

# Statement of Environmental Effects

Revised version post lodgement of DA2022-0847



## Residential subdivision and housing development Lots 3 & 4 DP22392 86-92 Old Bar Road, Old Bar

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**Project:** 16.0366  
**Date:** 9 October 2023

# Executive Summary

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The land at 86-92 Old Bar Road, Old Bar has an overall site area of 3.234ha. The land also has frontage to Noroy Place. Erected on the land is a dwelling house close to Old Bar Road and a variety of small sheds with a large shed on the southern part of the land along the eastern boundary. The property has been sparsely landscaped with extensive open areas of grass.

Development Consent is sought to subdivide the land to create three development lots for a residential flat building and two for multi-dwelling housing developments as well as eight (8) single dwelling/dual occupancy lots fronting an extension of Noroy Place.

Development consent is also sought to construct the residential flat building and multi-dwelling housing as follows:

**Strata Plan Lot 1:**

42 two storey, three and four bedroom townhouses. All have a two car garage and an area of private open space at ground level.

**Strata Plan Lot 2:**

13 two storey, three bedroom townhouses. All have a two car garage and an area of private open space at ground level.

**Strata Plan Lot 3:**

23 two bedroom apartments in a building consisting of three levels (above basement parking). The proposal includes a large central landscaped area of shared open space.

The proposed housing development is a permissible use under the provisions of *Greater Taree Local Environmental Plan 2010*. It has a lower than permitted floor space ratio over the entire site. The variation sought to the LEP height control for the residential flat building is minor and will result in a superior planning outcome.

The development is as would be envisaged by the detailed controls in the *Greater Taree Development Control Plan 2010*.

This development application has evolved out of an extensive planning process by a comprehensive team of specialists. The project team have worked closely with Council staff to address both the issues raised by staff and the Hunter and Central Coast Regional Planning Panel. This process has produced a development that is site responsive. The constraints of the site and the attributes of the neighbourhood have been respected and embraced and have been integrated into the design of the development.

The development satisfies a legitimate need for additional housing choices in Old Bar and is consistent with the zone objectives. It is requested that Council grant development consent to this application.

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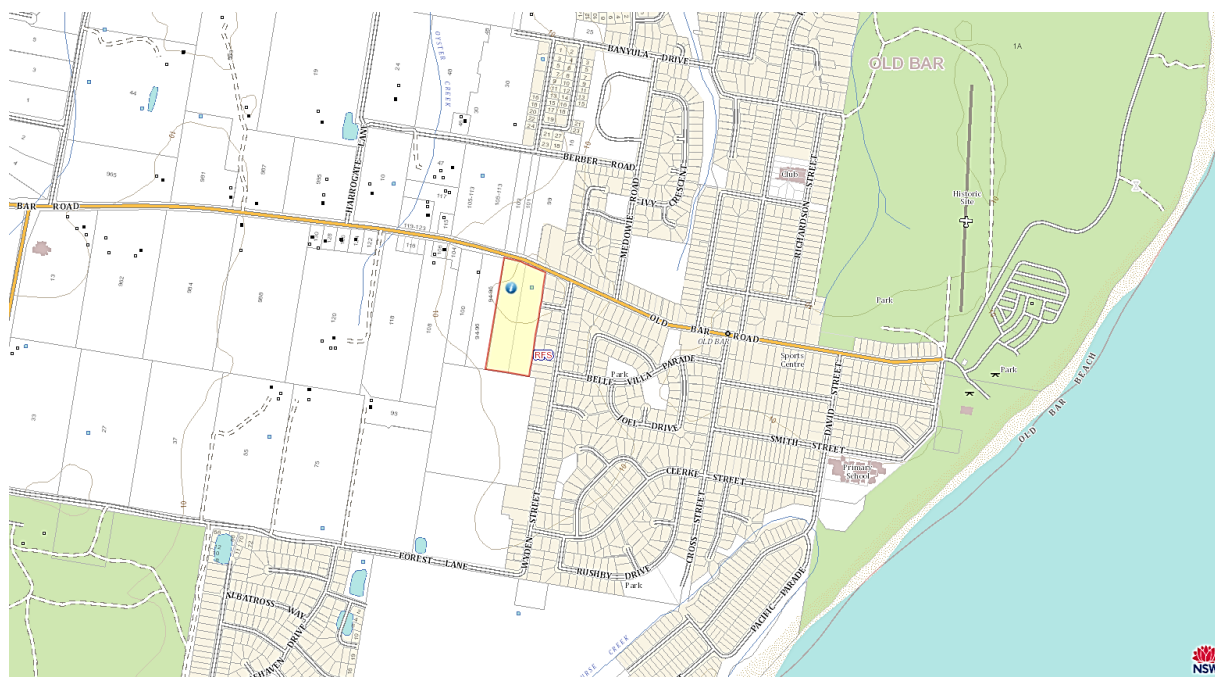
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## Introduction

**1.1 Background**

The creation of the lots was approved via Council Clerk's Certificate 801 of 1 June 1949. The deposited plan was registered on 3 April 1950. The date of the construction of the dwelling is unknown but it appears to be a 1950s design. The dwelling appears in 1969 aerial photography.

**Plan 1.1** is a site locality plan identifying the subject land.

**Plan 1.1 Site Locality Plan**

(source: [SIX Maps \(nsw.gov.au\)](https://www.sixmaps.nsw.gov.au/))

**1.2 Consultation**

Two pre-lodgement meetings were held with Council staff via video link on 15 December 2020 and 7 December 2021. The first meeting involved conceptual drawings though the proposed development mix was essentially the same as now proposed.



## Planning Resolutions

At the second meeting more definitive plans had been prepared and most of the key assessments had been undertaken (Geotechnical, bushfire and preliminary civil servicing and traffic assessment).

On each occasion the feedback received was embraced and used to modify the proposal.

The development application was lodged 4 August 2022. The development application was publicly exhibited with no submissions having been received.

An onsite meeting with Council staff was held on 31 August 2022. There was a briefing of the Hunter & Central Coast Regional Planning Panel on 2 November 2022. The Panel inspected the site on 22 March 2023.

There have been four formal requests for further information since the lodgement of the development application.

Below is a summary of the final amendments to the proposed development since lodgement of the development application:

- A. The western private access road is now proposed as a public road and as such has been widened to 16 metres up to the Noroy Place extension. The road reserve has been continued to the land to the south. This includes a perpendicular section of public road into Strata Plan 1 area to allow for vehicles to turnaround pending the later construction of the road to the south.
- B. A continuous cycleway at 2.1m width has been provided on the western road from southern boundary up to Noroy Place extension and to the east to Noroy Place boundary.
- C. The Noroy Place Road reserve extension has been widened to 20 metres.
- D. All lot areas have changed.
  - a. Strata Lot 1 has decreased to allow for new western public road.
  - b. Strata Lot 2 has decreased as the western side shared private access road is now transferred over to Strata Lot 3.
  - c. Strata Lot 3 has increased with the addition of the western side shared private access road.
  - d. House lots have reduced slightly to allow for widening of Noroy Place extension and widening of western public road.
- E. The height of the residential flat building has been lowered by 2.04 metres which makes the parking full basement parking. It has resulted in nearly two thirds of the roof being below the 8.5m building height limit and only the architectural feature roof "pop-ups", integrated with the lift over run are above the height limit.
- F. Vehicular access to the residential flat building is now from the private road on the western side, which is now part of the Strata Lot 3.
- G. One apartment in the residential flat building has been deleted at ground level to allow an access ramp to the basement and garbage and service rooms.

- H. Garbage collection for the residential flat building is now a wheel-out to kerb on the private road that is part of the Strata Lot 3. A right of way has been provided for service vehicles from Strata Lot 2.
- I. Re-configuration of garbage rooms in the RFB.
- J. Unit and house numbers have decreased.
  - a. The residential flat building apartments have decreased from 24 to 23, to allow for the driveway entry and service rooms at ground level.
  - b. Townhouses have reduced in Strata Lot 1 from 44 to 42 to allow the widening of the western now public road and for a larger landscaped detention basin.
  - c. Townhouses in Strata Lot 2 reduced from 14 to 13 to allow for APZ setback and fire trail to Old Bar Road on the western boundary.
- K. The detention basin has been lowered as much as it can with the north east corner now slightly below the final ground level. The top of the basin filter media is now set at RL 13.50. Based on the concept hydraulic assessment the top of the basin wall is now RL 15.50 and includes 500mm freeboard to the 1% AEP flood for the top water level. Batters are now provided to inside of the Detention Basin on three sides. Lowering of the basin and implementation of an earth batter in front of the wall has improved visual amenity and resulted in reduced wall heights across the southern boundary.
- L. Dimensions of the basin have been adjusted to allow for driveway to access the base of the basin and provide 900mm from the western side of house on SP1.18 and the boundary retaining wall.
- M. An agreement for both sewer and stormwater easements have been obtained from the landowner to the south. This has simplified both the sewer connection and stormwater overflow from the detention basin.
- N. All retaining walls have been removed from the site boundaries. The remaining retaining wall to the perimeter of the basin is now a maximum of 1.2 metres high and is illustrated on architectural Drawing A206. From a visual perspective, the retaining wall height as viewed from the south will average 0.5m high. The wall from this location is integrated with the boundary fence and the concrete driveway down to the basin.
- O. The stormwater quality and quantity management are now distributed throughout the site. The 23 apartment residential flat building now has its own detention system, similarly, the 12 townhouses to the north of the site discharge independently to Old Bar Road and the 8 house lots will have their own independent stormwater systems.
- P. Relocation of the driveways and internal reconfigurations to houses SP1.20 and SP1.43 to the shorter east-west street.
- Q. Relocation (mirror) of the driveways to SP1.21 and SP1.42.

## Planning Resolutions

R. Additional visitor spaces (above those required and located in every Townhouses driveway) have been reduced to 17.

S. Provision of electric vehicle charging points in the basement of the RFB.

The Rural Fire Service have issued their General Terms of Approval for their Bushfire Safety Authority.

### 1.3 Project Team

This development has been formulated by a comprehensive team of specialists. The team consisted of the following people:

Component	Consultancy	Team Member
Project Management	Oatrain Pty Ltd	Rae McEwen
Architecture	Mijollo International	Milton Lloyd Matthew Cumming
Arborist	North Tree Care	Peter Gray
Landscaping	Alderson and Associates	Nick Alderson Derek Bacon
Civil Engineering – Roads, Services and Stormwater	Enspire Solutions	Lauren Connors Matt Condos
Land Use Planning	Planning Resolutions	Chris Pratt
Bushfire Assessment	Midcoast Building and Environmental	Tim Mecham
Geotechnical	OB Geotechnics	Dr Oded Ben-Nun
Traffic Assessment	JMT Consulting	Josh Milston
Energy	ESD Synergy	Adriana Segovia Henky Mantophani
Surveying	Land Dynamics Calco Surveyors	RN/AC Frank Crompton

Component	Consultancy	Team Member
Quantity surveying	Mitchell Brandtman	Simon Brandtman

### 1.4 Further Information

The following documents were included as part of the development application package lodged;

- A. A survey of the land by Land Dynamics dated 30 October 2018.
- B. A copy of DP22392.
- C. Engineering Services Report and Civil Works Plans by Enspire Solutions dated 25 May 2022.
- D. Architectural Plans of the proposed development by Mijolo International dated A 24 May 2022.
- E. Apartment Design Guide Assessment Mijolo International dated 23 June 2022.
- F. Traffic Assessment of the proposed development by JMT Consulting dated 30 March 2022.
- G. Bushfire Assessment by Midcoast Building and Environmental dated March 2022.
- H. Landscape Plans by Alderson and Associates with issue date 10.5.2022.
- I. Geotechnical Assessment Report by OB Geotechnics dated 21 September 2021.
- J. BASIX assessment Report by ESD Synergy dated 5 July 2022.
- K. BASIX Certificates and associated documents.

The following additional reports and documents have been lodged as a result of the requests for further information:

1. Arboricultural Impact Assessment Report by Northern Tree Care dated 28 June 2023.
2. SEPP65 statement by the qualified project architect.
3. Provision of plans and elevations of the RFB at 1:00 scale at A1 size, on drawings A220, A221, A222, A225.
4. Cross sections of the eastern boundary interface (drawing A207).
5. Draft strata plans have been provided that indicate the ownership of the large common open space on Noroy Place and the detention basin.

Should Council require any additional information or wish to clarify any matter raised by this proposal, Council is requested to consult with Chris Pratt on 0437859959 prior to determination of the application.



## The Land and its Context

### 2.1 The Land

The land is described as Lots 3 & 4 DP22392 86-92 Old Bar Road, Old Bar. Lot 3 has an area of 1.648ha and Lot 4 an area of 1.586ha. This provides an overall site area of 3.234ha. The land also has frontage to Noroy Place. A copy of the DP and the recent survey of the land is included in the development application documentation package.

The land is located on the southern side of Old Bar Road close to the western entry to the village. The land slopes from a high point northwest of Noroy Place with levels just above 22 m AHD. The low point of 13.75 m AHD occurs at the southwest corner of the land. The road carriageway in Old Bar Road has similar levels to the front boundary of the land around 21 m.

Erected on the land is a dwelling house close to Old Bar Road and a variety of small sheds with a large shed on the southern part of the land along the eastern boundary. The property has been sparsely landscaped with extensive areas of open grass.

**Plan 2.1** is an aerial photograph of the site. On the subsequent pages are photos of the site.

**Plan 2.1 Site – Aerial photo**



Source: Sixmaps



### Views of the land



Area north of Noroy Place extension



Looking along the western boundary from near Old Bar Road



### Views of the land



North-western corner of the land



Looking towards the Noroy Place boundary



### Views of the land



North eastern corner of the land



Western future public reserve



### 2.2 The Neighbourhood

The neighbourhood has a range of housing types but mostly single dwellings and dual occupancies. There is a large new multi dwelling housing development to the south. The village centre is nearby with a Coles supermarket only 375 metres further east along Old Bar Road.

