

**HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL  
COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	2017HCC048 DA
<b>DA Number</b>	123/2018/DA
<b>LGA</b>	Mid-Coast Council
<b>Proposed Development</b>	Staged 204 Lot Community Title Subdivision including 203 dwellings, Recreation Facilities and Accessways
<b>Street Address</b>	Pt Lot 3115 DP 1233800 Boambee Street Harrington
<b>Applicant/Owner</b>	Roche Group Pty Ltd
<b>Date of DA lodgement</b>	22-Sep-2017
<b>Number of Submissions</b>	11
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	Capital investment Value > \$20M and lodged before 1 March 2018
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy 71 – Coastal Protection (SEPP 71)</li> <li>• NSW Coastal Policy 1997</li> <li>• Draft State Environmental Planning Policy (Coastal Management) 2016</li> <li>• State Environmental Planning Policy (BASIX)</li> <li>• Greater Taree Local Environmental Plan 2010</li> <li>• Greater Taree Development Control Plan 2010</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Architectural Plans</li> <li>• Statement of Environmental Effects</li> <li>• Stormwater Management Plan</li> <li>• Traffic Engineering Report</li> <li>• Review of Proposed Density increase of North-East Catchment</li> </ul>
<b>Report prepared by</b>	Petula Bowden- Senior Town Planner
<b>Report date</b>	

**Summary of s79C matters**

**Yes**

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

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**Legislative clauses requiring consent authority satisfaction**

**Yes**

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

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

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**Clause 4.6 Exceptions to development standards**

**Not  
Applicable**

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

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**Special Infrastructure Contributions**

**Not  
Applicable**

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

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

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**Conditions**

**Yes**

Have draft conditions been provided to the applicant for comment?

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

## EXECUTIVE SUMMARY

This report considers a Development Application (DA) for an 'integrated housing' development consisting of a subdivision to create 203 community title residential lots and dwellings and one community association lot containing recreation facilities and including new private roads over ten (10) stages.

The proposal has been advertised in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. Following exhibition of the application eleven (11) written submissions have been received.

This report provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979. The consent authority must be satisfied in relation to a number of provisions in relevant environmental planning instruments applicable to the proposal before granting consent to the development. A detailed assessment of the relevant clauses is noted within the report. A summary is also provided below

- Clauses 8, 14, 15 and 16 of SEPP No. 71 – Coastal Protection. The proposed development has been assessed against the assessment criteria and is considered acceptable.
- Schedule 3 of SEPP Infrastructure 2007. The development did not require referral to the NSW RMS, but was assessed based on RMS traffic generating criteria and found to be satisfactory.
- Draft SEPP (Coastal Management) 2016. The proposed development is considered consistent with the aims and objectives of the draft SEPP as it will not have any adverse impact on the coastal waters or the foreshores in the vicinity.
- Clauses 4.1, 4.3, 4.4, 5.5, and 7.1 of Greater Taree Local Environmental Plan 2010. All clauses of this LEP relating to permissibility, height, Floor space ratio, acid sulphate soils and development within the coastal zone are complied with.

The proposal is referred to the Joint Regional Planning Panel for determination pursuant to Part 4 'regional development' of State Environmental Planning Policy (State and Regional Development) 2011 as the proposed development is listed within Schedule 4A of the EP&A Act, being development with a capital investment value greater than \$20M and lodged before 1 March 2018. The capital investment value (CIV) of the proposed development is \$45,390,000 which exceeds the CIV threshold of \$20 million for Council to determine the DA. The application is to be determined by the Hunter and Central Coast Joint Regional Planning Panel.

The assessment of the proposed development has adequately addressed all consent considerations required by the above environmental planning instrument clauses. It is therefore considered that the Panel can proceed with determining the Development Application, subject to the recommended conditions of consent.

## SUMMARY OF RECOMMENDATION

That the Panel determine DA 123/2018 for a staged community title subdivision to create 203 residential lots, construction of 203 single storey dwellings, 1 lot for the construction of community facilities, roads and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached in Annexure A.

## SUBJECT SITE AND LOCALITY

The site is commonly known as Pt Lot 3115 Boambee Street Harrington and is legally identified as Pt Lot 3115 DP 1233800.

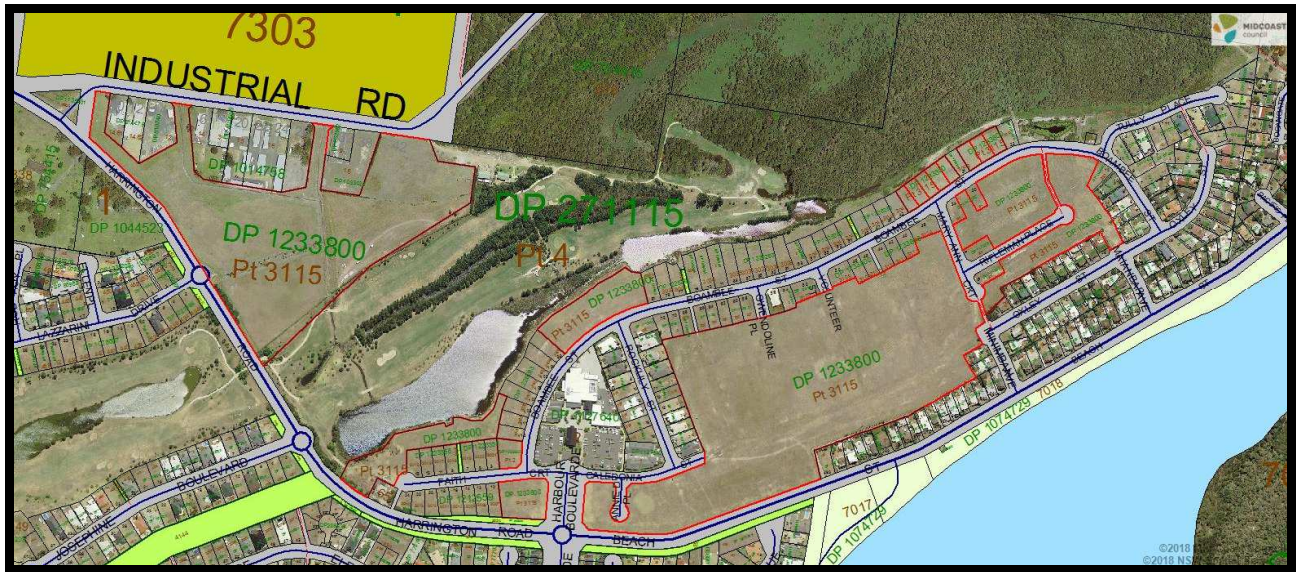


Figure 1 : Location Map

Lot 315 is comprised of several disparate parcels. The portion of this lot proposed to be developed for the purpose of this proposal is shown in Figure 2. as proposed lot 1000 in a subdivision of lot 3115, with an area of 8.8hectares.



