



**PLANNING  
POTENTIAL™**

## **SoEE**

**Modification to DA 386/2011 (1)  
Demolition (ancillary structures),  
Residential Units (nine units) and  
Community Title Subdivision (nine lot  
residential)**

**Lot 101 DP 879603, 1706 Forest Road,  
Orange**

Prepared for MA Madden

June 2021



URBAN, RURAL & REGIONAL PLANNING CONSULTANTS

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## 1.0 INTRODUCTION

This Statement of Environmental Effects (SoEE) has been prepared as a part of the development application submission to Orange City Council seeking modified consent for redevelopment of the site at Lot 101 DP 879603, 1706 Forest Road, Orange.

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Approval for Demolition (ancillary structures), Residential Units (nine units) and Community Title Subdivision (nine lot residential) Orange was granted by Council via DA 386/2011(1) on 6 February 2013. A construction certificate has been issued for the development in addition to demolition of the existing site structures (a part of the original proposal). It is considered that the development consent has not lapsed (with demolition works taking place) and is still a valid consent.

A modification application is submitted under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, as amended seeking the modification to amend minor design elements that has negligible environmental impact on the approved development.

The request seeks to modify the minor aspects of the original design which includes internal changes to floor plans (location of kitchen), change in door location, amending a double carport for D8 to a single carport, and changes to the facades.

Construction materials will consist of materials that were originally selected – hebel power panels rendered, colorbond roof sheeting, aluminium doors and windows, selected timber front doors.

All other aspects of the development will remain unaltered.

All dwellings will have access to the site via Forest Road and an internal common driveway.

Carparking will be provided on site with all dwellings providing a single carport space. Designated visitor car spaces have not been altered.

A Landscaping Plan and Planting Schedule has been provided for the proposed development in accordance with reference to Orange City Council's Parks, Gardens and Your Garden Guide 02/2007.

The proposed subdivision and community title will remain as approved – nine (9) residential lots and one (1) community lot.

The modified development for residential units and subdivision will retain existing easements for water with the site able to connect to all relevant essential services. All dwellings will have separate connection points for water, sewer, telecommunications and electricity as required.

The modified proposal is permissible under Clause 4.55 of the EP&A Act and is essentially or materially the same for which original consent was granted. There is no increase in the number of dwellings or lots, site layout and orientation remain as approved, with floor area site area remain unaltered. The intended land use for Residential Units & Subdivision (Community Title) remains as approved. No new land use elements are introduced.

The following SoEE report provides an assessment of the proposed modified development based on the relevant matters in Section 4.15 and 4.55 of the Environmental Planning & Assessment Act and considers the consistency of the proposed development against relevant

## Statement of Environmental Effects

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legislation, environmental planning instruments and the potential impacts that may be associated with the development.

The application is for DA consent only.

## 1.1 DOCUMENTATION

The Development Application consists of a completed Development Application (DA) form, the Modification report, and the attached Architectural Plans drawn by DesignsATm, and BASIX Certificate.

- DA01 – Proposed Site Plan
- DA02 – Landscaping Plan
- DA03 – Floor Plans D1, D2, D3, D4 & D5
- DA04 – Floor Plans D6, D7, D8 & D9
- DA05 – Elevations D1 & D2
- DA06 – Elevations D3 & D4
- DA07 – Elevations D5 & D6
- DA08 – Elevations D7 & D8
- DA09 – Elevations D9
- DA10 – Shadow Diagrams 9am 21<sup>st</sup> June
- DA11 – Shadow Diagrams 10am 21<sup>st</sup> June
- DA12 – Shadow Diagrams 11am 21<sup>st</sup> June
- DA13 – Shadow Diagrams 12 Noon 21<sup>st</sup> June
- DA14 – Shadow Diagrams 1pm 21<sup>st</sup> June
- DA15 – Shadow Diagrams 2pm 21<sup>st</sup> June
- DA 16 – Site Perspectives & Material Finishes
- DA17 – Northern Window Shadowing Elevations

## 1.2 DEVELOPMENT DETAILS

<b>Applicant:</b>	MA Madden c/o:- DesignsATm
<b>Owner:</b>	LW Bevan & MA Madden
<b>Proposal:</b>	Modification Application – Demolition (ancillary structures), Residential Units (nine units) and Community Title Subdivision (nine lot residential)
<b>Location:</b>	Lot 101 DP 879603, 1706 Forest Road, Orange
<b>Zone:</b>	R2 Low Density Residential IN1 General Industrial

### 1.3 THE MODIFIED PROPOSAL

Approval for Demolition (ancillary structures), Residential Units (nine) and Community Title Subdivision (nine residential lots and one community lot) on land legally described as Lot 101 DP 879603, 1706 Forest Road, Orange was granted consent by Council via DA 386/2011 on 6 February 2013. Demolition works has taken place and a CC has been issued for the development. The consent is still considered to be a valid consent.

The proposed development seeks to modify the previous development consent under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (as amended). The original development was granted consent for nine (9) residential units and a community title subdivision consisting of nine (9) residential lots and one (1) community lot.

The approved development which consisted of nine dwellings included:-

- 9 x 1 bedroom units including a carport space for each unit
- Community title subdivision incorporating nine residential units and one (1) community lot

The modification application is submitted under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, as amended seeking the following modifications based on the original consent: -

- D1 & D2 changes to internal location of kitchen area,
- D3 & D4 change in location of bedroom door
- D5 change in location of bedroom door
- D6 change in the location of the bedroom door
- D7 change in the location of the bedroom door
- D8 reduce carport from a double carport to a single carport and change in location of front door
- D9 minor change in kitchen layout and change in location of bedroom and bathroom door
- Amend design of front facades and roof lines

The request seeks to modify the minor aspects of the original design which includes changes to internal floor layout (with location of kitchens and door), deletion of a double garage carport for a single carport and updating modern facades. There are some minor changes to private open space and setbacks from the boundaries which regardless of changing will still comply with the DCP for private open space and NCC for building setbacks.

Whilst the modification application is essentially the same, a revised assessment and a comparative assessment will be required in order to re-calculate and demonstrate compliance with Councils DCP planning provisions in addition to demonstrating that the development is essentially or materially the same development as originally approved.

All other aspects of the modified development remain unaltered.

Construction materials remain unaltered. An indicative colour scheme is provided on Sheet 16 of the modified plans.

The modified development will retain the existing easements for both sewage and water.

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Access to all lots remain via access off Forest Road.

Carparking will be provided on site with each unit providing a single car space in the form of a carport. D8 carparking is reduced from 2 spaces to a single space. Visitor parking spaces remains unaltered at two (2) spaces, and the location of these spaces also remains unchanged. A total of nine (9) parking spaces has been allocated for the development.

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Landscaping will be undertaken as per the approved stamped plans. The modification does not propose any further changes or alterations to landscaping elements for the site. A Landscaping Plan and Planting Schedule has been provided for the modified development in accordance with reference to Orange City Council's Parks, Gardens and Your Garden Guide 02/2007 and consistent with the approved stamped plans.

The existing site is connected to all essential services being reticulated water and sewer, electricity, gas and telecommunications. The modified development for residential units and community title subdivision will require additional connection points for the additional lots. Any upgrades required as a result of the proposed development will be borne by the developer/owner.

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## 2.0 SITE

### 2.1 Location Title and Zoning

The subject site consists of one (1) title; Lot 101 in DP 879603 with a site area of 1541.1m<sup>2</sup>. The subject land is located on the eastern side of Forest Road approximately 460m from its intersection with Huntley Road/NDR. The site is approximately 2.46km from the Orange town centre. The land is zoned part R2 Low Density Residential and part IN1 General Residential under the provisions of the Orange Local Environmental Plan (OLEP) 2011 as shown in Figure 3.