**Plan 2.2** is an aerial photograph of the neighbourhood showing the land in its context with significant surrounding features marked on the plan.

Following this plan are photos of the immediate neighbourhood.

#### Plan 2.2 Site Context – Orthorectified Aerial Photo



Image: Sixmap



**Views of the neighbourhood**



Near the front boundary looking towards the village centre and coast



Vacant land and multi dwelling house development to the south





Land on the opposite side of Old Bar Road



## Section

# 3

## The Development

### 3.1 Design Objectives

The following site planning objectives have been adopted for the purposes of project design:

- *Ensure the scale of the buildings are in keeping with surrounding development,*
- *Provide buildings that are well articulated and modulated so as to minimise the visual impact,*
- *Provide a living environment for the occupants of the dwellings that have ample natural light and perform well in terms of energy efficiency,*
- *Provide ample outdoor living space with a balance of sun access shelter and shade,*
- *Develop a contemporary housing model that integrates successfully within the local coastal context,*
- *Provide a development that conforms to Ecologically Sustainable Development principles,*
- *Mitigate issues of overlooking to and from adjoining properties,*
- *Ensure acceptable and satisfactory environmental impacts to neighbouring properties in terms of visual privacy, retention of views and solar access, and*
- *Carry out development in a manner which does not impact adversely on surrounding land.*

### 3.2 Description of the Development

Development Consent is sought to subdivide the land so as to create three development lots for a residential flat building and two multi-dwelling housing developments as well as eight (8) single dwelling/dual occupancy lots fronting an extension of Noroy Place.

Development consent is also sought to construct the residential flat building and multi-dwelling housing as follows:

### **Strata Plan Lot 1:**

14,318.8m<sup>2</sup>

42 two storey, three (41) and four (2) bedroom townhouses. All have a two car garage and an area of private open space at ground level.

### **Strata Plan Lot 2:**

5,436.0m<sup>2</sup>

13 two storey, three bedroom townhouses. All have a two car garage and an area of private open space at ground level.

### **Strata Plan Lot 3:**

3,534.6m<sup>2</sup>

23 two bedroom apartments in a building consisting of three levels (above basement parking).

The proposal includes a large central landscaped area of shared open space.

Trees to be removed to facilitate the development are a scattering of landscape plantings. Extensive landscaping is proposed to provide for a pleasant site amenity and shade as well as to screen the development. See the detailed landscape plans provided with the development application documentation.

The development will be staged as follows:

1. Noroy Place to be extended and creation of eight Torrens Title lots,
2. Creation of the three future Strata Lots 1 to 3.
3. Construction of the residential flat building and/or multi-dwelling housing development on the lots created. This development may occur in separate stages.
4. Strata titling of the completed housing developments on Strata Lots 1 to 3 as each particular development is completed.

## **3.3 Architect's Design Statement**

### **SITE**

The site has several key drivers that have shaped the proposal.

1. There is a continuation of the public street, Noroy Place through the "two-third-point" of the site. This effectively divides the site into a northern portion on the crest of a hill and a larger southern portion, predominantly sloping down to the south.
2. The northern boundary fronts Old Bar Road, which is a main feeder road in the network and should have its driveways minimized.
3. The southern and western boundaries require significant setbacks for bushfire protection. Additionally, a publicly accessible road needs to be provided on the western boundary for bushfire access.
4. The eastern boundary has the back yards of neighbouring single and double level housing, which requires a similar scale of development.
5. The south western corner of the site is the lowest point and is likely to have stormwater and sewer service requirements.

### RESIDENTIAL MIX

We analysed this site with a variety of different residential products before determining the proposed mix, so that a full social range of housing typologies can be provided. The above considerations drove the design to have three different housing stratum in the three different zones.

1. The southern zone having town houses on a steady slope down to the south.
2. The middle portion of the site having freehold title house lots of 450 square meters minimum size with direct access off the new public road and a residential flat building on its own title with large common open space at grade.
3. The northern portion with town houses that address Old Bar Road and with their vehicular access from their southern side.

### WASTE MANAGEMENT

Each townhouse is provided with 3 bins located in the garage well clear of the parking spaces and with access to the street for kerbside collection. The residential flat building (RFB) has 23 apartments and has been provided with garbage rooms on every floor with capacity for 3 x 240L bins. A Garbage Collection Room is located at the ground level with capacity for 15 bins. This has level access to the kerbside location that has space for 20 bins. A Bulky Goods Store room is also provided with an area of 10 square metres, as recommended by Better Practice Guide for Resource Recovery in Residential Developments.

According to the Midcoast Council Waste Management Planning Rules, the guidelines for Multi Dwelling units are;

#### Waste Generation

80L/unit/week x 23 units = 1,840L/week (8 x 240L bins)

#### Recyclable Material Generation

40L/unit/week x 23 units = 920L/week (4 x 240L bins)

The bin collection room has space for the 12 bins as required above plus 3 x 240L green waste bins.

Each of the garbage rooms will be constructed to Council code and provided with water and a floor waste to facilitate cleaning.

### THE ARCHITECTURE

The architecture of the townhouses has a repeating tall portal frame that identifies the individual houses. There is three layered façade with a pronounced garage element, the portal frame and the main facade. There is a careful balance between similar elements and forms with small changes of materials, fenestration and colours to provide a subtle variety amongst a harmonious streetscape. There is considerable front planting area for a variety in the landscaping. There are no more than 6 houses in a row and the end houses turn the corner with the street to have their entrance on the other with additional fenestration in the end wall.

The residential flat building also has strong frame elements that create a series of four 'C' shapes around the three levels of balconies. The open side of the 'C' shape faces the sun so that solar access is maximized to the private open space. The middle four apartments extend up to clear storey windows to the living rooms to achieve cross ventilation.

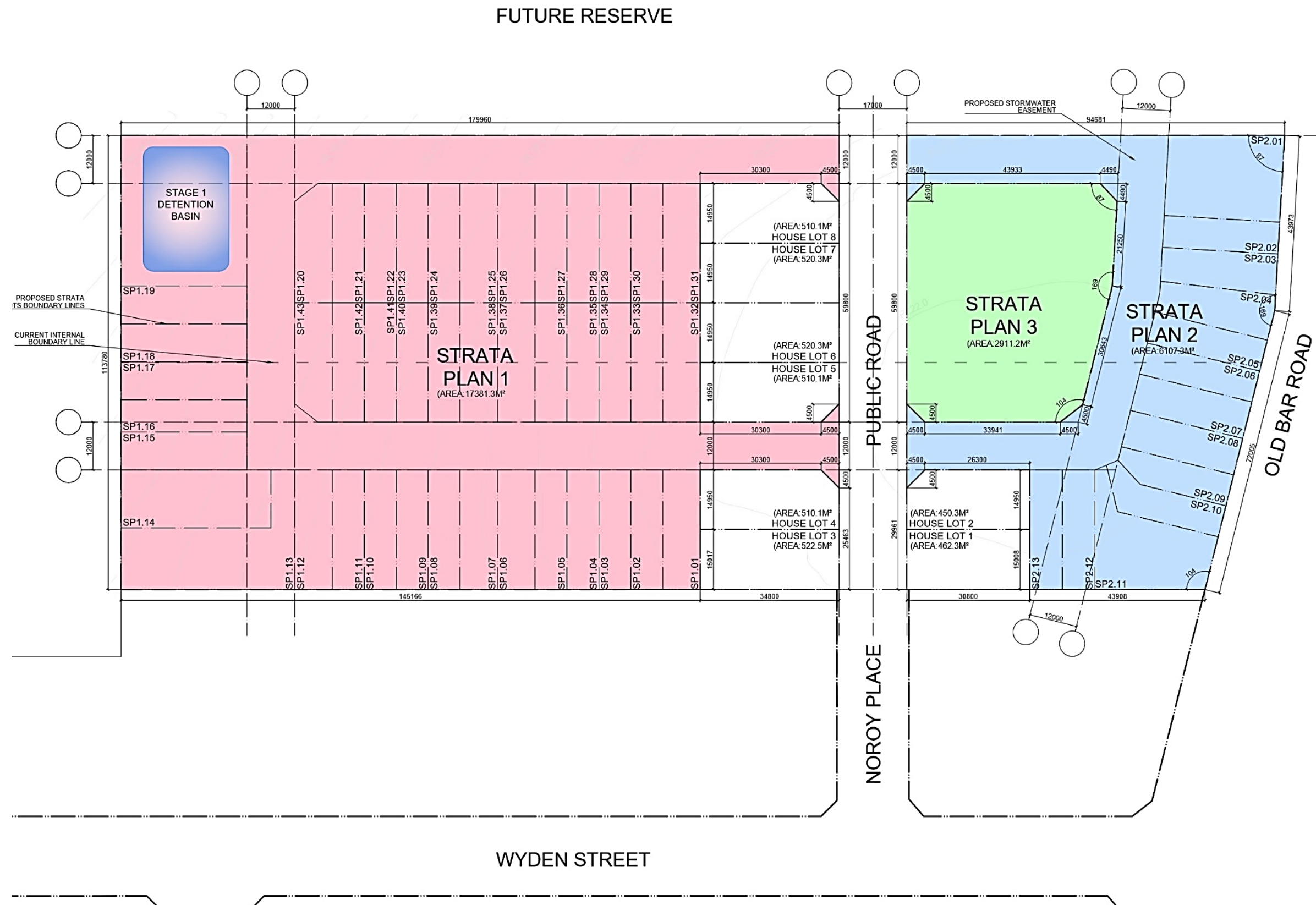
The colour scheme to the townhouses has a neutral base with white portal and frame elements. Then there is a variety of three alternate 'highlight' colours that are matched with subtle differences in the cladding style. There is a darker base colour that is used for items relating to carparking. The screening around the apartment building parking is required to be ventilated and therefore is timber batten screening in a light timber stain.

## Planning Resolutions

The development is harmonious with subtle differences that will allow the individual properties to be read. The theme is coastal with light base colours and pastel highlight tones. This sits well with a relaxed outdoor family environment.

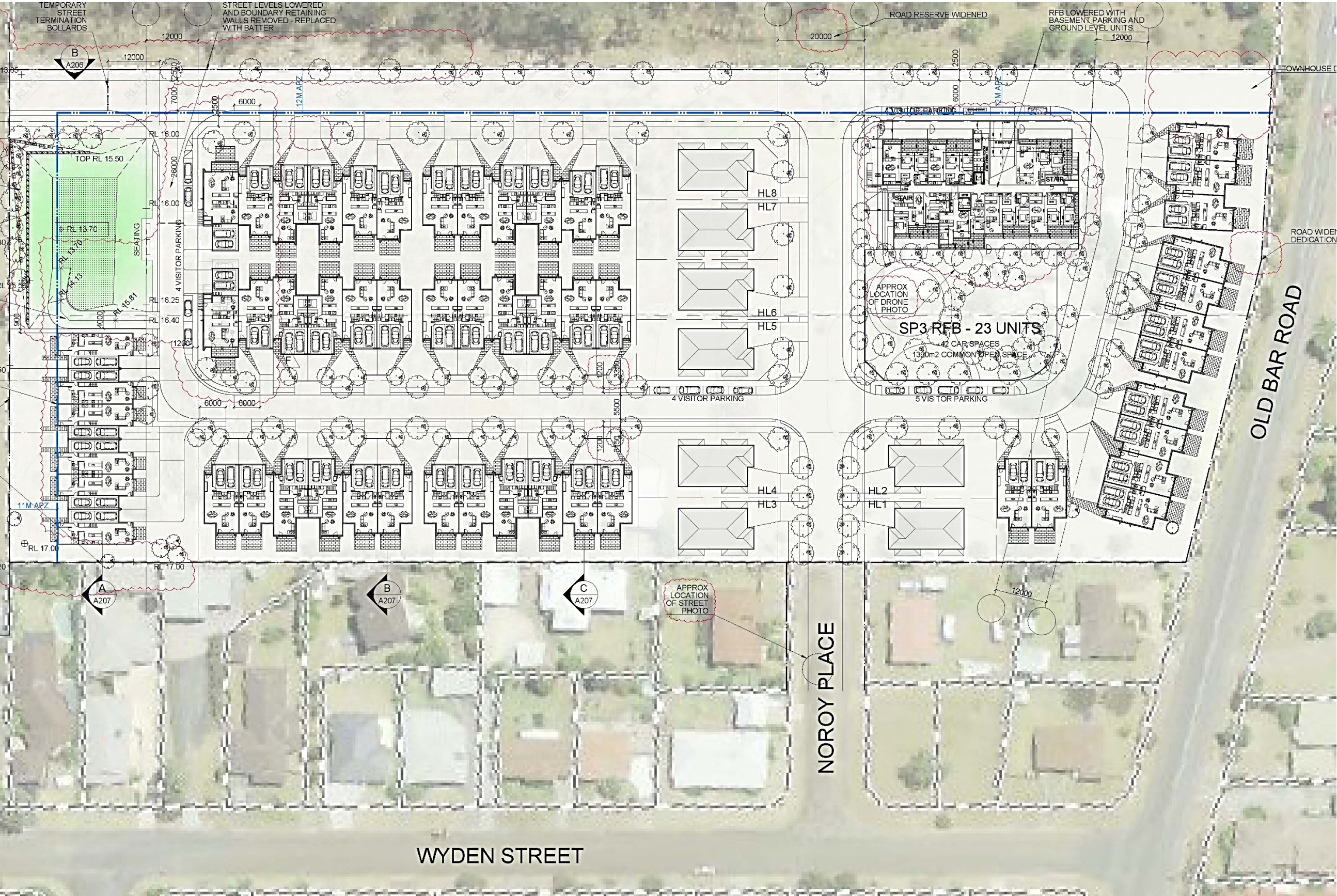


### Plan 3.1 Site Subdivision Plan





Plan 3.2 Site Building Plan





Plan 3.3 Perspective of the townhouses



A VIEW 01



B VIEW 02



C VIEW 03



D VIEW 04

## The Planning Controls

The following is a summary of the evaluation of the key matters for consideration, as detailed in Section 4.15(1) of the *Environmental Planning & Assessment Act 1979*, that are applicable to consideration of this development application.

