

**DEVELOPMENT APPLICATION**

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**PROPOSED SUBDIVISION AND TWO  
DWELLINGS**

**LOT 5 DP 18989**

**8 CURRAN STREET, ORANGE, NSW, 2800**

## **1.0 OVERVIEW**

Council's development consent is sought to develop a vacant allotment of residential land for the purpose of subdivision and two dwellings.

The subject site is identified as Lot 5 in Deposited Plan 18989, 8 Curran Street, Orange. The land has an area of 707.6m<sup>2</sup> in an established residential subdivision.

Standard Council approval is required for this development under Part 4, Division 4.3, section 4.15 of the *Environmental Planning and Assessment Act 1979*.

## **2.0 APPLICANT**

Banks Family ATF Banks Family Trust

12 Ralston Drive

ORANGE NSW 2800

## **3.0 OWNER**

Banks Family ATF Banks Family Trust

12 Ralston Drive

ORANGE NSW 2800

## **4.0 SUBJECT LAND**

### **4.1 Location and Land Description**

The subject property is located on the eastern side of Curran Street, Orange, The subject land is identified as Lot 5 in Deposited Plan 18989, being approximately 706m<sup>2</sup> in area.

The subject property is a vacant allotment which has a gradual slope, falling from Curran Street to the rear eastern boundary, of the allotment. The subject land has a westerly aspect and is vegetated with six (6) conifer species toward the rear eastern boundary.

Surrounding development largely comprises older style brick with metal roof dwellings of well-maintained presentation.



**Figure 1.** Location of subject site.

## **5.0 THE PROPOSAL**

Council's Development consent is sought for the removal of existing conifers and the development of two residential lots and two dwellings. The submission should be read in conjunction with the submitted plans prepared by Banksia Building Pty Ltd.

Our submission illustrates that a subdivision and two dwellings with attached garages can be easily accommodated upon the subject property.

Proposed lot 1 fronting Curran Street is 270 square metres and a rear lot of 437 square metres.

Following registration of the subdivision, two dwellings are proposed both being two storey with two bedrooms on an upper level.

## **6.0 PLANNING REQUIREMENTS AND ASSESSMENT**

In determining the application, Council is required to consider the relevant matters identified under section 4.15 of the Environmental Planning and Assessment Act, 1979. This section forms the basis of our assessment below.

### **6.1 Environmental Planning and Assessment Act 1979**

Issues relevant to the decision making process in the context of Section 4.15(1) of the Act, and which should be addressed in any statement of environmental effects that would accompany a development application, include:

- (a) the provisions of—*
  - (i) any environmental planning instrument, and*
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) any development control plan, and*
  - (iiia) any 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, and*
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
  - (v) (Repealed)**that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

The matters included in Section 4.15(1) are now discussed in turn.

## **6.2 State Environmental Planning Policy (State and Regional Development) 2011**

State Environmental Planning Policy 55 relates to the proposal, specifically *Clause 7* assessment.

### **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.*

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed Investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is:*

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land: -*

*(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

*(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The land has historically been developed for residential purposes. No fuel tanks are evident. A site inspection shows no evidence of intensive areas of spray filling, fuel storage, mechanical or engineering works etc.

Based on known history and absence of intensive agriculture, stock yards and storage buildings, there is no justification for further assessment.

### **6.3 Orange Local Environmental Plan 2011**

The subject land is zoned R1 - General Residential in accordance with the provisions of Orange Local Environmental Plan 2011.