Figure 2: Site

Lot 1000 is proposed in an unregistered subdivision of Lot 315. Council consented to the subdivision on 19 January 2018 (DA 249/2018).

The subject site is located within the village of Harrington and has frontage to Harrington Road to the south; Caledonia Street to the west; and Gwendoline Place and Volunteer Street to the north. The lot is largely rectangular in shape and generally flat (having been filled

previously to achieve the current landform). Levels across the site range between RL 2.3m to 3.8m AHD.

The site is not identified as flood prone, despite the 1:100 year ARI flood level being identified as RL2.89m AHD. Lower areas of the site generally correspond with the alignment of roads associated with previous developments.

The site is clear of vegetation, being largely managed grass.

The site is located within the township of Harrington adjacent to existing residential development and the Manning River. All adjoining roadways are sealed with the locality having access to Harrington town centre via Beach Street.

## **ATTACHMENTS**

- A: Architectural Plans
- B: Statement of Environmental Effects
- C: Stormwater Management Plan
- D: Traffic Engineering Report
- E: Review of Proposed Density increase of North-East Catchment

## **APPLICATION CHRONOLOGY**

The relevant history of the DA is summarised in the following table:

Date	
13/12/2016	Pre-lodgement Meeting with Council officers
22/09/2017	DA lodged with Council
6/11/2017	Registration of DA with JRPP
6/11-23/11/2017	Neighbour Notification and Advertising of DA

## **THE PROPOSAL**

DA 123/2018 seeks approval for development to be carried out in stages comprising a: Community Title subdivision to create 203 residential lots; construction of 203 single storey dwellings (in an “integrated housing” style of development); 1 lot for the construction of recreation facilities and associated site works.

The proposed layout for the site is depicted in Figure 3.



Figure 3: Proposed layout

Specifically the proposed development involves:

- a. Community Title Subdivision of Lot 1000 to create Lot 1 Community Property Lot of 2984m<sup>2</sup> and Community Development Lot 2 of 8.502 ha.
- b. Community title subdivision creating 204 separate allotments (each dwelling will be located on an individual lot (being Lots 2 through to 204, with a typical size of 228m<sup>2</sup> or 247m<sup>2</sup>, with the roads (Open Accessways) and recreation facilities located on proposed Lot 1;
- c. 203 Single Storey Dwelling Houses, consisting of 7 different housing types as described below:
  - i. 68 x Type A: Single storey, 3 bedroom, 165m<sup>2</sup> floor area (including double garage);
  - ii. 23 x Type B: Single storey, 3 bedroom, 163m<sup>2</sup> floor area (including double garage);
  - iii. 17 x Type C: Single storey, 3 bedroom, 163m<sup>2</sup> floor area (including double garage);
  - iv. 20 x Type D: Single storey, 3 bedroom, 164m<sup>2</sup> floor area (including double garage);
  - v. 42 x Type E: Single storey, 2 bedroom duplex, 166m<sup>2</sup> floor area each (including double garage);
  - vi. 31 x Type F: Single storey, 2 bedroom, 145m<sup>2</sup> floor area (including single garage); and
  - vii. 2 x Custom: Single storey, 2 bedroom, 150m<sup>2</sup> floor area (including single garage).

Construction of the subdivision and dwellings will occur in 10 separate stages. Dwelling construction will occur prior to subdivision for each stage.

- d. Community facilities including:
  - i. Club House containing games room, function room and kitchen;
  - ii. Gymnasium;
  - iii. Swimming pool; and

- iv. Tennis court.
- e. Central east-west street with 7m carriageway width within 17m wide reserve (Open Accessway);
- f. Local streets(private), typically being 5.5m carriageway width within a 15m wide reserve (Open Accessway);
- g. 63 visitor parking spaces distributed throughout the development (plus 331 garage spaces);
- h. Utility services including water, vacuum sewer, electricity and telecommunications;
- i. Stormwater management system including infiltration for water quality control; and
- j. Street tree plantings consisting of:
  - *Elaeocarpus eumundii* (Quondong);
  - *Trisaniopsis 'luscios'* (Water Gum);
  - *Cupaniopsis anarcardoides* (Tuckeroo); and
  - *Syzygium australe* (Brush Cherry).

The capital investment value of the works is estimated at 45.3 million.

The development when completed will be managed through a formal Community Management Scheme. A Community Management Statement will be required to be provided to Council for endorsement, through a condition of consent, prior to release of the Subdivision Certificate.

The development's community recreation facilities will be owned and managed by the Community Association and available for use by all residents and invited guests. All roads will be owned and maintained by the Community Association, as will all landscaping and street trees.

## PLANNING ASSESSMENT

### SECTION 79C MATTERS FOR CONSIDERATION -

The following matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979*, are relevant in considering this application:

- a) The provisions of any environmental planning instrument; any proposed instrument that is or has been the subject of public consultation and which have been notified to the consent authority; any DCP; any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F; any matters prescribed by the regulations; any coastal zone management plan that apply to the development application on the subject land.***

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

Clause 20 of this policy cross-references Schedule 4A of the EPA Act 1979 Act which identifies a range of developments that due to their nature, scale, impact or location are deemed to be of regional significance. General development that has a capital investment value over \$20 million falls within this range. Such applications require that the Joint Regional Planning Panel (JRPP) become the consent authority.

The subject development has a CIV of in excess of \$45 million therefore requiring determination by a Joint Regional Planning Panel. In accordance with this requirement the application is referred to the Hunter and Central Coast Joint Regional Planning Panel for determination.

### State Environmental Planning Policy 71 – Coastal Protection (SEPP 71)

The provisions of State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71) apply to the subject site as the land is located within the coastal zone. The site is not located in a sensitive coastal location, as defined by SEPP 71.

