

COUNCIL ASSESSMENT REPORT

Panel reference	PPSHCC-143
Portal reference	PAN-237445
DA Number	DA2022/0847
LGA	MidCoast
Proposed Development	Demolition, subdivision (strata and torrens title) and construction of a RFB (23 apartments) and 55 townhouses.
Address	86-90 Old Bar Road Old Bar Lots 3 and 4 DP22392
Applicant / Owner	Oatrain Pty Ltd
Date of DA Lodgement	4 August 2022
Total number of submissions	One
Number of unique objections	Nil (submission received was not an objection)
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	General development over \$30 million. The development has a capital investment value of approximately \$33 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • Rural Fires Act 1997 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development • Greater Taree Local Environmental Plan 2010 • Greater Taree Development Control Plan 2010 • Greater Taree Section 94 Development Contributions Plan
List all documents submitted with this report for the Panel's consideration	<p>Attachment A – Conditions of Consent</p> <p>Attachment B – Architectural Plans</p> <p>Attachment C – Statement of Environmental Effects</p> <p>Attachment D – Architects Design Statement</p> <p>Attachment E – Apartment Design Guide Checklist</p>

	Attachment F – Landscape Plans Attachment G – Transport Assessment Attachment H – Civil Engineering Plans Attachment I – Height Standard Variation Request Attachment J – DPE Satisfactory Arrangements Certificate Attachment K – Servicing Strategy Attachment L – Bushfire Assessment Attachment M – Civil Engineering Report Attachment N – Subdivision Plans Attachment O – Arboricultural Assessment
Clause 4.6 Requests	Variation to Height of Building Standard for RFB.
Report prepared by	Lisa Proctor, Development Planner
Report date	7 November 2023

Summary of s4.15 matters

Yes

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction.

Yes

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

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

Clause 4.6 Exceptions to development standards

Yes

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

Special Infrastructure Contributions

No

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

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

Conditions

Yes

Have draft conditions been provided to the applicant for comment?

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

EXECUTIVE SUMMARY

Consent is sought for:

- The demolition of 7 separate structures including two dwellings and 5 sheds.
- Strata subdivision into three strata development lots comprising:
 - Strata Development Lot 1 – 42 two storey townhouses on individual strata lots (40 three bedroom and 2 four bedroom configurations). All have a double garage and an area of private open space at ground level. Strata Lot 1 is 14,318.8m².
 - Strata Development Lot 2 – 13 two storey three bedroom townhouses on individual strata lots. All have a double garage and an area of private open space at ground level. Strata Lot 2 is 5,436 m².
 - Strata Development Lot 3 – 23 two bedroom apartments on individual strata titles in a building consisting of three levels (above underground basement parking). The proposal includes a large central landscaped area of shared open space (common property). Strata Lot 3 is 3,534.6m².
- Torrens title subdivision of 8 lots ranging from 450m² to 485m².

The land is entirely cleared of native vegetation and is part of a precinct-planned urban release area known as Old Bar Precinct 2B. The land is largely unconstrained by natural hazards, with bushfire being the only mapped natural hazard on the land.

The application is referred to the Hunter and Central Coast Regional Planning Panel as the application is for General Development over \$30million.

The original application was exhibited from 12 August 2022 to 26 September 2022. One submission was received from a neighbour, requesting to make contact with the applicant. No objections to the application were received.

Whilst a number of amendments were made to the application throughout the assessment process, the changes were in response to either the Council's or the Panel's requests.

The amendments resulted in improved design, environmental, and amenity impacts, and the development was substantially the same. Therefore, the application was not re-exhibited. This approach is consistent with Council's *Community Engagement Strategy 2021*.

The development is identified as integrated development requiring approval from the NSW Rural Fire Service (RFS) pursuant to s.100B of the Rural Fires Act 1997. The RFS have issued their general terms of approval and bushfire safety authority (BFSA) for the development. The general terms of approval have been included in the conditions of consent at Attachment A.