#### **Zone R1 General Residential**

##### **1 Objectives of 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.*

##### **2 Permitted without consent**

*Environmental protection works; Home-based child care; Home occupations*

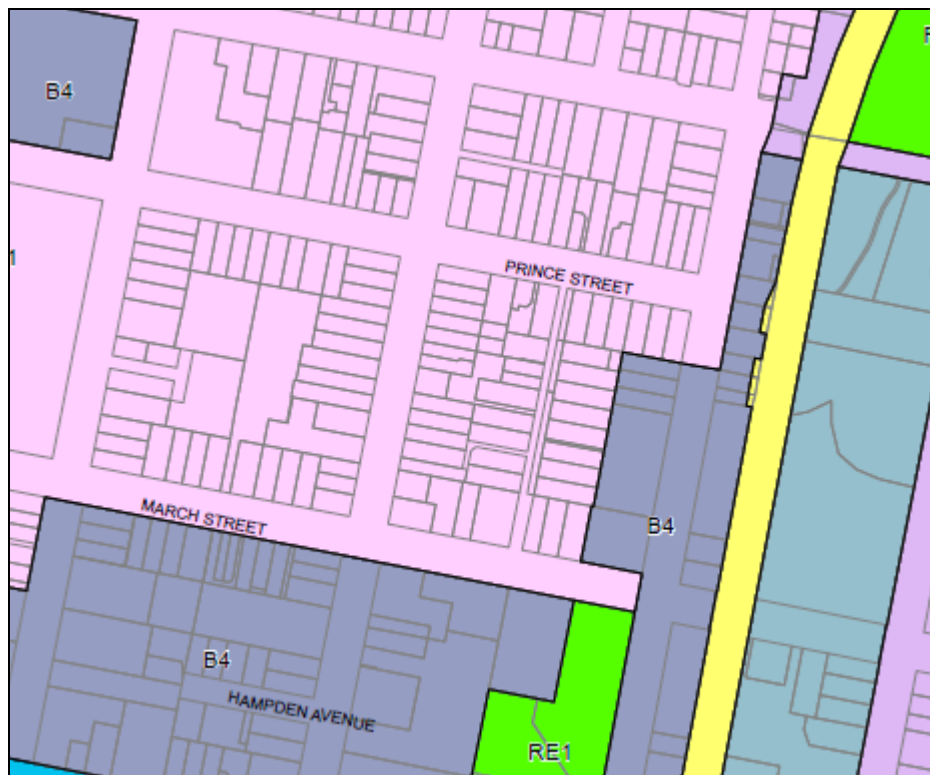
##### **3 Permitted with consent**

*Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Child care centres; Community facilities; **Dwelling houses**; Electricity generating*

*works; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Home businesses; Home industries; Hostels; Information and education facilities; Kiosks; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tourist and visitor accommodation; Veterinary hospitals; Water supply systems*

#### **4 Prohibited**

*Farm stay accommodation; Rural workers' dwellings; Any other development not specified in item 2 or 3*



#### **Response:**

The subdivision and dwelling proposal supports the above objectives in terms of providing good quality housing with a mix of diversity and housing types in the locality. The proposal also meets servicing requirements in the vicinity and takes advantage of the close proximity to Orange Central Business District.

## **Part 4 – Principal Development Standards**

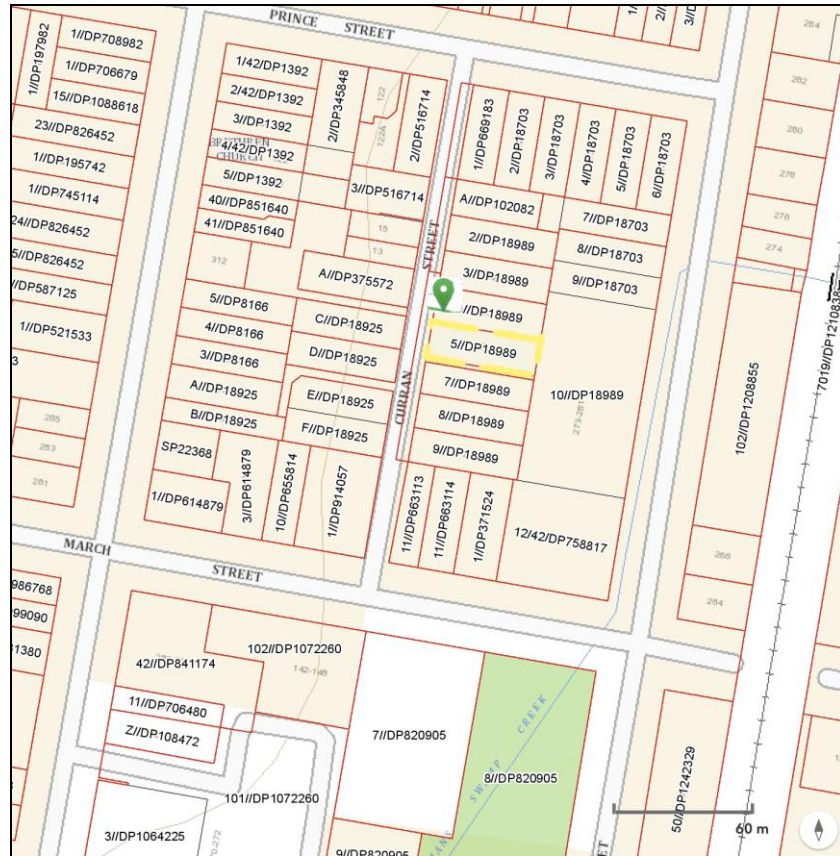
### **4.1 Minimum subdivision lot size**