### 4.1 State Acts - Integrated Development Approvals

#### **Rural Fires Act 1997**

The development requires a bushfire safety authority pursuant to Section 100B of the *Rural Fires Act 1997*. The land is mapped as Bushfire Prone Land other than for the northeast corner of the land. The land is partly Vegetation Category 1 and partly bushfire buffer. The bushfire hazard assessment by Midcoast Building and Environmental has made several recommendations. These have all been incorporated into the design of the development. The principal recommendation is a Bushfire Asset Protection Zone of 12 metres to the west and 11 metres to the south.

The Rural Fire Service of NSW have issued their General Terms of Approval for their Bushfire Safety Authority

### 4.2 State Environmental Planning Policies

The following State Environmental Planning Policies apply to this development:

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

Clause 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021* requires Council to consider whether land is unsuitable for a proposed use because it is contaminated, prior to granting consent to the carrying out of that development. Should the land be contaminated Council must be satisfied that the land is suitable in a contaminated state for the proposed use or that the land will be remediated before the land is used for that purpose.

The lots were approved via Council Clerk's Certificate 801 of 1 June 1949. The deposited plan was registered on 3 April 1950. A copy of the deposited plan is included with the development application package.



## Planning Resolutions

The 1969 aerial photograph below shows the southern part of the land covered in native forest with a collection of buildings towards Old Bar Road.

**1969 - Film number 5038 Print number 1615**



## Planning Resolutions

Very little has changed in the 1981 image below. The large shed on the eastern boundary has been constructed.

**3 August 1981 - Film number 2946 Print number 04**





## Planning Resolutions

In the 1997 image below the western part of the remnant vegetation has been cleared. Garden trees have been established in the northeast corner and near the shed along the eastern boundary. These have been planted rows. The current occupier advises these were a range exotic species planted by the previous landowner (pers com Garry Wray).

**8 February 1997- Film number 4347 Run 13 Print number 152**



## Planning Resolutions

In the 2012 image below all the remnant vegetation has been removed. There is a pile of unknown material along the western boundary that is covered in long grass. This still exists on site. The current occupier advises that this is topsoil that was pushed into a pile from the area of the future extension of Noroy Place (pers com Garry Wray). This material will be removed from the site and tested for contamination before disposal.

### 31 October 2012 Sixviewer - ADS40Towns



The existing dwelling is to be relocated onto another site. It is likely to contain asbestos material given the age of the building. The required protocols for transport of the dwelling will be undertaken. The shed shown opposite is also relocatable but is newer and is unlikely to contain asbestos material.

There is a risk of contaminated materials been discovered following the removal the dwelling house and all the sheds. This includes lead paint residues, white ant treatment residues and oil residues. Testing can only effectively take place once the buildings are removed/demolished. An Unexpected Findings Protocol (UFP) will be prepared and submitted to Council for approval prior to the issue of the first Construction Certificate for the subdivision.

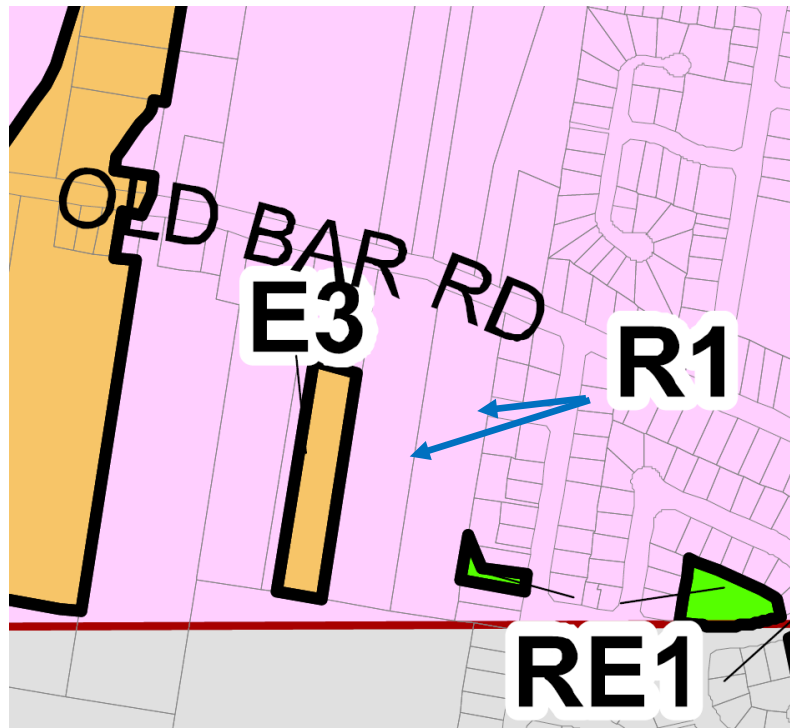




### 4.4 Local Environmental Plans

*Greater Taree Local Environmental Plan 2010* applies to the land. The land is within *R1 General Residential*.

#### Plan 4.1 LEP Zone map



Source: <http://www.legislation.nsw.gov.au>

Supplementary maps also apply to the land. The land is mapped with:

- Maximum Building Height of (I2) 8.5 metres,
- Floor Space Ratio of (F) 0.6:1
- Minimum Lot Size of (G) 450 m<sup>2</sup>
- Urban Release Area Map – Old Bar Precinct 2B Urban Release Area
- Acid Sulfate Soils Map - small area of Class 5 at the rear.

#### Definitions:

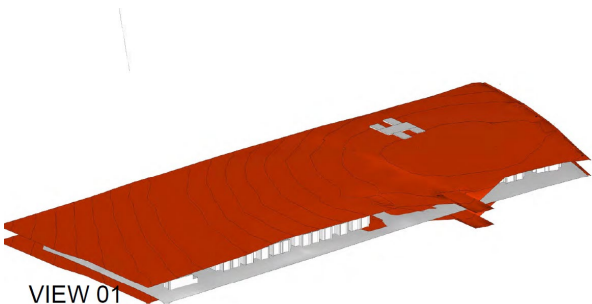
**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.



**Table 4.1 Compliance – Greater Taree LEP 2010**

Summary of LEP Requirement	Proposed
<b>Meets objectives of zone R1</b> <ul style="list-style-type: none"> <li>• To provide for the housing needs of the community.</li> <li>• To provide for a variety of housing types and densities.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	<p>The proposed development is for a mix housing development consisting of traditional residential lots, two and three bedroom townhouses and two bedroom apartments. Therefore, the proposed development complies with objectives by providing an extensive range of housing for the community.</p>
<b>Permissible use</b> <i>multi dwelling housing</i> <i>residential flat building</i>	<p><i>multi dwelling housing</i> and <i>residential flat building</i> are both uses permitted with the consent of Council. Each dwelling will only contain one kitchen and one laundry and therefore conform to the definition of a dwelling.</p>
<b>4.1 Minimum subdivision lot size</b> 450 square metres	<p>All Torrens title lots are in excess of 450 m<sup>2</sup>. Clause 4.1 does not apply to the subsequent strata subdivision of the housing developments.</p>
<b>4.3 Height of buildings</b> The height of a building must not exceed the maximum height of 8.5 metres  	<p>The vast majority of the proposed buildings have been designed with a maximum height of 8.5 metres.</p> <p>The residential flat building has been designed to exceed the maximum building height control. The building has been designed in consideration of the unique circumstance of been able to consider the overall site and the opportunity to expand the variety of housing choice, not only on the site but within the context of the whole village. The site context can be seen in the diagram opposite.</p> <p>Therefore, a request to vary the development standard pursuant to Clause 4.6 for residential flat building is included with the development application package.</p>
<b>4.4 Floor space ratio</b> The floor space ratio for a building is not to exceed 0.6:1	<p>The proposed building development consists of three strata plan sites (SP1 to SP3). The figures for the three sites are as follows:</p> <p>SP1 7340 m<sup>2</sup>: 14318.8 m<sup>2</sup> - 0.51:1:  SP2 2319 m<sup>2</sup>: 5436.0 m<sup>2</sup> - 0.43:1:  SP3 2125 m<sup>2</sup>: 3534.6 m<sup>2</sup> - 0.60:1</p> <p>This provides for a total FSR for the site of 0.51:1 (23,289.4 m<sup>2</sup>/11,784 m<sup>2</sup>)</p> <p>The further development on the eight Torrens Title lots will need to comply individually with the maximum FSR of 1:0.6</p>

Summary of LEP Requirement	Proposed
<b>4.5 Calculation of floor space ratio and site area</b> <i>(9) Covenants to prevent "double dipping"</i> <i>When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.</i>	<p>Pursuant to subclauses (3) to (6) the site for the purposes of the FSR can be defined as the three strata title lots. The overall development and the individual strata lots comply with the maximum FSR.</p>
<b>6.1 Arrangements for designated State public infrastructure</b> <p>Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area</p>	<p>There are no know items of State public infrastructure</p>
<b>6.2 Public utility infrastructure</b> <p>Council must be satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p>	<p>All public utility infrastructure that is essential for the proposed development is available. The provision of services has been fully addressed by Enspire Solutions in their Engineering Services Report.</p>
<b>6.3 Development control plan</b> <p>Development consent must not be granted for development on land in an urban release area unless a development control plan has been prepared for the land.</p>	<p>Part L5 (Precinct 2B) of the Greater Taree DCP 2010 provides the required controls.</p>
<b>6.4 Relationship between Part and remainder of Plan</b> <i>A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.</i>	<p>There are no know inconsistencies.</p>
<b>7.1 Acid sulfate soils</b> <p>Class 5 - Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p>	<p>The land is above 10 metres AHD and as such the clause does not apply</p>
<b>7.3 Earthworks</b> <p>Council must consider;  <i>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i>  <i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i></p>	<p>Enspire Solutions have fully addressed the proposed earthworks in their Civil Engineering Report (Section 4) and Civil Engineering Plans. The plans include preliminary sediment and erosion control plans.</p> <p>The site has been extensively disturbed by previous vegetation clearing operations and the residential occupation of the land. The standard</p>

Summary of LEP Requirement	Proposed
<p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>unexpected finds protocol will apply to any Aboriginal archaeological relics or items that are exposed during earthworks.</p>
<p><b>7.11 Essential services</b></p> <p>Adequate arrangements to be made for supply of water &amp; electricity, the disposal of sewage, stormwater drainage or on-site conservation and vehicular access.</p>	<p>All essential services are available to the existing lot. These services will be augmented. A Civil Engineering Report and Civil Engineering Plans prepared by Enspire Solutions are included with the development application documentation.</p>

### 4.5 Development Control Plans

Compliance of the proposed development with the relevant sections of *Greater Taree Development Control Plan 2010* is set out below.

## L5 PRECINCT 2B

### L5.1.4 Desired future character statement

*The Precinct comprises residential areas, passive and active open space, a riparian corridor and district centre. The Precinct is essentially focused on providing for well-designed one and two storey homes; as well as parks and streets that provide pedestrian and recreational opportunities.*

*The Precinct also builds on the opportunities presented by the central riparian corridor, and the treed areas adjoining the west of the site. The Precinct provides for a new district centre to serve Old Bar and nearby areas.*

*The residential areas are divided into smaller neighbourhoods most notably by the Oyster Creek corridor, and Old Bar Road, but also by collector and boulevard streets with their distinct planted median strips. Local parks provide focal points and a sense of place to different neighbourhoods. Aboriginal archaeology in the Precinct will benefit from the location of a park at the Precinct's northern end. Most specimens of Sydney Peppermint in the Precinct fall within a park located in the south-eastern end of the Precinct. The riparian corridor is to be embellished and maintained to sustain and improve potential wildlife movement opportunities within the corridor. The riparian corridor is edged by streets, in order to provide passive surveillance, good public access and for ease of maintenance.*

*Within each neighbourhood, streets are designed for safety, connectivity and to provide opportunities for establishing trees. The orientation of streets is largely made to achieve lots that will provide for homes to easily achieve effective solar access. Each neighbourhood will be typically characterised by detached style housing to a maximum of two storeys. The Precinct will also provide a range of opportunities for small lot housing and medium density housing, particularly in areas of higher amenity adjacent the district centre.*



*A new district centre is located to provide for the requirements of wider Old Bar. This centre is to function as the primary commercial and civic centre for Old Bar. There is to be a balance between retail practicalities and the opportunities to create a vibrant main street and civic park. A variety of community facilities are to be housed in this new district centre. All buildings along Old Bar Road within the district centre are to front and activate the street.*

### L5.2 The precinct plan

#### **Performance criteria**

1. The Precinct Plan will prevail over other diagrams contained within this Development Control Plan where an inconsistency is apparent.

#### Design Response:

The land is located in the south eastern corner of the Precinct. The main role of this land in the development of the Precinct is to provide local access from Wyden Street into the Precinct by continuing Noroy Place through the land east to west. The other important aspect is the future public reserve along the western edge of the land. The Precinct plan shows a road along the eastern edge of the public reserve shared with this land. However, a public road has been provided fully within the land. This will maximise the effective width of the future public reserve and also full public access to the future public reserve.

Finally, the access onto the Old Bar collector road has been removed in favour of internal access to the new local road. A bushfire tanker access point has been added to Old Bar Road. This is to ensure an alternative access point during a bushfire. The later development of the surrounding land would remove the need for this emergency exit.