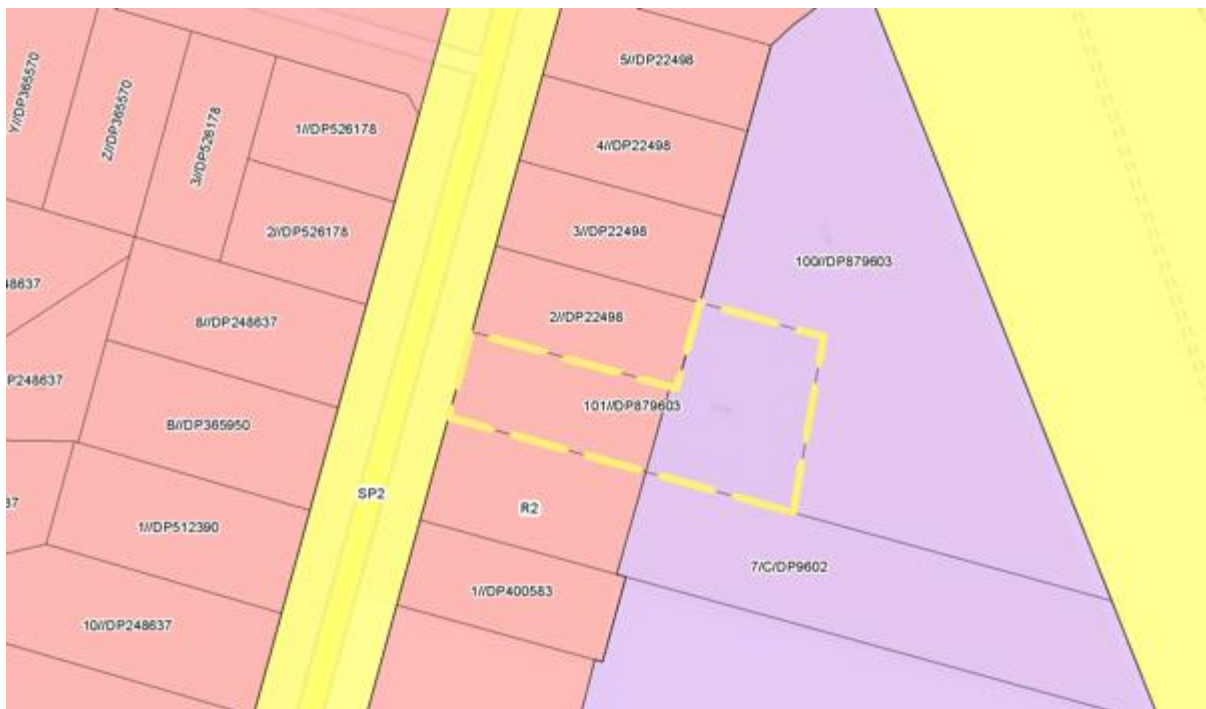


Figure 3: Site zoning map R2 Low Density Residential & IN1 General Industrial

## 2.2 Site Map



Figure 4: Aerial view of the subject land and surrounding locality

### 2.3 Site

The subject site, being Lots 101 DP 879603 has an existing site area of 1541m<sup>2</sup>. The land has been cleared through approved demolition works of the existing shed structures.

There is no significant vegetation on the site.

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The surrounding locality is typified by a mixture of single storey residential dwellings (of varying age, design style and size) and industrial type uses. The surrounding locality consists of residential land to the west, industrial land (north, east, & south), the Sydney -Western rail line (immediate east), and Southern Feeder Road (to the south). The nearest residential receptors to the direct north of the site and on Forest Road opposite the subject land. The site is approximately 2.46km from the Orange town centre, is in proximity to Jack Brabham Recreation fields, local parks with established pedestrian paths. Public transport is available in the vicinity of the site.

### 2.4 Access and Services

Access to the site is via Forest Road. The modified development will retain access off Forest for all the proposed dwellings via a communal internal driveway.

The subject site is connected to all essential services being reticulated sewer and water, electricity, gas and telecommunications (including NBN).

The proposed development (as modified) will retain the existing easements for the site.

### 3.0 BACKGROUND

Development consent via DA 386/2011 (1) was granted on 5 February 2013 for Demolition (ancillary structures), Residential Units (nine units) and Community Title Subdivision (nine lot residential).

A subsequent Construction Certificate was issued for the development by Central West Certifiers 2/2018CC on 16 January 2018 and demolition works which as a part of the original consent has been undertaken.

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This application now seeks to modify minor aspects of the approval. These include:

- D1 & D2 changes to internal location of kitchen area,
- D3 & D4 change in location of bedroom door
- D5 change in location of bedroom door
- D6 change in the location of the bedroom door
- D7 change in the location of the bedroom door
- D8 reduce carport from a double carport to a single carport and change in location of front door
- D9 minor change in kitchen layout and change in location of bedroom and bathroom door
- Amend design of front facades and roof lines

The request seeks to modify the minor aspects of the original design which includes changes to internal floor layout (with location of kitchens and door), deletion of a double garage carport for a single carport and updating modern facades. There are some minor changes to private open space and setbacks from the boundaries which regardless of changing will still comply with the DCP for private open space and NCC for building setbacks.

The application is however essentially or materially the same to which original consent was granted.

The modification application will assess the proposal under Section 4.55(1A) *Minor modifications* of the Environmental Planning and Assessment Act.

### 4.0 MATTERS FOR CONSIDERATION

#### Section 1.7 Application of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994

Section 1.7 of the EP&A Act 1979 identifies that Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 have effect in connection with both terrestrial and aquatic environments.

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There are four triggers known to require a development to be included into the Biodiversity Offset Scheme:

- Trigger 1 – development occurs in land mapped on the Biodiversity Values Map (OEH) (Clause 7.1 of BC Regulation 2017)
- Trigger 2 – development involves clearing/disturbance of native vegetation above a certain threshold (Clauses 7.1 and 7.2 of the BC Regulation 2017)
- Trigger 3 – development is otherwise likely to significantly affect threatened species (Clauses 7.2 and 7.3 of the BC Act 2016)

The fourth trigger (development proposed to occur in an Area of Outstanding Biodiversity Value (clause 7.2 of BC Act 2016) is generally not applicable in this instance; as no such areas are known to occur in the Molong Town Centre. No further comments will be made against the fourth trigger.

Taking the relevant provisions into consideration and based on a site inspection of the subject land, the site is not within an area that is mapped on the Biodiversity Values Map; the proposal does not involve clearing or disturbance of vegetation that will affect a threatened species as listed in the BC Act 2016, and is not within an Area of Outstanding Biodiversity Value (Clause 7.2 of BC Act 2016). As such, it is considered that a Biodiversity Development Assessment Report is not required under these circumstances.

### 4.1 MODIFICATION OF CONSENT

Section 4.55 of the Environmental Planning and Assessment Act 1979 (as amended) enables a development to be modified provided the development as modified is “substantially the same development” as the development for which consent was originally granted.

#### (1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all) and
- (c) it has notified the application in accordance with –

(i) the regulations, if the regulations so require, or  
(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

This application seeks a request to Council to modify the granted consent of DA 264/2015 (1) under Clause 4.55(1A) based on the minor changes to the approved development.