- (1) The objectives of this clause are as follows:*
- (a) to ensure that new subdivisions reflect existing lot sizes and patterns in the surrounding locality,*
  - (b) to ensure that lot sizes have a practical and efficient layout to meet intended use,*
  - (c) to ensure that lot sizes do not undermine the land's capability to support rural development,*
  - (d) to prevent the fragmentation of rural lands,*
  - (e) to provide for a range of lot sizes reflecting the ability of services available to the area,*
  - (f) to encourage subdivision designs that promote a high level of pedestrian and cyclist connectivity and accommodate public transport vehicles.*
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.*
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.*
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.*

**Response:** The Lot Size Map does not present a minimum lot size for this area.

The proposal is consistent with the intent of Clause 4.1 of the LEP, providing an opportunity to utilise existing services and facilities and not undermine the general subdivision theme that currently presents a mix of detached single dwelling lots and medium density sites.





**Figure 2.** Subject site in relation to subdivision layout

Pursuant to Orange LEP 2011, **dwelling** means:-

*dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*

The proposal is consistent with the above definition.

**Response:** The LEP allows a dual occupancy being above 800 square metres, however the subject site being 707.6 square metres is not compliant with the above clause.

Council’s adopted Development Control Plan 2004, particularly Chapter 7 requires merit-based assessment of the proposal and is addressed in this submission.

In general terms, however, we consider that the proposed dwellings is considered to be consistent with the overall residential character of the locality, housing in terms of medium density in the locality.

Other issues associated with potential for noise, dust, light and odour generation, additional traffic generation and utility services is considered to be of a minor nature with minimal impact envisaged. Our submission therefore largely focuses on environmental issues associated with the overall bulk and scale of the design, overall privacy and appearance of the proposed buildings in the context of the immediate residential locality.

No specific matters under Part 5 & 6 of the LEP are relevant to the proposal

## **Part 7 Additional Local Provisions**

### **7.1 Earthworks**

- (1) The objectives of this clause are as follows:
  - (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
  - (b) to allow earthworks of a minor nature without requiring separate development consent.**
- (2) Development consent is required for earthworks unless:
  - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
  - (b) the earthworks are ancillary to other development for which development consent has been given.**
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
  - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
  - (b) the effect of the development on the likely future use or redevelopment of the land,*
  - (c) the quality of the fill or the soil to be excavated, or both,*
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,*
  - (e) the source of any fill material and the destination of any excavated material,*
  - (f) the likelihood of disturbing relics,*
  - (g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,**

*(h) any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).*

**Note:** *The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.*

**Response:**

We submit that all earthworks will occur in a manner compliant with Council's Development and Subdivision Code and supporting Australian Standards including sediment and erosion control measures during the construction phase.

The two buildings will involve minor surface works to achieve a flat slab site location. No other major earthworks are expected except possible water or sewer junction works.