### L5.3 Building setbacks

#### **Objectives**

- *Provide for a landscaped setting for residential buildings;*
- *Recognise the more dominant nature in a streetscape of second storey dwellings;*
- *Reduce garage domination in the streetscape;*
- *Create an urbanised and activated frontage to Old Bar Road within the district centre.*

#### **Performance criteria**

1. *The minimum frontage setback is 5.5m to the second storey and to garage doors.*
2. *The minimum front setback is 4.5m to the ground floor.*
3. *The minimum front setback for multi-dwelling houses is 4.5m to the ground floor, second storey and the garage.*
4. *The minimum front setback to non residential land uses on sites adjoining Old Bar Road is 0m.*

#### Design Response:

Eight conventional lots are proposed fronting the Noroy Place extension, all are capable of accommodating dwellings that can be sited to comply with the required setbacks.

The western part of the apartment building is setback 4.15 metres from the extension to Noroy Place whereas the eastern part is setback 6.75 metres. This

## Planning Resolutions

staggering of the setback achieves the desired variation envisaged by the controls.

None of the town houses will have direct frontage to a public road. The townhouses along Old Bar Road are setback 7 metres from the boundary.

### L5.4 Street hierarchy

#### Objectives

- *Maximise accessibility;*
- *Celebrate key routes and vistas;*
- *Open up public access to natural assets;*
- *Add variety and interest;*
- *Achieve the creation of practical shaped street blocks.*

#### Performance criteria

1. *Street layout and hierarchy within the precinct will be consistent with the map in Figure 4.*

#### Design Response:

The extension to Noroy Place to the western boundary is shown as per Figure 4 (extract opposite). The loop road to the south of Noroy Place is proposed as a proposed public road.



### L5.5 Street types

#### Performance criteria

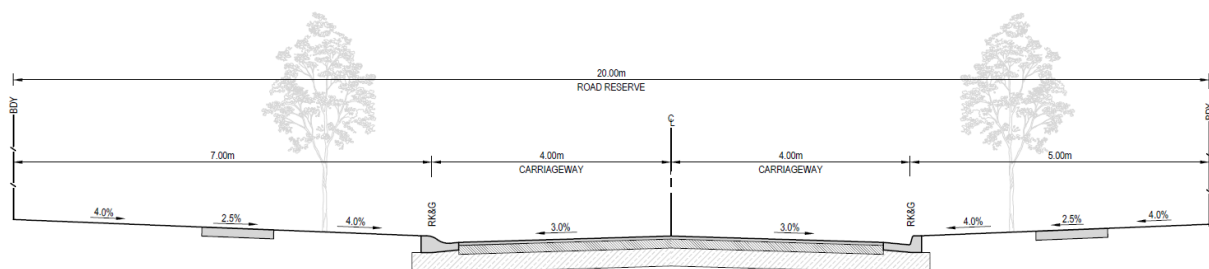
*The specifications for street hierarchy shall be in accordance with Auspec Guidelines Table D1.5, as follows:*

**Local Streets** will be 16m wide incorporating:

- 4m verges on each side of the street.
- 8m carriageway.

#### Design Response:

Noroy Place extension will sit in a 20 metre road reserve with an eight metre carriageway and intermittent designated car parking bays. Refer to Plan '210036-DA-C11.01' in Enspire Solution's engineering drawing package.



### L5.6 Pedestrian and cycle routes

#### Performance criteria

1. *Pedestrian and cycleway locations are to be provided as shown in Figures 3 and 4.*
2. *The boulevard collector shall include a 1.5m on-road bicycle lane in each direction.*
3. *Strong north-south connections are to be provided through shared off-road cycle and pedestrian paths of 2.5m to either side of the riparian corridor and on the western edge of the precinct.*
4. *East-west connections are to be provided through 2.5m pathways within designated verges.*

## Planning Resolutions

5. *Standard 1.2m wide footpaths are to be provided to at least one side of the higher order residential streets as shown in Figure 3.*

### Design Response:

The land is outside the area of these controls. 1.2 metre wide footpaths are proposed either side of the Noroy Place extension.

## L5.7 Parks and open space

### **Objectives**

- *Retain areas of important values, including Aboriginal*
- *archaeological value, and of locally significant vegetation;*
- *Achieve environmental protection;*
- *Provide and enhance public access;*
- *Create a sense of place for the local neighbourhood.*

### **Performance criteria**

1. *Applicants intending to pass control of environmental protection land to Council are required to prepare a Plan of Management, for such areas and submit this with the relevant subdivision development application.*
2. *A concept plan (EDAW, 2006) demonstrates how the landscaping and rehabilitation might be carried out. The Plan of Management for and design of the northernmost park in the precinct will require liaison with the Purfleet-Taree Local Aboriginal Land Council with respect to the significance of this site. The park in the south-eastern corner of the Precinct is to retain existing vegetation (which includes the locally significant species *Eucalyptus piperita*) in a managed state that will not pose a bushfire risk to adjoining homes.*

### Design Response:

The land is outside the area of these controls. The proposed park in the south-eastern corner of the Precinct is adjacent to the land. Despite the controls indicating the need to manage this park to lower the bushfire risk it has been necessary to setback the proposed development from this future reserve as it is an existing bushfire hazard.

## L5.8 Bushfire protection

### **Performance criteria**

1. *Any application to erect a building on land affected by the bushfire setbacks, as shown in Figure 4, will need to demonstrate appropriate building setbacks, appropriate construction methods (including AS3959-2009), and, where required by the NSW Rural Fire Service, provision for fire fighting services such as hydrants.*
2. *Consideration must be given to whether a development proposal near a bushfire source poses excessive challenges in terms of evacuation and fire fighting.*

### Design Response:

A bushfire assessment report prepared by Midcoast Environmental and Building has been provided. This report recommends bushfire asset protection zones of 11 metres to the south and 12 metres to the west. These have been incorporated into the design of the development.

The Noroy Place extension and the internal strata roads have been designed as loop roads to accommodate bushfire tankers. A bushfire tanker access point has been added to Old Bar Road. This is to ensure an alternative access point during a bushfire. The later development of the surrounding land would remove the need for this emergency exit.



### L5.9 Acid sulfate soils

#### Performance criteria

1. Any application involving disturbance of Acid Sulfate Soils will require submission of an Acid Sulfate Soil Management Plan prepared in accordance with the requirements of the current Local Environmental Plan.

#### Design Response:

The land is above 10 metres AHD and as such Acid Sulphate Soils are highly unlikely to occur.

### L5.10 Water management

#### Performance criteria

1. Development within the precinct will be consistent with the Residential Stormwater Management Plan as shown in Figure 8.
2. Water monitoring of Oyster Creek is required prior to the lodgement of any Development Application for subdivision in order to obtain a baseline for future monitoring. Aspects that are required include timing, distribution, velocity, quantity and quality.
3. A saltmarsh has been found within the SEPP 14 Coastal Wetland at the northern end of Oyster Creek within the precinct, which is considered rare, is an endangered ecological community and is inadequately reserved. In light of this, a consent condition will be imposed for any subdivision deemed by Council to possibly have an impact upon the saltmarsh to the effect that the proponent must undertake water monitoring in relation to water balance (timing, distribution, velocity, quantity and quality) during and after the construction phase of development within the subdivision.
4. An integrated Water Cycle Management Plan is required to be undertaken prior to the lodgement of any Development Application for subdivision and must be in accordance with the Brief for this study adopted by Council at its Planning Committee Meeting on 13 September 2006.

#### Design Response:

Enspire advice in their report that:

*To ensure Council's objective is satisfied, the development will incorporate an On-Site Detention basin at the south-west corner of the site. The basin has been designed to accommodate majority of the site catchment and attenuate flows to pre-development conditions, up to the 1:100 year ARI event.*

*A below ground OSD tank is also proposed to cater for the RFB site. The tank will attenuate flows to pre-development conditions, up to the 1:100 year ARI event. The OSD tank will be detailed during detailed design phase of the development.*

*It is noted the pervious areas of the lots fronting Old Bar Road will be treated as bypass for the site and result in approximately 5% of the site area.*

(See plans '210036-DA-C05.01' to '210036-DA-C05.03')

And further that:

*A water quality analysis has been undertaken to assess the performance of the proposed WSD strategy against the adopted stormwater quality objectives. The stormwater quality analysis for this study was undertaken*

*using the industry standard software model MUSIC (Model for Urban Stormwater Improvement Conceptualisation) Version 6.3.*

*MUSIC modelling was undertaken in accordance with the guidelines outlined in the NSW MUSIC Modelling Guidelines (BMT WBM 2015) as well as the WaterNSW MUSIC guideline. A pre-development model has been prepared to assess the mean annual pollutants prior to development. The pre-development model includes each relevant source node and has been based on both aerial imagery and detail survey information. The post-development catchments for the site have been separated into their relevant unique land use nodes, specifically roof, road, impervious and pervious areas, with treatment nodes adopting parameters set out in the NSW MUSIC Modelling Guidelines and generally accepted industry parameters for proprietary products.*

### L5.11 Flooding and overland flow

The land is on the highest part of the precinct and this section does not apply

### L5.12 Safety and security

#### **Objectives**

- *Create an environment that makes residents feel comfortable and reduces risk of criminal activity;*
- *Create public spaces and streetscapes as environments that attract people;*
- *Clearly delineate public from private space in order to distinguish legitimate public thoroughfares and to engender pride of ownership;*
- *To encourage casual surveillance and maintain adequate sightlines;*
- *Minimise opportunities for concealment and entrapment.*

#### **Performance criteria**

1. *Applications may be referred for consideration by the NSW Police. Applications that are referred will incur an additional fee.*
2. *Entrances to buildings are to front the street.*
3. *Front boundaries should be clearly delineated using landscaping or fencing.*
4. *Numbering and signage should be clear.*
5. *Bushy landscaping in the stratum of 1m to 2m above the ground should not directly adjoin footpaths, unless barrier fences shield the landscaping.*
6. *Bushy landscaping in the stratum of 1m to 2m above the ground should not be located where it will screen entrances, pathways and front windows from being viewed from the street.*
7. *Blank facades and fences that make good canvases for graffiti shall be minimised. Where a blank wall is justified it needs to use materials or thorough landscaping to be softened and to reduce opportunities for graffiti.*
8. *Facilities like bus stops, ATM's, public toilets, and telephone booths should be located in higher traffic locations where they enjoy good surveillance.*

#### Design Response:

All the quasi-public areas (strata driveways) have excellent surveillance from the upper levels of the adjoining residences. The proposed landscaping consists of small trees with low level ground covers and limited areas of dense plantings. The front fencing to the strata driveways is muted to provide limited screening to shield areas such as a small private resting place and garbage bin storage.

## Planning Resolutions

The quasi-public areas and private areas are very clearly delineated with both varying ground treatments and a small barrier open fence. The areas of private open space for the townhouses will feel secure with 1.8 metre high fencing and gates.

Again, the quasi-public areas and private areas are very clearly delineated for the apartment building. The carpark is as open and visible as possible. The required active security measures will be provided.



The central open space to the apartment building is open with circular through paths with no hidden corners. An active space is included to ensure frequent and ongoing use of the open space. Landscaping has been designed to provide the required surveillance.

## PART H RESIDENTIAL REQUIREMENTS

### H2.1 Site coverage and lot requirements

#### Objectives

- Bulk and scale is compatible with the surrounding built forms and enhances the streetscape and public and private space;
- Development maximises permeable surfaces and maintains a balance between the built and unbuilt upon areas;
- Development provides for undeveloped areas that are of a suitable size, dimension and slope that will:
- Accommodate private outdoor area requirements that suit the anticipated needs of the occupants;
- Enhance privacy and views between housing, other buildings and the street (other sections);
- Actively facilitate on-site stormwater infiltration and harvesting for re-use (other sections);
- Incorporate suitable measures to minimise run off;
- Provide space for service functions, such as clothes drying.
- Ensure the density of a variety of building forms integrates with the character of residential environments.

#### Performance criteria

1. The maximum site coverage for all residential development is 65%.

#### Design Response:

Each of the Strata Lots has the following site coverage:

- Strata Lot 1- 59%
- Strata Lot 2- 56%
- Strata Lot 3- 33%

### H2.2 Building setbacks

#### Objectives

*Integrate new dwellings, alterations and additions within the established streetscape character through consistency in street boundary setbacks;*



## Planning Resolutions

- *Ensure that new dwellings, dwelling alterations, additions and associated larger structures (i.e. garages and sheds) are set back from side and rear boundaries minimise the bulk, scale and amenity impacts on adjoining properties;*
- *Ensure there is adequate space on the site to provide for appropriate levels of landscaping, open space and privacy;*
- *Avoid undesirable characteristics, such as gun barrel developments, bulky forms and long walls;*
- *Optimise solar access and privacy for both the new development and existing surrounding development.*
- 

### Design Response:

All the multi dwelling housing is located on larger lots and none have frontage to the Noroy Place extension.

The townhouses that back onto Old Bar Road are setback a minimum of 7 metres.

All development is setback 11 metres to the south and 12 metres to the west to ensure compliance with the required bushfire asset protection zones.

Setbacks to the existing development to the east vary though all are more than 6 metres. The neighbouring properties have the same permitted height, zoning and FSR as the subject site. The setbacks provided for the proposed development are greater than those of the existing built form on the neighbouring sites. The proposed retaining walls along this interface have been removed and levels lowered to this effect.

The boundary conditions are compatible between the existing dwelling houses to the east and the proposed townhouses along the eastern boundary. There have been no objections from these eastern neighbours.

Cross sections of this eastern boundary interface have been provided in drawing A207. The townhouses proposed provides the eastern neighbours with a known and consistent neighbouring building form rather than having to face the unknown impact from the future construction of individual dwelling houses along the shared boundary.

Furthermore, the freehold title house lots on the proposed extension to Noroy Place, maintain the single dwelling streetscape for the Noroy Place extension. This provides continuity with the existing established building forms in Noroy Place.

The proposed townhouses along the eastern boundary and the freehold title house lots as the extension to Noroy Place provides a superior planning outcome.