Essentially the modified proposal aims to:-

- D1 & D2 changes to internal location of kitchen area,
- D3 & D4 change in location of bedroom door
- D5 change in location of bedroom door
- D6 change in the location of the bedroom door
- D7 change in the location of the bedroom door
- D8 reduce carport from a double carport to a single carport and change in location of front door
- D9 minor change in kitchen layout and change in location of bedroom and bathroom door
- Amend design of front facades and roof lines to update

The request seeks to modify the minor aspects of the original design which includes changes to internal floor layout (with location of kitchens and door), deletion of a double garage carport for a single carport and updating modern facades. There are some minor changes to private open space and setbacks from the boundaries which regardless of changing will still comply with the DCP for private open space and NCC for building setbacks.

What constitutes ‘substantially the same development’ was developed in the court case in *Moto Projects (No2) Pty Ltd v North Sydney Council* [1999] NSWLEC 280 where at paragraphs 55 and 55, Bignold J described the process for consideration of a proposed modification of the development as follows:

*55: “The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the approved development.*

*56: The comparative task does not merely involve a comparison of the physical features or components of the development as approved and modified where the comparative exercise is undertaken in some type of vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).”*

To determine whether something is “substantially the same” requires a comparative task between the whole development as originally approved and the development as proposed to be modified. In order for the proposal to be “substantially the same”, the comparative task must: -

- Result in a finding that the modified development is essentially or materially the same
- Appreciate the qualitative and quantitative differences in their proper context
- In addition to the physical difference, consider the environmental impacts of proposed modification applications to approved developments
- The results of the comparative task “does not eclipse or cause to be eclipsed a particular feature of the development, particularly if that development is found to be important, material or essential.

The following provides a comparative analysis of quantitative elements of both the approved development and proposed development as modified.

There are no changes to lot layout, lot sizes or approved floor areas.

All carports remain unchanged with the exception of D8 which will reduce the double carport to a single carport.

### Private Open Spaces – Approved vs Modified (as Proposed)

	Approved m <sup>2</sup> of POS Provided	Modified m <sup>2</sup> of POS Provided
D1	26.23	26.6
D2	19.98	20.1
D3	29.40	29.5
D4	29.40	29.5
D5	25.16	25.1
D6	41.77	41.6
D7	31.55	31.4
D8	32	24.8
D9	25	32.2

There are small changes between the approved private open spaces and proposed modified; however these minor changes are considered negligible. Regardless, the modified development still complies and exceeds DCP controls for the provision of private open space.

Shadow analysis complies for modified development (as proposed). The development meets the DCP provisions for sunlight to be available to at least 40% of the required private open space for all the dwellings.

### Site Coverage – Approved vs Modified (as Proposed)

Approved Development (%)	Modified Development (%)
25.5%	25.5%

Site coverage remains unaltered.

All of the above elements show there are only minor variations between the approved and modified (as proposed) development. These minor variations do not adversely impact on the site or surrounding locality, and do not materially change the essence of the approved development.

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The proposed lot layout, number of lots, location and orientation of the dwellings is essentially the same as what was originally approved. The plans are provided below to show diagrammatically the essence both approved lot layout and the modified layout as proposed.

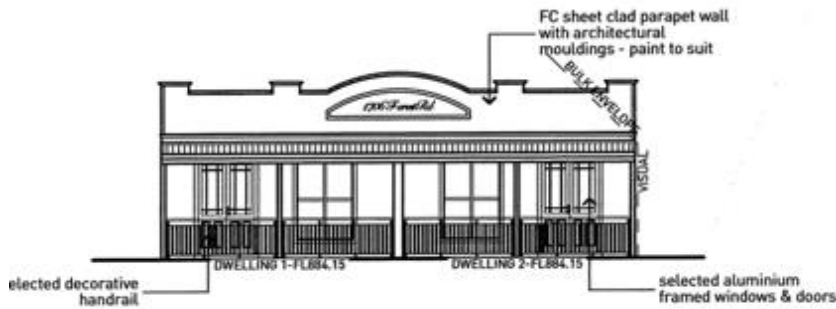
The following elevations have been provided to show the comparative analysis of the approved dwellings and the proposed as modified. The essential difference is for each



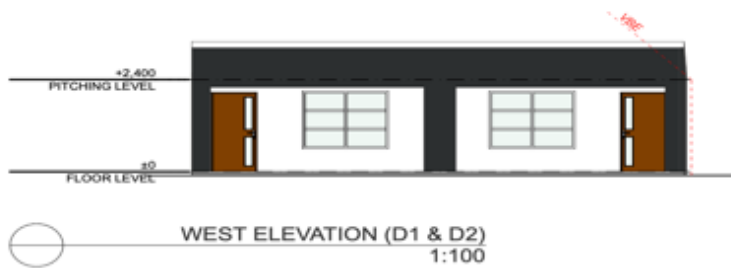
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dwelling the façade design, roof line and pitch has been updated to reflect a more modern design.

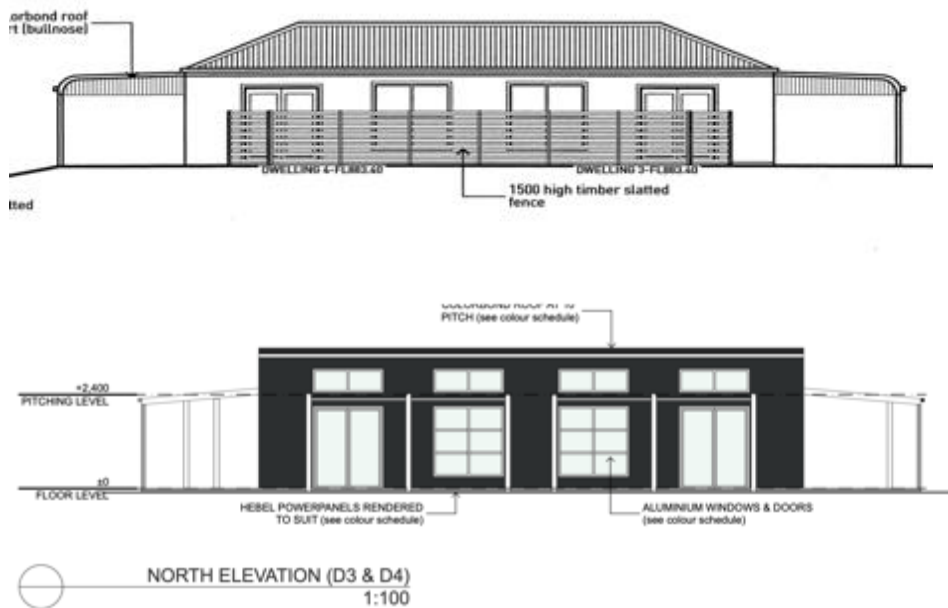
### Approved Elevations for D1 & D2



### Modified Elevations for D1 & D2

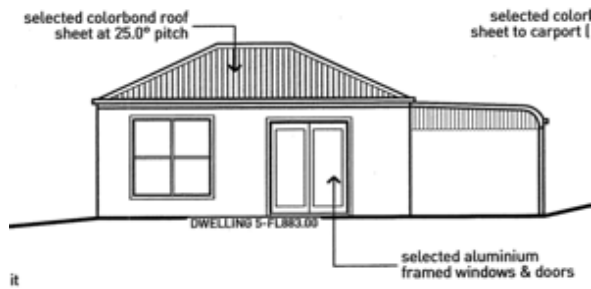


### Approved Elevations for D3 & D4



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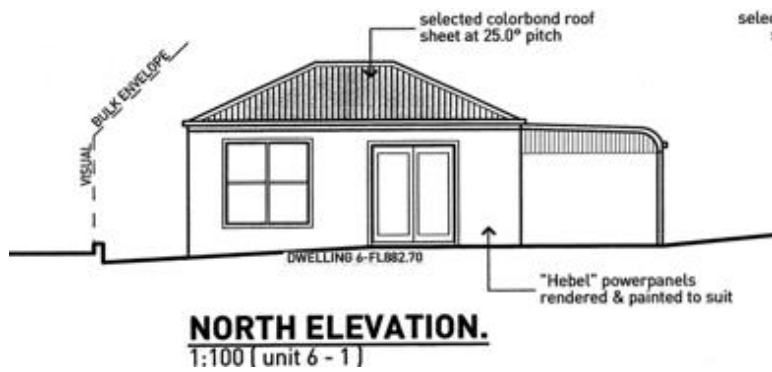
## Approved Elevation D5