**7.2 Flood planning**

*(1) The objectives of this clause are as follows:  
(a) to minimise the flood risk to life and property associated with the use of land,*

*(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*

*(c) to avoid significant adverse impacts on flood behaviour and the environment.*

*(2) This clause applies to:*

*(a) land identified as "Flood planning area" on the [Flood Planning Map](#), and*

*(b) other land at or below the flood planning level.*

*(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*

*(a) is compatible with the flood hazard of the land, and*

*(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*

*(c) incorporates appropriate measures to manage risk to life from flood, and*

*(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*

*(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

**flood planning level** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.



**Response:**

The proposed development is not in the vicinity of any flood planning areas as designated by the Flood Planning Map

### **7.3 Stormwater Management**

- (1) The objective of this clause is to minimise the impacts of urban stormwater on the land to which the development applies and on adjoining downstream properties, native bushland and receiving waters.*
- (2) This clause applies to all land in residential, business and industrial zones.*
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
  - (b) includes, where practical, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
  - (c) avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.**

#### **Response:**

The moderate slope (1.34 m) of the lot from the road toward the rear boundary means effective and extensive storm water management can be implemented. At the middle of the allotment inlet pits connect to a stormwater junction and also in the south eastern corner.

### **7.4 Terrestrial biodiversity**

- (1) The objective of this clause is to maintain terrestrial biodiversity by:
  - (a) protecting native fauna and flora, and*
  - (b) protecting the ecological processes necessary for their continued existence, and*
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.**
- (2) This clause applies to land identified as "High Biodiversity Sensitivity" or "Moderate Biodiversity Sensitivity" on the Terrestrial Biodiversity Map.*
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development:
  - (a) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and**

*(b) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*

*(c) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*

*(d) is likely to have any adverse impact on the habitat elements providing connectivity on the land.*

*(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

*(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*

*(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

*(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

**Response:**

The proposed development is not near any regions designated to possess medium or high biodiversity sensitivity.

**7.6 Groundwater Vulnerability**

*(1) The objectives of this clause are to maintain the hydrological functions of key groundwater systems and to protect vulnerable groundwater resources from depletion and contamination as a result of inappropriate development.*

*(2) This clause applies to land identified as "Groundwater Vulnerability" on the [Groundwater Vulnerability Map](#).*

*(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:*

*(a) whether or not the development (including any on-site storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and*

*(b) the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.*

*(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

*(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*

*(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact,*

*(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

**Response:**

The proposed use does not present any threat to groundwater quality. The control of stormwater runoff on the site will be well managed with the inclusion of onsite detention, stormwater pits and management installations. The stormwater design may be subject to a separate approval to comply with the subdivision code.

**7.7 Drinking water catchments**

*(1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.*

*(2) This clause applies to land identified as "Drinking water" on the Drinking Water Catchment Map.*

*(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to:*

*(a) the distance between the development and any waterway that feeds into the drinking water storage, and*

*(b) the on-site use, storage and disposal of any chemicals on the land, and*

*(c) the treatment, storage and disposal of waste water and solid waste generated or used by the development.*

*(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*



*(a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or*

*(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

*(c) if that impact cannot be minimised—the development will be managed to mitigate that impact*

**Response:**

The subject property is not located in the drinking water catchment as defined.

**7.8 Salinity**

*(1) The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development processes that contribute to salinity.*

*(2) Before determining a development application for development on land that is subject to salinity, the consent authority must consider the following:*

*(a) whether or not the development is likely to have any adverse impact on salinity processes on the land,*

*(b) whether or not salinity is likely to have an impact on the development,*

*(c) appropriate measures to avoid or reduce any adverse effects that may result from the impacts referred to in paragraphs (a) and (b).*

*(3) Development consent must not be granted to development on land that is subject to salinity unless the consent authority is satisfied that:*

*(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*

*(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

*(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*



**Response:**

The lot has been previously vacant and therefore harmful chemicals and treatments have not tarnished the soil. Furthermore, in an urban context, the large site coverage of structures and vegetation will effectively seal and filter and negate chemicals and entities from promoting salinity in the soil.

**7.11 Essential services**

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:*

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) storm water drainage or on-site conservation,*
- (e) suitable road access.*

**Response**

The above essential services are available for connection in the locality with adequate capacity to allow the development to occur without upgrade. However works may include sewer junction, stormwater connection and water meter connection if not already undertaken and relocation of existing power pole if required.