The application was also referred to Essential Energy for comment. Comments were provided by Essential Energy and have been considered in the assessment of the application. Conditions relating to Essential Energy's requirements have been included in the consent.

The development has been assessed against applicable State, Regional, and Local Environmental Planning Instruments and Policies, including:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*

- *Rural Fires Act 1997*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy Non 65 – Design Quality of Residential Apartment Development*
- *Greater Taree Local Environmental Plan 2010*
- *Greater Taree Development Control Plan 2010*
- *Greater Taree Section 94 Development Contributions Plan.*

This assessment has taken into consideration the lodged development plans, Statement of Environmental Effects, all other documentation supporting the application and the single public submission.

The development does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within Attachment A. The development achieves Council's desired outcome for the future character of Old Bar Precinct 2B.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP.
- Consistent with the zone objectives of the LEP.
- Consistent with the aims of the LEP.
- Consistent with the objectives of the relevant Environmental Planning Instruments.
- Consistent with the objects of the Environmental Planning and Assessment Act 1979.

RECOMMENDATION

It is recommended that the Panel determine Development Application DA2022/0847 pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, by granting consent subject to the conditions contained within Attachment A.

BACKGROUND

Development application 2022/0847 was lodged on 4 August 2022. It comprises demolition, subdivision and multi-dwelling housing within a precinct-planned urban release area (Old Bar Precinct 2B).

The application included a variation to the height standard, with the residential flat building (RFB) exceeding the height limit by 4.7m and five of the townhouses in the south of the land exceeding the height limit due to the requirement to fill the land. Extensive retaining walls and filling of the land was proposed. The proposed road layout was not consistent with the Local Area Plan for Precinct 2B.

On 22 September 2022 Council issued a Further Information Request (FIR) in relation to the development application. That FIR noted that there were errors in some of the information that had been lodged and some components of the development, being the height of the RFB, the boundary interfaces, and the internal road network, were not supported by Council. That FIR required that all information be received by 1 November 2022.

At the applicant's request, an extension was granted to 2 March 2023 to allow time for negotiations with the adjoining landowner (for a stormwater easement), giving consideration to the Christmas holiday shutdown period. Some of the further information was received on 2 March 2023, though many issues remained unaddressed.

A site inspection with the Panel was held on 22 March 2023 and the Secretariat of the Hunter and Central Coast Regional Planning Panel distributed a record of the Panel's inspection and Council briefing the following week.

That Record included a number of issues that the Panel considered needed to be addressed prior to determining the application.

The applicant then lodged revised plans in May, June and July 2023 addressing Council's and the Panel's concerns. Although amended plans were lodged a significant number of technical issues and reports remained outstanding. The development design, layout and planning outcomes were vastly improved from the original application.

On 2 August 2023 a briefing was held between Council staff and the Panel. A number of concerns were raised about the design and technical studies and a request for further information was issued to the applicant on 16 August 2023.

In response to requests from Council and the Panel, the following amendments were made to the application:

- a. The western road (Road 02) was originally proposed as a private road but was amended to become a public road to provide access along the adjoining bushland reserve in accordance with the DCP. It was widened to 16 metres up to the Noroy Place extension and continued to the land to the south so that it can connect to future development. This includes a perpendicular section of public road into the Strata Plan 1 area to allow for vehicles to turnaround pending the later construction of the road to the south.
- b. A continuous footpath and cycleway 2.1m wide has been provided on the western road from the southern boundary up to the Noroy Place extension and to the eastern boundary.
- c. The Noroy Place road reserve has been widened to 20 metres.
- d. All lot areas have changed slightly to accommodate design changes as follows:
 - Strata Lot 1 decreased to allow for the new western public road.
 - Strata Lot 2 decreased as the western shared private access road is now located within Strata Lot 3 (previously located in Strata Lot 2).
 - Strata Lot 3 has increased with the addition of the western side shared private access road.
 - Torrens title lot sizes have reduced slightly to allow for the widening of the Noroy Place extension and the widening of the western public road. All remain above the minimum lot size.
- e. The height of the RFB has been lowered by 2.04 metres which has resulted in the on-land parking being located within an underground basement. This has resulted in approximately two thirds of the roof being below the 8.5m building height limit. Only the architectural feature roof "pop-ups" are above the height limit, integrated with the lift over runs.
- f. Vehicular access to the RFB is now from the private road on the western side, rather than Noroy Place.
- g. The RFB apartments decreased from 24 to 23, to allow for the driveway entry and service rooms at ground level.