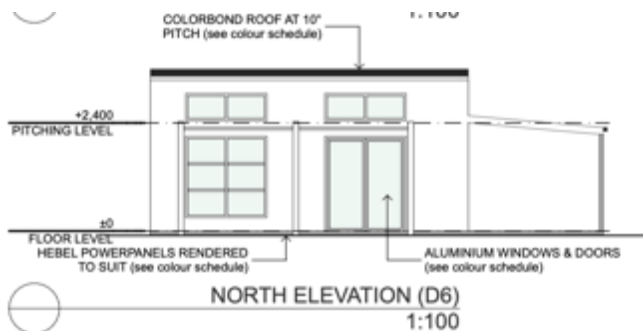
## Modified Elevation D5



## Approved Elevation D6



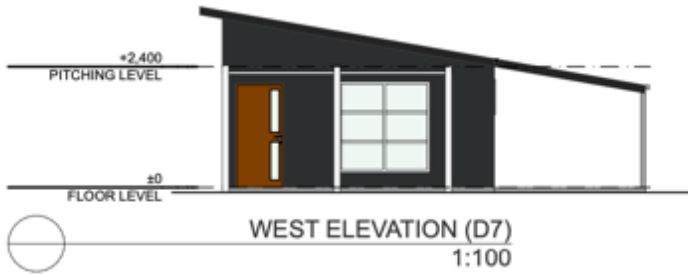
## Modified Elevation D6



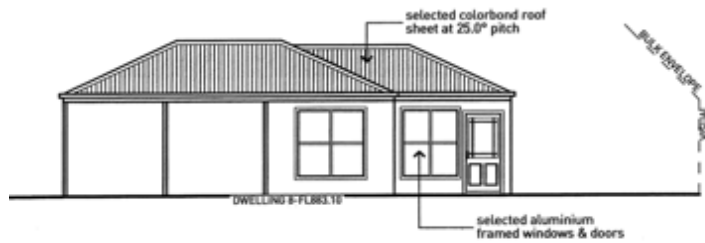
Approved D7



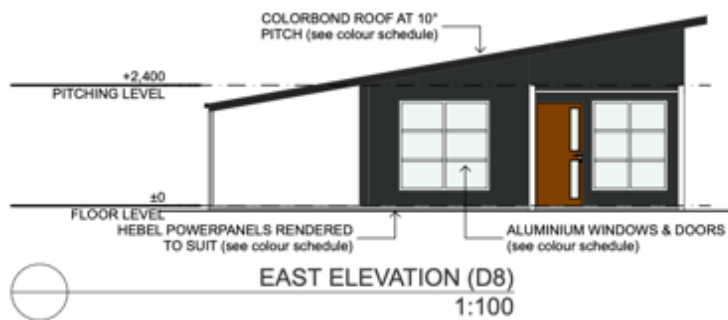
Modified D7



Approved D8

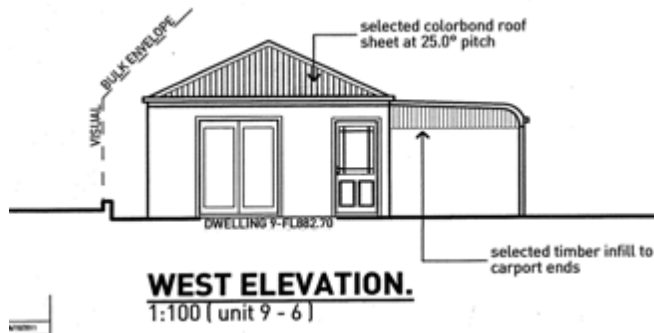


Modified D8

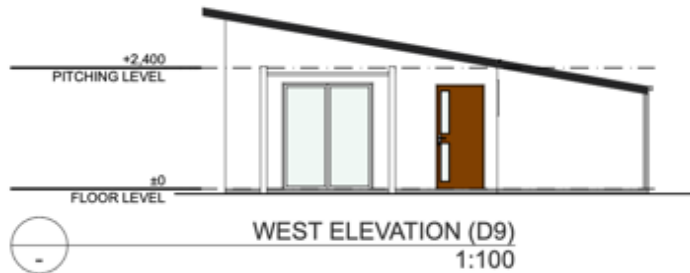


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### Approved D9



### Modified D9



Essentially the main modifications relate to the change in the front elevations and roof pitch. The modified facades are modern in design to reflect a change in architectural design since the development was originally designed and approved. The change in façade does not affect windows, doors, floor area or construction materials. The façade changes are external only.

Proposed construction materials will remain as approved. No colour schedule was provided with the original application. Plan DA16 provides indicative colours and material finishes for walls, roofing, internal and external fencing.

From a contextual viewpoint, the development remains for the same intended land use, Multi Dwelling Housing (residential units) and Subdivision (Community Title). The design layout including the number, location, orientation, of the dwellings, carports (one less) and carparking remains the same. Internal floor plan layouts have been amended in each of the units which essentially relates to changes in the location of doorways to bedroom and bathroom, and changes to some layouts for kitchens. The number of bedrooms for each dwelling remains unaltered.

Furthermore, under Section 4.15(1)(a)(i) and 4.15(1)(a)(iii), the modified proposal complies with LEP and DCP provisions. No adverse environmental impact will occur as a result of the proposed modifications to the approved development.

An analysis of the modified development as proposed is provided below to show compliance with both DCP provisions for residential development.

## 4.2 PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)

Section 4.15 of the Environmental Planning and Assessment Act 1979 requires Council to consider relevant matters, of which those pertaining to the application are listed below.

### Clause 1.2 Aims of the Plan

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The broad aims of the LEP are as follows:

- (a) to encourage development that complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,
- (b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows the needs of present and future generations to be met by implementing the principles of ecologically sustainable development,
- (c) to conserve and enhance the water resources on which Orange depends, particularly water supply catchments,
- (d) to manage rural land as an environmental resource that provides economic and social benefits for Orange,
- (e) to provide a range of housing choices in planned urban and rural locations to meet population growth,
- (f) to recognise and manage valued environmental heritage, landscape and scenic features of Orange.

The proposal is not contrary to aims of the LEP.

### Clause 1.9A Suspension of covenants, agreements and instruments

This clause provided that covenants, agreements or other similar instruments that restrict the carrying out of development upon the subject land do not apply unless such are:

- Covenants imposed or required by council,
- Prescribed instruments under s138A of Crown Lands Act 1989
- Any conservation agreement under National Parks and Wildlife Act 1974
- Any trust agreement under the Nature Conservation Trust Act 2003
- Any property vegetation plan under the Native Vegetation Act 2003
- Any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995
- Any planning agreement made under Division 6 of Part 4 of the Environmental Planning and Assessment Act 1979

The modified proposal does not aim to amend or change the requirements of any easement.