**6.4 Provisions of Draft Environmental Planning Instruments That Has Been Placed on Exhibition s4.15(1)(a)(ii)**

There are no known draft LEP's that relate to the land.

## **6.5 Provisions of Development Control Plans**

Council's Development Control Plan 2004, also applies to the subject property.

Given the above description and proposed use, the proposal is considered to be consistent with the objectives and definitions associated with the residential character of Curran Street.

## **7.5 MERIT BASED APPROACH TO RESIDENTIAL DEVELOPMENT**

The following subheadings are being used as an outline to illustrate that the proposed development adequately addresses significant design issues to ensure that the proposed development provides opportunities for good quality housing development and integrates well with its surrounding environment.

### **7.5.1 Residential Streetscape and Character**

The *Neighbourhood Character* Planning Outcomes include:-

- *Site layout and building design enables the:*
  - *creation of attractive residential environments with clear character and identity*
  - *use of site features such as views, aspect, existing vegetation and landmarks*
- *The streetscape is designed to encourage pedestrian access and use*

To ensure that the overall neighbourhood character is not compromised, the design of the proposed dwellings will incorporate a single storey façade in line with neighbouring properties, with a two storey component setback. From the front wall of Dwelling One, the two storey wall is 6 metres from the front wall. The driveway for the rear dwelling is only 3 metres wide, serving only one occupancy. The 3.5 wide driveway serving the front dwelling is designed to provide good street appeal with landscaping a consideration providing visual interest and residential character to the development from a streetscape perspective.

To ensure that the overall neighbourhood character is not compromised, the proposed dwellings have been designed of a residential scale in terms of proposed building materials and similar scale to that of surrounding dwellings in the locality. Despite being of a mix of single and two storey, the design considers the impact on neighbours and visual effect from the

street and side boundaries in terms of living spaces, privacy and shadows. In terms of streetscape and residential character, the design is considered a reasonable residential outcome when setbacks, materials and existing landscaping in the neighbourhood are considered.

The *Setbacks* Planning Outcomes include:-

- Street setbacks contribute to the desired neighbourhood character, assist with integration of new development and make efficient use of the site
- Street setbacks create an appropriate scale for the street considering all other streetscape components.

The proposed dwellings comply with Council's setback requirements with regard to side and rear boundaries.

The *Building Appearance* Planning Outcomes include:-

- *The building design, detailing and finishes relate to the desired neighbourhood character, compliment the residential scale of the area and add visual interest to the street*
- *The frontage of buildings and their entries address the street*
- *Garages and car parks are sited and designed so that they do not dominate the street frontage*

From a streetscape perspective, the proposed dwellings will comply with Council's streetscape requirements and generally the proposed landscaping, particularly adjacent to the western facing front wall of the proposed building will blend with the existing residential environment. Other design features including front windows (Living area) and porch are considered a positive contribution to the building appearance. The submitted front elevation presents a building that visually addresses the street in terms of roof design, front door and window location and landscaping.

There are no direct requirements for front doors to face the driveway for units set off the street frontage under the DCP requirements.

It should be noted that the neighbouring dwelling is setback a similar distance to the proposed Dwelling One. The Dwelling Two is setback further than most dwellings in the street.