- h. Garbage collection for the RFB is now a wheel-out to kerb on the private road that is part of Strata Lot 3. A right of way has been provided for service vehicles from Strata Lot 2.
- i. Re-configuration of the garbage rooms in the RFB to improve bin storage capacity.
- j. Unit and house numbers have decreased as follows:
- k. Townhouses were reduced in Strata Lot 1 from 44 to 42 to allow the widening of the western road and for a larger landscaped detention basin.
- l. Townhouses in Strata Lot 2 were reduced from 14 to 13 to allow for an APZ setback and fire trail to Old Bar Road on the western boundary.
- m. The detention basin has been lowered as much as it can with the northeast 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 for the top water level. Batters are now provided to the 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.
- n. The dimensions of the detention basin have been adjusted to allow for a driveway to access the basin for maintenance and provide 900mm from the western side of the townhouse on SP1.18 and the boundary retaining wall.
- o. An agreement for both sewer and stormwater easements has been obtained from the landowner to the south. This has simplified both the sewer connection and stormwater overflow from the detention basin.
- p. All retaining walls have been removed from the land boundaries. The remaining retaining wall to the perimeter of the basin is now a maximum of 1.2 metres high. 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.
- q. Stormwater quality and quantity management are now distributed throughout the land. The RFB now has its own detention system, similarly, the 12 townhouses to the north of the land discharge independently to Old Bar Road and the 8 house lots will have their own independent stormwater systems.
- r. Relocation of the driveways and internal reconfigurations to townhouses SP1.20 and SP1.43 to the shorter east-west street to comply with the relevant standards.
- s. Relocation of the driveways to SP1.21 and SP1.42 to comply with Council's standards.
- t. Additional visitor spaces have been reduced to 17.
- u. Provision of electric vehicle charging points in the basement of the RFB.

Council officers are satisfied that the design concerns have been addressed, and the amended plans demonstrate a significantly improved planning outcome and land design. The applicant has been responsive to the Panel's and Council's requests for amendments to the design to improve the land connectivity, amenity, safety and interface with adjoining properties.

CONSULTATION

The original application was exhibited from 12 August 2022 to 26 September 2022. One submission was received from a neighbour, requesting to make contact with the applicant to discuss boundary interface and stormwater drainage issues. Concerns with regard to the following matters were raised:

- Stormwater Detention
- Overshadowing
- Proposed Retaining Walls
- Impact on Future Residential Development

The submission noted that the submitter did not object to the development. The issues of concern raised by the submitter have been addressed in the amended development plans.

Whilst a number of amendments were made to the application throughout the assessment process, the changes were in response to either the Council's or the Panel's requests. The amendments resulted in improved environmental, and amenity impacts, and the development was substantially the same. Therefore, the application was not re-exhibited. This approach is consistent with Council's Community Engagement Strategy.

DISCUSSION

1. The Land and Locality

The land at 86-92 Old Bar Road, Old Bar has an area of 3.234ha. The land has frontage to Old Bar Road. 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 exotic trees and has extensive open areas of grass.

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

The neighbourhood has a range of housing types but is dominated by single dwellings and dual occupancies. There is a large, manufactured homes estate to the south. The village centre is located approximately 360m further east along Old Bar Road. The village centre includes a library, post office, supermarket and medical centre, as well as speciality shops, restaurants and cafes.



Figure 1: Land location. Source: Planning Resolutions 2022.

