and stairs are minor elements and will not dominate the streetscape.

#### Front Fences and Walls

A front fence is required for Dwelling 2, to provide privacy to the side open space. This fence is proposed to be 1.5m high colourbond fencing with a hedge facing the street. This fence is similar to the side fence required for Dwelling 1.

## Visual Bulk

In consideration of the DCP Guidelines, the proposal is considered to be satisfactory. The proposed dwellings will be single storey, consistent with the emerging development form of residential development in the locality.

The DCP requires dwellings to be contained within the prescribed envelopes generated by planes projected at 45° over the site commencing 2.5m above existing ground level from each side and rear boundary.

The proposed development is consistent with the 50% site coverage requirement for single dwellings. The total built form on the site will equate to 35% for Dwelling 1 and 41.8% for Dwelling 2.

## Walls and Boundaries

Building to the boundary is not required.

## Daylight and Sunlight

### Overshadowing of Dwellings

The proposed development is considered to meet the requirements above in regard to north-facing living area windows within the development. The northern living windows of both dwellings will receive ample sunlight between 9am and 3pm on 21 June.

The development will not overshadow north facing windows of the existing dwelling to the south or east.

### Overshadowing of Private Open Space

According to the DCP Guidelines and Council's Energy Smart Homes Code, sunlight is to be available to at least 40% of required open space for dwellings within the development and on neighbouring properties for at least three hours between 9am and 3pm.

Dwelling 1 has a GFA (living area) of 111.1m<sup>2</sup>. As such, 55.55m<sup>2</sup> is to be provided for private open space. Forty per cent of this POS area equates to 22m<sup>2</sup>. According to shadow diagrams, the area of direct sunlight ranges from 24.6 to 28m<sup>2</sup> between 11am and 2pm on the winter solstice.

Dwelling 2 has a GFA (living area) of 118.87m<sup>2</sup>. As such, 59.43m<sup>2</sup> is to be provided for private open space. Forty per cent of this POS area equates to 23m<sup>2</sup>. According to shadow diagrams, the area of direct sunlight ranges from 25.6m<sup>2</sup> to 35.2m<sup>2</sup> between 11am and 2pm on the winter solstice.

The site plan confirms that the private open space for each dwelling will have a minimum dimension of 3 metres and each yard will be able to provide an area of 5m x 5m.

The internal living area for each dwelling will connect to its respective area of private open space via glass sliding doors. Each private open space area will be enclosed by fencing and behind the primary front wall.

An adequate level of sunlight will be afforded to the private open space areas of existing dwellings to the south and east.

## Views

The subject site is not within an important view corridor. The proposed dwellings will not unreasonably diminish views for other properties in the vicinity.

## Visual Privacy

The proposal complies with the above requirements as, the principal living room windows for the proposed Dwellings will overlook POS areas and the buildings have been designed and sited in a way that principal living areas do not directly oppose each other.

The potential for overlooking from Dwelling 1 to 22 Buckland Drive is minimised due to the location of the garage on south.

The potential for overlooking from Dwelling 2 to the east is minimised due to the location of the garage on the east.

Windows between the dwellings have the potential for overlooking, however this can be addressed with a 1.8m high fence between the dwellings. This fence will also protect the privacy of the side private open space of Dwelling 2.

### Acoustic Privacy

The site is located in an area where ambient noise levels are expected to be low due to the predominant residential land use pattern. The dwellings are detached, thus limiting the potential for sound penetration between them.

### Security

The siting and design of both dwellings is appropriate to maintain safety and minimise the potential for crime, vandalism and fear for residents. Habitable room windows in both dwellings will address public roads, thereby providing opportunities for natural surveillance.

### Circulation and Design

Dwellings 1 and 2 have direct street frontages to Buckland Drive and Bligh Street respectively. Separate access will be provided to the proposed lots via vehicle crossings and driveways. The proposed driveways are well separated from the intersection. Reverse egress will be required for both dwellings, consistent with vehicle manoeuvring arrangements for single dwellings throughout the City.

### Car Parking

According to the car parking table in the DCP, the development generates a parking requirement of 3.4 off-street spaces (based on 1.5 spaces for each three bedroom dwelling and 0.2 visitor spaces per unit).

The submitted plans show provision for 4 off-street parking spaces.

### Private Open Space

Dwelling	Living Area (ex. Garage, porches, patios etc)	Private Open Space Required by DCP	Private Open Space Provided
1	118.87m <sup>2</sup>	59.43m <sup>2</sup>	55.60m <sup>2</sup>
2	111.01m <sup>2</sup>	55.50m <sup>2</sup>	61.02 <sup>2</sup>

All private open space is provided behind the front building line. The site plan confirms that the private open space for each residential unit will have a minimum dimension of 3m and the yards are able to provide an area of at least 5m x 5m with access to northern sun, consistent with the requirements of the DCP.

The internal living area for each dwelling will connect to its respective area of private open space via glass sliding doors that open out onto an alfresco area. Each private open space area will be enclosed by fencing.

The required area of private open space complies for Dwelling 2, but is slightly less for Dwelling 1. A variation to the standard is sought in this instance, as a reasonable area of private open spaces is still provided suitable for outdoor living purposes, and the indoor northern living areas have complete and unrestricted northern solar access on the 21 June.

**Open Space and Landscaping**

Landscaping of the site will be carried out in accordance with the plan.

**BASIX Commitments (clause 97A)**

A BASIX Certificate has been submitted in support of the proposed development which demonstrates compliance with the requirements of the SEPP.

**THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)****Traffic Impacts**

The capacity of the road network in the vicinity of the site is sufficient to accommodate additional localised traffic generated by the development.

**Neighbourhood Amenity**

The proposed dwellings will provide and retain a reasonable standard of residential amenity for the proposed dwellings and development on adjoining lands in respect of solar access, privacy etc.

**Privacy**

The impact on privacy to occupants of the development and surrounding neighbours is considered satisfactory.

**Environmental Impacts**

The subject land has been recently subdivided and works have been undertaken to create a residential site. As a result, significant vegetation, threatened species or ecological endangered communities or their habitats are unlikely. The proposed development will not impact upon the locality in terms of environmental impacts.

**THE SUITABILITY OF THE SITE s4.15(1)(c)****Servicing**

Utility services are available to the site and adequate for the proposal. The proposed development will be connected to Council's sewer, town water and stormwater reticulations in accordance with normal requirements. Power, telephone and natural gas services will be connected to the dwellings in accordance with the requirements of the relevant supply authority.

**Physical Attributes**

The subject site is considered to be suitable for the proposed development. There are no physical attributes within the site that would unreasonably constrain the development.