The proposed development is considered to satisfactorily address both the aims and the relevant provisions of SEPP 71.

In accordance with Clause 7 of this SEPP, the consent authority is required to have regard to the matters for consideration identified under clause 8 in the assessment of the application.

To this end, the proposal has been assessed and is considered to be consistent with the relevant matters as listed under Clause 8 of the SEPP:

*(a) the aims of this Policy set out in clause 2*

Comment: The development is entirely consistent with the aims of the SEPP.

*(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved, opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability*

Comment: The subject site does not front the foreshore. However, a pedestrian pathway from the development site to Beach Street ensures ready access to the coastal foreshore.

*(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability*

Comment: The development does not limit access to the foreshore.

*(d) the suitability of development given its type, location and design and its relationship with the surrounding area*

Comment: The proposed development is consistent in form with the adjoining development and continues to secure access to the Manning River foreshore

*(e) any impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore .*

Comment: The proposed development is for a community title development which will not adversely impact on foreshore amenity.

*(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities*

Comment: The proposed development is unlikely to have a detrimental impact on the scenic quality of the coast. The site is not situated in a visually prominent coastal location nor on a



section of the coast with any notable features or with state significance. As such, the scenic qualities of the New South Wales coast are unlikely to be diminished to any degree by the proposed development.

*(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats*

Comment: No specific measures are required as no impacts on threatened species are likely.

*(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation, and their habitats*

Comment: No specific measures are required as no impacts on the marine environment are likely.

*(i) existing wildlife corridors and the impact of development on these corridors*

Comment: No specific measures are required as no impacts on wildlife corridors are likely.

*(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.*

Comment: The development will not be impacted by any known coastal hazards due to its location relative to the high water mark. Conversely the development will not have any reciprocal impact on any known coastal processes.

*(k) measures to reduce the potential for conflict between land-based and water-based coastal activities.*

Comment: Stormwater treatment and conveyance as well as sediment and erosion control measures will be employed to ensure that the development does not conflict with current water-based aquaculture.

*(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.*

Comment: There are no records of any sites of aboriginal heritage being present on this site.

*(m) likely impacts of development on the water quality of coastal waterbodies*

Comment: The development will not discharge any untreated stormwater into the river. Specific water quality and quantity controls will ensure minimal impact of the development on the adjoining river.

*(n) the conservation and preservation of items of heritage, archaeological or historic significance.*

Comment: As previously noted, there are no items of heritage significance, or any features with archaeological or historic significance on the land listed as per schedule 5 of GTLEP 2010.

*(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities*

Comment: n/a

*(p) (i) the cumulative impacts of the proposed development on the environment*

*(ii) measures to ensure that water and energy usage by the proposed development is efficient.*

Comment: A water sensitive urban design stormwater system is to be implemented that has at its centrepiece the use of rainwater tanks for each future dwelling to ensure as much stormwater is captured and re-used as possible.

In addition to the above, it is also considered that the proposed development is consistent with the remaining matters for consideration under clause 8 and the additional requirements specified under clauses 14, 15 and 16 of Part 4 (development control) of the SEPP. In this regard, the development does not result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore; the lots are connected to a reticulated sewerage system; and a water sensitive stormwater design will be implemented to ensure no untreated stormwater will be discharged into the ocean.

It is concluded that the proposed design will not adversely impact on coastal views or amenity and will not restrict public access to the foreshores.

#### State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of SEPP Infrastructure identifies those developments that, due to either their scale or location (on or near an arterial road) require referral to Roads and Maritime Services (RMS) as traffic generating developments. Subdivisions are listed as a type of development requiring referral to the RMS, but only where they consist of more than 200 lots and the opening of a public road; or where they include a connection to a classified road, either directly or indirectly via another road within 90m of the classified road.

The proposed subdivision involves 204 lots but does not involve the opening of a public road and does not include a direct or indirect connection to a classified road, as Harrington Road is a local road. As such, the proposed development is not affected by the provisions of this SEPP. The application was however referred to RMS for comment given the number of lots to be created and the single point of access into the broader locality.

The RMS responded to advise that they have no objection to or requirements for the proposed development as there would be no significant impact on the nearby classified (State) road network.

According to the RMS 'guide to Traffic Generating Developments', the development upon completion is likely to generate in the order of 9 vehicle trips per dwelling per day. Traffic movements will all occur via Caledonia Street and Harbour Boulevard onto Beach Street or Harrington Road to exit the community development. Given existing traffic conditions in the surrounding road network it is considered that the additional traffic to be generated by the proposal is likely to have a negligible impact on these conditions and the efficacy of the intersection. As such, the additional traffic generated is likely to be accommodated by both the existing road network and the existing roundabout intersection at Beach Street and Harrington Road.

#### NSW Coastal Policy 1997

The Policy applies to the site as it is located within the Coastal Zone. Relevant to the principles of the Policy, the proposed development will not compromise the natural, cultural heritage (both indigenous and European) and spiritual values of the coastal area. The proposed development is considered to be well suited to its location, utilising existing infrastructure and will encourage a more compact form of urban development consistent with the desired future character for the area.

## Draft State Environmental Planning Policy (Coastal Management) 2016

The draft Policy is a matter for consideration under Section 79C of the EPAA 1979 in respect of the proposed development and when introduced will replace SEPP 71, SEPP 14 and SEPP 26.

Land within the subject site is mapped as both Coastal Environmental area and Coastal Use area.

The aim of the Policy is to manage development in the coastal zone whilst protecting environmental assets. In this regard the proposed development is considered satisfactory having regard to the matters listed for consideration in clauses 14 and 15 of the draft Policy.

Coastal Use areas represent some of the most economically and socially valuable land in NSW. Development in this area should ensure adequate consideration of the specific public interest in coastal areas. Proposals must address criteria such as maintaining public access to beaches, foreshores and headlands; minimizing overshadowing and loss of views from public places; preserving the scenic nature of the coast and protecting aboriginal cultural heritage.

Coastal Environmental areas are comprised of state waters, estuaries, coastal lakes and lagoons. The purpose of these areas is to protect the values, assets and features of these waters and the natural features on the adjoining land. Development is permitted in the coastal area but must recognize the important environmental values of the area.

