

3-5 Beach Street, Harrington

Statement of Environmental Effects

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3-5 BEACH STREET, HARRINGTON

Demolition of the existing structures and
construction of a mixed-use development

24 January 2024

Prepared under instructions from
Environa Studio

by

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1.0 INTRODUCTION

Development Application No. 2023/0308 for a mixed-use development at 3-5 Beach Street, Harrington was lodged with Mid Coast Council on 9 May 2023.

A Request for Further Information (RFI) dated 18 May 2023 was sent to the Applicant. The RFI noted that Council was not in a position to support the development based on the extent of the proposed variations to the height of buildings standard and the floor space ratio standard and the incompatibility of the development with the surrounding locality.

The scheme has been amended in response to the issues raised by Council. The amended proposal fully complies with the 8.5 metres height limit and the extent of the proposed variation to the floor space ratio standard has been substantially reduced.

This Statement of Environmental Effects has been prepared in support of the amended proposal for basement car parking, retail premises on Level 1 and a commercial tenancy, 9 co-living dwellings and a south-facing apartment on Level 2 at 3-5 Beach Street, Harrington.

The amended proposed development is detailed on architectural plans prepared by Environa Studio. The amended application is also supported by the following documentation:

- Survey Plan – Zenith Surveying Services
- Traffic and Parking Impact Assessment (amended) – PDC Consultants
- External Works Landscape Plan (amended) – Environa Studio
- Preliminary Geotechnical Assessment – EI Australia
- Geotechnical Assessment – 5 Beach Street, Harrington – Regional Geotechnical Solutions
- Waste Management Plan (amended) – MRA Consulting Group
- Stormwater Concept Design (amended) – SGC Consultants
- Access Design Assessment Report (amended) – Design Confidence
- BASIX Certificate (amended) – Efficient Living
- Cost Summary Report – Mitchell Brandtman

This Statement has been prepared pursuant to section 4.12 of the Environmental Planning and Assessment Act 1979 and clause 24 of the Environmental Planning and Assessment Regulation 2021. The Statement provides an assessment of the development proposal having regard to the relevant legislative context, social economic and environmental impacts, potential amenity impacts of the development on the surrounding locality and the measures proposed within the application to mitigate such impacts.

The Statement details the proposed development's compliance against applicable environmental planning instruments and development control plans including:

- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Greater Taree Local Environmental Plan 2010
- Greater Taree Development Control Plan 2010

Having regard to the applicable legislative framework, it is considered that the proposed development is consistent with the aims and objectives of the relevant environmental planning instruments and development control plan whilst being compatible with the character of the locality and minimising any potential impacts on the amenity of the adjoining properties.

2.0 SITE DESCRIPTION AND LOCATION

2.1 Site Description

The site is legally described as Lot A DP414547 and Lot 6 Sec 4 DP 758502 and is known as 3-5 Beach Street, Harrington. The site is located on the northern side of Beach Street, between Coode Street to the west and Pilot Street to the east. An aerial view of the site and surrounds is included as Figure 1.

The site has a combined area of 1,485.1 square metres. The site has a frontage to Beach Street of 32.24 metres and a frontage to Hedges Street of 31.725 metres.

3 Beach Street is currently improved by a single storey dwelling and detached garage and metal shed. The garage and metal shed are located adjacent to the rear (northern) boundary of the site and vehicular access to the garage is provided from Hedges Street.

5 Beach Street is improved by a single storey building that has a nil boundary setback to the western boundary. The building appears to have previously been used for a commercial purpose. A single fibro garage is located in the north-west corner of the site and a double garage is located in the north-east corner of the site.

The site is relatively level with a gradual fall from the northern boundary to the southern boundary. There are no significant trees located on the site.

The site is zoned B1 Neighbourhood Centre pursuant to the Greater Taree Local Environmental Plan 2010 (GTLEP).

2.2 Surrounding Development

The site is located within a character precinct that is zoned E1 Local Centre under the GTLEP. The precinct includes the street block, which is bounded by Beach Street to the south, Pilot Street to the east, Hedges Street to the north and Coode Street to the west. The precinct also includes three lots on the northern side of Beach Street, to the west of Coode Street that are also within the E1 Neighbourhood Centre.

Five lots in the precinct are improved by mixed use developments, one lot is improved by the Harrington Memorial Hall and one lot is improved by a Telstra building. The remaining seven allotments are improved by detached dwellings. Given all forms of residential accommodation except shop top housing are prohibited in the zone under the GTLEP, the detached dwellings in the zone are not consistent with the desired character of the zone as expressed through the land use table and zone objectives. As such, it is reasonable to conclude that the character of the centre will change as lots are developed in accordance with the current zoning of the land.

The adjoining site to the east is known as 1 Beach Street. This property is improved by a Telstra building located to the rear of the site. There are a number of large trees located in the setback of the building to Beach Street. The trees are located on the eastern side of the allotment. Vehicular access to this property is provided from both Beach Street and Hedges Street.

Two allotments adjoin the western side of 5 Beach Street. 7 Beach Street adjoins the southern side of the western boundary. This property is improved by a two-storey brick dwelling and a detached garage. Vehicular access is provided to this site from Beach Street.

2 Hedges Street adjoins the northern side of the western boundary. A single storey dwelling and a triple detached garage is located on this property.



Figure 1:

Aerial view of the site (Source: Six Maps, Department of Lands 2023)

Photograph 1:

3 Beach Street as viewed from
Beach Street



Photograph 2:

5 Beach Street as viewed
from Beach Street



Photograph 3:

Rear of 3 Beach Street





Photograph 4:

Rear of 5 Beach Street

Photograph 5:

Development to the west of the site viewed from Beach Street



Photograph 6:

Development to the east of the site viewed from Beach Street



Photograph 7:

Rear of 30 High Street to the north of 3 Beach Street

Photograph 8:

Rear of 32 High Street, Harrington to the north of 5 Beach Street



Photograph 9:

View to the west along Beach Street

Photograph 10:

View of John Gollan Park and
the Manning River to the south
of the site



3.0 DEVELOPMENT PROPOSAL

Development Application No. 2023/0308 for a mixed-use development at 3-5 Beach Street, Harrington was lodged with Mid Coast Council on 9 May 2023. A Request for Further Information (RFI) dated 18 May 2023 was sent to the Applicant. The RFI noted that Council was not in a position to support the development based on the extent of the proposed variations to the height of buildings standard and the floor space ratio standard, and the incompatibility of the development with the surrounding locality.

The scheme has been amended in response to the issues raised by Council. The amended proposal fully complies with the 8.5 metres height limit, and the extent of the proposed variation to the floor space ratio standard has been substantially reduced.

The amended proposal seeks consent for basement car parking, retail premises on Level 1 and a commercial tenancy, 9 co-living dwellings and a south-facing apartment on Level 2 at 3-5 Beach Street, Harrington.

Basement

- 42 car parking spaces
- 3 residential motorbike spaces
- 13 bicycle spaces

Level 1

- 4 south facing retail tenancies
- 3 north facing retail tenancies
- A central retail space
- A central, 4.1 metre wide pedestrian colonnade that extends from Beach Street to Hedges Street
- A central bin storage room and separate bulky waste area.
- An accessible bathroom

Level 2

- 9 co-living apartments on the northern side of Level 2 and a communal living room, laundry and communal open space
- A south facing commercial tenancy
- One, south facing apartment.

Numeric Summary

Element	Original Proposal	Amended Proposal
Site Area	1,485.1sqm	
Gross Floor Area	2,572.1sqm (excluding ground floor waste storage areas)	1,888.06 sqm (including ground floor waste storage areas)
Number of storeys	4	2
Number of dwellings	13 co-living, 8 apartments	9 co-living, 1 apartment
Car parking Spaces	44 - 19 residential and 25 commercial spaces	42 (5 co-living spaces are required)
Motorbike spaces	8 - 3 residential and 5 commercial spaces	3

Element	Original Proposal	Amended Proposal
Communal open space	594.33 square metres (40%)	202 square metres (reduced due to the reduction in the number of apartments)



Figure 2:

Perspective Drawing of the original scheme (Source: Envrona Studio)



Figure 3:

Photomontage of the amended scheme

4.0 STATUTORY PLANNING FRAMEWORK

4.1 Environmental Planning & Assessment Act 1979

4.1.1 Section 4.15 Evaluation

In accordance with Section 4.15(1) of the Environmental Planning & Assessment Act 1979 (EP&A Act) in determining a development application a consent authority is to take into consideration the relevant matters listed in Section 4.15(1).

Section 4.3 of this report addresses the relevant provisions of the applicable environmental planning instruments as required by section 4.15(1)(a)(i). Section 4.4 of this report addresses the relevant provisions of the applicable development control plan as required by section 4.15(1)(a)(i). The remaining provisions of Section 4.15(1) are addressed further in section 5 of this Statement.

4.1.2 Division 4.8 Integrated Development

A Geotechnical Assessment has been undertaken by Regional Geotechnical Solutions (dated 4 December 2020) for the property at 5 Beach Street, Harrington. The Geotechnical Investigation was not based on the current plans. The Geotechnical Assessment included the drilling of three boreholes up to 3.5 metres. Groundwater was not encountered in any of the boreholes during the time they remained open on the day of field investigations. The report provides the following guidance for excavations below 2.5 metres:

No groundwater was encountered within the anticipated depth of excavation for the basement.

Localised water inflows are likely to occur at the interface of the aeolian sands and the underlying weathered rock at 2.5 to 3m depth and therefore if excavations below 2.5m deep are proposed, provision should be made for a sump and pump type dewatering system within the floor and lower walls of the excavation.

Based on the findings of the Geotechnical Investigation it is expected that dewatering will be required. The proposed development is therefore 'integrated development' pursuant to Section 4.46 of the EP&A Act as a Water Supply Work approval is required under Section 90(2) the Water Management Act 2000. As an approval is required under the Water Management Act 2000 as specified in section 4.46(1) the development also meets the definition of 'nominated integrated development' as defined in clause 7, schedule 1 of the EP&A Act. Clause 8A, schedule 1 sets out the minimum public exhibition period for nominated integrated development which is 28 days. Section 56 of the Environmental Planning & Assessment Regulation 2021 (EP&A Regulation) sets out specific requirements for the notice of development applications for nominated integrated development.

In accordance with section 4.47 of the EP&A Act before granting consent to a development that is integrated development, the consent authority must obtain from the relevant approval body, the general terms of any approval proposed to be granted by the approval body in relation to the development. It is acknowledged that the application will be referred to Water NSW as the relevant approval body.

4.2 Environmental Planning and Assessment Regulation 2021

In accordance with clause 24 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) a development application must be in the approved form and contain all the information and documentation required by the approved form and the Act and the Regulation.