## H2.3 Building height

### **Objectives**

*Maintain a low-rise residential character throughout the Greater Taree suburban areas, especially in areas of predominantly detached housing;*

- *Ensure dwellings are sensitively designed (i.e. height and bulk) and consistent with their surroundings, especially in scenic locations;*
- *Maintain and enhance existing levels of neighbourhood amenity, especially in relation to privacy, solar access, views and apparent building bulk;*
- *Avoid adverse visual impact on streetscapes;*

## Planning Resolutions

- *Minimise impacts of multi dwelling housing where the local area consists substantially of detached housing;*
- *Ensure that an appropriate relationship between the floor levels of adjoining development is maintained.*

### Performance criteria

1. *The lowest floor level of all development shall not be greater than 1m above natural ground levels at any point.*
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.*
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.*
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.*
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.*
6. *Rooftop balconies, terraces and the like are to be considered as a storey.*

### Design Response:

All the townhouses are less than the required 8.5 metres. They are generally around 7 metres high and all are two storeys.

The residential flat building has a maximum height of approximately 9.295 metres. A variation request to the LEP development standard has been submitted with the development application package. The higher building has been designed as part of a larger residential development where the increased height impacts can be muted while providing a superior planning outcome. The additional height will result in a residential development with:

- Increased housing choice,
- Apartments with a higher amenity, and
- The opportunity to provide a large block of landscaping in the middle of this new residential development.

## H2.4 Car parking and access

### Objectives

- *Ensure that parking areas, access ways, driveways and streets allow safe appropriate and efficient vehicle movement and efficient connections to the existing street network, while minimising the loss of on-street public parking spaces;*
- *Provide adequate, secure and accessible on-site parking for residents and visitors;*
- *Ensure vehicular and pedestrian safety;*
- *Integrate access design with the overall building and landscape design;*
- *Minimise the visual and environmental impacts of on-street and off-street parking, through considered location of vehicle accesses and parking areas;*
- *Minimise the visual and acoustic impact of vehicle movements on the living areas of all dwellings;*
- *Ensure that car parking areas are contained in size and are surfaced appropriately to minimise the adverse effects of additional stormwater point loading;*
- *Ensure service vehicle access is met where necessary.*

### Performance criteria

#### All residential development

1. *Garages and driveways do not dominate the street facade of the development.*
2. *Long straight driveways are to be avoided.*
3. *Hardstand areas should be minimised and, where soil conditions permit, be substantially constructed using semi-pervious materials to reduce water run-off and increase soil absorption.*
4. *Design for vehicle access and parking should in every instance take into account:*
  - *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.*
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.*
6. *Special consideration will be given to particular site conditions such as existing vegetation, site drainage, steep access etc.*
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.*

#### Design Response:

All the townhouses have access off the new western public road or internal strata accessways. That access is direct other than for the townhouses in the south east corner where the access is via "dog-leg" driveways. Each townhouse has a double garage though six of the townhouses along the southern boundary have tandem double garages. This is so as maximise the northern façade of the dwelling.

Dwelling type	Number Proposed	DCP car parking rate	Min. parking spaces required	Parking spaces proposed
Torrens title lots	8	2 / dwelling	16	16
Townhouses	55	2 / dwelling	110	110
2 bedroom apartments	23	1.2 / dwelling + 0.2 / dwelling (visitors)	32	42
<b>Total</b>			<b>158</b>	<b>168</b>

All townhouses have space to park two visitor cars in front of the garage except the six townhouses along the southern boundary which only have room for one visitor space.

Eight visitor car parking spaces have been provided in the accessway for Strata Lot 1. Five visitor car parking spaces have been provided in the accessway at the entrance to Strata Lot 2. While this shared provision is less than the required



## Planning Resolutions

visitor spaces it still meets the objectives of providing adequate visitor parking but also the following objective:

*o Minimise the visual and environmental impacts of on-street and off-street parking, through considered location of vehicle accesses and parking areas;*

The residential flat building includes a basement level carpark for 42 cars. Twelve (12) spaces are tandem spaces. There are four car spaces accessible for people with access disabilities. All cars can enter and leave in a forward direction. There are five visitor car spaces. One of these is accessible.

### H2.5 Private open space

#### Objectives

- *Provide sufficient open space for the reasonable needs of residents for privacy, access, outdoor activities, views, service functions and landscaping;*
- *Provide ground level private open space directly linked to the living areas of dwelling;*
- *Locate private open space so that it takes advantage of solar access, privacy from adjacent properties, outlook and views, existing plantings and existing landform;*
- *Ensure that all open spaces, private or communal are clearly defined and are useable, and help create a pleasant, safe and attractive living environment.*

#### Performance criteria

1. *Each dwelling shall be provided with quality, useable private open space (POS)*
2. *The POS area of each dwelling is to have a principal private open space (PPOS) directly connected to a living zone of the dwelling.*
3. *POS is to be no steeper than 1:10 gradient. On steeper sites open space is to be terraced to provide useable space. A front POS forward of the building line will only be considered where the allotment is predominantly north facing.*
4. *Sunlight must reach at least 50% of the POS of both the subject dwelling and of any adjoining dwelling, for not less than 3 hours between 9:00am and 3:00pm on 21 June. POS that has a southerly orientation (shaded by the dwelling and/or adjacent dwelling) may require an increase in its area to compensate for the shaded POS.*
5. *At least one principal living area of a dwelling must face predominantly north.*
6. *The POS shall be adequately screened for privacy from adjacent dwellings and passers-by.*
7. *Any dwellings which cannot be provided with private open space at ground level (i.e. residential flat buildings, shop top housing) shall instead be provided with a balcony.*

#### Design Response:

Regarding each of the performance criteria I advises as follows:

1. Each townhouse has been provided with quality, useable private open space.

Typically, POS has been provided as follows:

Townhouse Type A1 – 70sqm

Townhouse Type A2 (Ground Floor Bedroom)- 60sqm

Townhouse Type A2 (with side entry)- 80sqm

Townhouse Type B – 110sqm

Townhouse Type C – 220sqm

The residential flat building has an expansive area of common open space of 1390 sqm.

2. The principal private open space for all townhouses is directly connected to the living zone of the dwelling.
3. No POS is steeper than 1:10 gradient. All POS is at the rear of the dwelling.
4. All townhouse have POS that receives generous amount of solar access in the middle of winter except for Townhouse 1.13 to 1.18 along the southern boundary of the land. The POS for these townhouses will receive some solar access between about 11am and 2pm but it will be moving across the POS. All these townhouses are north facing and have a siting area at the front of the townhouse that will have solar access all day long. Therefore, the objective of adequate access to winter sun has been achieved.
5. All the townhouses have reasonable to good northerly solar exposure. Most of the dwellings have been orientated on the east west, so while not necessarily receiving lots of northern sun the whole development has good sun exposure all day long. Where the main area of POS doesn't meet the required solar access there is the secondary screened space in the front setback which has solar access all day long.
6. The POS will be screened from adjacent dwellings and passers-by via 1.8 metre high timber lapped and capped fences.
7. The residential flat building dwellings all have generous balconies as well as the extensive area of shared open space to the east of the building.

## H2.6 Solar access and overshadowing

### Objectives

- Maximise sunlight access to the living areas and private open space of the dwelling;
- Minimise overshadowing of the living areas and private open space of adjoining properties;
- Minimise the need for artificial lighting during daylight hours and artificial heating and cooling.

### Performance criteria

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.*
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.*
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.*
4. *Buildings must be sited and/or designed to avoid overshadowing on adjoining properties should be addressed, including, but not limited to, increasing setbacks, articulation, variations in roof forms and/or reducing building bulk or minimising height.*

## Planning Resolutions

### Design Response:

1. Professionally prepared shadow diagrams for all proposed buildings have been provided.
2. All dwellings either have the main living space with direct northern solar exposure or have a secondary space (media room) with northern exposure.



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3. The proposed townhouses have been designed to provide the required solar access. An assessment of the apartment building has been prepared by the architect in accordance with the Apartment Design Guide.
4. Some of the adjoining dwellings along the southern part of the eastern boundary will be impacted by overshadowing. Though this over shadowing does not occur until about 2pm in the middle of winter. See the extract below. Even then the dwellings continue to receive solar access to the northern facades.



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### H2.7 Acoustic and visual privacy

#### Objectives

- *Ensure the siting and design of dwellings, including terraces and balconies, minimises the overlooking of adjoining properties will have a reasonable level of privacy to their dwelling and private open space area;*
- *Ensure the siting and design of dwellings contains noise within the dwelling and outdoor areas without unreasonable transmission to adjoining dwellings;*
- *Ensure that dwellings close to noise sources, such as roads, railway or industry, are sited and designed to provide a comfortable living and sleeping environment and isolate adverse impacts from noise sources;*
- *Provide appropriate separation between dwellings to ensure acceptable levels of acoustic privacy between them;*
- *Ensure an adequate degree of visual privacy for residents of all forms of housing, with additional care being required in the design of any attached dwellings.*

#### Performance criteria

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.*
2. *Dwellings are to be sited and designed to limit the potential for noise transmission to the living and sleeping areas of adjacent dwellings.*
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.*
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.*
5. *Careful consideration should be given to the location of noise generating activities/items such as air-conditioning units, swimming pool equipment, recreation areas driveways and car spaces to minimise the impact on the amenity of adjoining properties.*
6. *A minimum line-of-sight separation of 3m is required between parking areas/streets and all bedroom windows.*
7. *Where any wall openings of adjacent dwellings are opposite each other, a minimum separation of 3m is required.*
8. *All opposing windows and doors on adjacent lots must be offset*
9. *A minimum of 9m is required between the windows of habitable rooms of facing dwellings that abut a public or communal area. This distance should be increased to 12m for windows above first-floor level. Direct views between living area windows of adjacent dwellings must be screened or obscured where:*
  - *Ground and first floor windows are within an area described by taking a 9m radius from any part of the window of the adjacent dwellings. An area so defined is described as a privacy sensitive zone.*
  - *Other floor windows are within a privacy sensitive zone described by a 12m radius.*
10. *Overlooking of ground level private open spaces, from upper levels is to be avoided, for example through the use of setbacks, level changes, landscaping and/or pergolas.*
11. *Overlooking between units is to be avoided, for example through dividing fins, louvers and other design detail.*
12. *The windows and doors of proposed dwellings that provide direct view into the living area/bedroom windows of an adjoining dwelling should:*
  - *Be located out of alignment with the windows of adjoining dwellings, or*

## Planning Resolutions

- *Have fixed obscure glazing to a minimum height of 1.7m above floor level, or*
  - *Use another form of screening to the satisfaction of Council.*
13. *The outlook from a proposed dwelling into the private open space of another dwelling does not require screening where:*
- *Windows are in bathrooms, toilets, laundries, storage rooms or other non habitable rooms.*
  - *Windows have a minimum sill height of 1.5m above floor level or translucent glazing to a minimum height of 1.5m above floor level.*
  - *Windows and balconies of upper level dwellings are purpose-designed to prevent overlooking of more than 50% of the private open space of a low-level or neighbouring dwelling.*
14. *A roof top balcony, terrace and the like on residential developments and outbuildings is not suitable where it compromises privacy and amenity.*

### Design Response:

The townhouses are designed with a general front and rear face only. The view from rear windows to adjoining private open space is restricted either by been setback from the main part of the building or via portal fin elements either side of the windows. The two rows of facing townhouses on Strata Lot 1 are a minimum of 9 metres apart. The separation has been reduced to accommodate the requested wider western road.

The landscaping has also been designed to increase the privacy between the townhouses.

Privacy with the apartments has been achieved with varying setback of the balconies and fin dividing walls.

The greatest potential impact of loss of privacy to the existing adjoining development is for those dwellings along the eastern boundary just south of Noroy Place. In this case privacy louvers will be provided on the upper windows of the adjoining townhouses to prevent a direct view.

## H2.8 Views

### **Objectives**

- *Avoid compromising available quality views;*
- *Minimise view loss from adjoining or nearby properties and public places;*
- *Avoid development of a form which will substantially compromise views available from public thoroughfares and from private living areas;*
- *Maintain view sharing for existing and future residents.*

### **Performance criteria**

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.*
2. *Council may require the erection of a height profile structure certified by a registered surveyor on the site prior to determining an application.*

### Design Response:

The land occupies the highest point in this area of the village of Old Bar. Therefore, development does not impact views of neighbouring properties. The slopes in village of Old Bar are generally gradual and as such there are no expansive views from adjoining properties.

## H2.9 Safety, security and entrances

### **Objectives**

- *Ensure a safe physical environment by promoting crime prevention through design;*
- *Ensure that siting and design of dwellings, buildings and spaces contributes to the actual and perceived personal and property safety of residents and visitors;*
- *Ensure that the front entrance of each dwelling is clearly defined and visible to pedestrians and emergency services personnel from the street that it faces;*
- *Provide a consistent element of facade modulation as a means of contributing to streetscape amenity;*
- *Provide an area of sheltered transitional spaces for resident and visitor between the public street and the private dwelling.*

### **Performance criteria**

#### **All residential development**

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.*
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.*
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 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.*
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.*
6. *Buildings should be detailed or articulated in a manner that identifies the entry and expresses individual dwellings to the street frontage where possible.*

### Design Response:

See the response to L5.12 (Safety and security) above.