2. Description of Development

The proposed development is:

- The demolition of 7 separate structures including two dwellings and 5 sheds.
- Strata subdivision into three strata development lots comprising:
 - Strata Lot 1 – 42 two storey three (40) and four (2) bedroom townhouses on individual strata lots. All townhouses have a double garage, visitor parking available in each driveway and an area of private open space at ground level. Strata Lot 1 is 14,318.8m².
 - Strata Lot 2 – 13 two storey three bedroom townhouses on individual strata lots. All townhouses have a double garage, visitor parking available in each driveway and an area of private open space at ground level. Strata Lot 2 is 5,436 m².
 - Strata 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 (common property). Strata Lot 3 is 3,534.6m².
- Torrens title subdivision of 8 lots ranging from 450m² to 485m².

The Architectural Plans at Attachment B show the proposed development.

Staging and delivery:

The Statement of Environmental Effects lodged with the application (see Attachment C) notes that the development will be delivered and constructed in the following sequence:

- i. Extension of Noroy Place and the creation of the eight torrens title lots.
- ii. Creation of Strata Lots 1 to 3 as development lots and the construction of the subdivision works.
- iii. Construction of the RFB and multi-dwelling housing at the same time.
- iv. Strata titling of the completed built form.

Land and housing design and typology:

The architect's design statement at Attachment D notes that the land has several key drivers that have shaped the proposal:

- There is a continuation of Noroy Place through the “two-third point” of the land. Noroy Place divides the land into a northern portion on the crest of the hill and a larger southern portion sloping down to the south.
- The northern boundary of the land fronts Old Bar Road which is a main feeder road in the local road network. The development has been designed so that no direct access will be available on to Old Bar Road except for firefighting vehicles via a dedicated emergency access. All driveways for the lots fronting Old Bar Road will be off the internal road in Strata Plan 2.
- The southern and western boundaries require large setbacks for bushfire protection, with a publicly access road provided on the western boundary for bushfire access.
- The eastern boundary has the backyards of neighbouring single and double-level housing, which requires a similar scale of development.
- The south-western corner of the land is the lowest point on the land and has therefore been allocated for stormwater and sewer service requirements.
- A variety of housing types is proposed, to provide housing choice across the land.

The architecture of the townhouses has a repeating tall portal frame that identifies each individual house. The townhouses have a three-layered façade with a pronounced garage element, the portal frame and the main façade. Each townhouse has a generous front planting area. To minimise bulk there are no more than 6 attached houses in a row.

The RFB also has strong frame elements, with solar access maximised to the private open space provided on the balconies, and a landscaped communal open space area to soften the appearance of the building.

The RFB has been assessed against the *Apartment Design Guide* objectives and design criteria. This is included at Attachment E. The assessment notes full compliance with the relevant provisions of the ADG.

BASIX and NatHERs certificates have been lodged with the application.

Landscaping:

The proposal includes a large central area of shared, landscaped open space available for the use of the residents of the RFB. Trees to be removed to facilitate the development are a scattering of exotic landscape trees and shrubs. Extensive landscaping is proposed along streets and within common areas to create shade and amenity. Landscape Plans have been lodged with the application and are included at Attachment F.

Waste management:

Each townhouse would be provided with 3 bins located in the garage clear of the parking spaces and with access to the street for kerbside collection.

The RFB has 23 apartments and has been provided with garbage rooms on every floor with capacity for three 240L bins. Garbage rooms are located close to lifts on each level to ensure that residents do not need to walk more than 30m to use the bins (in accordance with the EPA's *Better practice guide for resource recovery in residential developments*).

A garbage collection room is located at the ground level with capacity for 15 240L bins. The residents will not have access to the garbage collection room.

The caretaker will manage the bin rotation on each level and wheel the bins out to the kerb on garbage pick-up day.

The garbage collection room has level access to the kerbside bin collection point on the western side of the RFB. A bulky waste storeroom is also provided, with an area of 10m².