**PO 7.2-1 PLANNING OUTCOMES FOR URBAN RESIDENTIAL SUBDIVISION**

- 1 Subdivision layouts in areas zoned Urban Residential prior to this plan are generally in accordance with the applicable plan maps in Appendix 1.
- 2 Lots are orientated to optimise energy-efficiency principles.
- 3 New roads are planned according to modified grid layouts with restrained use of cul-de-sac roads in new developments according to the UDAS *Urban Form* principles for Orange.
- 4 Local open space is provided along creek corridors to create open space linkages for environmental conservation and social interaction. Release areas removed from creeks provide for open-space links incorporating substantial stands of native vegetation.
- 5 Release areas indicate trunk cycle and pedestrian ways that link the area to major open space networks and activity centres (schools, shopping centres and employment areas).
- 6 Lots below 500m<sup>2</sup> indicate a mandatory side setback to provide for solar access and privacy.
- 7 Lots below 350m<sup>2</sup> indicate existing or planned house layouts, which identify how privacy, solar access, vehicular access and private open-space needs are to be achieved.
- 8 Up to 25% of new subdivisions comprise small lots in dispersed locations.
- 9 Lots are fully serviced and have direct frontage/access to a public road.
- 10 Design and construction complies with the Orange Development and Subdivision Code.
- 11 Corner lots provide for a house to front one street.
- 12 Battleaxe lots provide an adequate accessway width for the number of dwellings proposed to be served in order to allow for vehicle and pedestrian access and location of services.
- 13 Lots proposed to be used specifically for dual occupancy or units in new residential areas are identified on development application plans to inform prospective purchasers of the mixed residential form of the area and measures are outlined on how prospective residents are to be informed of these identified sites prior to purchasing land.

We have responded to the above required subdivision outcomes as follows:-

1. The subject land is not located within a designated future planning map identified under Appendix 1 of Development Control Plan 2004.
2. The overall design of the proposed subdivision, as indicated with the proposed additional dwellings, optimises energy efficiency principles due to the orientation of the proposed dwellings.
3. The proposed subdivision does not include any road construction or modification to existing road infrastructure and therefore complies with the UDAS Urban Form Principles for Orange.

4. The proposed subdivision does not impact upon local open space linkages or adversely impact upon any nearby open space corridors.
5. The proposed subdivision is well situated close to open space networks, bicycle paths and open space networks. In this instance, the subdivision is well situated to take advantage of existing infrastructure.
6. The subject proposed allotments are below 500m<sup>2</sup> and therefore setbacks have been nominated, as shown on the submitted plan, to ensure privacy and solar access can be achieved.
7. The proposed subdivision will involve allotments less than 350m<sup>2</sup>, however, we have provided indicative dwelling layouts to illustrate the suitability of the proposed residential subdivision.
8. The proposed subdivision will not adversely impact upon greater than 25% of the new subdivision area in terms of the number of small lots in the vicinity.
9. The lots are to be fully serviced and have direct frontage to a public road, being Curran Street, in this instance.
10. The proposed subdivision and servicing construction guidelines will be comply with Council's Orange Development and Subdivision Code.
11. The proposed driveway will front Curran Street and are considered satisfactory in this instance, given the suitable sight distance in both directions.
12. The proposed subdivision allows for rear access to a single dwelling including water, stormwater and sewer connection.
13. Reference to dual occupancy designated sites in a new residential area is not considered relevant in this instance, given the existing established nature of the locality.

Based on the above comments we consider that the planning outcomes for urban residential subdivision, as specified in the Council's Development Control Plan 2004, have been adequately addressed and on this basis the proposed subdivision is considered to present a good planning outcome for Orange as a whole.

### **7.5.2 Cumulative Impact of Unit Development upon Neighbourhood**

In our assessment of the proposal, Council's DCP 2004 requires consideration of the cumulative impact of dual occupancy and residential unit development upon a predominantly mixed single detached and residential unit environment.

The immediate locality comprises detached slightly dated brick veneer and older style clad dwellings of average presentation and slightly dated unit development of residential units constructed in the 1960's located at 5 Curran Street.

The proposed development is consistent with some of the more dated developments erected in Central Orange however will have new colours and materials and superior design features required under the DCP such as solar access, privacy and sunlit open space areas.

The number of units located in the locality is relatively low with the proposed unit buildings considered to have a low level of cumulative impact to the Central Orange locality as a whole. Dual occupancy is not a dominant form of housing in Central Orange.

### **7.5.3 Site Coverage**

The proposed dwellings represent a total coverage of 35.3% of the 707.6 square metre property, complying with DCP 2004 requiring less than 50% site coverage for residential development. On this basis and compliance with other design requirements including parking, solar access and privacy, it is submitted that the proposal is not considered an overdevelopment of the site.

### **7.5.4 Energy Efficiency & Overshadowing**

The *Daylight and Sunlight* Planning Outcomes include:-

- Buildings are sited and designed to ensure:
  - daylight to habitable rooms in adjacent dwellings is not significantly reduced
  - overshadowing of neighbouring secluded open spaces or main living area windows is not significantly increased
  - consideration of Council's Energy Efficiency Code

The subject land generally has an east west orientation with good solar access to the north.