## H2.10 Front Fencing

### **Objectives**

- *Ensure fencing does not dominate the streetscape and that it is integrated with, and positively contributes to, the character of the streetscape and the locality;*
- *Ensure front fencing is integrated with the landscaping and building design;*
- *Ensure a balance of privacy, safety and security for occupants of new and existing dwellings, whilst encouraging the opportunities for visual and social interaction and connection with the street;*



## Planning Resolutions

- *Ensure that fences and walls are designed to help define the boundary between public and private spaces and to assist in highlighting the property's pedestrian entry point.*

### Performance criteria

1. *Fencing should not block views from a dwelling towards the street or similarly obscure the visibility of the front entrance of a dwelling.*
2. *Where front boundary fencing is required, it is to be no taller than 900mm if solid and no taller than 1.5m if the fence has openings which make it at least 50% transparent. Fence materials and detail design is to be consistent with those of the character of fencing in the immediate locality.*
3. *The distance between modulating elements (indentations, posts, or engaged piers), should not be greater than 2.5m.*
4. *Front fences must not exceed 10m in length without some articulation or detailing to provide visual interest, i.e. fence posts, engaged piers etc.*
5. *In locations (such as Crowdy Head), where front fences are not common, front boundary definition shall be achieved by hedging or other methods common to the local area.*
6. *All fencing behind the line of the dwelling/building façade, side and rear fences, may be a maximum of 1.8m.*
7. *Side fences which project forward of the front building line should step down to the adjoining front fence.*
8. *Expansive flat and blank surfaces to street frontages are to be minimised to reduce the opportunity for graffiti.*

### Private Open Space Fencing

1. *Where front fencing is utilised to provide screening to private open space it must be no higher than 1.5m if located on the front boundary. If proposed higher than 1.5m the fence must be located at least 1.2m from the property boundary. Private open space fencing must not exceed 1.8m.*
2. *Private open space fencing must demonstrate its adequacy for providing privacy to the development. Design treatments such as articulation, panelling, hedging, etc can be engaged to provide both privacy and contribute to the visual amenity of the streetscape.*

### Design Response:

Low open fencing is proposed to the frontage of all the townhouses.

The private open space is in the rear yards and is screened via 1.8 metre high timber fencing.

## H3 Controls for specific forms of residential accommodation

### H3.4 Multi dwelling housing and residential flat buildings

#### Objectives

- *Encourage high quality residential developments which feature a high standard of urban design and provide a high level of amenity for residents;*
- *Ensure that development sites have sufficient site area to accommodate appropriate setbacks and open space areas, including areas for deep soil planting and natural site drainage.*

### Performance criteria

#### Site Coverage

1. *Development for the purposes of multi dwelling housing requires a minimum land size of 1,000m<sup>2</sup>.*

#### Design Response:

Lot 1 has an area of 14,318.8 m<sup>2</sup> and Lot 2 an area of 5,436 m<sup>2</sup>.

#### Setbacks

1. *The minimum front street boundary setback is 7m. Where adjacent multi dwelling housing development is closer to the front boundary, the setback may be similar to that of adjacent development. Likewise, where adjacent development is set further back, Council may require a greater setback than the minimum otherwise permitted.*
2. *The minimum side and rear required setback is calculated using the formula: 2.25m + H/4 - Where H = the height of the ceiling of the topmost storey above any point along the line indicating the unexcavated level of the land.*

**Note:** *Where minimum setbacks are observed and it can be demonstrated that positive benefits will result in terms of:*

- ☐ *reducing the bulk of buildings;*
- ☐ *improving the privacy of adjacent properties and*
- ☐ *provided that there are no adverse environmental effects (such as overshadowing),*

*the setback can be reduced by 50% for up to half the length of the wall or a maximum of 7.5m. This concession is applicable if the remaining portion of the wall is setback so that the area of open space between the wall and the boundary remains the same as that set by the distance calculated from supporting documentation such as shadow diagrams and privacy impact analyses.*

3. *Where the rear property boundary adjoins a public reserve, a minimum 3m building setback is required, with the exception of in-ground pools and pathways that provide access to public reserves. In these cases, a setback of 900mm is required.*
4. *A minimum setback of 3m is permitted from the carriageway edge for multi dwellings fronting private streets.*
5. *Projections permitted into setback areas include: eaves, sunhoods and vertical sun screens, gutters, downpipes, flues, light fittings, electricity or gas meters and aerials. These can project 600mm or ¼ of the setback distance whichever is less.*

#### Design Response:

See response to Clause L5.3 (Building setbacks) above.

#### Car parking and access

1. *Parking in the form of garages or carports is to be provided on site at the rate of:*
  - ☐ *1 space for each 1 and 2 bedroom dwelling;*
  - ☐ *2 spaces for each 3 or more bedroom dwelling.*

*Visitor parking is to be provided onsite at the rate of 1 space per 3 dwellings.*

2. *Where amalgamation of lots is proposed and vehicular access points to the street are reduced, visitor spaces may be located on street at the rate of 1 vehicle for each access deleted, provided the vehicle spaces are located in front of the boundaries of the development site.*

## Planning Resolutions

3. *Stacked parking will be permitted for this type of residential development where the stack space does not obstruct traffic movements. All vehicles must be able to manoeuvre on site with a single reverse movement and enter and leave the site in a forward direction with safety.*
4. *Consideration may be given to permitting reversing movements from dwellings on lots not having frontage to a main road only where a garage faces the street and there is a maximum reversing distance of 10m to the carriageway.*
5. *Entrance driveways are to be designed to the minimum width necessary to serve any development and allow safe forward in and forward out movement. For developments servicing six or more dwellings, the entrance driveway across the footpath to the building setback is to be a minimum of 5m wide.*

### Design Response:

See response to Clause H2.4 above.

### **Private open space**

1. *The useable private open space per ground level dwelling should not total less than 35m<sup>2</sup>, where:*
  - *The minimum dimension in any direction is 4m.*
  - *The open space contains an area not less than 16m<sup>2</sup> with a minimum dimension of 4m and is directly accessible from the living room of the dwelling.*
2. *For dwellings above ground level, private open space should be provided in the form of a balcony, where:*
  - *The balcony has a minimum area of 8m<sup>2</sup> and a minimum dimension of 2m in any direction.*
  - *The balcony has direct access from the main living area of the dwelling.*
3. *Secondary balconies with direct access to a bedroom may be permitted.*

### Design Response:

See response to Clause H2.4 above.

### **Storage**

1. *In addition to normal kitchen, linen and bedroom storage, accessible storage is to be provided at the following rates:*
  - *Studio, 1 and 2 bedroom apartments – 6m<sup>3</sup>,*
  - *3 bedroom or greater apartments – 8m<sup>3</sup>.*

**Note:** *At least half of this requirement is to be provided within the apartment. The remainder may be provided in a safe and secure area remote from the apartment, such as basement storage or adjacent to the car parking space.*

### Design Response:

All apartments are two bedroom. Eighteen apartments have an internal dedicated storage cupboard of 8.9m<sup>3</sup> while six apartments have a storage cupboard of 5.4m<sup>3</sup>. There are ten storage cages and four bike specific storage compartments located in the basement car park.



### PART C SUBDIVISION REQUIREMENTS

#### C3. General requirements

##### C3.1 Site hazards

###### Objectives

- *Ensure adequate assessment of any risks to development are identified and responded to at the Development Application stage, including minimising;*
- *The risk of periodic inundation or flooding to development;*
- *The risk of damage to urban development due to unstable ground conditions;*
- *The risk of damage to urban development from coastal hazards including transmigration, coastal erosion and/or climate change;*
- *Adverse impacts of urban development such as soil erosion;*
- *The exposure of development to bush fire;*
- *Exposure to any other risk including toxic waste etc;*
- *Any potential risk for air safety in areas near airports.*

###### Performance Criteria

1. *Where roads and other engineering works are to be carried out, engineering plans must be lodged with the application. For detailed engineering and construction requirements for subdivision, reference should be made to Council's Auspec Development Specification. Applicants are advised to consult with Council's engineers prior to lodging an application.*
2. *Should the subdivision be likely to have an impact on any threatened species, populations or ecological communities, a Species Impact Statement will be required. A 7-part test will be required to be submitted with the subdivision application to indicate likely ecological impacts.*
3. *Where native vegetation is to be impacted, an ecological assessment, carried out by a qualified ecologist, is to be submitted with the application and the relevant approvals are to be sought.*
4. *Where a subdivision proposal is located on bushfire prone land, the applicant shall comply with Planning for Bushfire Protection Guidelines produced by the NSW Rural Fire Service.*
5. *Where a subdivision proposal requires an on-site sewerage management system to dispose of effluent the applicant shall comply with the Development Assessment Framework in Appendix E.*
6. *The establishment of asset protection zones within environmental zones shall be avoided.*
7. *Where a subdivision proposal is on land identified as being potentially subject to landslip, the applicant shall engage a geotechnical consultant to prepare a report on the viability of subdividing the land and, if viable, provide recommendations as to the siting, the type of buildings and waste water treatment systems which could be permitted on the subject land.*
8. *In areas suspected to contain contaminated land, Council may require the completion of a preliminary site investigation prior to considering an application to subdivide. Should contamination be found, Council will require a detailed site investigation carried out in accordance with the Department of Environment and Climate Change guidelines for Consultants Reporting on Contaminated Land, followed by any remedial action plan, validation and monitoring as required. A site audit statement prepared by an accredited site auditor will be required on completion of remediation.*

9 to 11 not applicable

###### Design Response:

Preliminary civil engineering plans prepared by Enspire Solutions have been lodged with the application.

## Planning Resolutions

The land is devoid of native vegetation and as such any impact on threatened species is highly unlikely.

A bushfire hazard assessment has been carried out. The subdivision has been designed as recommended by this assessment. The asset protection zones are clear of environmental areas and are established via the perimeter road along the western boundary and setback of the townhouses to the south.

A geotechnical assessment has been completed and shows that the land is suitable for the proposed development.

The land has no known history of contaminating land uses. There is a risk of contaminated materials been discovered following the removal of the dwelling house and all the sheds. This includes lead paint residues, white ant treatment residues and oil residues. Testing will take place once the buildings are removed/demolished. An Unexpected Findings Protocol (UFP) will be prepared and submitted to Council for approval prior to the issue of the first Construction Certificate for the subdivision.

### C3.2 Road design and construction

#### Objectives

- *Provide roads consistent with their function within the road network, having regard to their safety and visual impact;*
- *Provide sufficient road reserve, carriageway and verge widths to allow roads to perform their designated functions within the road network;*
- *Allow all users of the road, including motorists, pedestrians and cyclists, to proceed safely, conveniently and with minimal delay;*
- *Provide access for emergency and service vehicles, in particular garbage service vehicles, to all dwellings;*
- *Provide opportunities for public transport such as facilitating connections with the bus networks;*
- *Provide opportunities for cycleways such as facilitating connections with cycleway routes;*
- *Accommodate sufficient on-street parking;*
- *Accommodate and co-ordinate the location of public utility services and drainage systems without adversely affecting road pavements;*
- *Provide road pavements and edges that are appropriate for the control of vehicle movements, perform any required drainage function, are structurally adequate and use materials that reinforce the residential function of the street;*
- *Minimise road construction and life cycle costs without compromising other objectives;*
- *Minimise the need for earthworks due to road construction;*
- *Ensure safe and convenient access is available to each new lot created;*
- *The impact of new road or access way works on existing residents should be minimized.*

#### Performance criteria

*Where subdivision involves the construction of new roads, the road network to be established shall be designed in such a manner that will enable each lot to be developed and accessed in a practical and feasible manner.*

1. *Road and access way construction should take account of existing topography, vegetation, open space systems and natural constraints vegetation. Cut and fill should be minimised and vegetation retained wherever practicable.*
2. *In cases where the road is to serve a dual function, i.e. where the road may be required to act as a drainage floodway, flows should be contained within the road*

- reserve. Depths and velocities will be restricted in accordance with the design criteria included within Australian Rainfall and Runoff I.E (Aust) 1987.*
- 3. Unless specified elsewhere in this Part, the configuration of road shall accord with Council's Auspec Design Specification and other approved standards referenced therein. Pavement widths, depths and similar requirements are contained in this document.*
  - 4. Streets should not operate as through traffic routes for externally generated traffic.*
  - 5. Access from individual lots to major roads should be minimised. The use of minor roads for such access is desirable wherever practicable.*
  - 6. The applicant shall be responsible for connecting new to existing road construction. Where a subdivision adjoins an existing road of a standard less than Council's current standard, full width or half-width plus 3m road pavement construction, kerbing, footpath, and ancillary drainage shall be provided along the full length of the frontage to approved standards.*
  - 7. All roads to be dedicated to Council are to be constructed to Auspec Design Specification Standards.*
  - 8. Roads and lots should be located so that residential dwellings are not subjected to unacceptable traffic noise.*
  - 9. Street name signs shall be erected at the junction of all roads in the subdivision in accordance with Council's guidelines. Proposed street names shall be submitted to Council for approval prior to use.*
  - 10. The road network should facilitate walking and cycling within the neighbourhood and pedestrian and cycleway connections to local activity centres.*
  - 11. The alignment of footpaths should allow safe and convenient use by pedestrians and cyclists and should be variable enough to accommodate trees and other significant features.*
  - 12. Pedestrian and cyclist paths should be constructed to provide a stable and attractive surface for projected users which is easily maintained and meets the criteria of Crime Protection Through Environmental Design (CPTD).*
  - 13. Bus routes and stops to be provided in accordance with the required standards.*

### Design Response:

The proposed public road expansion includes an extension of Noroy Place and a western road adjacent to the future public reserve in accordance with the requirements of the Precinct 2B controls.

## C3.3 Filling and levelling

### Objectives

- Minimize the impacts of cutting and filling on natural and built environments.

### Performance criteria

- 1. Siteworks are to be planned to allow topsoil to be stripped, stockpiled and reused on the site. No soil is to be removed from the site without consent.*
- 2. Filling and levelling shall not adversely affect adjoining land and shall be carried out to Council's satisfaction, as indicated on approved engineering plans.*
- 3. The quality laying and compaction of fill will be required to meet Council's engineering standards. Geotechnical certification may be required to indicate compliance with Council's engineering standards and relevant Australian Standards.*
- 4. Levels shall generally be adjusted so that lots drain to the street and/or the stormwater drainage system. Where required, a system of inter-allotment drainage shall be installed to prevent or ponding of water, or intensification of runoff on to adjacent land.*
- 5. Cutting and filling should be planned to minimise damage or disturbance to existing vegetation.*



## Planning Resolutions

6. *Erosion control and sediment control principles shall be implemented in accordance with Part G of this DCP.*

### Design Response:

The cut to fill model has been designed to accommodate the required road grades, drainage infrastructure and existing boundary conditions across the site. Given that a full basement carpark is proposed for the residential flat building there will be 2,948m<sup>3</sup> of excavated material removed from the site. Enspire Solutions have fully addressed the proposed earthworks in their Civil Engineering Report (Section 4) and Civil Engineering Plans. The plans include preliminary sediment and erosion control plans.