'Approved form' is defined in the dictionary of the Regulation as a form approved by the Planning Secretary and published on the NSW planning portal.

The 'Application Requirements' dated March 2022 and approved by the Planning Secretary's delegate on 28 February 2022 lists the mandatory documents and drawings that are part of the approved form. The remainder of this section of the Statement addresses the proposal's consistency with these requirements.

4.2.1 Information requirements for development applications

The following table summarises the relevant requirements for development applications set out in the 'Application Requirements' guideline and summarises the documentation provided to satisfy each requirement.

Requirement	Documentation
a. the name and address of the applicant	The applicant details are provided on the Planning Portal at lodgement.
b. a description of the development to be carried out	Section 3 of this Statement provides a description of the development to be carried out. The architectural plans and supporting documentation detail the proposed development.
c. the address, and formal particulars of title, of the land on which the development is to be carried out	The site is identified in section 2 of this Statement.
d. an indication as to whether the land is, or is part of, critical habitat	The land is not part of critical habitat.
e. an indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, unless the development is taken to be development that is not likely to have such an effect because it is biodiversity compliant development	The development does not require the removal of any significant vegetation and the site does not have any features which are likely to provide habitat for threatened species, population or ecological communities. In this regard the development is unlikely to have an effect on threatened species, populations or ecological communities, or their habitats.
f. the estimated cost of the development	A Registered Quantity Surveyors Cost Report prepared by Mitchell Brandtman accompanies the application.
g. evidence that the owner of the land on which the development is to be carried out consents	Owner's consent accompanies the application.

Requirement	Documentation
to the application, but only if the application is made by a person other than the owner and the owner's consent is required by the Regulation	
h. a list of the documents accompanying the application	Section 1 of this Statement includes a list of the documents that accompany the development application.
i. a Statement of Environmental Effects.	This document is the Statement of Environmental Effects.
j. a site plan of the land.	A Site Plan has been prepared by Environa Studio (Drawing 030 prepared by Environa Studio).
k. drawings of the development.	Architectural plans have been prepared by Environa Studio.

Part 1.1 of the 'Application Requirements' includes a table which sets out required documents for specific types of development. The following table summarises how the documentation requirements of Table 1 'Essential document requirements for a development application or modification application' of the Guide have been satisfied.

Essential document requirements	Supplied Documentation
Applications that require or involve:	
Arrangements before consent can be granted under an environmental planning instrument a. Documentary evidence that such arrangements have been made	This Statement addresses the relevant preconditions to development consent.
Building work to alter, expand or rebuild an existing building b. A scaled plan of the existing building	Not applicable.
Change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure) c. A list of the Category 1 fire safety provisions that currently apply to the existing building. d. A list of the Category 1 fire safety provisions that are to apply to the building following its change of use	Not applicable.
Concurrence e. A list of any authorities from which concurrence must be obtained before the development may lawfully be carried out or from	Concurrence is not required from any authority.

<p>which concurrence would have been required but for section 4.13(2A) or 4.41 of the Act</p> <p>f. A statement by the applicant that the relevant matters in the Development referrals guide have been considered</p>	
<p>Development involving mining for coal (within the meaning of section 380AA of the Mining Act 1992)</p> <p>g. Documentary evidence that the applicant holds an authority under the Mining Act 1992 in respect of coal and the land concerned, or has the written consent of the holder of such an authority to make the development application</p>	Not applicable.
<p>Development referred to in State Environmental Planning Policy (Housing) 2021, clause 45(1)</p> <p>h. Evidence or information demonstrating whether the development is likely to result in the loss of low-rental dwellings on the land to which the application relates during the relevant period, within the meaning of State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 3</p>	Not applicable.
<p>Development permitted under State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 or 2</p> <p>i. The name of the registered community housing provider who will be managing the boarding house</p>	Not applicable.
<p>Development for a boarding house or co-living house</p> <p>j. A plan of management</p>	A Plan of Management has been prepared for the co-living housing.
<p>Entertainment venues, function centres, pubs, registered clubs or restaurants</p> <p>k. A statement that specifies the maximum number of persons proposed to occupy, at any one time, that part of the building to which the use applies</p>	Not applicable.
<p>Erection of a building</p> <p>l. An A4 plan of the building that indicates its height and external configuration, as erected, in relation to its site</p>	Plans are provided showing the height and external configuration of the building that can be printed at A4.
<p>Integrated development</p> <p>m. A list of any approvals of the kind referred to in section 4.46(1) of the Act that must be</p>	The proposed development is 'integrated development' pursuant to Section 4.46 of the EP&A Act as a Water Supply Work approval is

obtained before the development may lawfully be carried out	required under Section 90(2) the Water Management Act 2000.
n. A statement by the applicant that the relevant matters in the Development referrals guide have been considered	

4.2.2 Requirements for a Statement of Environmental Effects

The following table identifies the relevant section of the Statement of Environmental Effects where the required consideration has been addressed.

Requirement	Section of Statement
A Statement of Environmental Effects must document:	
a. the environmental impacts of the development	The environmental impacts of the development are described in sections 4 and 5 of this Statement.
b. how the environmental impacts of the development have been identified	The environmental impacts of the development are identified in sections 4 and 5 of this Statement.
c. the steps to be taken to protect the environment or to lessen the expected harm to the environment	The measures taken to protect the environment and lessen the expected harm to the environment are addressed in sections 4 and 5 of the Statement.
d. any matters required to be indicated by any guidelines issued by the Planning Secretary	Section 4.2.1 of this Statement demonstrates compliance with the guidelines issued by the Planning Secretary.
e. drawings of the proposed development in the context of surrounding development, including the streetscape	A series of perspective drawings has been prepared by Environa Studio that show the proposed development in the context of the surrounding development (Drawing 901).
f. development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations	Compliance with relevant built form controls is included on the architectural plans.
g. drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context	An External Works Landscape Plan prepared by Environa Studio accompanies the application.
h. if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts	A description of the site and surrounds is included in section 2 of the Statement.
i. photomontages of the proposed development	Perspective drawings of the development form

Requirement	Section of Statement
in the context of surrounding development	part of the package of architectural drawings.
j. a sample board of the proposed materials and colours of the facade	The architectural plans include details of the proposed materials and colours of the development (Drawing 210).
k. detailed sections of proposed facades	The architectural plans include sections of the building.
l. if appropriate, a model that includes the context.	A model is not required for this development.

4.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Coastal Management

Chapter 2 of State Environmental Planning Policy (Resilience and Hazards) 2021 applies to land within the coastal zone and aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone. Chapter 2 of the SEPP applies to all land within the coastal zone. The site is located within the coastal zone.

Pursuant to clause 2.2(2) words and expressions use in this Policy has the same meanings as they have in the Coastal Management Act 2016, unless otherwise defined in this Policy.

Section 5 of the Coastal Management Act 2016 provides that the coastal zone means the area of land comprised of the following coastal management areas—

- (a) the coastal wetlands and littoral rainforests area,
- (b) the coastal vulnerability area,
- (c) the coastal environment area,
- (d) the coastal use area.

The site is within the coastal environment area and the coastal use areas as identified on the relevant maps (refer to Figures 4 and 5 below).



Figure 4:

SEPP (Resilience and Hazards) 2021 Coastal Environment Area Map

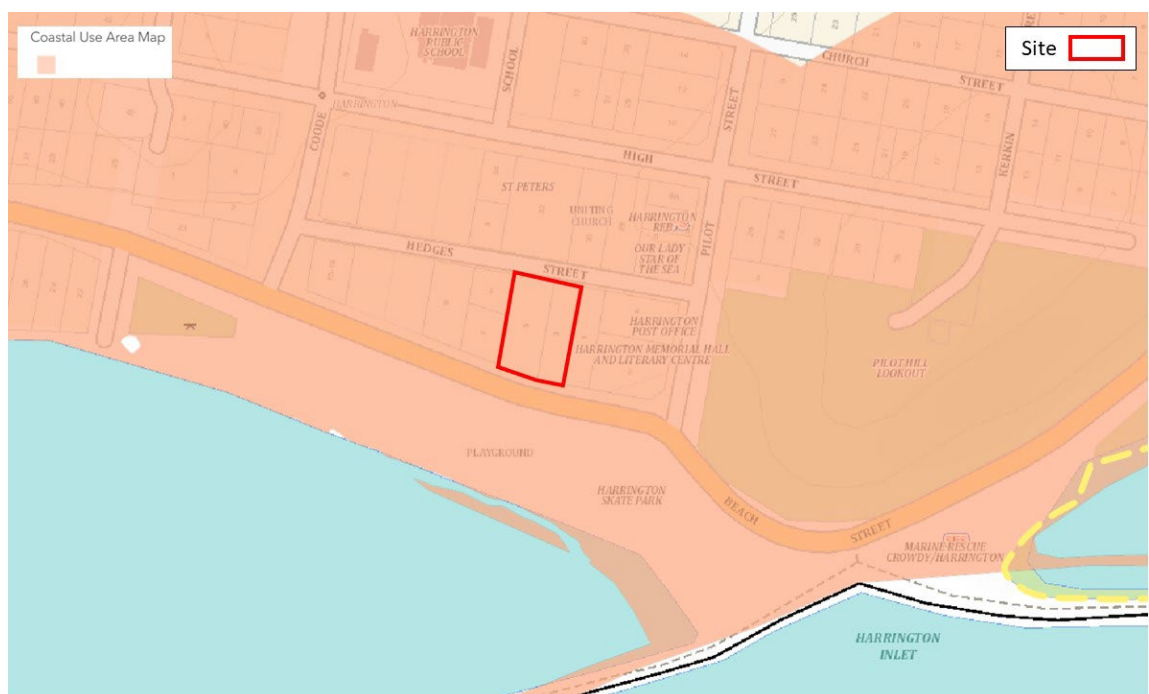


Figure 5:

SEPP (Resilience and Hazards) 2021 Coastal Use Area Map

Coastal Environment Area

Clause 2.10 of the SEPP (Resilience and Hazards) 2021 sets out the development controls for the coastal environment area. The following table summarises the proposal's consistency with the clause 2.10.