Proposed dwellings will have optimum north facing living areas with adjacent private open space areas enjoying a northerly aspect with a minimum POS allocation of 5 x 5 metres.

Further details with regard to energy efficiency are provided as part of our BASIX assessment for each proposed residential dwelling and provide details of energy ratings, levels of solar access, energy efficiency and landscape design, water saving devices, and hot water system selection.

### **7.5.5 Bulk and Scale**

The *Visual Bulk* Planning Outcomes include:-

- Built form accords with the desired neighbourhood character of the area with:
  - side and rear setbacks progressively increased to reduce bulk and overshadowing
  - site coverage that retains the relatively low density, landscaped character of the residential areas
  - building form and siting that relates to land form, with minimal land shaping (cut and fill)
  - building height at the street frontage that maintains a comparable scale with the predominant adjacent development form
  - building to the boundary where appropriate

The overall bulk and scale of the proposed dwellings is considered visually compatible with surrounding development with 20 degree pitched iron roofing, and a mix of cladding and brick veneer walls. The setback nature of the first floor also reduces the overall bulk and scale of the development. The first floor component is approx. 53.2 sqm and set in the middle of the roof structures. The use of standard residential building materials comprising face brick veneer walls and steel roofing, combined with the overall scale and dimensions used, will ensure the residential character and visual integrity will not be adversely affected. The attached plans illustrate a satisfactory design solution in terms of bulk and scale streetscape impact.

### **7.5.6 Privacy and Security**

The *Walls and Boundaries* Planning Outcomes include:-

- Building to the boundary is undertaken to provide for efficient use of the site taking into account:
  - the privacy of neighbouring dwellings and private open space
  - the access to daylight reaching adjoining properties
  - the impact of boundary walls on neighbours

To ensure privacy between the occupants of proposed units, it is envisaged to provide standard residential fencing of 1.5 metres in height in addition to hedge plantings between rear yards and 1.8 metres along boundary fencing as required by Council.

The proposed layout is considered suitable from a security viewpoint with secure yards and internal access from garages. The opportunity for casual observation of driveway areas is also considered a positive design feature.

The *Visual Privacy* Planning Outcomes include:

- Direct overlooking of principal living areas and private open spaces of other dwellings is minimised firstly by:
  - building siting and layout
  - location of windows and balconiesand secondly by:
  - design of windows or use of screening devices and landscaping

The location of garages, bedroom windows without direct windows facing each other is a positive feature in terms of privacy to ensure a reasonable level of residential amenity and privacy between occupants.

Visual privacy between the proposed building, the location of adjoining dwellings in adjoining yards and separation distance particularly to the north and south is considered satisfactory.

First floor windows have been focussed to the east and west where possible to reduce privacy to adjoining property. Development assessment has been focussed to reduce visual privacy conflict directly between living areas. In this instance, bedrooms situated on the upper level is considered satisfactory with opportunities for curtain and blinds to manage after hours privacy.

### **7.5.7 Site Access and Circulation**

The *Car Parking* Planning Outcomes include:-

- Parking facilities are provided, designed and located to:
  - enable the efficient and convenient use of car spaces and accessways within the site
  - reduce the visual dominance of car parking areas and accessways
- Car parking is provided with regard to the:
  - number and size of proposed dwellings
  - requirements of people with limited mobility or disabilities

DCP 2004 prescribes that carparking is to be provided for two bedroom dwellings at a rate of 1.2 spaces per dwelling plus 0.2 spaces for visitors, that is a total of 2.4 spaces required by the DCP. This component of the development complies with Council's DCP guidelines with 2 spaces provided through attached garages and 1 dedicated visitor space being available.

The site can easily be accessed from Curran Street with the proposed driveways being situated to enable suitable sight distance along the street and to allow vehicles to enter and leave the site safely. The existing local



road network will not be adversely affected by the minor level of increased traffic flow generated by the proposed development.