Council's *Waste Management Guidelines* for multi-dwelling housing are:

Putrescible waste generation: 80L/unit/week. With 23 units this will require eight 240L bins.

Recyclable material generation: 40L/unit/week. With 23 units this will require four 240L bins.

A waste management plan was requested from the applicant. In response, the applicant lodged an Architectural Statement which is included at Attachment D. That statement outlines the proposed waste management arrangements.

Traffic and access:

a. Access point

The proposed vehicle access point into the development would be via Noroy Place. These proposed access arrangements are consistent with the objectives of the Greater Taree Development Control Plan (GTDCP) 2010 by consolidating vehicle access to a single point to reduce the number of conflict points between vehicles and pedestrians. No access into the development land will be provided off Old Bar Road.



Figure 2: Proposed access point. Source: JMT Consulting 2022.

b. Traffic generation

The forecast traffic generation associated with the development during the critical morning and afternoon peak hours has been modelled and is included in the Transport Assessment at Attachment G. The expected traffic generation rates for each of the dwelling types proposed within the land are consistent with the upper limits of those noted in the RMS *Guide to Traffic Generating Developments*. The analysis indicates that the development may generate up to 55 vehicle movements during the AM and PM peak hours of the day.

Traffic modelling has been undertaken using SIDRA software to understand the existing and future performance of the following intersections in the vicinity of the land:

- Old Bar Road / Wyden Street
- Noroy Place / Wyden Street

The traffic modelling metric used to analyse the performance of the intersections is intersection Level of Service (LOS). The traffic modelling considered the following two scenarios:

- i. Base case – traffic flows as per the counts undertaken in March 2022.
- ii. Base case plus development – traffic flows following the development of the subject land as per the proposal.

The modelling demonstrates that the proposal does not significantly impact the operation of the road network. All intersections are forecast to maintain their current Level of Service A with the future development in place. In this context the development will not result in any adverse operational or safety impacts on the road network, with no additional transport infrastructure required to support the proposal.

c. Internal road and pedestrian network

The internal road network includes:

- i. Extension of Noroy Place to the west to provide a suitable carriageway through to the western boundary of the land with a 20m wide road reserve to provide 4m wide traffic lanes in each direction, 2.1m wide on-street parking bays and a 2.9m wide verge to provide sufficient space for a 2.5m concrete footpath.
- ii. A public road 16m wide down the western boundary of the property to provide a connection to the south for future development with 3m wide traffic lanes in each direction, and a 2.9m wide verge to provide sufficient space for a 2.5m concrete footpath.
- iii. A right of way along the western boundary through strata lot 3 to provide access into the RFB and through to the private road that runs through strata lot 2.

The proposed footpaths are shown in the Pavement, Signage and Linemarking Plan within the Civil Plans at Attachment H and outlined in Figure 3 below.