Control	Comment
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—	
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment	<p>The Concept Stormwater Plan demonstrates how the integrity of the hydrological environment will be maintained. The Geotechnical Assessment also addresses the impact of the development on groundwater.</p> <p>The development will not result in any unreasonable impacts on the ecological environment having regard to the lack of any significant vegetation on the site and the integration of landscaped spaces.</p>
(b) coastal environmental values and natural coastal processes,	The development of the site will not result in any unreasonable impacts on coastal environmental values and natural coastal processes.
(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	Stormwater will be appropriately managed to ensure runoff from the site does not impact on water quality as detailed by the Concept Stormwater Plan.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms	The proposed development will not impact on any marine vegetation, native vegetation, fauna and their habitats or rock outcrops.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The proposed development is entirely within the boundaries of the lot and will not alter public access arrangements to the coast.
(f) Aboriginal cultural heritage, practices and places,	The site is highly modified and therefore there are unlikely to be any items of Aboriginal heritage on the site. A condition can be imposed on the consent to ensure that if any items are uncovered during excavation works, they are appropriately managed.
(g) the use of the surf zone.	Not applicable.

As required by subclause (2) the consent authority can be satisfied that the development has been designed, and will be managed, to avoid and minimise adverse impacts as detailed above.

Coastal Use Area

Clause 2.11 of SEPP (Resilience and Hazards) 2021 sets out the controls for development on land within the coastal use area. The proposal's compliance with the provisions of clause 2.11 are addressed in the table below.

Control	Comment
(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority— (a) has considered whether the proposed development is likely to cause an adverse impact on the following—	
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The proposed development will not impact on public access to the beach.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The proposed development will have minimal impact on the public domain, and no impact on the public open space to the south of the site, as demonstrated by the shadow diagrams that accompany the application. The development will not cause wind funnelling to the public domain. The proposed development will not result in any unreasonable loss of any views from public places considering the complying height of the proposed development.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	The development is an appropriate form of development in the E1 zone. The development does not result in the removal of any significant vegetation. For these reasons the development will not impact on the visual amenity and scenic qualities of the coast.
(iv) Aboriginal cultural heritage, practices and places,	The site is highly modified and therefore there are unlikely to be any items of Aboriginal heritage on the site. A condition can be imposed on the consent to ensure that if any items are uncovered during excavation works, they are appropriately managed.
(v) cultural and built environment heritage, and	The proposed works will not adversely impact the heritage significance of heritage items in the vicinity of the site.

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) 2021 applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 4.6 of the SEPP requires the consent authority to consider whether land is contaminated prior to granting consent to carrying out of any development on that land and if the land is contaminated, it is satisfied that the land is suitable in its current state or will be suitable after remediation for the purpose for which the development is proposed to be carried out.

The application does not propose more sensitive uses than the current residential use of the site. The Geotechnical Assessment for 5 Beach Street, Harrington that accompanies the application addresses contamination and the remediation requirements for that portion of the site.

4.2.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the development and aims to encourage sustainable residential development.

A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

4.2.3 State Environmental Planning Policy (Housing) 2021

Residential Apartment Development

Pursuant to clause 8(1) of Schedule 7A any amendment made to this policy by the amending policy (being SEPP Amendment (Housing) 2023) does not apply to a development application made, but not finally determined before, the commencement date of 14 December 2023.

The amending Policy repealed SEPP 65 and inserted Chapter 4 Design of Residential Apartment Development. As the DA was lodged before the commencement of this amendment, the provisions of SEPP 65 remain relevant.

Co-living Housing

The provisions of Chapter 3, Part 3 of SEPP (Housing) 2021 relate to co-living housing.

In accordance with clause 67 development for the purposes of co-living housing may be carried out on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument.

The site is zoned E1 Local Centre pursuant to the Greater Taree Local Environmental Plan 2010 (GTLEP). Shop top housing is permitted with consent in the E1 zone.

Clause 68 sets out non-discretionary development standards for boarding houses. In accordance with clause 68(1) the object of clause 68 is to identify development standards for particular matters relating to development for the purposes of co-living housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. The following table summarises the proposal's compliance with the matters identified in clause 68(2).

Clause 68(2) requirements	Comment
(2) The following are non-discretionary development standards in relation to development for the purposes of co-living housing—	
(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than— <ul style="list-style-type: none"> (i) the maximum permissible floor space ratio for residential accommodation on the land, and (ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing, 	Residential flat buildings are not permitted in the E1 zone.
(b) for co-living housing containing 6 private rooms— <ul style="list-style-type: none"> (i) a total of at least 30m² of communal living area, and (ii) minimum dimensions of 3m for each communal living area, 	The development contains more than 6 private rooms and the communal living area requirements are addressed below.
(c) for co-living housing containing more than 6 private rooms— <ul style="list-style-type: none"> (i) a total of at least 30m² of communal living area plus at least a further 2m² for each private room in excess of 6 private rooms, and (ii) minimum dimensions of 3m for each communal living area, (d) communal open spaces— <ul style="list-style-type: none"> (i) with a total area of at least 20% of the site area, and (ii) each with minimum dimensions of 3m, 	<p>The development contains 9 private co-living dwellings. A 36 square metre communal area is required.</p> <p>A 53.3 square metre communal living area is proposed. The living room has a width of 3.668-4.790 metres and a length of 43.247 metres.</p> <p>The site has an area of 1,485.1 square metres and therefore 297.02 square metres of communal open space is required.</p> <p>Two communal open spaces are proposed. One with an area of 9.15 square metres (which has dimensions of 3.743m x 2.450 metres) and the second with an area of 192.73 square metres and dimensions of 31.25m x 6.403 metres. The area of open space provided is appropriate having regard to the relatively small number of dwellings proposed, and the availability of quality public open space in the vicinity of the site, including waterfront spaces.</p>
(e) unless a relevant planning instrument specifies a lower number— <ul style="list-style-type: none"> (i) for development on land in an accessible area—0.2 parking spaces for each private 	The site is not within an accessible area, as defined by the SEPP. Accordingly, 0.5 spaces are required for each of the 9 private rooms. This equates to 4.5 spaces for the co-living housing. At least five parking spaces are provided for the co-living

Clause 68(2) requirements	Comment
room, or (ii) otherwise—0.5 parking spaces for each private room,	dwelling.
(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,	Not applicable.
(g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.	Not applicable.

The following table summarises the proposal's compliance with the provisions of clause 69 'Standards for co-living housing'.

Clause 25 Requirements	
1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—	
(a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m ² and not less than— (i) for a private room intended to be used by a single occupant—12m ² , or (ii) otherwise—16m ² , and	Drawing 981 prepared by Environa Studio demonstrates compliance with the room size requirements.
(b) the minimum lot size for the co-living housing is not less than— (i) for development on land in Zone R2 Low Density Residential—600m ² , or (ii) for development on other land—800m ² , and (iii) (Repealed)	The site has an area of 1,485.1 square metres.
(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing— (i) will not contain more than 12 private rooms, and	The site is zoned E1 Local Centre.

Clause 25 Requirements	
(ii) will be in an accessible area, and	
(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and	A workspace for the manager has been provided in the communal room.
(e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and	No part of the ground floor will be used for residential purposes.
(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and	All co-living units have bathroom and kitchen facilities. A communal laundry is proposed on Level 2.
(g) each private room will be used by no more than 2 occupants, and	Each private room will be used by no more than 2 occupants.
(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.	13 bicycle and 3 motorcycle parking spaces are proposed in the basement.
(2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—	
(a) the front, side and rear setbacks for the co-living housing are not less than— (i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or (ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, and	Not applicable. The site is zoned B1 Local Centre.
(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and	The co-living house component of the development is only one storey and is located in a building that has a height of two storeys.
c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area,	Drawing 921 prepared by Environa Studio demonstrates that the communal living room will receive over 3 hours of direct solar access in mid-

Clause 25 Requirements	
and	winter.
(d), (e) (Repealed)	Noted.
(f) the design of the building will be compatible with— (i) the desirable elements of the character of the local area, or (ii) for precincts undergoing transition—the desired future character of the precinct.	The proposal's consistency with the character of the local area is addressed below in section 4.2.4.

In accordance with clause 70 development consent must not be granted for the subdivision of co-living housing into separate lots. Subdivision is not proposed.

4.2.4 Character of the local area

Clause 69(2)(f) of SEPP (Housing) 2021 provides that a consent authority must not consent to development to which the Division applies unless it has taken into consideration whether the design of the development is *compatible* with the desirable elements of the character of the local area, or for precincts undergoing transition – the desired future character of the precinct.

The first step in assessing the proposal against clause 69(2)(f) is to assess the character of the area and then the determine whether the precinct is undergoing a transition.

Character Assessment

The site is located within a character precinct that is zoned E1 Local Centre under the GTLEP. The precinct includes the street block, which is bounded by Beach Street to the south, Pilot Street to the east, Hedges Street to the north and Coode Street to the west. The precinct also includes three lots with frontage to Beach Street, to the west of Coode Street that are also zoned B1 Local Centre.

Five lots in the precinct are improved by mixed use developments, one lot is improved by the Harrington Memorial Hall and one lot is improved by a Telstra building. The remaining seven allotments are improved by detached dwellings. Given all forms of residential accommodation except shop top housing are prohibited in the zone (and co-living housing under the provisions of SEPP Housing), the detached dwellings in the zone are not consistent with the desired character of the zone as expressed though the land use table and zone objectives. As such, it is reasonable to conclude that the character of the centre will change as lots are developed in accordance with the current zoning of the land.

The existing character of commercial/shop top housing developments in the character precinct incorporate the following common elements:

- Nil front setbacks (or minimal front setbacks to allow for a covered pedestrian space). Nil (or minimal) setbacks have been provided for all commercial buildings in the precinct (and former commercial buildings) including:
 - 2 Pilot Street
 - 4 Pilot Street
 - 5 Beach Street
 - 11 Beach Street

- 15-19 Beach Street
 - 21 Beach Street
 - 23 Beach Street
- Nil side setbacks. Development on the following sites incorporate nil side setbacks to at least on side boundary:
 - 4 Pilot Street
 - 5 Beach Street
 - 11 Beach Street
 - 15-19 Beach Street
 - 21 Beach Street
 - 23 Beach Street
- 7 of the 9 properties with frontage to Hedges Street incorporate a nil setback to structures adjoining Hedges Street.

When considering the desired character of the precinct the requirements of the Greater Taree Development Control Plan 2010 (GTDCP) should be used for guidance.

Part B of the GTDCP sets out Character Statements for localities and areas within the Greater Taree Local Government Area. Part B1.3.2 is set aside for a character statement for Harrington however the DCP indicates the character statement for Harrington is yet to be drafted.

The GTDCP provisions for commercial development in Part I (which apply to all business zones) and shop top housing developments in Part H3.5 (the only form of residential development permitted under the GTLEP) are particularly relevant:

- Requirement 3. Under 'Built Form and Appearance' in Part 1 'Commercial Requirements' of the DCP is: '

Development in business zones must be compatible with surrounding business development in terms of appearance, type, bulk and scale, design and character.'