The submitted plans illustrate that turning circles and minimum manoeuvring area is manageable particularly at the rear of the site. Council needs to take a realistic approach to the type of vehicles that will use the site with large vans or vehicles such as an old model Fairlane or F250 utility are unlikely to use a unit driveway.

### **7.5.8 Open Space**

The *Private Open Space* Planning Outcomes include:-

- Private open space is clearly defined for private use
- Private open space areas are of a size, shape and slope to suit the reasonable requirements of residents, including some outdoor recreational needs and service functions.
- Private open space is:
  - capable of being an extension of the dwelling for outdoor living, entertainment and recreation.
  - accessible from a living area of the dwelling
  - located to take advantage of outlooks, and to reduce adverse impacts of overshadowing or privacy from adjoining buildings.
  - orientated to optimise year round use.

Private open space is provided for the proposed dwellings generally in accordance with the provisions of DCP 2004. Open space for each dwelling is located on the northern side of the proposed units.

In accordance with Council requirements, each proposed dwelling is required to provide an open space area equal to or greater than 50% of the living floor space of each dwelling (ex garages). As shown on the submitted plan, the proposed private open space area complies with this requirement being compliant with 62.5m<sup>2</sup> required for Dwellings One and Two compared to 67 and 109m<sup>2</sup> provided respectively.

### **7.5.9 Landscaping**

The *Open Space and Landscaping* Planning Outcomes include:-

- The site layout provides open space and landscaped areas which:
  - contribute to the character of the development by providing buildings in a landscaped setting.
  - provide for a range of uses and activities, including stormwater management.
  - allow cost effective management.

- The landscape design specifies landscape themes consistent with the desired neighbourhood character, vegetation types and location, paving and lighting provided for access and security.
- Paving is applied sparingly and integrated in the landscape design.

A landscape/site plan has been submitted in support of the proposal. Landscaping comprises a mix of shrubs in the vicinity of driveway areas and facing Curran Street. Particular attention has been placed to feature small trees and suitable driveway vegetation. As discussed with Nigel Hobden, we have focussed on medium deciduous trees in the front yard such as Chinese Pistacia.

### **7.5.10 Water and Soil Management**

The *Erosion and Sedimentation* Planning Outcome includes:-

- Measures implemented during construction to ensure that the landform is stabilised and erosion is controlled.

The proposed development will comply with the specific engineering requirements under Council's Development and Subdivision Code. The site generally slopes from the western frontage of the land and can be adequately drained to the existing stormwater junction located near the middle of the southern boundary of the allotment.

The required stormwater and soil management plan will be submitted for approval identifying stormwater management and soil erosion measures.

### **6.6 Matters Prescribed by the Regulations [Section 4.15(a)(iv)]**

Regulations have not been prescribed under Section 79C of the Act which relate to this proposal.

### **6.7 The likely Impacts of Development [Section 4.15(b)]**

In summary, the likely impacts of the development have been addressed under the DCP section of our report.

### **6.8 Suitability of the site for Development [Section 4.15(c)]**

We submit the subject site is suitable for infill development of the proposed subdivision and two dwellings.

## **6.9 Any Submissions Made in Accordance with this Act or the Regulations [Section 4.15(d)]**

This requirement only applies once the application is lodged with the consent authority.

## **6.10 The Public Interest [Section 4.15(e)]**

The proposal is considered to accord with the wider public interest in that:

- It proposes a development of land in keeping with Council's planning instruments;
- Contributes to the local economy;
- Provides for development that complements surrounding residential land use.

## **7.0 SUMMARY**

The proposed residential dwellings are considered to be consistent with the objectives of Orange Local Environmental Plan 2011 and Council's adopted Development Control Plan 2004. The proposed subdivision and dwellings will provide a good standard of accommodation and amenity, providing suitable privacy levels and solar access, given the favourable orientation of the allotment.

The overall bulk, scale and use of compatible building materials will ensure that the proposal will be complementary with the residential character of the residential area.

Any concerns or requirements may be addressed through application of conditions of development approval or through consultation with the applicant.

Yours faithfully,

Andrew Saunders

Saunders and Staniforth P/L