## Mapping

The subject site is identified on the LEP maps in the following manner:

Land zoning map	Land zoned R2 Low Density Residential & IN1 General Industrial
Lot size map	Approved under Orange Local Environmental Plan 2000
Floor space ratio map	Not applicable
Land application map	Not applicable
Height of building map	Not applicable
Heritage map	Not a heritage item or conservation area
Additional permitted uses map	Not applicable
Obstacle limitations surface map, Drinking water catchment map	Not applicable
Terrestrial Biodiversity Map, Watercourse map and Groundwater vulnerability map	Has no biodiversity sensitivity or watercourse on the subject land Is affected by groundwater vulnerability
Urban release area map	Not in an urban release area
Flood planning map	Is not within a flood zone
Land reservation acquisition map	Not applicable

These matters are addressed in the report following.

### Orange Local Environmental Plan (OLEP) 2011

The subject land is zoned part R2 Low Density Residential and part IN1 General Industrial under the provisions of the OLEP 2011. Multi Dwelling Housing is prohibited under the current provisions however Subdivision is permissible subject to Council's development consent.

The proposal was approved under the provisions of the former Orange LEP 2000 where residential units were a permitted use.

The modified development does not propose any changes to the approved land use.

### Objectives of the R2 Low Density Residential Zone

The proposal is not contrary to the aims of the LEP or the objectives of the R2 zone. The development relates to and is consistent with the zone objectives which seek to:

- Provide for the housing needs of the community within a low density residential environment
- Enable other land uses that provide facilities or services to meet the day to day needs of residents
- Ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement

- Ensure that development along the Southern Link Road has an alternative access.

The proposed development aims to provide additional housing stock within the urban area of Orange as well as providing smaller compact one-bedroom units, single storey and detached.

The site is located in proximity to the town centre.

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Public transport routes to town are available within close proximity to the site. Linkages for pedestrians and cyclists are available in the locality.

The modified proposal is generally consistent with the objectives of the zone and is essentially or materially the same for which development consent was originally granted.

Part of the subject land is also zoned IN1 General Industrial

The objectives of the zone are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To ensure development along the Southern Link Road has an alternative access.

Whilst the proposal is not consistent with objectives for the industrial zone, the proposal was approved under Orange LEP 2000 which permitted residential units at that time (submitted 2011 and approved in 2013).

### Part 2 – Permitted or prohibited development

The proposed modified development for residential units (multi dwelling housing) is prohibited in both the R2 Low Density Residential and IN1 General Residential zones.

This development was permitted under the provisions of the OLEP 2000 to which the development was approved. This application seeks to modify minor aspects of the approved development only.

#### 2.6 Subdivision

The proposal seeks Council consent for subdivision (Community Title – six residential lots and one community lot) in accordance with this clause. The modification does not change the number of approved lots.

### Part 4 – Principle development standards

Orange LEP has principle development standards for multi dwelling residential housing proposals.

#### 4.1B Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings

This clause identifies the minimum lot size requirements for dual occupancies and multi dwelling housing in the R1, R2 and R3 zones. The proposed development for multi dwelling housing is located on land within the R1 General Residential Zone that is not identified on the Minimum Lot Size Map. As such, this clause requires the site to have a minimum of 1250m<sup>2</sup> in area. See below Table 1.

Column 1	Column 2	Column 3
Dual occupancy	Zone R1 General Residential	800 square metres
Dual occupancy	Zone R2 Low Density Residential	800 square metres in areas without a minimum lot size on the <a href="#">Lot Size Map</a>
Dual occupancy	Zone R2 Low Density Residential	1,200 square metres in areas with a minimum lot size on the <a href="#">Lot Size Map</a>
Dual occupancy	Zone R3 Medium Density Residential	600 square metres
Multi dwelling housing	Zone R1 General Residential	1,250 square metres
Multi dwelling housing	Zone R3 Medium Density Residential	800 square metres

Table 1: Minimum Lot Sizes for Dual Occupancies, Multi dwelling Housing and Residential Flat Buildings (Source: Orange LEP 2011)

The subject land being Lot 101 DP 879603 has a site area of 1541m<sup>2</sup>. Multi dwelling housing is not permitted in the R2 zone; regardless the site has a valid development consent issued under Orange LEP 2000 which allowed for residential units and subdivision.

#### Part 5 – Miscellaneous provisions

There are no miscellaneous provisions that apply to the proposed modified development for subdivision.

#### Part 6 – Urban Release Areas

The proposed modified development is not a part of an urban release area.

#### Part 7 – Additional Local Provision

##### 7.2 Flood planning

The subject site has not been identified as being affected by local overland flow.



### 7.3 Stormwater management

This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied the proposed development has minimal impact upon urban stormwater on the land and on adjoining downstream properties, native bushland and receiving waters. The proposal has been designed to include permeable surfaces in addition to connection to the existing urban stormwater system. Stormwater will be directed to the stormwater system at street level; being Forest Road. The land has existing easements for disposal of water and sewage which are to be retained. Inter-lot stormwater drainage was required as a part of the development consent. This was required as a pre-condition prior to any Construction Certificate being issued. A subsequent CC was issued in 2018 and as such it is considered that the design met the necessary requirements at the time. It is considered the modified proposal will not have any significant impact of stormwater run-off on adjoining downstream properties, native bushland and receiving waters. As such, the modified proposal is considered to be acceptable in regard to stormwater management.

### 7.4 Terrestrial biodiversity

The subject land is not identified as being affected by terrestrial biodiversity.

### 7.5 Riparian land and watercourses

The subject land is not identified as being affected by riparian land and/or watercourses.

### 7.6 Groundwater vulnerability

The subject land is identified as “Groundwater Vulnerable” on the Groundwater Vulnerability Map. The objective of the clause seeks to protect hydrological functions of groundwater systems and protect resources from both depletion and contamination.

The modified proposal for residential units (multi dwelling housing) and subdivision (community title) is not anticipated to involve the discharge of toxic or noxious substances and is therefore unlikely to contaminate the groundwater or related ecosystems. The proposed land will be connected to reticulated sewer. The proposal does not involve extraction of groundwater and will therefore not contribute to groundwater depletion. The proposal for multi dwelling housing and subdivision avoids impacts on groundwater and is therefore considered to be acceptable and not contrary to the objective of the clause.



Figure 7: Groundwater vulnerability map

### 7.7 Drinking water catchments

The subject land is not identified as being located in a drinking water catchment area.

### 7.8 Salinity

The provisions of the salinity clause are not considered to be relevant to the modified development.

### 7.9 Airspace operations

The proposed modified development for multi dwelling housing and subdivision is not subject to the provisions of the clause.

### 7.10 Development in areas subject to aircraft noise

The provisions of this clause are not considered to be applicable to the proposed modified development.

### 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:

- Supply of water
- Supply of electricity
- Disposal and management of sewerage
- Storm water drainage or on-site conservation

- Suitable road access

The subject site has been approved for residential use through the original development consent (386/2011). The modified proposal will still require all relevant essential services. All services are currently available in the locality for the purpose of residential use which includes reticulated sewer and water, electricity, telecommunications (including NBN), and gas. Inter-lot stormwater drainage will be provided as required by the original approval. To be noted a Construction Certificate has been issued for the development which required stormwater engineering design to be signed off prior to the release of the CC. It is considered that stormwater design has already been complied.