This requirement indicates there is no expectation in the DCP that development in a business zone will have the same scale, design and character as low-density residential development in the zone.
- Part I of the DCP does not set out any setback or site coverage requirements for commercial developments.
- Part H of the DCP defers to the height requirements of the LEP and indicates development in areas mapped as having a permitted building height of 8.5 metres shall not contain more than two storeys.
- Part H indicates zero lot lines may be provided where it can be demonstrated that there is no unreasonable adverse impact on the privacy amenity or solar access of adjoining properties (Control 4 under 'Zero Lot Lines' in Part H2.2 of the DCP).
- Part H of the DCP does not set out specific front, side and secondary frontage setback requirements for shop top housing as it does for other forms of residential development including single detached dwellings, dual occupancies, multi dwelling housing and residential flat buildings.

The conclusion of this assessment is that the character of the precinct the site is located in will change or transition over time to be consistent with the permitted uses and objectives in the E1 zone and the relevant controls for the commercial development and shop top housing developments. As such, it is appropriate to assess the development against clause 69(2)(f)(ii).

Based on the existing key features of commercial/mixed use development in the zone and the DCP provisions, it can be expected that future developments will incorporate nil or limited front setbacks, nil side setbacks and nil setbacks to Hedges Street. Development in the zone will also incorporate a high level of site coverage, if not 100% site coverage.

Compatibility Assessment

The NSW Land and Environment Court Planning Principle for compatibility in the urban environment established in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191* notes that 'compatibility is different from sameness' and that 'it is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance...' (Paragraph 22).

An understanding of what 'compatible' means in a planning context is critical to the assessment of the proposal's consistency with Clause 69(2)(f). The requirement for the development to be compatible with the character of the local area does not mean that the development must be the same as other development in the local area.

The Planning Principle provides the following guidance:

24 Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

25 The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.

26 For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks and landscaping**. In special

areas, such as conservation areas, **architectural style and materials** are also contributors to character.

Physical Impacts

To answer the first question posed by the Planning Principle the proposed development does not result in any unacceptable physical impacts on the surrounding development.

Potential privacy impacts arising from the development have been addressed through ensuring all windows face north or south with no windows facing the side boundary. Circulation spaces have been centrally located on the site to maximise separation to the adjoining properties. Blade walls extend further than the alignment of the north facing windows of the apartments and south facing windows of the co-living apartments to restrict oblique views from the residential component of the development to the adjoining properties.

The shadow diagrams prepared by Environa Studio (Drawing 910) show that the development will not generate any unacceptable impacts on the solar access to the adjoining properties. The adjoining properties at 7 Beach Street and 2 Hedges Street will receive solar access to north facing windows and the private open space from 11 am to 3pm. The property at 1 Beach Street, which is not a residential property, will receive solar access from 9 am to 12 noon.

The proposed non-residential uses are permitted with consent in the zone and accordingly noise associated with the normal operation of these uses can be reasonably expected in the zone. It is expected that a separate DA will be required for first use of the proposed non-residential uses (unless permitted as exempt development) so that the specific operational requirements and associated noise impacts can be assessed in detail.

The residential uses are not expected to result in any unreasonable acoustic impacts on the surrounding properties, having regard to the specific management measures proposed for the co-living communal areas and the location of the private open space area of the apartment, which face south to the Manning River and Ocean.

Visual Compatibility

In response to the second question posed by the Planning Principle the proposed development is considered to be visually compatible with its context or in harmony with the commercial and mixed-use developments in the site and the desired character of the E1 zone for the following reasons:

- The proposed uses are consistent with the uses permitted in the E1 zone.
- Requirement 3. Under 'Built Form and Appearance' in Part 1 'Commercial Requirements' of the DCP is: 'Development in business zones must be compatible with surrounding business development in terms of appearance, type, bulk and scale, design and character.'

Development in business zones must be compatible with surrounding business development in terms of appearance, type, bulk and scale, design and character.'

This requirement indicates there is no expectation in the DCP that development in a business zone will be the same scale, design and character of low-density residential development in the zone.

- The proposed front, side and rear setbacks of the development are entirely consistent with the setbacks of other commercial and mixed-use development in the zone and the setbacks permitted by the DCP.
- The site coverage of the development is consistent with the site coverage that can reasonably be expected in the E1 zone and the site coverage of commercial and mixed-use developments found in the precinct.
- The development fully complies with the 8.5 metre height limit that applies under the GTLEP to ensure the scale of the development is compatible with the scale of development in the centre.
- The colours and materials are consistent with the range of colours found in the streetscape. The light colours are consistent with the light colours that naturally occur in a coastal environment.
- The butterfly roof form is consistent with the significant variation in roof forms in the zone.

For these reasons the development is compatible with the character of the local area.

4.2.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

Pursuant to clause 8(1) of Schedule 7A of SEPP (Housing) 2021 any amendment made to this policy by the amending policy (being SEPP Amendment (Housing) 2023) does not apply to a development application made but not finally determined before the commencement date of 14 December 2023. The amending Policy repealed State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and inserted Chapter 4 Design of Residential Apartment Development. As the DA was lodged before the commencement of this amendment, the provisions of SEPP 65 remain relevant.

SEPP 65 aims to improve the design quality of residential flat developments, provide sustainable housing in social and environmental terms that is a long-term asset to the community and delivers better built form outcomes.

Pursuant to clause 4(1), SEPP 65 applies to development for the purpose of a new residential flat building, shop top housing or mixed-use development, the substantial redevelopment/refurbishment of one of these buildings or the conversion of an existing building into one of these types of buildings provided the building is at least 3 or more storeys and the building contains at least 4 or more dwellings. Clause 4(4) provides that unless a local environmental plan states otherwise, the Policy does not apply to co-living housing.

The development is a 2 storey shop top housing development with 1 dwelling (not including the co-living dwellings). As such the provisions of SEPP 65 are not applicable to the proposed development.

4.2.6 Greater Taree Local Environmental Plan 2010

Zoning and Permissibility

The site is located within the E1 Local Centre zone pursuant to the Greater Taree Local Environmental Plan 2010 (GTLEP). An extract of the Land Zoning Map is included as Figure 6.



Figure 6:

Extract from the GTLEP Land Zoning Map

The application proposes the demolition of the existing structures and the construction of a mixed-use development. Retail space is proposed on the ground floor. Commercial floor space, 9 co-living dwellings and one apartment are proposed on the first floor (Level 2).

Shop top housing is defined in the Dictionary of the GTLEP as one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities. Eight retail tenancies are proposed on the ground floor of the development and the proposed apartments are above these tenancies. As such, the proposed apartments meet the definition of shop top housing. Shop top housing is permitted with consent in the E1 zone.

As shop top housing is permitted with consent in the E1 zone under the GTLEP, co-living housing is permitted with consent pursuant to SEPP (Housing) 2021.

Pursuant to clause 2.7 of the GTLEP the demolition of a building or work may be carried out only with development consent.

Clause 2.3(2) of the GTLEP provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the E1 Local Centre zone are:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.

- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure traffic generated as a result of development can be managed in a way that avoids conflict with the desired pedestrian environment.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage employment opportunities in accessible locations.

The proposed development provides a range of commercial tenancies which will meet the needs of people who live and work in the surrounding neighbourhood. The commercial tenancies will also provide local employment opportunities for residents in the surrounding neighbourhood. The additional residential accommodation proposed will provide a much-needed increase in the supply of rental accommodation in the locality and contribute to the diversity of housing in the local area. The residential accommodation will also increase the residential population in the centre which will contribute to the economic viability of businesses in the centre. The uses proposed will contribute to the vibrancy of the centre. The location and design of the vehicle entry minimises potential conflicts with pedestrians. For the reasons given the proposal is consistent with the objectives of the E1 zone.

Height

In accordance with clause 4.3(2) 'Height of Buildings' of the GTLEP the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map'. The maximum height shown for the site is 8.5 metres as shown in Figure 7.

The proposal fully complies with the height control as shown on Drawing 970 prepared by Environa Studio (refer to Figure 8).



Figure 7:

Extract from the GTLEP Height of Buildings Map (Source: E-spatial Viewer 2023)

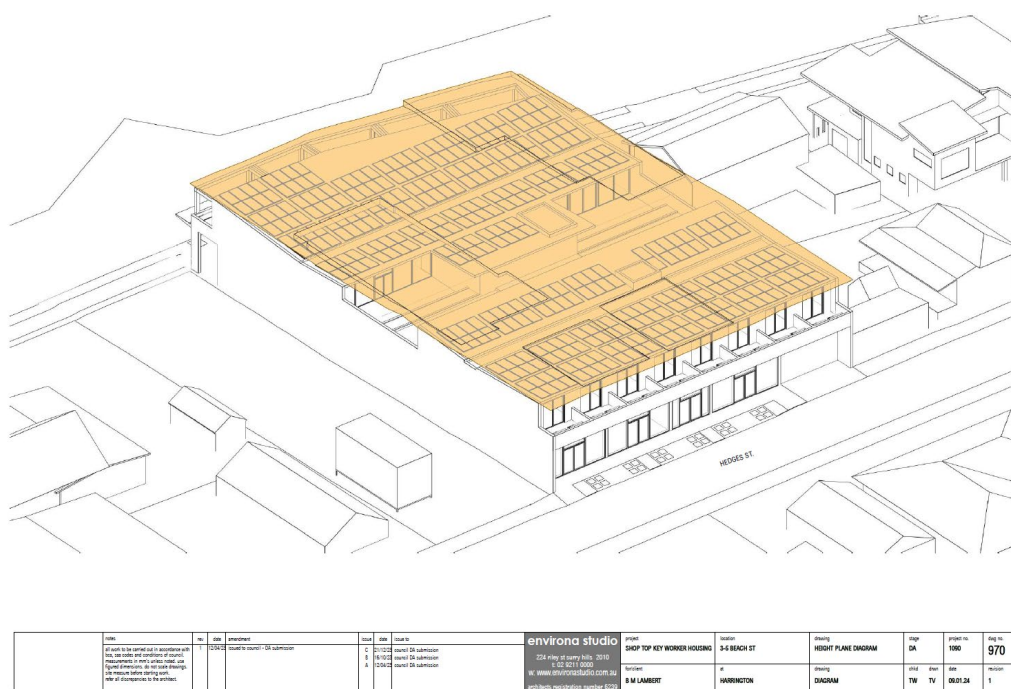


Figure 8:

Extract from Drawing 970 prepared by Environa Studio

Floor Space Ratio

Clause 4.4(2) of the GTLEP provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The site is within area 'K' on the Floor Space Ratio Map and accordingly an FSR of 0.85:1 applies as shown in Figure 9.