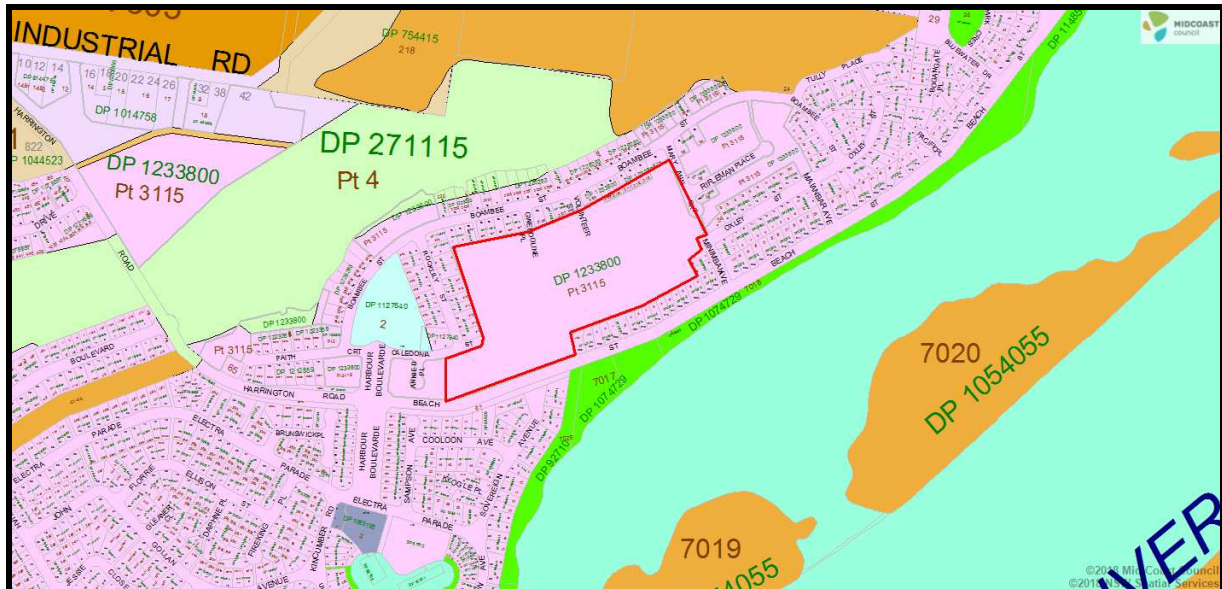
The proposed development is considered consistent with the aims and objectives of the draft SEPP as it will not have any adverse impact on the coastal waters or the foreshores in the vicinity. Public access is not impeded nor scenic values compromised.

## State Environmental Planning Policy (BASIX)

The policy applies to all new housing developments in New South Wales and requires that they be designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets. The SEPP must be read in conjunction with the Environmental Planning and Assessment Regulation 2000, which requires that a development application must be accompanied by a BASIX certificate. The submitted BASIX Certificates stipulate commitments that must be shown on the construction certificate (CC) plans with the CC application. An appropriate condition is included in this report's recommendation that refers to compliance with the BASIX Certificate.

## **GREATER TAREE LOCAL ENVIRONMENTAL PLAN (GTLEP) 2010**

The following is a summary of the evaluation of the proposal pursuant to the provisions of the relevant clauses of the Greater Taree Local Environmental Plan 2010 (GTLEP).



The site is zoned R1 Residential under the provisions of the LEP.

Development consent is sought for:

- Community Title subdivision, and
- Dwelling houses; and
- Recreation Facilities (Clubhouse, Pool, gymnasium, tennis court).

Community Title subdivision', is permissible in the R1 zone with consent of Council pursuant to Clause 2.6(1) of GTLEP.

Dwelling Houses are permissible in the R1 Zone with development consent.

The proposed recreation facilities are permissible as development ancillary to the community title subdivision.

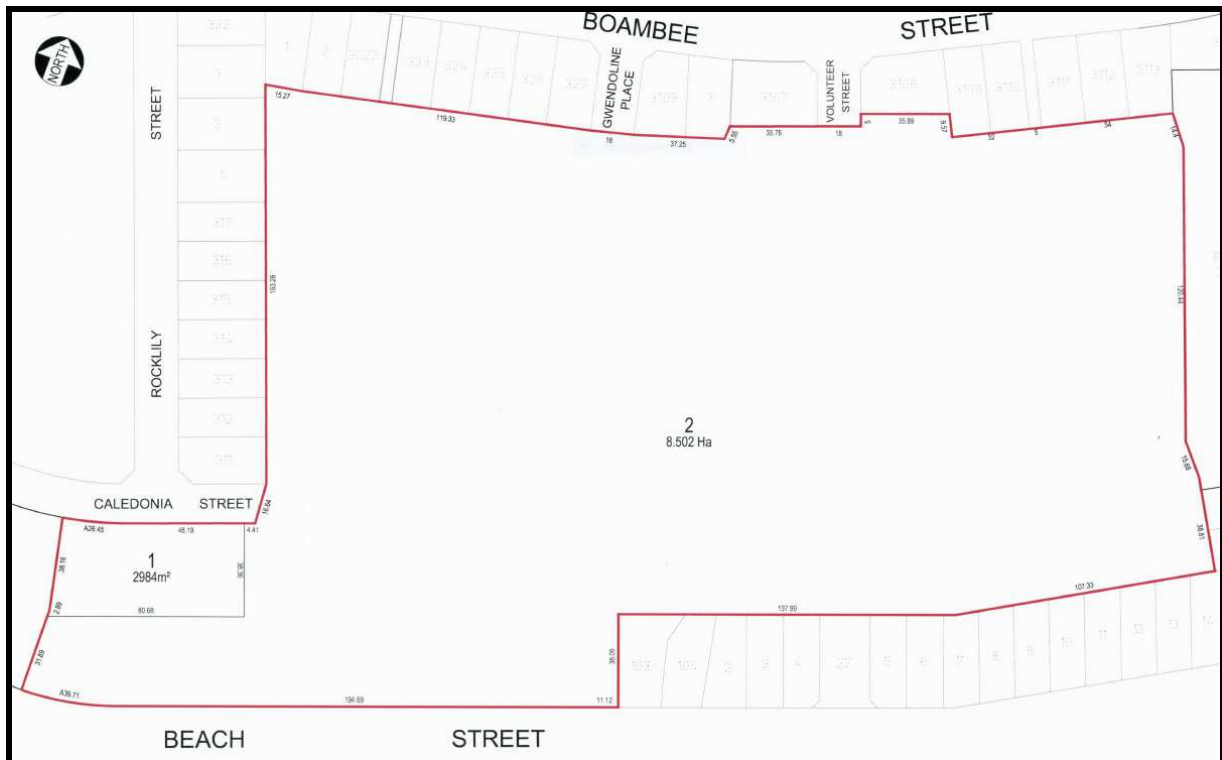
In accordance with Clause 2.3(2), a consent authority must have regard to the objectives for the development in a zone when determining a development application in respect of land within the zone, which for the R1 are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Clause 4.1 of the LEP permits subdivision of land in the R1 zone with a minimum lot size of 450m<sup>2</sup>. The proposal provides for lots that do not comply with this control. This clause however does not apply in relation to the individual lots in a community title scheme.

Lot 3115, as previously mentioned, comprises several portions and is a torrens title lot. In order to facilitate development on a portion of the lot the applicant has gained approval from Council for the subdivision of lot 3115 to create the required land area.(See Figure 2 above). This subdivision remains unregistered.

Phase 1 of the development will comprise a Community Title Subdivision of Lot 1000 to create Lot 1 Common Property Lot of 2984m<sup>2</sup> and Community Development Lot 2 of 8.502 ha. See plan of subdivision below.



The subdivision of Lot 2 into lots below the minimum size for the zone can occur as they will be subdivided in accordance with the provisions of Clause 4.1(4) which states that the clause does not apply to lots in a community title scheme. A condition of consent will require the registration of proposed Lots 1 and 2 prior to the commencement of any works associated with the development to satisfy this clause. Lots of the size proposed (228-247m<sup>2</sup>) can therefore be created on the Community Development lot.

**2.1 Land use zones**

The subject site is zoned R1 General Residential. Community title subdivision, dwelling houses and Recreation Facilities (Indoor) are permissible with consent in the R1 zone subject to consent. The proposed recreation facilities (gymnasium and club house) are defined as Recreation Facility (Indoor) and are also permissible with consent in the R1 zone. The proposed tennis court and swimming pool are ancillary features to the proposed development and are permissible with consent in the R1 zone.

**2.6 Subdivision – consent requirements**

This clause requires Development consent for subdivision

**4.1 Minimum subdivision lot size**

The minimum Torrens title subdivision lot size applying to the land is identified as 450m<sup>2</sup>. The proposal seeks consent for a Community Title subdivision however as per the provisions of sub-clause 4.1(4) this Clause do not apply to Community Title Subdivisions. The creation of allotments smaller than the minimum subdivision lot size is therefore permissible under a Community Title scheme.

**4.1A Subdivision of certain residential lots**

Each Lot within the proposed subdivision shall be connected to a reticulated water and sewerage system.

**4.3 Height of buildings**

The maximum building height identified for the site is 8.5m. The proposed dwelling types are all single storey and are therefore compliant with this height restriction. The proposed club house and associated facilities do not exceed the maximum height restriction.

**4.4 Floor space ratio**

The maximum floor space ratio applying to the subject site is 0.6:1. The floor space ratios range from 0.45:1 to 0.6:1.

#### 5.5 Development within the coastal zone

The subject site is located within the coastal zone due to its proximity to the Manning River. The subject site is surrounded by urban development on all sides and is therefore not considered likely to detrimentally impact the public's access to the foreshore or detrimentally impact any coastal environ

#### 5.9 Preservation of trees or vegetation

The portion of the site which is the subject of this application is currently cleared land comprising managed grass. No trees are proposed to be removed as a part of this application.

#### 7.1 Acid sulfate soils

The subject site is identified as containing Class 3 ASS. The site has been the subject of filling as a part of works associated with DA358/2009. As a result, the subject site has existing site levels between RL2.4m AHD and RL 4m AHD. The existing levels are understood to be approximately 1.5m higher than the natural ground surface.

It is unlikely that any excavation works associated with the development would be 1m below natural ground levels (approximately 2.5m below existing surface level) and it is unlikely that potential or actual acid sulfate soils will be encountered.

#### 7.2 Flood planning

The portion of the site which is the subject of this application is not mapped as flood prone land.

The proposal allows for diversity in housing without adversely impacting upon amenity. The subject application is considered satisfactory with respect to the LEP.

### **GREATER TAREE DEVELOPMENT CONTROL PLAN 2010**

Having regard for the matters for consideration detailed in Section 79C(1) of the Environmental Planning & Assessment Act 1979, the following is a summary of the evaluation of the proposal pursuant to the relevant provisions of the Greater Taree Development Control Plan 2010 (DCP 2010). The aims of the Plan are to ensure good quality, sustainable development outcomes that maintain a high level of environmental amenity. The Plan is designed to allow flexibility in the application of its controls where strict compliance is considered unreasonable or unnecessary provided the relevant objectives of the Plan have been achieved. The DCP does not have controls for integrated housing nor community title subdivision and a merit based assessment has been carried out.

The development essentially comprises 3 components: community title subdivision; dwelling houses and the recreation facilities in an "integrated housing" style of development.

#### **Part C - Subdivision requirements**

- Lot size and configuration

The proposed community title lots are typically rectangular shaped and vary in size depending on the dwelling type. Typically, the community title lots are proposed as follows:

- I. 247m<sup>2</sup> (19m x 13m) for Dwelling types A, B, C and D; and
- II. 228m<sup>2</sup> (19m x 12m) for Dwelling types E and F.

Some minor variations in lot size will occur throughout the estate, particularly on corner lots with those lots proposed to contain the custom houses (proposed Lots 2 (330.9m<sup>2</sup>) and 3 (243.5m<sup>2</sup>)).

The proposed lots will typically contain a 12 or 13 metre site frontage to the internal road.

The DCP specifies a minimum Lot area of 650m<sup>2</sup> for battle-axe allotments to ensure the ability to satisfy relevant amenity criteria. The proposal includes 5 battle-axe allotments. The dwellings proposed within these battleaxe allotments are compliant with the relevant amenity criteria (being floor space ratio, private open space, solar access and privacy).

- Roads

The roads proposed as a part of this application will be maintained as open accessways.

Central east-west street - 7m carriageway width within 17m wide reserve;  
Local streets - typically being 5.5m carriageway width within a 15m wide reserve;

The roads, albeit private roads, are proposed to be designed and constructed in accordance with the provisions of Auspec. In this regard, the roads are proposed to be designed and constructed to Council's local street design standards with respect to longitudinal gradings, cross falls, pavement surface; and pavement design.

Auspec provides standards for road reserve and carriageway widths for public roads. Relevant road categories for the subject development, if the roads were public roads, are Access Place (5.5m to 7m carriageway width and 13.5m to 15m road reserve width) and local street (8m carriageway width and 16m road reserve width). The development proposes reserve and carriageway widths that are appropriate for the servicing and amenity of the development

## **Part H - Residential requirements**

The application includes architectural plans for a dwelling house on each of the proposed allotments. Part H of the DCP provides specific objectives and performance criteria for residential development.

- Site Coverage and Lot Requirements

Development surrounding the subject site is primarily single storey residential dwellings consistent with that proposed.

The floor space ratio for each dwelling type, relating to their respective sites is typically:

- Type A: 0.52:1;
- Type B: 0.51:1;
- Type C: 0.51:1;
- Type D: 0.52:1;
- Type E: 0.57:1;
- Type F: 0.48:1;
- Custom- Lot 2: 0.45:1; and Lot 3: 0.6:1.

All of the proposed dwellings comply with the 0.6:1 requirement.

- Building Setbacks

Given that the application seeks consent for community title subdivision and all of the internal roads will be maintained in community ownership, the setback provisions defined

within the DCP for residential development to public roads do not apply to the proposed development. Each of the proposed dwellings are however, considered to comply with the following DCP design principles as demonstrated below:

All of the proposed dwellings are to be set back 5.75m from the edge of the road.

None of the proposed dwelling types include wall sections on a side or rear boundary greater than 7.5m without articulation.

- Building Height

The maximum height permitted is 8.5m.

All of the proposed dwellings are of a single storey nature and the approximate dwelling heights are described below:

- Type A: 5.2 metres;
- Type B: 5.2 metres;
- Type C: 4.4 metres;
- Type D: 5.2 metres;
- Type E: 5.2 metres; and
- Type F: 4.8 metres.

- Car Parking and Access

The proposed development provides more parking spaces than required numerically by the Part G of the DCP. Two bedroom dwellings are required to provide 1 car space and 3 bedroom dwellings are required to provide 2 car spaces. All of the proposed garages are directly accessible off a straight driveway from the internal private roads. Each garage is setback 5.75m from the edge of kerb and is considered to provide suitable visual opportunities for pedestrians and vehicles.

The driveways servicing dwelling Types A through E (3 bedroom, double garage) have 5.5m widths, while the driveways servicing dwelling Type F (2 bedroom, single garage) are proposed at 3 metres wide. All of the 3 bedroom dwelling types (types A, B, C and D) provide 2 garaged parking spaces whilst both the 2 bedroom dwelling types (types E, F and Custom) provide 1 garaged parking space.

A total of 63 visitor spaces are also proposed within the internal road network (community lot).

- Private Open Space

Each of the proposed dwellings provides useable, level private open space directly accessible from the internal living areas. This area consists of minimum 4m x 4m area.

These areas are all located within the rear yard of the proposed dwellings and are therefore suitably screened from adjacent dwellings and passers-by. The development also proposes communal facilities including a club house, swimming, pool, gymnasium and tennis court. These facilities will be available for all residents within the community title development.

- Solar Access and Overshadowing

All of the dwellings proposed as a part of this application are single storey and have external open space areas directly accessible from the internal living rooms. The proposal is not considered to detrimentally impact solar access, or cause detrimental overshadowing to any existing surrounding dwellings for the following reasons:



- i. The existing dwellings fronting Rocklily Street are located to the west of the site and the existing rear boundary fencing will either be maintained or converted to 1.8m high fencing. Given the orientation, single storey nature of the proposed dwellings, as well as the 1.5m wide proposed landscape hedging and rear setbacks (totalling minimum 2.5m separation) it is considered that solar access to the rear yards of the existing dwellings will not be adversely impeded;
  - ii. In a similar manner to the above, although to the east, the future dwellings fronting Mary Ann Court are not considered likely to be adversely impacted with respect to solar access or overshadowing;
  - iii. The existing dwellings fronting Boambee Street are located to the north of the proposed dwellings and the development will therefore have no adverse impacts with respect to solar access or overshadowing; and
  - iv. The existing dwellings fronting Beach Street are located to the south of the proposed dwellings. They will however, be separated by the service corridor (7.5m wide), the proposed landscaping as well as the existing dwellings setback. The proposed dwellings are therefore not considered likely to be adversely impacted with respect to solar access or overshadowing.
- Acoustic & Visual Privacy

Given the level nature of the site, and the single storey construction proposed, it is considered that internal boundary fencing (1.8m high) will provide suitable visual and acoustic privacy between the proposed dwellings and adjoining properties;

- Views

The subject site and surrounding lands are predominately flat. The site is almost entirely surrounded by existing residential development. The proposed development is therefore considered very unlikely to affect any view sharing or compromise views from public thoroughfares or from private living areas;

- Safety, Security and Entrances

All of the proposed dwelling types have been designed so as to front the internal street. The entrance of all dwelling types is also considered to be clearly defined and visible from the internal street. The proposed dwelling types are all considered to offer suitable opportunities for casual surveillance.

- Front Fencing

No front fences to individual allotments are proposed as a part of the proposal.

- Controls for specific forms of residential accommodation (One storey detached dwellings):

The residential development provisions in the DCP are intended for development upon lots fronting a public road. In the community title scheme proposed reduced lot sizes apply and the lots all have frontage to a private internal access road.

As the proposed dwellings will not front a public street the setback has been reduced to 1m, with a typical distance of 5.75m to the kerb to allow a vehicle to park in front of the garage and not overhang the pavement.

The individual private open space areas of the proposed dwellings do not comply with the minimum standards specified within the DCP, being a minimum of 80m<sup>2</sup> of private open space directly linked to the principal living areas, with minimum dimensions of 6m x 4m. Nevertheless the private open space areas provided for the smaller dwellings proposed is considered adequate as it is proposed as a level area of private open space directly linked to the principal living areas measuring a minimum of 4m x 4m (or 16m<sup>2</sup>). The proposal further provides an accessible 2,350m<sup>2</sup> of open space including communal facilities for all residents to utilise. These facilities include a club house, landscape areas, swimming pool, gym and tennis court.

Where dual occupancy development is sought on the proposed lots (Dwelling Type E) it will consist of an attached dual occupancy consisting of 2 x 2 bedroom dwellings. A total of 42 Type E dwellings are proposed upon allotments typically resulting in an area 228m<sup>2</sup> each. Car parking is provided in excess of the required numerical provisions for these developments comprising, 2 garaged space for each 2 bedroom dwelling.

It is considered that the integrated housing development has a built form that is consistent with the desired future character of the locality and will not detract from the amenity of existing or future nearby residents or the existing quality of the environment.

- Recreation Facilities

The clubhouse, gymnasium, swimming pool and tennis court are to be provided for the exclusive use of residents of the community title development. It is likely that given the minimal distance from the residences to the facilities that users will walk to the facilities. Nevertheless a total of 11 spaces are proposed adjacent to the facilities, along with a drop-off area.

***b) The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality***

***Context & Setting***

The site is largely rectangular in shape and is located within an established residential suburb of Harrington. The site adjoins existing lots ranging in size between 500m<sup>2</sup> and 790m<sup>2</sup>. The topography of the site is flat with no significant site features. There are no significant views into or out from the site that will be impacted by the development

***Site Design and Internal Design***

The proposed design of the development is considered consistent with the adjoining road layout pattern. Lot sizes will vary between 227m<sup>2</sup> and 481m<sup>2</sup>. Proposed dwellings are all to be single-storey and of 2-3 bedroom configuration. Dwellings will be constructed of lightweight cladding on timber frame with custom orb roofing.

The proposed clubhouse and facilities are to be located on Caledonia Street with internal access only.

Roads within the development will be constructed to a width of 5.5m within a 15m road reservation. This is largely consistent with the surrounding network.

***Access, Transport and Traffic***

Traffic surveys indicate that Harrington Road is currently carrying approximately 3000 vehicles (v)/day and 3500 v/day on weekdays, to the west and east of Harbour Boulevard

respectively. Harbour Boulevard is carrying approximately 1250 v/day and 2500 v/day to the south and north of Harrington Road respectively.

The estimates described in the traffic report indicate that the proposed development will result in up to an additional 1500 v/day or 150 v/hour moving in and out of the development area via the northern leg of the Harrington Rd / Harbour Boulevard roundabout. This is a conservatively high estimate based on a generation rate of 7.5 v/day/ dwelling.

It is estimated that up to an additional 150 dwellings are yet to be constructed in the area served by the Harrington Rd / Harbour Boulevard roundabout, additional to the 203 dwellings in the proposed development. These additional dwellings will generate no more than an additional 1,150 v/day.

In order to be conservative, the traffic consultant has assumed that all future traffic increases arising from the proposed development and other anticipated development in the area to the north of Harrington Road will enter and leave the area Harbour Boulevard and the Harrington Road roundabout. It is estimated that the Harrington Rd / Harbour Boulevard roundabout will operate at Level of Service "A" and degree of saturation of less than 30% in 2028. That is, when the proposed development and other development in the subject area served by the roundabout is complete.

It is estimated that Harrington Road will carry approximately 4,750 v/day and 5,050 v/day to the west and east of Harbour Boulevard in 2028 when all development in the area to the north of Harrington Road is complete, at less than the capacity of each of the roads.

The proposed development was referred to the NSW Roads and Maritime Services pursuant to Clause 104, Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007. The RMS raised no objection to the proposal. The proposed development can be accommodated within the surrounding road network and associated intersections without the need for any mitigating traffic engineering works or upgrades.

### ***Utilities***

All services are currently available and, in accordance with best practice subdivision design, will be extended to the proposed development and provided within the accessway reserves.

The applicant held discussions with Mid Coast Water (MCW, now part of Mid Coast Council-Water Services) prior to lodgement of the DA, particularly with regard to the provision, maintenance and ownership of water supply and vacuum sewer. It is proposed that each community lot will be separately serviced and metered for water supply and vacuum sewer services and that reticulation infrastructure will be owned and maintained by council, as the water authority, in a similar manner to a conventional residential subdivision.

With respect to servicing of the individual lots Water Services will carry out the reading of individual meters and issuing of individual invoices to landowners within a community title development, subject to:

- the reticulated water supply system being designed to Council's standard for conventional residential subdivisions (i.e. generally in accordance with the Water Services Association of Australia (WSSA) Design Guidelines). Council would then assume ownership and maintenance of the infrastructure; and
- appropriate easements in accordance with council's standard terms being created; and
- access being available at all times

Accordingly a memorandum is proposed to be registered with the Community title Scheme to ensure the maintenance of the easements. A condition of development consent will ensure that this is put in place.

## ***Construction***

All proposed dwellings and community facilities will be constructed on-site in accordance with the provisions of the BCA.

Construction is proposed to be staged across ten (10) stages. Civil works will likely occur across multiple stages at a time.

## ***Water***

The Stormwater Management Plan for the development concludes that the subject land has capacity to provide sufficient stormwater treatment facilities for the improvement of storm water runoff quality prior to discharge from the site (based on conservative assumptions of in-situ site conditions and storm water device performance).

The existing levels for the downstream stormwater infrastructure constructed as a part of the earlier stages of the Harrington Waters Estate included the provision of two large lagoons within the golf course. These lagoons were designed to provide water quality treatment and improvement, hence additional stormwater treatment upstream was not envisaged. As a result, and based on the existing site levels, the standing water levels within the existing drainage system prevent the implementation of conventional bio-retention basin treatment.

The proposal includes the use of infiltration pits ('soakaway' pits), to encourage infiltration of stormwater pits over a single end-of-line bio-retention basin.

The requirement to provide additional water quality treatment over and above the existing facilities provided leaves on-line infiltration in the method proposed, as the only viable stormwater treatment option.

## ***Waste***

Waste collection will occur via kerbside bin collection. Arrangements with a local service provider will be made for collection on private property.