Access is to be retained off Forest Road, as per the original consent. Access construction will comply with Councils specifications for subdivision.

### 4.3 REGIONAL ENVIRONMENTAL PLANS

Central West & Orana Regional Plan 2036 applies to the proposal. The proposal supports Goal 4: Dynamic, Vibrant and Healthy Communities and Direction 25: Increase housing diversity and choice. The proposal is for residential units (multi dwelling housing; 9 x 1 bedroom units and community title subdivision). The site is in proximity to Orange Town Centre. Recreational ovals, open space and reserves are located within walking distance of the site.

The modified proposal is not contrary to the goals of the plan for increasing housing choice and diversity.

### 4.4 STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy No.55 Remediation of land is applicable to the proposal and must be considered in any development proposal.

The proposed development is for residential use for which the original subdivision was approved. Surrounding land and development is a mixture of both residential use and industrial type uses. The site has not been used for any known approved activities which would render the soil contaminated to such a degree as to prevent the future development of the land for the purposes of Multi Dwelling Housing.

The original development consent did not require any investigation for contamination and as such it is considered that the modification would not further require such investigations.

As such, the modified proposal is considered to be consistent with the provisions of the SEPP.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the proposed development.

A modified BASIX Certificate is submitted in support of the modified proposal to meet the requirements of the SEPP (water, thermal comfort, and energy).

#### **4.5 PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s4.15(1)(a)(ii)**

There are no draft environmental planning instruments that relate to the subject land or the proposed development.

#### **4.6 PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)**

Development Control Plan (DCP) 2004 is applicable to the proposed development. The following parts of the comprehensive DCP are considered to be applicable to the proposed development: -

##### Chapter 3 – General Considerations

##### 3.1 Cumulative Impacts

The proposed modified development is for use of the site for residential purposes within a transition area of both residential and light industrial zoned land. The proposal is not out of character for the area and will not have adverse environmental impacts on the site or surrounding locality.

##### 3.2 Scenic, Landscape & Urban Areas

Lot layout remains virtually unaltered with the same construction materials proposed for the modified development.

The modified proposal is not considered to have an adverse visual impact upon the locality.

##### 3.3 Energy Efficiency

An amended BASIX Certificate for energy efficiency has been included for the modified development and meets the requirements for energy efficiency.

##### 3.4 Waste Generation

###### Construction and Demolition Waste

Demolition works have already taken place which formed a part of the original proposal and consent. Construction waste will be disposed of to an approved facility.

##### Chapter 4 - Special Environmental Considerations

##### 4.1 Sewerage Disposal

The subject land is urban land connected to reticulated sewer. The proposed development will be required to be connected to the urban sewer system via additional points to Council's satisfaction prior to the occupation of the dwellings.

The modification does not alter these requirements.

### Chapter 5 - General Considerations for zones and development

#### 5.3 Advertised Development

The modified proposal will be assessed in accordance with the provisions of the Community Participation Plan.

#### 5.7 Subdivision

The proposed development is for a ten (10) lot subdivision of Lot 101 DP 879603 which includes nine (9) lots for residential units and one (1) lot for common property for the purposes of community title subdivision.

All subdivision works will be undertaken in accordance with Council's adopted standards as per the Orange City Development and Subdivision Code.

The modification proposal does not alter any aspects of the subdivision (community title).

### Chapter 7 – Development in Residential Areas

#### 7.7 Design Elements for Residential Development Streetscape

Elements of design for the proposed residential development are discussed in more detail below addressing various aspects of the DCP provisions. The proposed development is consistent with the objectives of the DCP provision. In particular: -

- The development fits into its setting;
- The development will be aesthetically pleasing and will enhance the existing streetscape;
- There will be no adverse impact upon nearby heritage items or their significance; and
- The development will not create opportunities for crime or safety of residents and pedestrians.

##### 7.7.1 Planning Outcomes – Neighbourhood Character

It is considered that the proposed modified development is still compatible with the overall general neighbourhood character of the locality. The area is characterised a mixture of both residential and industrial uses and buildings.

##### 7.7.2 Planning Outcomes – Building Appearance

Lot layout and construction materials remain unaltered.

The modification does include changes to the building facades to ensure a more modern appearance which is preferential to the approved design which is significantly out of date.

The modified design has not changed in concept from the original approval. Access to all the dwellings is via a front door, porch and entrance. Floor plan design indicates that the front room is an open plan living area and has immediate access to the living/kitchen area which allows for surveillance to the street and/or internal driveway. Street and external house lighting, in addition to providing low scale landscaping elements throughout the development all detracts offenders from hiding or attempting to trap victims.

All proposed dwellings are of single storey and will appear as single storey structures when viewed at street level.

Landscaping elements are as approved. There are no significant changes from the approved plans.

### 7.7.3 Planning Outcomes – Heritage

The proposed site and locality is not located within a Heritage Conservation Area nor identified as an item of environmental heritage.

### 7.7.4 Planning Outcomes – Setbacks

The site layout and concept was approved via the original consent. No changes are proposed for the dwelling's location.

All dwellings address the internal access driveway with the exception of D1 & D2 which address Forest Road.

It is considered that the modified proposal meets the DCP requirements for setbacks.

### 7.7.5 Planning Outcomes – Fences & Walls

No changes from the original proposal for fencing are proposed in the modification.

### 7.7.6 Planning Outcomes – Visual Bulk

The proposed development will be detached and single storey which is consistent with residential development within the locality.

No building envelopes are registered on the title; however, the proposed design essentially complies with the requirements for visual bulk with the residential buildings generally contained within the envelopes generated by planes projected at 45° over the site at 2.5m above the existing ground level (vertical building envelopes).

All proposed dwellings are single storey in design and appear as single storey residential dwellings.

The proposed development is consistent with the site coverage requirements for residential development not exceeding 50%. Overall site coverage for the proposed development is unaltered from the original development approved at 25.5%.

### 7.7.7 Planning outcomes – Walls & Boundaries

The proposal involves buildings to the boundary; D1 & D2. These were approved in the original consent. No changes to modified proposal.

Setbacks have altered slightly from the original consent however they exceed BCA/NCC requirements for distances from side boundaries and rear boundaries.

### 7.7.8 Planning outcomes – Daylight & Sunlight

Councils DCP provisions and Council’s Energy Efficiency Code require that sunlight to at least 75% of north facing living area windows within the development is to be provided a minimum of 4 hours on 21<sup>st</sup> June or not further reduced than existing where already less.

Shadow diagrams and calculations are provided for 21<sup>st</sup> June and has been submitted with the application for Dwellings 1 to 9. The design of each dwelling meets these requirements for sunlight providing at least 75% of north facing living area windows within the development a minimum of 4 hours on 21 June. D1, D2, D7, D8 and D9, D4, D5 and D6 all provide 100% sunlight to the northern windows between 9am and 1pm. D3, D4, D5 & D6 all exceed the required amount of sunlight for the northern windows between 9am and 1pm.

Dwelling	Northern Windows (min 75% un-shaded)					DCP Compliance Minimum 4 hours
	9am	10am	11am	12 noon	1pm	
D1	100%	100%	100%	100%	100%	Yes
D2	100%	100%	100%	100%	100%	Yes
D3	92.8%	98.8%	97.1%	98.1%	86.1%	Yes
D4	89.1%	91.7%	87.9%	98.1%	88.6%	Yes
D5	92.8%	93.8%	97.1%	96.6%	86.1%	Yes
D6	92.8%	93.8%	97.1%	96.6%	86.1%	Yes
D7	100%	100%	100%	100%	100%	Yes
D8	100%	100%	100%	100%	100%	Yes
D9	100%	100%	100%	100%	100%	Yes

Council’s DCP provisions and Energy Smart Homes Code requires that sunlight is available to at least 40% of required private open space for dwellings within the development for at least 3 hours between 9am and 3pm on June 21.