As the site has an area of 1,485.1 square metres, a maximum GFA of 1,262.335 is permitted. The proposed development has an FSR of 1.219:1 based on the proposed GFA of 1,888.06 square metres, which equates to an exceedance of 625.725 square metres or 49.56%.



Figure 9:

Extract from the GTLEP FSR Map

Subject to subclause (3) of clause 4.6 development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating –

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

A written request to vary the floor space ratio standard has been prepared on behalf of the applicant and is included as Appendix A of this Statement.

Heritage Conservation

The site is not identified as a heritage item pursuant to Schedule 5 of the GTLEP nor is it located within a heritage conservation area. The closest heritage items to the site are:

- Item I297 – 50 High Street - Norfolk Island Pines (4) – Local Significance
- Item I69 - Graves on Pilot Hill (local significance)

The proposed development will have no impact on the two closest heritage items due to physical separation provided from the items to the proposed development.



Figure 10:

Extract from the GTLEP Heritage Map

Acid Sulfate Soils

Clause 6.1 of the GTLEP relates to acid sulfate soils. The objective of the clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Part of the site, along the southern boundary is identified as Class 3 land and the remainder of the site is identified as Class 5 land, as shown in Figure 11 below.

A Geotechnical Assessment for 5 Beach Street prepared by Regional Geotechnical Solutions accompanies the application. The report shows that the site is situated within an area of no known occurrence of Acid Sulfate Soils. There was no evidence of Actual Acid Sulfate Soils or Potential Acid Sulfate Soils in the fourteen samples that were collected for the Geotechnical Assessment. The report concludes that an Acid Sulfate Soils Management Plan would not be required for the development.

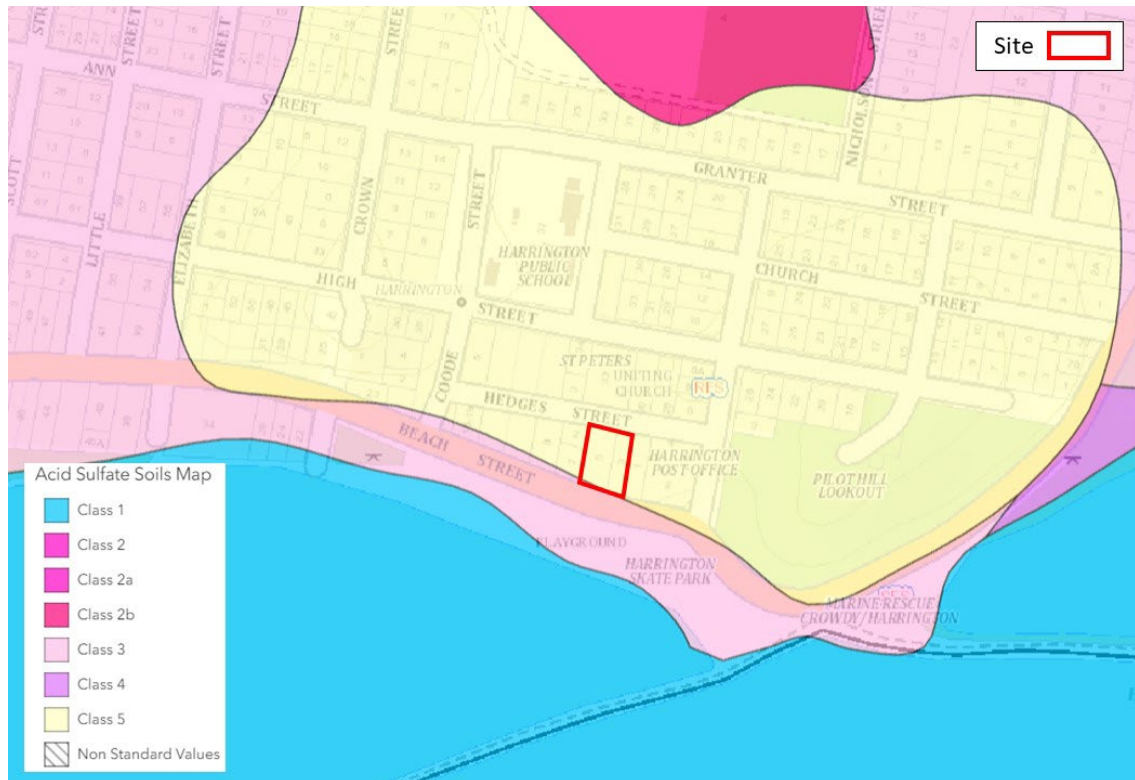


Figure 11:

Extract from the GTLEP Acid Sulfate Soils Map

Earthworks

The development includes excavation for the basement level and OSD. The proposed works are not exempt or ancillary to development for which development consent has been given and therefore development consent is required in accordance with clause 7.3(2).

Subclause (3) set outs a number of matters that the consent authority is required to consider prior to granting development consent for earthworks (or for development involving ancillary earthworks). The proposal's compliance with the requirements of clause 7.3(3) is summarised in the following table.

Consideration under clause 7.3(3)	Comment
(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	A concept stormwater plan accompanies the application to ensure that stormwater from the site is appropriately managed.
(b) the effect of the development on the likely future use or redevelopment of the land	The development allows for the use of the site for a mixed-use development which is permissible

Consideration under clause 7.3(3)	Comment
	and appropriate in the E1 zone.
(c) the quality of the fill or the soil to be excavated, or both,	A condition of consent can be imposed to ensure any fill introduced to the site is uncontaminated and that any excavated soil is appropriately relocated.
(d) the effect of the development on the existing and likely amenity of adjoining properties,	The extent of excavation is consistent with that which can be reasonably expected in local centre and will therefore not result in any unreasonable impacts on the amenity of the adjoining properties. Conditions of consent can be imposed to ensure dilapidation reports are undertaken for structures within the zone of influence of the proposed excavation.
(e) the source of any fill material and the destination of any excavated material,	A condition of consent to ensure any imported fill comes from an appropriate source and that any excavated material removed from the site is appropriately disposed of.
(f) the likelihood of disturbing relics,	Given the site is highly disturbed it is unlikely that any relics will be disturbed during excavation and construction works.
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	Soil and erosion control measures will be implemented so that the proposed earthworks will not result in adverse impacts on any water bodies.
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	Standard construction management measures will be implemented to avoid, mitigate or minimise impacts associated with the proposed earthworks.

Essential services

Pursuant to clause 7.11 development consent must not be granted for development unless that consent authority is satisfied that any of the following services are available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

All services are currently available to the existing dwelling.

4.3 Greater Taree Development Control Plan 2010

The Greater Taree Development Control Plan 2010 (GTDP) was adopted by Council on 14 October 2009 and came into force upon the gazettal of the Greater Taree Local Environmental Plan 2010. The plan applies to all land within the Greater Taree Local Government Area.

The site was within the Greater Taree Local Government Area before local Council amalgamations resulted in the creation of the Mid-Coast Council. As such, the Greater Taree Development Control Plan applies.

Parts A to E, G, M and N of the DCP apply to all developments. Specific development provisions in Parts F, H, I, J, K and L relate to the type of development being undertaken or the location.

This section of the Statement addresses the relevant provisions of the DCP.

4.3.1 Part B Character Statements

Part B1.3.2 of the DCP applies to Harrington. The DCP indicates that the character statement for Harrington is yet to be drafted.

4.3.2 Part D Environmental Requirements

D3 Earthworks, Erosion and Sedimentation

This section of the DCP applies to all land within Greater Taree LGA where any proposed development or land use involves the disturbance of the existing ground surface or placement of fill thereon, and/or result in changes to the shape of the land.

As required by Part D3.2 of the DCP, an erosion and sediment control plan prepared by SGC (Drawing SW400) accompanies the application.

D4 Vegetation Management

Part D4 of the DCP was prepared pursuant to Part 3 of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

Part D4 provides that removal or pruning of vegetation on land to which the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 applies, must comply with the process outlined in the Vegetation Management Policy.

The proposed development does not require the removal of any significant trees.

4.3.3 Part E Flooding Requirements

Council's Mapping indicates the site is within an area where no flood or PMF development control applies.

4.3.4 Part F Heritage Requirements

The site is not identified as a heritage item pursuant to schedule 5 of the LEP nor is it located within a heritage conservation area. The closest heritage items to the site are:

- Item I297 – 50 High Street - Norfolk Island Pines (4) – Local Significance

- Item I69 - Graves on Pilot Hill (local significance)

The proposed development will have no impact on the two closest heritage items due to physical separation provided from the items to the proposed development.

4.3.5 Part G Car parking and Access

The development is consistent with the performance criteria for car parking and access in Part G of the DCP as follows:

- The combined entry/exit driveway has a minimum width greater than 6 metres.
- The basement has a simple circulation pattern and vehicles will enter and leave the site in a forward direction.
- The residential and commercial visitor spaces can be clearly separated.
- The parking areas comply with the AS2890.1 and Council's requirements as detailed in the TPIA prepared by PDC.
- The location and design of the vehicular access point to the site minimises the potential for vehicular and pedestrian conflict.
- 3 spaces are provided for people with a disability.

Part G1.1 requires vehicular driveways, entry and or exit point to:

- a. Be clear of all obstructions which may prevent drivers from having a timely view of pedestrians;
- b. Be located such that any vehicle turning from the street into it or into the street from it can be readily seen by the driver of an approaching vehicle in the street;
- c. Be constructed in accordance with Australian Standard AS2890.1 Parking Facilities - Off Street Car Parking.

The driveway to the basement is located in the north-west corner of the site, in the location of an existing garage. A 2.5 metre by 2.0 metre visual splay is provided on the egress side of the driveway, at the property boundary, in accordance with Figure 3.3 of AS 2890.1. There are no obstructions along the laneway that would prevent drivers from having a timely view of pedestrians.

The Traffic and Parking Impact Assessment prepared by PDC demonstrates that the development complies with the relevant provisions of AS2890.1.

The DCP requires a separate entry and exit to be provided if there is any likelihood that it will be used by vehicles both entering and leaving the site simultaneously which could result in the obstruction or delay or traffic in the street, or where more than 50 car spaces are to be provided. The basement accommodates 42 car parking spaces. A 6.1-metre-wide driveway is proposed which accommodates two-lane, two-way traffic flow.

Part G1.2 sets out the requirements for service vehicle parking. The TIA prepared by PTC addresses service vehicle parking.

Part G1.3 sets out parking requirements for specific land uses. Part G1.4 indicates where the calculation in respect of the level of parking required results in a fraction of a space, the requirement

shall be taken to the next highest whole number. The parking provision is addressed in the TPIA by PDC and in the table below. A total of 40 car parking spaces are required. 42 spaces are proposed.