## C3.4 Services

### **Objectives**

- *Provide public utilities to each allotment, generally within road reserves, in an efficient and cost-effective manner;*
- *Maximise the opportunities for shared (common) trenching and reduced restrictions on landscaping within road reserves;*
- *Ensure rural, residential, industrial and commercial areas are adequately serviced in a timely, cost-effective, coordinated and efficient manner.*

### **Performance criteria**

1. *All lots to be created in unsewered areas must be provided with suitable means of effluent disposal in accordance with the requirements of Council's Onsite Sewage Development Assessment Framework (DAF 2012) in Appendix E.*
2. *Reticulated water and sewerage services shall be provided to all lots within urban ....*
3. *Not applicable.*
4. *Reticulated electricity supply shall be made available to all lots. Underground power shall be provided to all lots in urban, commercial and industrial areas.*
5. *Provision of written evidence of compliance with the requirements of all relevant service authorities shall be supplied by the applicant prior to release of construction certificate or subdivision certificate, as may be appropriate.*
6. *Compatible public utility services should be located in common trenches so as to minimise the land required, soil erosion and the cost of providing the services.*
7. *Adequate buffers should be maintained between utilities and houses to protect residential amenity and health.*
8. *The provision of utility services should not detrimentally impact on the landscape character of an area, or detrimentally impact vegetation corridors.*

### Design Response:

Enspire Solutions have fully addressed the proposed servicing in their Civil Engineering Report and Civil Engineering Plans. The plans include preliminary servicing plans.

## C3.5 Drainage

### **Objectives**

- *Provide an efficient and effective stormwater system which can be maintained economically;*
- *Facilitate the principles of integrated water cycle management and water sensitive urban design;*
- *Provide a stormwater system which utilises open space in a manner compatible with other uses;*

## Planning Resolutions

- *Control flooding and enable access to allotments, stabilise the land form and control erosion;*
- *Prevent stormwater damage to the built and natural environment;*
- *Provide overflow paths to convey large stormwater flows to trunk drainage systems;*
- *Minimise urban run-off pollutants to watercourses;*
- *Prevent both short and long term inundation of development;*
- *Prevent risk to human life or property;*
- *Prevent soil erosion and sedimentation.*

### **Performance criteria**

1. *Drainage systems shall be designed and constructed in accordance with Council's Auspec 1 Design Specification. Natural drainage systems should be incorporated into designs where possible.*
2. *The major system must be able to accommodate the ARI=1:100 year and meet the safety criteria of the current Australian Rainfall & Runoff (AR&A). If capacity is limited in some way the underground (minor) system must be capable of safely conveying the balance. The minor system shall have a minimum capacity of 1:5 year ARI.*
3. *Drainage from subdivision sites should be consistent in both water quality and quantity terms with the predevelopment storm water patterns ie, neutral or no net increase on water quality and quantity. (This clause overrules the Table 4.2 in Council's Stormwater Management Plan 2000)*
4. *Water quality in water courses near subdivisions is to be protected by way of appropriate structures and/or filter mechanisms.*
5. *Drainage systems should be designed so as to ensure safety and minimise the likelihood of storm water inundation of existing and future dwellings.*
6. *Adequate provision should be made for measures during construction to ensure that the landform is stabilised and erosion controlled.*
7. *Where subdivisions drain either directly or indirectly into natural waterways, careful consideration of the impact of the development on erosion, pollution and sediment loading will be required.*
8. *Easements to drain water, shall be created over drainage channels, pipelines and associated works located within the proposed allotments. Proposals may require the creation of easements over downstream properties for drainage purposes.*
9. *Pump systems will not be permitted for other than underground car parking in large sites.*
10. *Drainage reserves may be required over natural and artificial watercourses.*
11. *Consideration will be given to the likely effects of flooding in determining any application. Land will generally be required to be filled to the General Flood Planning Level. Any development shall conform to Part E of this DCP and particular flood management plans where relevant.*
12. *Works as executed drawings are to be supplied upon completion of works.*
13. *Erosion control and sediment control principles shall be implemented in accordance with Part G of this DCP and details to be provided at the Engineering design stage in accordance with the principles outlined in the publication Managing Urban Stormwater, Soils and Construction issued by the Department of Housing (commonly known as the Blue Book).*
14. *Integrated water cycle management and water sensitive urban design principles shall be incorporated into the drainage design.*
15. *Drainage from existing dwellings to the subdivision shall be allowed for in the design by way of interlot drainage and easements.*

### **Design Response:**

The essence of the stormwater strategy proposed by Enspire Solutions is as follows:

*To ensure Council's objective is satisfied, the development will incorporate an On-Site Detention basin at the south-west corner of the site. The basin*

*has been designed to accommodate majority of the site catchment and attenuate flows to pre-development conditions, up to the 1:100 year ARI event.*

*A below ground OSD tank is also proposed to cater for the RFB site. The tank will attenuate flows to pre-development conditions, up to the 1:100 year ARI event. The OSD tank will be detailed during detailed design phase of the development.*

*It is noted the pervious areas of the lots fronting Old Bar Road will be treated as bypass for the site and result in approximately 5% of the site area.*

Enspire Solutions have fully addressed the proposed stormwater management in their Civil Engineering Report (Section 3) and Civil Engineering Plans. The plans include preliminary stormwater management plans.

### C3.6 Existing development and heritage

#### Objectives

- *Ensure future development relates to existing development in a manner which minimises any potential adverse impact on the existing development;*
- *Ensure protection of European and Aboriginal heritage.*

#### Performance criteria

1. *Subdivision design is to take into account and integrate with the location of adjoining development and surrounding subdivision patterns, especially adjoining residential development, in the design of roads, open space and in the location of lots. Where there is an established street setback pattern or streetscape, this is to be followed.*
2. *Subdivision is to be designed to be able to integrate and connect with future adjoining land subdivisions.*
3. *Landscape buffers or like features shall be incorporated within subdivision design to provide separation between land uses where conflict may arise.*
4. *Subdivision should be sympathetically designed to minimise the impact on heritage items of the subject land or adjoining lands.*
5. *Subdivisions should be sympathetically designed to ensure that the existing heritage value of the streetscape and character of the area is maintained.*
6. *Adequate curtilage is to be provided around heritage items to provide an appropriate buffer.*
7. *A subdivision proposal on land within a conservation area and/or on land which contains, or is adjacent to, an item of environmental, Aboriginal or European heritage should illustrate the means proposed to preserve and protect such items. In this respect a heritage impact statement should accompany the application.*

#### Design Response:

The subdivision layout is based on the Precinct 2B plan. This provides consistency to both the existing residential pattern and the new urban design envisaged in Chapter L5 of the DCP.

No known European heritage items exist on the site. The landscape has been extensively disturbed by previous vegetation clearing operations and the residential occupation of the land. The standard unexpected finds protocol will apply to any Aboriginal archaeological relics or items that are exposed during earthworks.



### C3.7 Environmental protection

#### Objectives

- Protect and minimise the risk of degradation of unique or sensitive environments such as wetlands, littoral rainforests, estuarine and coastal areas and ecosystems;
- Protect the scenic quality of a locality.

#### Performance criteria

1. Vegetation cover should be retained wherever practicable.
2. Vegetation should be enhanced where it forms a link to other bushland areas, buffer zones, wildlife corridors and the like.
3. Allowance for the movement of fauna species on sites should be maximised to maintain biological diversity.
4. Vegetation which is scenically and environmentally significant should be retained.
5. Vegetation which adds to the soil stability of the land should be retained.
6. All subdivision proposals should be designed so as to minimise fragmentation of bushland.
7. Opportunities for revegetation will be pursued as part of the subdivision process as a trade off for site development and as a means of value adding to the environment. In particular, revegetation of any existing creeks, streams and drainage lines, or repair and revegetation of eroded or otherwise degraded areas should be considered.
8. Degraded areas are to be rehabilitated as part of the subdivision.
9. Watercourses and drainage lines to be retained as part of the subdivision scheme and are to be stabilised and revegetated with appropriate native species.
10. Environmentally sensitive areas are to be preserved and enhanced with appropriate native vegetation and buffers where necessary.

#### Design Response:

The landscape has been extensively disturbed by previous vegetation clearing operations and the residential occupation of the land. The land is part of a broad knoll and doesn't contain any remnant vegetation, water courses or other sensitive environments.

The finished development will be extensively landscaped with predominately native plant species.

### C3.8 Landscaping

#### Objectives

- *Ensure that landscaping is considered as an integrated part of the design process;*
- *Retain and enhance significant trees and exiting vegetation that may contribute to a local area landscape quality;*
- *Maintain the ecological balance of the local area, using indigenous plants planting known to suit local conditions;*
- *Maintain the visual amenity of existing streetscapes and enhance the appearance and amenity of development;*
- *Maintain existing levels of density of trees.*
- *Ensure no adverse impact on amenity or structure of adjoining properties.*

#### Performance criteria

1. *The overall design of any subdivision, whether residential or rural residential, should set aside open space which incorporates existing trees where practical.*
2. *Housing sites should be confined to below ridgelines, so as not to become the dominant feature of the landscape.*
3. *Flat cleared land should be set aside for active recreation.*

## Planning Resolutions

4. *In approving a subdivision application Council may require the lodgement of a Landscape Plan to the satisfaction of Council and the undertaking of works as documented therein. These plantings shall be continuously maintained for a minimum of twelve (12) months.*

### **Residential subdivision**

*Every new residential lot shall include street tree details in the landscaping plan.*

*Prior to street tree planting in residential subdivisions the following must be determined:*

- *Type and classification of the road (see Essential Energy's Guidelines);*
- *Location of all in ground and above ground utility services;*
- *Councils preferred location, i.e. distance off the kerb;*
- *Location of traffic signals and signs. Consideration of sightlines is of prime importance (see RTA's Guidelines); and*
- *Street lighting considerations;*

*The planting theme should be simple, with preferably the use of one species per street or one species for each side of the street.*

*Tree species selection should be based on:*

- *Longevity;*
- *Ability to withstand disease and pest attack;*
- *Low water requirements;*
- *Minimal maintenance, e.g. pruning;*
- *Their ability to provide habitat for native wildlife;*
- *Visual amenity;*
- *Whether they are indigenous to the local area.*

### Design Response:

Detailed landscaping plans prepared by landscape architects Alderson and Associates have been provided. This provides a simple scheme with extensive use of predominantly native trees and ground covers.

## **C4.1 Residential subdivision**

### **Objectives**

- *Provide for each lot sufficient area and dimensions that will enable the construction of a dwelling and ancillary outbuildings and private outdoor space with solar and daylight access;*
- *Minimise potential legal issues regarding numerous users of rights of carriageway;*
- *Rationalise servicing within battleaxe handles; and*
- *Promote more orderly development of land.*

### **Performance criteria**

1. *Site frontage shall be sufficient to permit vehicular and pedestrian access to the site.*
2. *Lots shall be of suitable dimension and orientation to ensure good solar access to future development. On roads running north-south, lots may need to be widened to provide for solar access and prevent overshadowing of dwellings and private open space.*
3. *Residential development will only be considered where reticulated water and sewerage is available to the proposed subdivision.*
4. *Each lot should have a depth to frontage ratio sufficient to avoid the possibility of 'gunbarrel' type development and permit development to respond to particular site circumstances such as orientation, topography etc.*
5. *Lots should be designed to allow the construction of a dwelling with a maximum cut or fill of 1m from the natural ground level.*
6. *Where land slopes are generally greater than 5%, road and lot design should provide for dwellings to be generally parallel with the contours to minimise earthworks.*
7. *Lot sizes should be increased where sites are steep or contain significant landscape features including water courses and easements.*
8. *Battle-axe lots will only be permitted where the size of the lot (excluding the access handle) has a minimum area of 650m<sup>2</sup>. Where a reduced lot size is proposed for a battleaxe block*

*(less than 650m<sup>2</sup>) the applicant will need to demonstrate that all other performance criteria relevant to amenity and access can be met.*

9. *Only one battleaxe Lot is to be created behind any full frontage lot as illustrated in Figure 3.*
10. *Access to a single battle-axe lot shall have a minimum width of 4m.*
11. *Access to two battle-axe shaped lots, when combined, shall have a minimum width of 5m.*
12. *Where greater than two (2) allotments are to gain access from a shared driveway a Community title arrangement should be entered into to create the roadway as a Community Lot.*

### Design Response:

The cut to fill model has been designed to accommodate the required road grades, drainage infrastructure and existing boundary conditions across the site. Given that a full basement carpark is proposed for the residential flat building there will be 2,948m<sup>3</sup> of excavated material removed from the site. The proposed earthworks ensure reduced slopes for the residential development.

The land is fully serviced. The services will be extended onto the land where required.

The access to the land provides for a central public road, by way of extension of Noroy Place and a western public road to provide connection to the future residential development to the south. Circular driveways through the three strata development lots provides for the local access. The adequacy of these traffic arrangements has been fully considered JMT Consulting in their Traffic Assessment included in the development application package.

## 4.6 Certified Draft Plans

There are no applicable Draft Local Environmental Plans

## 4.7 Other Matters of Consideration – Section 4.15

The following is the consideration of the remaining matters under Section 4.15.

### **Section 4.15 (1)(b) – The Likely Impacts of that Development, Including Environmental Impacts on both the Natural and Built Environments, and Social & Economic Impacts in the Locality,**

The land is not mapped on the Biodiversity Values Map for the purposes of the *Biodiversity Conservation Act 2016*. The land is covered entirely in landscape vegetation. There are no threatened species, endangered populations or endangered ecological communities on the site nor does the development involve key threatening processes.