	D1	D2	D3 & D4	D5	D6	D7	D8	D9
Minimum POS required (m <sup>2</sup> ) to meet 40% sunshine	5.7568	7.01	15.066	7.624	7.624	7.624	7.222	7.624

## Statement of Environmental Effects



10am	9.7 ✓	4.0 X	22.2 ✓	9.3 ✓	11.4 ✓	6.6 X	11.8 ✓	8.7 ✓
10:30am		7.1 ✓				9.7 ✓		
11am	13.3 ✓	7.8 ✓	29.6 ✓	9.0 ✓	15.6 ✓	9.9 ✓	15.7 ✓	11.7 ✓
12 Noon	13.9 ✓	9.3 ✓	31.8 ✓	10.4 ✓	17.7 ✓	11.7 ✓	17.0 ✓	13.1 ✓
1pm	10.9 ✓	7.6 ✓	29.0 ✓	10.8 ✓	16.3 ✓	9.2 ✓	15.6 ✓	11.5 ✓
1:30pm		7.2 ✓				8.6 ✓		
2pm	7.1 ✓	6.6 X	23.9 ✓	9.1 ✓	12.7 ✓	7.0 X	12.9 ✓	9.0 ✓
<b>DCP Compliance to meet minimum 3 hours sunshine between 9am and 3pm</b>	<b>Yes</b>		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>		<b>Yes</b>	<b>Yes</b>

The submitted shadow diagrams indicates that adequate sunlight can be achieved within the private open space areas between 9am and 3pm. In particular, D1, D3, D4, D5, D6, D8 & D9 all provide satisfactory sunlight to the private open spaces between 10:00am and 2:00pm, with D2 & D7 providing the required 3 hours between 10:30am and 1:30pm.

Having regard to the lot orientation and the detached single storey design of the dwellings, the proposed modified development will not unreasonably impact upon the solar access of the development and adjoining sites.

### 7.7.9 Planning Outcomes – Views

The proposed modified development will not significantly impact on any views and/or vistas from neighbouring dwellings given the single storey design and the existing neighbourhood character. There is no adverse visual impact on views to the Mount Canobolas panorama from this site.



### 7.7.10 Planning Outcomes – Visual Privacy

Dwelling location and orientation are unaltered from the original consent. It is considered therefore that the modified proposal meets the planning outcomes for visual privacy.

### 7.7.11 Planning Outcomes – Acoustic Privacy

Acoustic privacy has been conditioned as a part of the original consent. Based on the modifications minor changes to floor plans and the redesign of the facades (for a more modern construction), it is considered that the condition already imposed by Council should adequately address any concerns.

### 7.7.12 Planning Outcomes – Security

As the proposal has already been approved and essentially the layout and orientation of the dwellings have not changed, it is considered that CPTED would have been reviewed at the time of the original application. Furthermore, formal crime risk assessment is not required as the proposed development is for less than twenty (20) dwellings; however, consideration of Part B Principles for minimising risk is still required for consideration for good planning practice.

Regardless, a review has been undertaken on the modified proposal. Crime Prevention through Environmental Design (CPTED) acknowledges that the built environment influences the likelihood of criminal behaviour taking place and consequently encourages the application of design features, routine activities and space management practices which alter conditions that create opportunities for criminal behaviour.

The CPTED identifies four (4) principles to be used to minimise the opportunity for crime: -

- Surveillance
- Access control
- Territorial reinforcement
- Space management

#### Surveillance

The proposed development will provide clear sightlines between the public street and private entrances of the dwellings. This will be assisted by street lighting and outside lighting for each of the dwellings. In addition garden areas will be landscaped with appropriately sized shrubs and trees, however it will not be landscaped to a degree that provides offenders with an opportunity to hide and/or trap victims.

#### Access control

The guidelines indicate that physical and symbiotic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime.

Proposed landscaping and perimeter fencing will delineate the boundaries for the development.

#### Territorial reinforcement

Territorial reinforcement and space management look at the design and use of public space. This element is not considered relevant due to the proposed scale and location of the development.

Space Management

Space management also ensures that space is appropriately utilized and well cared for. This entails site cleanliness and repair of property, graffiti or vandalism.

The modified proposed development is considered to be consistent with the CPTED principles and the planning outcomes identified within the DCP for security.

7.7.13 Planning Outcomes – Public Transport

Public transport options are available within the locality with Orange Buslines providing two (2) alternate bus routes within the city limits Bus route No. 537 Orange Hospital and Bus route No.534 Warradine.

7.7.14 Planning Outcomes – Circulation Design

No dwellings will have direct street frontage based on the lot shape and configured driveway. Access and proposed internal driveway remains virtually unchanged from the original application. Construction of a new vehicular crossing and internal driveway will adhere to Council specifications.

All proposed dwellings will have appropriate vehicle manoeuvring arrangements to meet DCP compliance.

7.7.15 Planning Outcomes – Carparking

The DCP requires the following provisions for car parking as per the Car Parking Table:

Dwelling size or number of bedrooms	Average car parking per dwelling
Small (<75m <sup>2</sup> ) or 1-bedroom unit	1.0 spaces per unit
Medium (75m <sup>2</sup> - 110m <sup>2</sup> ) or 2-bedroom unit	1.2 spaces per unit
Large (>110m <sup>2</sup> ) or 3+ bedroom unit	1.5 spaces per unit
Visitor Parking	0.2 spaces per unit

The proposed modified development consists of 9 x 21bedroom dwellings each generating a parking demand of 1.0 space per dwelling. Based on the DCP parking provisions a total of 9 spaces are required for the development. Visitor parking is calculated at the rate of 0.2 spaces per unit equating to 1.8 spaces for the proposed development. Separate designated visitor parking spaces are shown on the modified proposal; although parking layout has not altered from the approved; with the exception of one (1) reduced car space for D8 (originally a double carport).

Each dwelling has an attached single carport; with the exception of D1 & D2 which has a detached double carport (same as originally approved).

Based on the DCP provisions, the modified proposal meets the requirements for car parking.

7.7.16 Planning Outcomes - Private Open Space

The proposed development requires an area of private open space (POS) of at least 50% of the dwelling floor area. The following table provides an analysis of the requirements verses the m<sup>2</sup> area to be provided for POS provisions.

Dwelling	Living Area (m <sup>2</sup> )	POS required (m <sup>2</sup> )	POS provided (m <sup>2</sup> )	Compliance
D1	28.79	14.395	26.6	√
D2	35.05	17.525	20.1	√
D3&D4	75.33	37.665	59.0	√
D5	38.12	19.06	25.1	√
D6	38.12	19.06	41.6	√
D7	38.12	19.06	31.4	√
D8	36.11	18.055	32.2	√
D9	38.12	19.06	24.8	√

The analysis shows that the proposal meets and exceeds the minimum requirement for POS.

All open space is essentially provided in the same location as the original approval. There are only minor changes in the amount of private open space provided as a result of the minor design changes. The submitted site plan indicates that the calculated open space has a minimum dimension of 3m in addition to each dwelling providing an area of 5m x 5m with access to the proposed living area.

The modified proposal is considered to meet the compliance requirements for private open space.