Use	Car Parking Rate	Required Car parking
Retail/	1 space per 30 square metres of NFA	686 sqm (23 spaces required)
Offices	1 space per 35m2 of NFA. 1 space per 500m2 for courier/service vehicles	308 square metres (9 spaces)
Residential Flat Buildings:	1 space per 1 and 2 bedroom dwelling; 2 spaces per 3 or more bedroom dwellings; 1 space per 4 dwellings for visitor parking for development less than 8 dwellings, otherwise 1 space per 3 dwellings.	1 x 3-bedroom dwelling is proposed. This generates a requirement for 2 spaces for the dwellings and 1 visitor spaces.
Co-living Housing	0.5 spaces per dwelling (SEPP Housing Requirements)	13 co-living dwellings are proposed. 4.5 spaces are required for the development. 5 spaces are required for the co-living housing.

Part H Residential Requirements

Parts H2.1 to H2.10 apply to all forms of residential development. In addition, Part H3 provides specific objectives and performance criteria for particular forms of residential development. **Where an inconsistency arises between H2 and H3 provisions, those within H3 will prevail.**

H2 Primary Residential Requirements	
H2.1 Site coverage and lot requirements	
The maximum site coverage for all residential development is 65%.	The development proposes 100% site coverage. The extent of site coverage is consistent with the site coverage which can be expected in a E1 Local Centre where basement parking is proposed and where the DCP permits nil setbacks to each boundary. The extent of site coverage is also similar to other commercial/mixed use developments in the precinct/E1 zone.
H2.2 Building setbacks	
Zero Lot Lines 1. Where subdivision development has created lots with appropriate building envelopes zero lot line development may be considered.	Nil side setbacks are a feature of the existing development in the precinct and on the site. The development at 5 Beach Street incorporates a zero-lot line to the western

H2 Primary Residential Requirements	
	boundary and formerly had a nil or minimal setback to the east boundary.
2. No section of wall built on a side or rear boundary must be longer than 7.5m without articulation.	As above.
3. For single storey development such walls must not exceed the greater of 50% of the length of the boundary or the length of any adjoining wall on the boundary. The percentage should be decreased to 30% for two storey or greater development.	The development is built to both boundaries for the length of the site. The nil setbacks proposed are appropriate in the E1 zone having regard to the character of other commercial and mixed-use developments in the centre.
4. Zero lot lines may be provided where it can be demonstrated that there is no unreasonable adverse impact on the privacy, amenity or solar access of adjoining properties.	The existing development at 5 Beach Street incorporates a zero-lot line to the western boundary.
5. An easement for support and maintenance of the zero lot line wall (and any services along the side of the dwelling) is to be provided on the adjoining property, except where a 400mm side boundary setback is provided. No overhanging eaves or services will be permitted within the easement; however roof gutters may project into the easement. No excavation is permitted within an easement for support and maintenance. All filling adjacent to an easement for support and maintenance shall be contained within the building footprint i.e. drop edge beams.	An easement for maintenance and support is not required for the proposed development.
6. The S88B instrument relating to the support and maintenance easement is to be worded so that Council is removed from any dispute resolution process	Not applicable.
7. Zero lot line development must comply with the relevant provisions of the BCA.	The development will comply with the provisions of the BCA.
8. No section of a wall built on a side boundary should be longer than 10m (i.e. an internal courtyard or light well will be required to achieve this standard). For single storey development, such walls should not exceed 50% of the length of the corresponding boundary. Two storey walls should not exceed 30% of the length of the corresponding boundary.	The development is built to both boundaries for the length of the site. The nil setbacks proposed are appropriate in the E1 zone having regard to the character of other commercial and mixed-use developments in the centre.
9. The location of zero lot line development shall have regard to dwelling design, allotment orientation, adjoining dwellings,	The proposed nil setbacks do not result in any unreasonable impact on the surrounding properties and are appropriate having regard to

H2 Primary Residential Requirements	
landscape features, topography and proposed and existing infrastructure.	the features of the site.
10. Access to the rear yard of zero lot line development must be provided via a larger side setback on the opposite side of the dwelling, or via a rear garage door provided as a drive through garage.	Not applicable.
H2.3 Building Height	
1. The lowest floor level of all development shall not be greater than 1m above natural ground levels at any point.	The basement is located below natural ground level.
2. In areas mapped as having a permitted building height of 8m or 8.5m, development shall contain not more than two storeys at any given point.	The area is mapped as having a building height of 8.5 metres. The development has a height of 2 storeys and fully complies with the 8.5 metre height limit.
3. In areas mapped as having a permitted building height of 8m or 8.5m, the maximum height to the point of intersection of wall and eaves lines is to be 6m above the corresponding lowest storey at any point along the line of external walls.	The development complies with the maximum height limit in metres and storeys, however due to the roof form proposed and the floor-to-floor heights proposed, the development does not comply with the wall height control.
4. In areas mapped as having a permitted building height of 11.5m, development shall contain not more than three storeys at any given point.	Not applicable.
5. In areas mapped as having a permitted building height of 11.5m, the maximum height to the point of intersection of wall and eaves lines is to be 9m above the corresponding lowest storey at any point along the line of external walls.	Not applicable.
6. Rooftop balconies, terraces and the like are to be considered as a storey.	No roof top balconies or terraces are proposed above the second storey.
H2.4 Car parking and access	
1. Garages and driveways do not dominate the street facade of the development.	A basement car park is proposed that is accessed from Hedges Street. The proposed carpark and driveway arrangements have minimal impact on the public domain.
2. Long straight driveways are to be avoided.	The development does not include a long, straight driveway that is visible from the street. The driveway provides access to the basement.
3. Hardstand areas should be minimised and,	The development does not include hardstand

H2 Primary Residential Requirements	
where soil conditions permit, be substantially constructed using semi-pervious materials to reduce water run-off and increase soil absorption.	areas for car parking.
<p>4. Design for vehicle access and parking should in every instance take into account:</p> <ul style="list-style-type: none"> • The size and number of dwellings proposed • The provision of on-site car parking that is easily accessible by visitors • The effect of sloping land in reducing parking opportunities • The safety of pedestrians, cyclists and vehicles • Efficient use of car spaces and access ways including manoeuvrability for vehicles between the street and the lot. 	The Traffic and Parking Impact Assessment prepared by PDC addresses the adequacy of the proposed driveway design and car parking arrangements on the site.
5. Driveways in all cases are to be at least 3m wide and include an internal radius of 4m at the point where there is a change in direction.	The proposed driveway has a width of 6.1 metres.
6. Special consideration will be given to particular site conditions such as existing vegetation, site drainage, steep access etc.	Noted.
7. Where land has a frontage to a main road all development shall provide sufficient area on site to allow vehicles to enter and leave the site in a forward direction.	All vehicles are able to enter and leave in a forward direction.
H2.5 Private open space	
This section of the DCP sets out requirements for private open space.	<p>The provisions of Part 3 Co-living Housing of SEPP (Housing) 2021 do not require each co-living dwelling to be provided with private open space. The development complies with the communal open space requirements for co-living housing.</p> <p>The apartment within the development complies with the private open space requirements for residential flat buildings set out in Part 4E of the ADG. The apartment has access to an area of private open space that is directly accessible from the living area.</p>
H2.6 Solar access and overshadowing	

H2 Primary Residential Requirements	
1. Shadow diagrams are to be submitted with all new development applications for 2 storeys or greater. The shadow diagrams are to be professionally prepared and based on a survey of the relevant site and the adjoining development / properties. Shadow diagrams are to take into consideration existing vegetation.	Drawing 910 prepared by Environa Studio shows the extent of shadow cast by the proposed development at hourly intervals from 9am to 3pm on 21 June.
2. All new dwellings are to be designed to ensure that the predominant living spaces and the key private open space maximises northern or eastern sun.	The living areas and private open space areas of the apartment faces south to take advantage of views to the river and ocean. As such, the private open space of the apartment does not achieve compliance with the solar access requirements in the ADG. This is acceptable on the basis that Part 4A of the ADG notes that achieving the design criteria for solar access may not be possible where significant views are oriented away from the desired aspect for direct sunlight.
3. The proposed development is to demonstrate that a minimum of 3 hours solar access is achieved between 9:00am and 3:00pm on 21 June to at least 50% of the private open space and to the principle living, dining, family and rumpus room(s) of the proposed dwelling and the adjoining dwellings/properties. Where this cannot be achieved, applicants are to demonstrate that the design maximises solar access.	The shadow diagrams prepared by Environa Studio demonstrate that the adjoining properties at 2 Hedges Street and 7 Beach Street will receive solar access to the majority of the open space between 10am and 2pm on 21 June. The development will not impact on any north facing windows for these two properties from 11am to 3pm. The property at 1 Beach Street is not improved by a dwelling. Despite this, the property at 1 Beach Street will receive solar access to most of the site from 9am to 12 noon on 21 June.
H2.7 Acoustic and visual privacy	
1. Windows and balconies should be designed and oriented to minimise overlooking of main living areas and private open space. Effective design is preferred to the use of screening devices, high sills or obscured glass.	Potential privacy impacts arising from the development have been addressed through ensuring all windows face north or south with no windows facing the side boundary. Circulation spaces have been centrally located on the site to maximise separation to the adjoining properties. Blade walls extend further than the alignment of the north facing windows of the apartments and south facing windows of the co-living apartments to restrict oblique views from the residential component of the development to the adjoining properties.
2. Dwellings are to be sited and designed to	The development will not result in any

H2 Primary Residential Requirements	
limit the potential for noise transmission to the living and sleeping areas of adjacent dwellings.	unreasonable acoustic impacts on the adjoining properties
3. Shared common walls and floors between dwellings must be constructed in accordance with the noise transmission and insulation requirements of the Building Code of Australia.	Compliance with the BCA is a prescribed condition of consent.
4. Where landscape plantings can assist in visual privacy, evergreens must be used and they must be of a size that will visually screen the noise source within 3 years.	Low shrubs and ground covers can be provided to provide separation between the communal area and the windows of co-living units 8 and 9.
H2.8 Views	
1. Provision of a view analysis as a component of a site analysis to indicate that a proposed development reflects the desirability of protecting known views and the principles of view sharing. The view analysis of surrounding development is required to indicate the position of the proposal on its site, the location of adjoining buildings and the degree of view loss, if any, resulting from the proposal.	The proposed development will not result in any unreasonable impact on views, having regard to the topography of the surrounding land.
2. Council may require the erection of a height profile structure certified by a registered surveyor on the site prior to determining an application.	Noted.
H2.9 Safety, security and entrances	
1. Buildings are designed to face the street, with at least one habitable room window which can overlook streets and other public areas to provide casual surveillance of the public domain.	The building incorporates commercial and residential windows and open spaces that overlook both Beach Street and Hedges Street and provide casual surveillance of the public domain.
2. The site layout should ensure that the front entrance to a dwelling is easily identified by visitors and emergency services through design and conspicuous house numbering and that adequate privacy is maintained between individual entrances.	Clear and direct access is provided from the street to the residential lift lobby and a simple circulation space is proposed to the residential dwellings and Levels 2 and 3.
3. Separate and covered pedestrian entry should be provided to each dwelling. In the case of dual occupancy, entries should be either oriented to the street and/or	Not applicable.