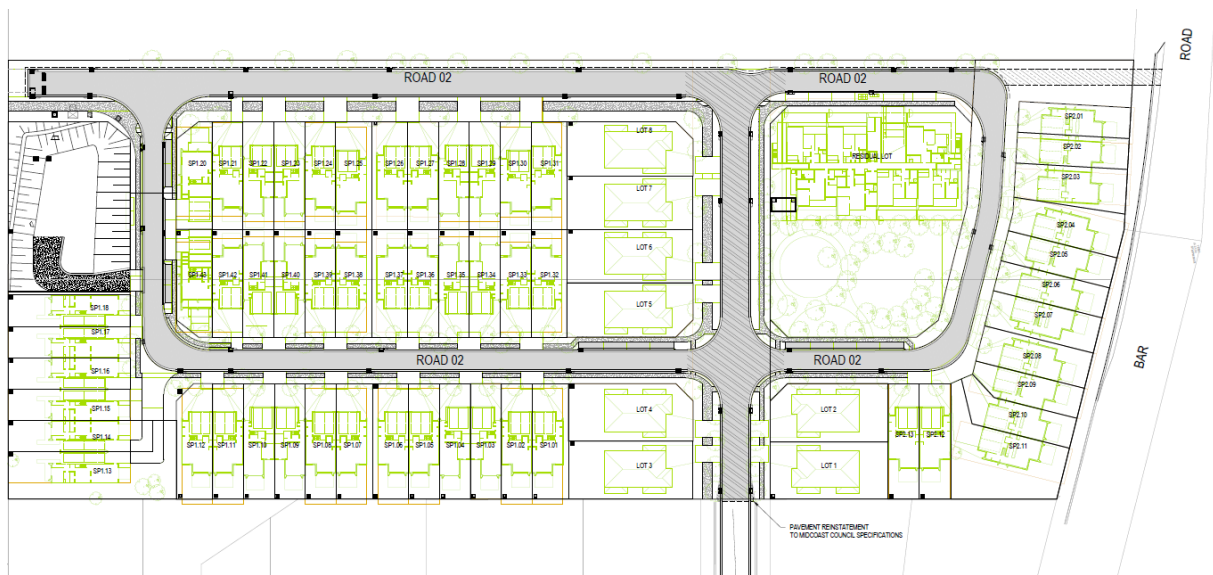


Figure 3: Road and Footpath layout. Source: Enspire Civil Engineering Works Plans Drawing no. 210036-DA-C11.01

A vehicle swept path analysis was undertaken by the applicant to confirm the suitability of the internal road network and is included in the Civil Engineering Plans at Attachment H.

The swept paths demonstrate that a 12.5m heavy rigid vehicle (HRV), similar to a Council waste vehicle, can manoeuvre within the land. The application notes that this size of vehicle is

equivalent to a fire and rescue service vehicle which will have the ability to travel within the land to attend to emergencies. The following comments were included in the traffic assessment:

- Allowance is made for a B99 vehicle to pass a B85 vehicle, as recommended in AUSTROADS and AS2890.1, on all sections of roadway within the land. This passing ability includes around all bends in the internal roadways.
- The road widths available within the land allows for an HRV to pass a B99 vehicle for the majority of the land, particularly the longer straight sections of roadway.
- Drivers have good lines of sight to view oncoming vehicles at all points within the land.
- Widening the roadway at the bend to accommodate simultaneous passing of a HRV and B99 vehicle would result in a significant amount of additional road width and not represent a suitable allocation of land within the land given the expected traffic flows. Large service vehicles would only be expected to utilise the internal roadways within the land 1-2 times per week, and typically early in the morning in the case of waste vehicles when passenger vehicle movements are lower.
- Neither Australian Standards AS2890.1/2 nor AUSTROADS requires that roads or driveways accommodate a large service vehicle (e.g., HRVs) passing passenger vehicles at all points along the roadway.
- The situation where cars give way to large trucks on residential streets is commonplace, including on surrounding streets in the area. Residents are accustomed to this arrangement and adjust their driving behaviour accordingly.

d. Parking provision

The proposed car parking for the development is summarised in the table below.

Lot / dwelling type	Number proposed	GTDCP car parking requirement	Minimum parking spaces required	Parking spaces proposed
Torrens title lots	8	n/a – parking to be provided when land is developed	-	-
Townhouses	55	2/ dwelling	110	110
Two-bedroom apartments	23	1.2 / dwelling + 0.2 / dwelling for visitors	32	42
TOTAL			142	152

All of the townhouses have space to park two visitor cars in front of the garage except for the 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.

The RFB includes a basement level car park for 42 cars. Twelve spaces are tandem spaces. There are four car spaces accessible for people with disabilities. There are five visitor car parking spaces. One of those is accessible. Two EV charging stations have been provided in the basement parking area. Does this reduce the number of parking spaces?

Servicing:

The development will be serviced by reticulated water, sewer and electricity. New utility infrastructure will be provided. These services will be placed in typical shared trench

arrangements in accordance with the *NSW Streets Opening Conference Guide to Codes and Practices for Streets Opening* (2009) or an equivalent alternative approved by the certifier.

The services to be provided within the development include:

1. