

<b>DATE OF DETERMINATION</b>	23 May 2018
<b>PANEL MEMBERS</b>	Michael Leavey (Chair), Kara Krason, John Griffin, Peter Epov and David Keegan
<b>APOLOGIES</b>	Jason Perica
<b>DECLARATIONS OF INTEREST</b>	None

Electronic meeting held between 22 May 2018 and 23 May 2018.

#### **MATTER DETERMINED**

2017HCC048 – Mid-Coast Council – DA123/2018 AT Pt Lot 3115 Boambee Street Harrington (AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

This development application was initially considered by the Panel at its meeting of 10 May 2018, where the Panel resolved to defer determination of the application to allow the applicant time to consider withdrawal of the application after hearing the Panel express its concerns with the proposal. The applicant was invited to provide a written response on whether the application is to be withdrawn within seven (7) days of the meeting, and if the applicant chooses not to withdraw the application or no advice is received within this timeframe, the Panel will reconvene for an electronic meeting to determine the application.

On 15 May 2018 the applicant submitted a written request to the Panel to extend the deferral period for a further 28 days to allow amended plans to be submitted. On 17 May 2018 the applicant was advised the request had been put to the Panel and the Panel did not agree to the request.

The Panel has not received advice from the applicant that the application has been withdrawn, and Council has advised the Panel by email dated 22 May 2018 that it has not received a request for the application to be withdrawn.

This matter therefore proceeded for electronic determination and the Panel determined to refuse the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**





The reasons for the decision of the Panel were:

1. The density of the proposal is an over-development of the site, resulting in minimal setbacks and spacing between housing that will impact on amenity for future residents. In particular:
  - a) The site coverage of the development results in excessive building and roof areas, limited solar access and limited opportunities for deep soil areas and on-site landscaping;
  - b) The proposed private open space areas for each lot are inadequate in terms of size, demonstrated solar access and acoustic privacy between private open space areas;
  - c) The proposal has not demonstrated that reasonable solar access is provided for internal living areas, and as a result of the density of development, there are limited opportunities for the circulation of breezes and natural ventilation within the development;

- d) The proposal provides inadequate areas of open space within the proposed subdivision, having regard to the limited private open space areas proposed for each lot and the minimal separation between housing; and
  - e) The proposal provides a poor streetscape presentation, with garage doors dominating the frontage of each dwelling, and cumulatively dominating the streetscape of each street.
2. The proposal has not demonstrated satisfactory consistency with the objectives and relevant requirements of Greater Taree DCP 2010 – Part H Residential Requirements, relating to H2.1 Site coverage and lot requirements, H2.2 Building setbacks, H2.5 Private open space, H2.6 Solar access and overshadowing, H2.7 Acoustic and visual privacy and H3 Controls for specific forms of residential accommodation;
  3. The proposal provides a poor transition to adjoining residential properties having regard to building setbacks and the location of private open space areas;
  4. The proposal is out of keeping with the character of the surrounding area and development;
  5. The application has not demonstrated compliance with *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* to the extent that separate BASIX Certificates should be provided to address differences in the orientation of different housing types; and
  6. The proposal has not demonstrated the proposed stormwater arrangements are satisfactory in relation to on-site retention/ absorption and water quality given the site drains to the Manning River in close proximity, and having regard to the requirements of *State Environmental Planning Policy No 71—Coastal Protection* and *State Environmental Planning Policy (Coastal Management) 2018*.

#### CONDITIONS

Not Applicable

PANEL MEMBERS	
 Michael Leavey (Chair)	 Kara Krason
 John Griffin	 Peter Epov
<i>Authorised by email on 23 May 2018</i>  David Keegan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC048 – Mid-Coast Council – DA123/2018
2	PROPOSED DEVELOPMENT	Staged 204 Lot Community Title Subdivision including 203 dwellings, recreation facilities and accessways
3	STREET ADDRESS	Pt Lot 3115 Boambee Street Harrington
4	APPLICANT/OWNER	Roche Group Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General Development over \$20m and lodged before 1 March 2018
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy No 71 – Coastal Protection</li> <li>NSW Coastal Policy 1997</li> <li>Draft State Environmental Planning Policy (Coastal Management) 2016</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>Greater Taree Local Environmental Plan 2010</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Greater Taree Development Control Plan 2010</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 27 April 2018</li> <li>Written submissions during public exhibition: eleven (11)</li> <li>Verbal submissions at the public meeting on 10 May 2018: <ul style="list-style-type: none"> <li>Object – Helen Anderson</li> <li>On behalf of the applicant – Tony Thorne, Wes Van Der Gardner</li> </ul> </li> <li>Email from Mid-Coast Council received 22 May 2018, confirming that the applicant had not withdrawn the application</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection on 10 May 2018</li> <li>Final briefing meeting to discuss council's recommendation, 10 May 2018, 2:00 pm. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Michael Leavey (Chair), Kara Krason, John Griffin, Peter Epov and David Keegan</li> <li><u>Council assessment staff</u>: Petula Bowden and Bruce Moore</li> </ul> </li> <li>Public meeting on 10 May 2018</li> <li>Electronic meeting between 22 May 2018 and 23 May 2018</li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report