H2 Primary Residential Requirements	
separated from driveways and communal areas by a transition zone (e.g. a porch or front verandah).	
4. Front fences, garages and landscaping elements are to be designed not to obstruct casual surveillance to and from the dwelling to permit safe access by residents and visitors to the dwelling.	Clear and direct access is provided from the street to the residential lift lobby and a simple circulation space is proposed to the residential dwellings and Levels 2 and 3.
5. Lighting to the exterior is to be provided to enhance the amenity and security around the dwelling, however, light spill must not adversely impact on adjoining properties.	Standard lighting will be provided at the pedestrian entrances to the building.
6. Buildings should be detailed or articulated in a manner that identifies the entry and expresses individual dwellings to the street frontage where possible.	Not applicable.
H2.10 Front Fencing	
The controls for front fencing area set out in Part 2.10.	Not applicable.

4.3.6 H3.3 Shop Top Housing

The following table summarises the proposed development's compliance with the provisions of H3.3 of the DCP.

Requirements	Comment
Access and entries <ol style="list-style-type: none"> The proposed development should: <ul style="list-style-type: none"> minimise vehicular and pedestrian entry and exit points to the site, provide a defined and well-lit pedestrian safe route. Provide a separate and well-defined entry point(s) to the shop top housing dwellings from the primary street frontage. 	<p>One vehicular access point is provided to the site.</p> <p>Pedestrian access is provided to the dwellings from both Beach Street and Hedges Street through a clearly defined entry point.</p>
Building height, bulk and scale <ol style="list-style-type: none"> The maximum height of buildings is established by Greater Taree LEP 2010 and the associated Height of Buildings Maps. Shop top housing may be designed with flat roof forms in order to maximise the number of storeys within a building. However, such 	<p>The development fully complies with the maximum 8.5 metre height limit.</p>

Requirements	Comment
<p>buildings must feature a high level of architectural design and incorporate appropriate treatments to minimise the visual bulk and scale of the building.</p> <p>3. For shop top housing, basement car parks that do not exceed more than 1m above natural ground level are not considered to be a storey.</p>	
<p>Image and legibility</p> <p>1. The proposed development should:</p> <ul style="list-style-type: none"> blend in with its surroundings and/or be in context with the area, minimise intrusion on adjacent land uses e.g. noise, overshadowing, car parking overflow, vehicles reversing onto public roads, create visual interest internally and with its relationship within the streetscape via building design, materials and colour scheme. 	<p>The development is consistent with the requirements related to image and legibility in that:</p> <ul style="list-style-type: none"> The mixed-use development is consistent with the zoning of the site. The development does not result in any non-complying shadow impacts on the adjoining properties. The development provides a range of uses that are appropriate in the zone and the noise generated by the uses would be consistent with what can be reasonably expected in the zone. The light colour scheme proposed is appropriate in a coastal location. All vehicles can enter and leave the site in a forward direction.
<p>Car parking</p> <p>1. Car parking shall be provided in accordance with Part G of this DCP.</p> <p>2. Basement car parking areas shall include adequate lighting, ventilation and access control/security. To enhance the effectiveness of the lighting system, the walls and ceiling of basement car parking areas shall be painted white.</p> <p>3. The basement car parking area in a mixed-use development which includes shop top housing must provide a separate car parking area for the residents and visitors to the shop top housing. The resident and visitor car parking area must have controlled access via electronic and mechanical means to eliminate parking conflict between residents/visitors and the employees and customers of the business/commercial component of the development.</p> <p>4. Traffic calming measures should be provided to ensure a safer vehicle and pedestrian</p>	<p>The proposed car parking for the development complies with the requirements of Part G of the DCP.</p> <p>The basement car park will be provided with adequate lighting and ventilation. The residential car park area is separate from the commercial area to maximise the safety and security of residents.</p> <p>The driveway and basement parking area is located away from the residential component which is located on Level 2 of the development.</p>

Requirements	Comment
environment where required. 5. Driveways, manoeuvring areas, parking areas and garages are to be located away from bedrooms.	
Servicing 1. Each dwelling shall be provided with a separate secure storage space of 8m ³ . This space is to be provided exclusively for storage purposes and must be provided in addition to any garage space.	The apartment is provided with the required storage as detailed on Drawing 982 prepared by Environa Studio.
Security 1. The proposed development should be designed to comply with Council's Safer by Design Guidelines	<p>The proposed development provides opportunities for the natural surveillance of Beach Street and Hedges Street from the bedrooms and living areas of the apartments within the development. The pedestrian entries to the development will be appropriately lit at night to enhance safety, visibility and legibility.</p> <p>Effective access control has been achieved through the provision of physical and symbolic barriers to attract, channel and/or restrict the movement of people.</p> <p>The internal areas within the development such as the entrances and lobbies will be well used by residents. The use and supervision of the common areas will reduce the opportunities for crime.</p>

4.3.7 General controls applying to all business zone areas

The following table summarises the proposed development's compliance with the provisions of Part I1 of the GTDCP.

Requirements	Comment
Function and Uses 1. Development within business zones shall incorporate a range of local retail, commercial, entertainment, childcare, residential and community uses to serve the needs of the local community.	The development incorporates eight ground floor retail premises and a commercial tenancy on Level 2. The development also includes 9 co-living dwellings and apartments and 1 apartment.
Layout/Design 1. The layout and location of business zone uses must consider potential future noise and amenity conflicts for both the subject	<p>The layout of the development has been designed to minimise future noise and amenity conflicts in that:</p> <ul style="list-style-type: none"> Potential privacy impacts arising from

Requirements	Comment
<p>development and adjoining/nearby development.</p> <p>2. Where development fronts the street or any other public place (including car parking areas and pedestrian thoroughfares) the development must be designed so that it addresses the street or public place.</p> <p>3. New development must not detract from significant existing views and vistas.</p>	<p>the development have been addressed through ensuring all windows face north or south with no windows facing the side boundary. Circulation spaces have been centrally located on the site to maximise separation to the adjoining properties. Blade walls extend further than the alignment of the north facing windows of the apartments and south facing windows of the co-living apartments to restrict oblique views from the residential component of the development to the adjoining properties.</p> <ul style="list-style-type: none"> • The shadow diagrams prepared by Environa Studio (Drawing 910) show that the development will not generate any unacceptable impacts on the solar access to the adjoining properties. The adjoining properties at 7 Beach Street and 2 Hedges Lane will receive solar access to north facing windows and the private open space from 11 am to 3pm. The property at 1 Beach Street, which is not a residential property, will receive solar access from 9 am to 12 noon. • The proposed non-residential uses are permitted with consent in the zone and accordingly noise associated with the normal operation of these uses can be reasonably expected in the zone. It is expected that a separate DA will be required for the restaurant so that the specific operational requirements and associated noise impacts can be assessed in detail. • The residential uses are not expected to result in any unreasonable acoustic impacts on the surrounding properties, having regard to the specific management measures proposed for the co-living communal areas and the location of the private open space area of the apartment, which faces south to the Manning River and Ocean. <p>The development has been designed to address both Beach Street and Hedges Street with an active ground floor proposed</p>

Requirements	Comment
	<p>to both street frontages, open space areas that provide the opportunity for the surveillance of the public domain and residential and commercial windows overlooking both streets.</p> <p>The proposed development will not result in any unreasonable impacts on views and vistas.</p>
<p>Built Form and Appearance</p> <ol style="list-style-type: none"> 1. Buildings should have a similar mass and scale to create a sense of consistency. Within business zones, generally there will be gradation of massing from a dense inner core to a less dense outer edge to provide an appropriate interface with land uses in the adjoining zones and symmetry to the building. 2. Business development must feature high quality architectural design and a built form that promotes a sense of place and contemporary character for all business zones. 3. Development in business zones must be compatible with surrounding business development in terms of appearance, type, bulk and scale, design and character. 4. Building wall planes must contain variations and architectural design features in their front facades in order to provide visual interest. 5. Where multiple tenancies are located within the one building, each tenancy must be defined by appropriate architectural design features (eg. the integration of vertical elements into the façade). 6. Consideration is to be given to the interface where the building and awning abuts an adjoining development to ensure compatibility. 7. Roof forms should be appropriately designed to respond to the built form of other nearby business development. The design of roofs may adopt traditional forms found in the immediate locality, or alternatively they may adopt a more contemporary appearance to juxtaposition to traditional roof forms. However, it must be clearly demonstrated that the proposed roof form relates appropriately to the existing adjoining development. 	<p>The proposed development is considered to be visually compatible with its context or in harmony with the commercial and mixed use developments in the site and the desired character of the E1 zone for the following reasons:</p> <ul style="list-style-type: none"> • The proposed uses are consistent with the uses permitted in the E1 zone. • Requirement 3. Under 'Built Form and Appearance' in Part 1 'Commercial Requirements' of the DCP is: 'Development in business zones must be compatible with surrounding business development in terms of appearance, type, bulk and scale, design and character.' <p>This requirement indicates there is no expectation in the DCP that development in a business zone will be the same as the scale, design and character of low-density residential development in the zone.</p> <ul style="list-style-type: none"> • The proposed front, side and rear setbacks of the development are entirely consistent with the setbacks of other commercial and mixed-use development in the zone and the setbacks permitted by the DCP. • The site coverage of the development is consistent with the site coverage that can reasonably be expected in an E1 zone and the site coverage of commercial and mixed-use developments found in the precinct. • The development complies with the 8.5 metre height limit to ensure the scale of