## ***Social Impacts in the Locality***

Given the nature of the proposed development and its location the proposal is unlikely to result in any adverse social impacts. The development will increase the supply of smaller housing stock within close proximity to services within an aging (66% over 50) community environment.

Likely positive economic impacts can be attributed to the construction phase of the development

## ***Amenity***

The construction stage of the proposed development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval will be conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and the environment by way of noise, erosion, dust and the like. In addition it is recommended that a Construction Management Plan which specifically addresses the generation of dust and noise during both stages of the development be required to be

submitted to Council for approval prior to the issuing of a Construction Certificate (Subdivision).

**c) The Suitability of the Site for the Development**

There are no physical constraints, heritage, threatened species or extractive resource constraints impacting on the development.

The development will not give rise to unmanageable transport demands, adequate recreational opportunities will be provided, all services will be available and there will be acceptable impacts on adjoining land owners.

The site is considered to be suitable for the proposed development as demonstrated through the environmental assessment. Due consideration has been given to the site attributes which are considered conducive to the proposed development.

**d) Any Submissions Made in Accordance with the Act or Regulations**

The application was notified to neighbouring property owners in accordance with Council's Policy and eleven (11) submissions were received. Issues raised in submissions and comment on those issues are detailed below:

Issue	Comment
Inadequate car parking	The development proposes carparking at a rate that fully complies with Council requirements.
Excessive traffic generation	Despite the increased density, traffic generated by the development will not exceed the capacity of the nearby road network and intersections
Visitors will park in Boambee St	63 visitor spaces are provided throughout the development site, negating the need for any parking in nearby streets
Density is too high	The proposal seeks a density within the community title development of 24 dwellings per hectare. Surrounding residential development is of an approximate density of 12.5 dwellings per hectare. The proposed density is comparable to that typically found in a seniors living development.
No Open Space	Open space is provided to each lot, along with a total of 2,350m <sup>2</sup> of communal area for recreation purposes.
Object to high density development	The density proposed is considered to be medium density and is considered compatible and complimentary to the existing development in the vicinity.
Original plans showed approx. 110 dwellings	There is a previous approval for a 110 lot subdivision on the site.
Will reduce property values	There is no evidence available to suggest that development of the subject site in the manner proposed will adversely impact on property values in the locality.
No ambulance service, Drs, dentists	The subject development does not propose any health related services and is not required to.
Noise from garbage trucks	The location of proposed accessways within the development are such that any noise generated from garbage collection trucks would be minimized.
Homes will be hard up against back fence	The proposed rear setback to existing properties on Rocklilly and Boambee Streets are between 900mm and 1m for a maximum distance of 4m. This setback is equivalent to the required setback for a regular single storey residential dwelling.

Noise from clubhouse	The club house is in excess of 30m to the nearest dwelling not associated with the proposal.
Increased crime- anti-social behaviour in the community centre and clubhouse	There are no aspects of the development considered likely to increase the incidence of anti- social behavior in the neighbourhood.
Incorrect statement in SOEE- Beach Street homes are not 1.5-1.8m AHD	Beach Street residential lots are older and were established at lower levels prior to the filling of the proposed development site. Variation is within the range of 2.08m and 1.36m AHD
Living areas are at 5.635m therefore 1.8m high fence will not screen it	The proposed fencing of the site is not to screen the development, but provide a delineation barrier to existing residents in the vicinity.
Who will maintain the 7.5m landscaping on Beach Street	Landscaping along the frontage of the site on beach Street will be maintained by the Community Association. The landscaping will provide a visual screen to the development and enhancement to the streetscape.
Community title has a negative connotation and will take longer to sell	The salability of the development is a commercial matter for the developer.
Drainage is inadequate	The proposal has a stormwater management plan which details the disposal of stormwater to a legal point of discharge with prior adequate water quality improvement
Vacuum sewer service will be inadequate	The proposed vacuum sewer has been assessed and considered appropriate by Council's Water Services
Dwellings could be sold to investors and increase demands on carparking	There is no evidence to suggest that rental occupants create an increased demand for carparking. The development proposes providing carparking at council's required rate for residential development
No infrastructure for aged care- medical facilities	As a Community Title residential development there is no requirement for the provision of aged care facilities.
Adverse impact on water pressure, electricity supply, stormwater runoff, telecommunications	All services currently available will be amplified and extended where necessary to service the development without adverse impact on existing developments.
Increased odour of sewage	There is no evidence to suggest that the proposed vacuum sewer arrangement will produce odour.
Structural damage to nearby residence as a result of construction	Appropriate construction safeguards will be employed to ensure that all surrounding development is protected during construction.
DA does not make it clear that this is a gated community	The development will not be gated. Full and open access will be available to the public in terms of vehicular and pedestrian access. The community facilities will be for private use only by members of the community association.
Harrington does not need more housing	The subject land is currently zoned for residential development. The provision and timing of residential development is a commercial matter for the landowner.
Adverse impact on birdlife in Harrington	As the subject site does not provide any wildlife habitat there will be negligible impact on the fauna in Harrington.
A Senior Living Development was expected for the site.	While not proposed as a seniors living development, the size of lots and dwellings, in conjunction with the provision of community facilities will likely appeal to older residents.

Where possible concerns raised in submissions have been addressed through conditions of consent.

### ***e) The Public Interest***

The proposal will not detract from the character of the existing streetscape or the general residential locality, nor will it undermine any of the social or economic values of the site or surrounding area. The proposal is considered to be consistent with the objectives of the relevant zone and will not have an unreasonable impact upon neighbouring properties.

Accordingly, approval of the proposed development would not be contrary to the public interest.

### **CONCLUSION**

The proposed development is considered to be suitable for the site and the locality having regard to the current planning controls and maintains a reasonable amenity relationship with neighbouring properties.

Accordingly, the application is supported and recommended for approval subject to conditions that address the above assessed issues.

### **RECOMMENDATION**

It is recommended that Development Application 123/2018/DA for Staged 204 Lot Community Title Subdivision including 203 dwellings, Recreation Facilities and Accessways on Pt Lot 3115 DP 1233800 Boambee Street, Harrington be approved in accordance with the conditions of consent contained in Annexure A

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## **ANNEXURES**

A: Draft Conditions of Consent