#### 7.7.17 Planning Outcomes – Open Space & Landscaping

A Landscaping Plan and Planting Schedule has been provided for the proposed development in accordance with reference to Orange City Council's Parks, Gardens and Your Garden Guide 02/2007.

The landscaping schedule provides for soft landscaping, trees and shrubs.

Proposed landscaping for privacy and visual amenity has also been provided along the internal access driveway and between each dwelling.

#### 7.7.18 Planning Outcomes – Stormwater

Stormwater will be directed to the street to the city's urban stormwater system.

Inter-lot drainage has been designed as a part of the development which was a requirement prior to the release of the CC. A CC was issued for the development in January 2018.

The site contains landscaped areas that will also assist in onsite filtration.

#### 7.7.19 Planning Outcomes – Erosion and Sediment Control

Measures will be implemented during construction to ensure that the land is stabilised, and erosion is controlled so as not to impact upon any adjoining land or the roadway.

Erosion and sediment control plans will be designed to meet Councils requirements via any conditions of consent.

### 4.7 PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

The proposal does not contravene the relevant provisions of the regulations.

#### Demolition of a building (Clause 92)

Demolition works were included as a part of the original application. Demolition of the onsite sheds have already taken place.

#### Fire Safety Considerations (Clause 93)

The proposal does not involve a change of building use for an existing building.

#### Buildings to be upgraded (Clause 94)

The proposal does not involve existing buildings to be upgraded.

#### BASIX Commitments (Clause 97A)

An amended BASIX Certificate has been submitted with the proposal. The development will comply with the provisions of BASIX in relation to water, thermal comfort and energy.

### 4.8 THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)

#### Context and Setting

The land is located within the urban boundaries of Orange in a transitional area comprising established modest, single storey residential dwellings of varying styles and ages, light industrial uses such as car wreckers, storage facilities and a variety of mechanical /mining workshops. The modified development does not propose to change land use or introduce new land uses to the site.

#### Visual amenity

The site is located in a part residential zone and area and part industrial zone. Surrounding land uses reflect the mixture of both residential and industrial uses and buildings. The modified development will retain the land for continued residential use (residential units) as per the issued development consent. Development is of single storey modern construction with the modified proposal not changing in the context of dwelling size, floor area, orientation and layout. All dwellings provide for reasonable landscaping elements, visual amenity and neighbourhood character. The modified development is not anticipated to have any adverse impact upon the visual privacy, sunlight hours or overshadowing of the site or surrounding locality.

#### Access and traffic

Access to the proposed development will be via Forest Road. No changes to approved access provisions are proposed.

#### Impact on adjoining development

Impacts were assessed during the original development proposal and conditions imposed to address any concerns for adjoining landowners. The modification proposes changes to façade

design and minor internal floor plan layout alterations. The modified proposal is not anticipated to have any adverse impact upon the visual privacy, sunlight hours or overshadowing of the site or surrounding locality.

### Cumulative Impacts

The modified proposal is not considered to be out of character for the area and will not have adverse environmental or amenity impacts on the site or surrounding locality. The modified proposal does not increase in terms of size, scale or bulk. The modifications relate to design update of building facades.

### Economic Impacts

The proposed development is considered to have a positive economic impact which has contributed additional income for Council and the community through local infrastructure services (contributions already paid). The construction of additional residential dwellings and units has a positive economic impact upon local suppliers, contractors and builders undertaking the project and contributes to the local economy.

### Environmental Impacts

The subject land is located within an established urban area. Significant vegetation threatened species or ecological endangered communities or their habitats are unlikely to be present. The modified proposal does not affect any significant vegetation, threatened species or ecological communities.

### Climate Change

The NSW Sea Level Rise Policy Statement 2009 outlines the Governments objectives and commitments in regard to sea level rise adaption. A key Government commitment is the promotion and support for an adaptive risk-based approach to managing the impacts of sea level rise. The modified proposal for multi dwelling housing and subdivision would not significantly contribute to climate change and will not change the risk profile of the site in regard to the impacts of sea level rise.

### Ecologically Sustainable Development

All potential environmental interactions should have regard for the Precautionary Principle (prevent environmental degradation and protect the local environment), Intergenerational Equity (not to compromise the environment for future generations), Improved Valuation and Pricing of Environmental Resources (to utilise the land with minimal environmental impact to result in an economic benefit to the community) and conservation of biological diversity and ecological integrity. The modified proposal is not considered to present significant threats of serious or irreversible environmental damage, with the health, diversity and productivity of the environment maintained or enhanced for the benefit of future generations and will further support the conservation of biological diversity and ecological integrity.

#### 4.9 THE SUITABILITY OF THE SITE s4.15(1)(c)

The subject site is located within an established urban area of Orange which allows for a range of residential type uses. The development was approved under the previous planning provisions (Orange LEP 2000) which allowed for residential units. The modification, based on an assessment under Clause 4.55 is essentially or materially the same to which original

consent was granted. Adequate arrangements can be made for access, drainage and essential services, visual and neighbourhood amenity. On this basis, the subject site is considered to be suitable for the modified development. Impact is not considered to be increased as a result of the proposed modification.

There are no known technological or natural hazards that would affect the proposed development.

### **4.10 DEVELOPMENT CONTRIBUTIONS**

It is understood that all relevant contributions have been paid in accordance with the development consent issued on 6 February 2013.

#### **Section 64 Water and Sewer Headworks Charges**

It is understood that Section 64 charges have already been paid in accordance with the development consent.

### **4.11 SUBMISSIONS IN ACCORDANCE WITH THE ACT s4.15(1)(d) OF THE REGULATIONS**

The modified development will be advertised and notified in accordance with the Community Participation Plan.

### **4.12 PUBLIC INTEREST s4.15(1)(e)**

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts.

### 5.0 CONCLUSION

This Statement of Environmental Effects report has been prepared as a part of the development application submission to Orange City Council seeking modified consent for redevelopment of the site at Lot 101 DP 879603, 1706 Forest Road, Orange.

Approval for Demolition (ancillary structures), Residential Units (nine units) and Community Title Subdivision (nine lot residential) on Lot 101 DP 879603, 1706 Forest Road, Orange was granted by Council via DA 386/2011 (1) on 6 February 2013. A CC has been issued for the development with demolition works of the existing site structures already removed from the site. It is still considered to be a valid consent, with approval granted under Orange Local Environmental Plan 2000.

A modification application is submitted under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, as amended seeking the modification to amend minor design elements that has negligible environmental impact on the approved development.

The aim of this Statement has been to:

- describe the original proposal and the intended amendments;
- demonstrate compliance/planning merit of the modified proposal against the relevant statutory controls and local planning provisions; and
- provide an assessment of the likely environmental effects of the modified proposal.

The proposed modified development is essentially the same for which original consent was granted. The modified development will not be inconsistent with the surrounding locality and can provide for adequate arrangements of access, drainage and essential services. Visual and neighbourhood amenity have been addressed through DA conditions which will still be required to met.

The modified proposal as demonstrated is essentially or materially the same to which original consent was granted. That is, there is no increase in the number of proposed dwellings or increase in community lots, the lot and site layout remains virtually unaltered, with the intended use – residential units (multi dwelling housing) and community subdivision, remaining unaltered. Adverse impacts are considered negligible.

A section 4.15 assessment of the development indicates that the development is acceptable. Furthermore, the proposal has been assessed in term of Section 4.55 as a modification demonstrating through a comparative analysis that the modified proposal is essentially or materially the same for which original development has was granted.

Accordingly, it is requested that Council give favourable consideration to the modified application.