No remnant native vegetation will be impacted. An arborist's assessment of the trees along the future public reserve boundary has been completed by Northern Tree Care. Their report dated 28 June 2023 mapped the tree protection zones (TPZ) for nearest trees. It found that only one tree (Tree 3) had a TPZ that encroached onto the subject land. The TPZ encroachment onto the land was by less than one percent. The only work within this TPZ encroachment area will be battering on the verge new public road. The arborist concluded in part that the "minor encroachment of less than 1% into the TPZ of this tree will not cause the tree to become unviable".

The proposed development will **not** result in any unacceptable environmental, social or economic impacts, for the following reasons: -



- a) The proposed development is in keeping with the streetscape character, building detailing and materials in the neighbourhood and/or planned future neighbourhood;
- b) The proposed new buildings will reasonably maintain the existing privacy and solar access enjoyed by the existing residents of the adjoining dwellings;
- c) An extensive landscaping scheme is proposed; and
- d) The development will provide enhanced levels of ecological sustainability through solar harvesting, improved solar access, natural ventilation, water reuse and the introduction of AAA rated water saving devices.

### **Section 4.15C (1)(c) - The Suitability of the Site for the Development**

The site is suitable for the proposed development for the following reasons: -

- a) The proposed development is permissible under the Greater Taree LEP 2010 land use zone provisions being the westerly expansion of an existing residential area;
- b) The proposed buildings reasonably maintain the existing solar access, privacy and views enjoyed by the existing residents of the adjoining dwellings; and
- c) The development maximises energy efficiency through site orientation, fenestration, use of materials, solar harvesting, passive solar access, natural ventilation, water reuse and water energy saving devices.

### **Section 4.15c (1)(e) – The Public Interest**

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. The proposed town houses will attract a number of public benefits through construction. The proposed development:

- a) Has been designed to be integral to the setting of the land, working practically and sympathetically with the existing landforms and the existing built environment. The development will complement and enhance the social, cultural, and built form character of the neighbourhood;
- b) Provide accommodation and enhanced amenity for a wide range of families, providing them with quality environmental responsive housing;
- c) Create a safe environment through spatial design and retention of local building setbacks and occupant visibility/surveillance; and
- d) Provide employment opportunities to the locality through construction activities.



### 4.7 Summary of expected impacts & mitigation measures proposed to minimize any potential impacts.

The likely impacts of final version of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality are considered below.

**A. Context and setting** - The proposal is consistent with the context of the site. This development has evolved out of an extensive planning process by a comprehensive team of specialists. This process has produced a development that is site responsive. There has been no attempt to unduly modify the attributes of the site to achieve the development. Instead, the constraints of the site, the attributes of the local environment, and the significance of the coastal village location, have all been respected and embraced as assets and have been integrated into the design of the development.

No remnant native vegetation will be impacted. An arborist's assessment of the trees along the future public reserve boundary has been completed by Northern Tree Care. Their report dated 28 June 2023 mapped the tree protection zones (TPZ) for nearest trees. It found that only one tree (Tree 3) had a TPZ that encroached onto the subject land. The TPZ encroachment onto the land was by less than one percent. The only work within this TPZ encroachment area will be battering on the verge new public road. The arborist concluded in part that the "minor encroachment of less than 1% into the TPZ of this tree will not cause the tree to become unviable".

The site is relatively unconstrained. The predicted bushfire impact can be easily mitigated.

**B. Construction Noise and Vibration** - A geotechnical assessment has been completed and shows that the land is suitable for the proposed development. The development can be completed with standard earthmoving equipment, standard road building equipment and using standard building methods. As such construction noise and vibration impacts can be mitigated through standard noise and vibration reduction methods. The work will be carried out during normal construction hours:

- a. Monday to Friday, from 7:00am to 6:00pm.
- b. Saturday, from 8:00am to 1:00pm.
- c. Nil on Sundays or Public Holidays.

**C. Traffic and Transport** - The access to the land provides for a central public road, by way of extension of Noroy Place, with a public road along the western boundary adjacent to the future public reserve. Circular driveways through the townhouse developments to the north and south of the public roads provide adequate access for the expected service vehicles and residents cars.

**D. Waste Management** - The garbage collection for the residential flat building will be via a wheel-out to kerb on the private road on the western side of the RFB. This road is now part of the Strata Lot 3. A right of way has been provided for service vehicles to circulate on this road through Strata Lot 2.

The townhouses and the future dwellings will be serviced by a standard domestic waste service. A screened area has been provided to store the garbage bins in the front of each townhouse.

**E. Built Form** - The architecture of the townhouses has a repeating tall portal frame that identifies the individual houses. There is three layered façades with a pronounced garage element, the portal frame and the main facade. There is a careful balance between similar elements and forms with small changes of materials, fenestration and colours to provide a subtle variety amongst a harmonious streetscape. There is considerable front planting area for a variety in the landscaping. There are no more than 6 houses in a row and the end houses turn the corner with the street to have their entrance on the other with additional fenestration in the end wall.

The residential flat building also has strong frame elements that create a series of four 'C' shapes around the three levels of balconies. The open side of the 'C' shape faces the sun so that solar access is maximized to the private open space. The middle four apartments extend up to clear storey windows to the living rooms to achieve cross ventilation.

The colour scheme to the townhouses has a neutral base with white portal and frame elements. Then there is a variety of three alternate 'highlight' colours that are matched with subtle differences in the cladding style. There is a darker base colour that is used for items relating to carparking. The screening around the apartment building parking is required to be ventilated and therefore is timber batten screening in a light timber stain.



The development is harmonious with subtle differences that will allow the individual properties to be read. The theme is coastal with light base colours and pastel highlight tones. This sits well with a relaxed outdoor family environment.

The proposed buildings reasonably maintain the existing solar access, privacy and views enjoyed by the existing residents of the adjoining dwellings.

Setbacks to the existing development to the east vary though all are more than 6 metres. The neighbouring properties have the same permitted height, zoning and FSR as the subject site. The setbacks provided for the proposed development are greater than those of the existing built form on the neighbouring sites. The proposed retaining walls along this interface have been removed and levels lowered to this effect.



## Planning Resolutions

The boundary conditions are compatible between the existing dwelling houses to the east and the proposed townhouses along the eastern boundary. There have been no objections from these eastern neighbours.

Cross sections of this eastern boundary interface have been provided in drawing A207. The townhouses proposed provides the eastern neighbours with a known and consistent neighbouring building form rather than having to face the unknown impact from the future construction of individual dwelling houses along the shared boundary.

The development maximises energy efficiency through site orientation, fenestration, use of materials, solar harvesting, passive solar access, natural ventilation, water reuse and water energy saving devices.

The townhouses are designed with a general front and rear face only. The view from rear windows to adjoining private open space is restricted either by been setback from the main part of the building or via portal fin elements either side of the windows.

The landscaping has also been designed to increase the privacy between the townhouses.

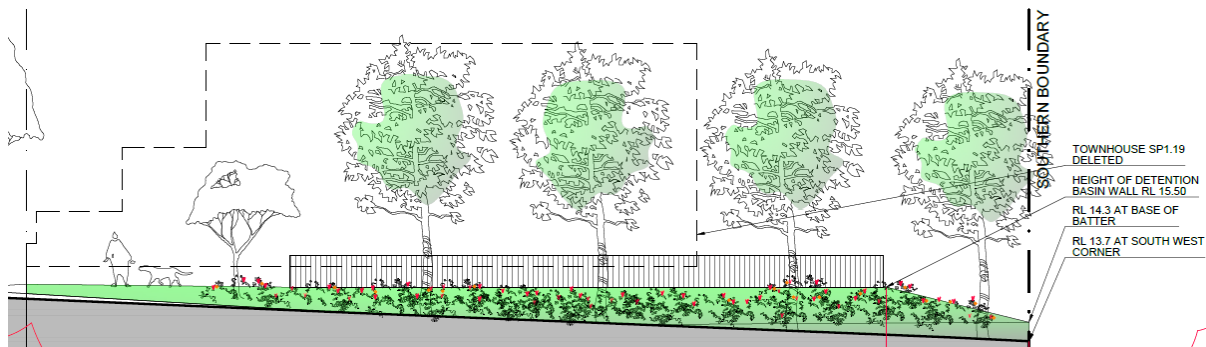
Privacy with the apartments has been achieved with varying the setback of the balconies and fin dividing walls.

The greatest potential impact of loss of privacy to the existing adjoining development is for those dwellings along the eastern boundary just south of Noroy Place. In this case privacy louvers will be provided on the upper windows of the adjoining townhouses to prevent a direct view.

**F. Water Quality** - The use of rainwater tanks has been maximised and tank size optimised to improve water quality outcomes. Water quantity and quality components have been split between the townhouse strata schemes and RFB site.

**G. Stormwater and Erosion and Sediment Control** - Stormwater quality and quantity management are distributed throughout the site into four portions. The 23-apartment residential flat building has its own detention system, the 12 townhouses to the north of the site discharge independently to Old Bar Road, the 8 house lots will have their own independent stormwater systems and the remainder of the townhouses on the site discharge to the basin in the south east corner.

The stormwater basin has been lowered and batters provided to allow landscaping of the surrounds and integration into the streetscape.



Civil engineering plans include preliminary sediment and erosion control plans.

**H. Sustainability** The development will provide enhanced levels of ecological sustainability through solar harvesting, improved solar access, natural ventilation, water reuse and the introduction of AAA rated water saving devices.

Electric vehicle charging points are proposed in the basement of the residential flat building.

**I. Landscaping and Open Space** - Trees to be removed to facilitate the development are a scattering of landscape plantings. Detailed landscaping plans prepared by landscape architects Alderson and Associates have been provided. This provides a simple scheme with extensive use of predominantly native trees and ground covers. Extensive landscaping is proposed to provide for a pleasant site amenity and shade as well as to screen the development.

A significant element of the landscaping scheme is a large area of shared communal open space in the front of the residential flat building. This provides the future residents of the apartment building the opportunity for apartment living with a pleasant outlook. This area also greatly enhances the outlook for the existing and future neighbouring residents.

**J. Bushfire** - The development requires a bushfire safety authority pursuant to Section 100B of the Rural Fires Act 1997. The land is mapped as Bushfire Prone Land other than for the northeast corner of the land. The land is partly Vegetation Category 1 and partly bushfire buffer. The bushfire hazard assessment by Midcoast Building and Environmental has made several recommendations. These have all been incorporated into the design of the development. The principal recommendation is a Bushfire Asset Protection Zone of 12 metres to the west and 11 metres to the south.

The NSW Rural Fire Service requested additional information in their letter dated 18 January 2023. Midcoast Environmental and Building produced a Performance Bush Fire Assessment Report dated March 2023. They have addressed the concerns of the RFS. In particular their performance review of the 6 metre wide western perimeter road found that it was adequate. To facilitate better access, before the alternate access of the residential development to the west is provided, an Emergency Access to Old Bar Road is now proposed.

**K. Contamination** - Analysis of aerial photography from 1969, 1981, 1997 and 2012 shows that the land has a long history of residential use with the southern part mostly covered in remnant vegetation until sometime after 1997. The land has no known history of contaminating land uses.

The existing dwelling is to be relocated onto another site. It is likely to contain asbestos material given the age of the building. The required protocols for transport of the dwelling will be undertaken.

There is a risk of contaminated materials been discovered following the removal the dwelling house and all the sheds. This includes lead paint residues, white ant treatment residues and oil residues. Testing can only effectively take place once the buildings are removed/demolished. An Unexpected Findings Protocol (UFP) will be prepared and submitted to Council for approval prior to the issue of the first Construction Certificate for the subdivision.

**L. Social Impacts** - The proposal provides a full social range of housing typologies. The development will complement and enhance the social, cultural, and built form character of the neighbourhood. Provide accommodation and enhanced amenity for a wide range of families, providing them with quality environmental responsive housing.

**M. Economic Impacts** - The proposed development will have a positive economic impact with the employment opportunities provided through the extra construction activities in the locality.

**N. Indigenous and non-indigenous heritage** - No known European heritage items exist on the site. The landscape has been extensively disturbed by previous vegetation clearing operations and the residential occupation of the land. The standard unexpected findings protocol will apply to any Aboriginal archaeological relics or items that are exposed during earthworks.

**O. Biodiversity** - The land is part of a broad knoll and doesn't contain any remnant vegetation, water courses or other sensitive environments. Trees to be removed to facilitate the development are a scattering of landscape plantings. The land is not mapped on the Biodiversity Values Map for the purposes of the *Biodiversity Conservation Act 2016*. The land is covered entirely in landscape vegetation. There are no threatened species, endangered populations or endangered ecological communities on the site nor does the development involve key threatening processes.

The proposed landscaping scheme uses predominately native species. The mature landscaping will provide new opportunities for urban wildlife species.



## Section

# 5

## Conclusion

### 5.1 Conclusion

The development satisfies a legitimate need of providing additional housing opportunities in Old Bar in an ecologically sustainable way. This application proposes a form of development that is consistent with the intent of the planning controls.

The significant attributes of the proposed development include:

- A permissible use under the provisions of *Greater Taree Local Environmental Plan 2010*,
- Lower than permitted floor space ratio over the entire site ensuring compliance with the primary bulk and scale control (floor space) contained in the LEP,
- A development that would be envisaged by the detailed controls in the *Greater Taree Development Control Plan 2010*,
- The variation sought to the height control has been justified and will result in a superior planning outcome,
- A development that maximises energy efficiency through site orientation, fenestration, use of materials, solar harvesting, passive solar access, natural ventilation, water reuse and water energy saving devices, and
- The proposed buildings reasonably maintain the existing solar access, privacy and views enjoyed by the existing residents of the adjoining dwellings.

It is requested that Council grant development consent to this development application.

For further information, or clarification of any matter raised by this application, Council is requested to consult with Chris Pratt on 0437859959 prior to determination of the application.

**Chris Pratt**  
Land Use Planner

