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| DATE OF DETERMINATION | Friday, November 2019 |
| PANEL MEMBERS | Jason Perica (Chair), Michael Leavey, Julie Savet Ward and Peter Epov |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | None |

Papers circulated electronically between 29 October 2019 and 5 November 2019.

MATTER DETERMINED

2018HCC036 – Mid-Coast Council – 152/2019/DA at 26-56 Manor Road, 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The Panel generally agreed with the assessment of the proposal, as revised, undertaken by Council staff;
- 116 of the 161 trees along Manor Road are proposed to be retained with the amended engineering solution for the upgrade of Manor Road, and in particular the use of structural soils, retaining wall and safety fence along the north edge of the wetland, decrease in carriage width and removal of the footpath have been included in the revised proposal, which together result in improved tree retention and, on balance, an acceptable outcome;
- Issues of concern raised by the Panel at its public meeting have been satisfactorily addressed and resolved;
- The use is suited to the site and consistent with the changing character of the area; and
- Environmental impacts are acceptably mitigated by the design or able to be appropriately mitigated and managed by the conditions of consent, as revised.

CONDITIONS





The development application was approved subject to the conditions in the Council assessment report with the following amendments.

- Amend Condition 66 to ensure:
 - It covers the revised proposal for Manor Road which is being approved;
 - That at least 116 trees are to be retained;
 - No footpath is to be provided (to maximise tree retention and survival);
 - Lighting is to be provided at intersections only, yet still meeting Australian Standards (to maximise tree retention and survival).
- Amend Condition 67 - to also include the retention and ongoing protection of the 116 trees during construction.
- An additional condition to require a damage bond of \$30,000 (to cover potential damage to Manor Road and the trees to be retained) payable prior to the issue of a Construction Certificate, to be

repaid at final Occupation Certificate if satisfactory protection of the road reserve and retained trees is achieved.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel during the 15 May public meeting. Key issues raised related to the perceived unsuitability of the use for the site, bushfire impacts, impacts on the trees along Manor Road, amenity impacts to neighbours and impacts on services to three adjoining lots to the south. The Panel was of the view the use was conceptually suitable for the site, bushfire impacts had been considered and deemed acceptable (subject to conditions) by RFS, amenity impacts on neighbours were not such to warrant refusal and services and access were able to be provided to neighbouring properties (although noting those properties are able to exercise their civil and property rights in relation to legal rights of access and provision of services prior to, during and after development of the site). Other issues were outlined in the assessment report(s) and the Panel generally agreed with the response and position taken by Council staff in relation to those matters. The revised proposal did result in removal of a number of trees along Manor Road, which was not ideal, although on balance the revised proposal and retention of 116 trees was considered acceptable.

| PANEL MEMBERS | |
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|  Jason Perica (Chair) |  Michael Leavey |
|  Julie Savet Ward |  Peter Epov |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | 2018HCC036 – Mid-Coast Council – 152/2019/DA |
| 2 | PROPOSED DEVELOPMENT | Staged Retirement Village (293 dwellings), associated facilities and Community Title Subdivision |
| 3 | STREET ADDRESS | 26-56 Manor Road, Harrington |
| 4 | APPLICANT/OWNER | Applicant: Bayline Investments (NSW) Pty Ltd Owner: Riverside Manors (Harrington) Pty Ltd |
| 5 | TYPE OF REGIONAL DEVELOPMENT | General development over \$30 million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning and Assessment Act State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy No. 44 – Koala Habitat Protection State Environmental Planning Policy No. 55 – Remediation of Land; State Environmental Planning Policy (Coastal Management) 2018; State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Coastal Management) 2018 Great Taree Local Environmental Plan 2010; Greater Taree Development Contributions Plan 2016 Development control plans: <ul style="list-style-type: none"> Great Taree Development Control Plan 2010; Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development |
| 7 | MATERIAL CONSIDERED BY THE PANEL | <ul style="list-style-type: none"> Council assessment report: 29 April 2019 and further advice prior the meeting from Council staff Council Supplementary Assessment Report: 19 August 2019 Council Supplementary Assessment Report: 21 October 2019 Written submissions during public exhibition: 24 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In objection – John McDonald, Terry Clifton, Ken Billings, Trevor Payne and Helen Anderson Council assessment officer – Bruce Moore and Petula Bowden On behalf of the applicant – Danny Bailey, Gavin Smith-Mabrey and John Streeter |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Site inspection: Wednesday, 15 May 2019 <ul style="list-style-type: none"> <u>Panel members</u>: Jason Perica (Chair), Michael Leavey, Julie Savet Ward and Peter Epov |

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| | | <p><u>Council assessment staff</u>: Petula Bowden and Bruce Moore</p> <ul style="list-style-type: none"> Final briefing to discuss council's recommendation, Wednesday, 15 May 2019, 1.00pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Jason Perica (Chair), Michael Leavey, Julie Savet Ward and Peter Epov <u>Council assessment staff</u>: Petula Bowden and Bruce Moore Electronic Record of Deferral: Monday, 23 September 2019 <ul style="list-style-type: none"> <u>Panel members</u>: Jason Perica (Chair), Michael Leavey, Julie Savet Ward and Peter Epov |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the Council assessment report |