Requirements	Comment
<p>8. New development must not cause significant overshadowing or overlooking of public places, relative to the patterns of usage of those places.</p> <p>9. Where a building addresses a corner:</p> <ul style="list-style-type: none"> the entrance should be on or near the corner; the building should have positive frontage to both streets (i.e. windows and doors that overlook the streets and provide passive surveillance); and the corner should be emphasised through a built form element such as a landmark feature. <p>10. Buildings on corner lots may have feature elements that exceed the building height limit prescribed in LEP 2010 subject to compliance with Clause 5.6 of the LEP.</p> <p>11. Where a building addresses a public space, buildings must always address and embellish that public space. Public spaces may include a street, any form of urban open space (e.g. courtyard, plaza, etc), or any form of landscaped open space. This must also help contribute towards placemaking.</p> <p>12. Service infrastructure such as air conditioning and other plant must be screened from public view and must be incorporated into the design of the building.</p> <p>13. Site facilities such as loading, waste storage, servicing and other infrastructure shall be designed to minimise the visual impact on the public domain and impacts on neighbours.</p> <p>14. Security devices shall be integrated with the design of the building and shall enable design features to be interpreted outside centre trading hours.</p>	<p>the development is compatible with the scale of development in the centre.</p> <ul style="list-style-type: none"> The colours and materials are consistent with the range of colours found in the streetscape. The light colours are consistent with the light colours that naturally occur in a coastal environment. The flat roof form is consistent with the significant variation in roof forms in the zone.
<p>Pedestrian Amenity</p> <p>1. Business development must be designed to facilitate high levels of pedestrian amenity and permeability, including access and facilities for cyclists.</p> <p>2. Development is to incorporate appropriate measures for convenient, weather sheltered access for pedestrians, including access to other land.</p> <p>3. Buildings should be designed to minimise</p>	<p>The development incorporates a 4.1-metre-wide, covered pedestrian arcade that extends from Beach Street to Hedges Street. The colonnade improves permeability in the local centre.</p> <p>The development includes a 3.1 metre wide covered, outdoor seating area adjoining the southern boundary and a covered pedestrian entry to the development.</p> <p>The development results in no shadowing of</p>

Requirements	Comment
overshadowing of pedestrian thoroughfares and footpaths wherever possible.	the parkland on the southern side of Beach Street as shown by the shadow diagrams included at Drawing 910.
Public Domain <ol style="list-style-type: none"> 1. Development must include a high-quality landscape design including a co-ordinated package of street furniture and lighting that enhances the character of the business zone. The design of landscaping and the public domain must be generally in accordance with Part N of this DCP. 2. The building and landscape design is to be complementary to ensure legible, safe, comfortable and easy access for pedestrians from the street frontages, within the business zone and to adjoining land, where appropriate. 3. Street tree and open space plantings are to provide generous shade for pedestrians. 4. All signage and advertising is to be designed in a coordinated manner. 	<p>The development includes publicly accessible spaces in the front setback for outdoor seating associated with the four retail tenancies and a pedestrian Arcade. No additional public domain works are proposed.</p> <p>Any required signage for the development will be the subject of a separate development application.</p>
Parking and Access <ol style="list-style-type: none"> 1. The visibility of parking areas at street frontages shall be minimised through parking layout and design, building location and design and landscaping treatments. Bitumen and cars are not to be the dominant features of the landscape. 2. Parking areas shall be designed to enable legible, safe, comfortable and easy access for pedestrians from the street frontages, within the centre and to adjoining land, where appropriate 3. Car parking shall be provided in accordance with Part G of this DCP. 	A basement car park is proposed and as such the car park will have no impact on the streetscape of Beach Street or Hedges Street.
I2 Landscaping	
<ol style="list-style-type: none"> 1. Landscape treatment to commercial premises should be in scale with the buildings. The emphasis should be on providing large single areas of planting, rather than smaller, isolated planting beds, which are more prone to vandalism. Species selection should be confined to masses of a few species that are large enough to deter vandalism. 2. Physical barriers such as raised planters may be necessary in places of high pedestrian traffic. 	The landscaping proposed on Level 2 will be only accessible to residents and occupants of the commercial tenancy and will be therefore largely protected from vandalism.

Requirements	Comment
<p>Contrasting paving, such as unit paving, should be used to define and direct pedestrian to the major entry points.</p> <p>3. Where practical, loading docks and service areas should be screened from public view.</p> <p>4. Security of property and the public by careful placement and selection of plant material should be considered using the criteria of Crime Prevention through Design (CPTD).</p>	

Part M Site Waste Minimisation and Management

A Waste Management Plan prepared by MRA Consulting Group accompanies the application. The report addresses the management of demolition and construction waste and operational waste management arrangements.

Part N Landscaping

As the site is located in a local centre, the development proposes 100% site coverage. Communal open space is proposed for the residential component of the development. The communal open space areas include landscaped planters.

Part O Signage and Advertising requirements

Any signage required for the development will be the subject of a separate approval, where required.

5.0 SECTION 4.15 CONSIDERATIONS

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979. Guidelines to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning (now the Department of Planning, Housing and Infrastructure) and are included below.

5.1 The provisions of any planning instrument, draft environmental planning instrument, development control plan or regulations

The proposal is permissible pursuant to the Greater Taree Local Environmental Plan 2010 and the co-living provisions in SEPP (Housing) 2021. A clause 4.6 request has been prepared in relation to the proposed variation to the floor space ratio development standard.

The proposal's consistency with the provisions of the Greater Taree Development Control Plan 2010 has been detailed in this Statement.

5.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Context and Setting

What is the relationship to the region and local context in terms of:

- the scenic qualities and features of the landscape?
- the character and amenity of the locality and streetscape?
- the scale, bulk, height, mass, form, character, density and design of development in the locality?
- the previous and existing land uses and activities in the locality?

The existing low-density residential development in the centre is not permitted with consent under the current zoning and is inconsistent with the objectives of the zone. The proposal is consistent with the E1 Local Centre zoning of the site and will revitalise the local centre by providing a range of commercial spaces and introducing additional housing in the centre. The residential component of the development will contribute to housing supply in the area and the co-living housing will provide much needed rental accommodation.

The proposed development fully complies with the 8.5 metre height limit and the setbacks are appropriate in the local centre zone.

What are the potential impacts on adjacent properties in terms of:

- relationship and compatibility of adjacent land uses?
- sunlight access (overshadowing)?
- visual and acoustic privacy?
- views and vistas?
- edge conditions such as boundary treatments and fencing?

The proposed development incorporates appropriate design elements to ameliorate potential amenity impacts to adjoining properties. The proposed development will have no significant or unreasonable

impacts on the adjacent properties. The development maintains satisfactory levels of aural and visual privacy, does not result in any unreasonable impacts on views.

Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- travel demand?
- dependency on motor vehicles?
- traffic generation and the capacity of the local and arterial road network?
- public transport availability and use (including freight rail where relevant)?
- conflicts within and between transport modes?
- traffic management schemes?
- vehicular parking spaces?

The proposed development provides appropriately for car parking and will not result in any adverse impact on the capacity of the local road network as detailed in the TPIA prepared by PDC.

Public domain

The property's presentation in a streetscape context will be enhanced as a consequence of the proposed development. The proposal responds to the built form characteristics of development within the site's visual catchment.

Utilities

Existing utility services will adequately service the development.

Flora and fauna

The site does not contain any significant trees or vegetation.

Waste collection

A Recycling and Waste Management Plan accompanies the application which details how demolition, construction and ongoing waste will be managed.

Natural hazards

The site is not affected by any known hazards.

Economic impact in the locality

The proposed development will provide temporary employment through the construction of the development and through the employment provided by the commercial tenancies in the building.

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

- size, shape and design of allotments?
- the proportion of site covered by buildings?
- the position of buildings?
- the size (bulk, height, mass), form, appearance and design of buildings?
- the amount, location, design, use and management of private and communal open space?
- landscaping?

The site is within the E1 Local Centre zone. The nil setbacks proposed to the front, side and rear boundaries are consistent with the setbacks provided for other development in the centre.

How would the development affect the health and safety of the occupants in terms of:

- lighting, ventilation and insulation?
- building fire risk - prevention and suppression/
- building materials and finishes?
- a common wall structure and design?
- access and facilities for the disabled?
- likely compliance with the Building Code of Australia?

The proposed development will comply with the provisions of the Building Code of Australia as required by the Environmental Planning and Assessment Regulation 2021. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

What would be the impacts of construction activities in terms of:

- the environmental planning issues listed above?
- site safety?

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

5.3 The suitability of the site for the development

Does the proposal fit in the locality?

- are the constraints posed by adjacent developments prohibitive?
- would development lead to unmanageable transport demands and are there adequate transport facilities in the area?
- are utilities and services available to the site adequate for the development?

The adjacent development does not impose any insurmountable development constraints. There will be no excessive levels of transport demand created.

Are the site attributes conducive to development?

The site does not have any physical or engineering constraints which would prevent the proposed development from occurring.

5.4 Any submissions received in accordance with this Act or the regulations

It is envisaged that any submissions made in relation to the proposed development will be appropriately assessed by Council.

5.5 The public interest

The development is in the public interest in that:

- The development is necessary to support the redevelopment of the site and revitalisation of the centre. The current FSR control has not stimulated development in precinct and as such there are numerous sites in the centre that have not been redeveloped in a manner that supports the E1 zoning of the site and the objectives of the site.
- The development enables the provision of additional commercial floor space in the area which increases employment opportunities in the area.
- The development provides additional commercial premises and residential accommodation in the E1 centre which will contribute to the vibrancy and viability of the centre.
- The development contributes to the supply and diversity of housing in the local centre which is necessary to address housing availability issues. The co-living housing proposed increases the supply of rental accommodation as the co-living housing cannot be subdivided. The additional apartment proposed provides the opportunity for both additional rentals or owner occupied housing.
- The development maximises internal amenity for future occupants.

6.0 CONCLUSION

The relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 have been addressed in this report and the proposed development has been found to be consistent with the objectives of all relevant planning provisions.

The proposal is permissible with Council's consent within the zone and meets the relevant objectives of the GTLEP. In accordance with Clause 4.6 of the LEP, variations are proposed to the floor space ratio development standard.

The development is in the public interest in that:

- The development is necessary to support the redevelopment of the site and revitalisation of the centre. The current FSR and height controls have not stimulated development in precinct and as such there are numerous sites in the centre that have not been redeveloped in a manner that supports the E1 zoning of the site and the objectives of the site.
- The development enables the provision of additional commercial floor space in the area which increases employment opportunities in the area.
- The development provides additional commercial premises and residential accommodation in the E1 zone which will contribute to the vibrancy and viability of the centre.
- The development contributes to the supply and diversity of housing in the local centre which is necessary to address housing availability issues. The co-living housing proposed increases the supply of rental accommodation as the co-living housing cannot be subdivided. The additional apartments proposed provide the opportunity for both additional rentals or owner occupied housing.
- The development maximises internal amenity for future occupants.

The site is suitable for the development proposed which will positively contribute to the diversity in housing stock and availability within the area. The proposal will have acceptable impacts on both the environment and the amenity of the locality. For reasons outlined in this Statement of Environmental Effects the proposed development at 3-5 Beach Street, Harrington should be granted development consent.

APPENDIX A

CLAUSE 4.6 FLOOR SPACE RATIO

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Sutherland & Associates Planning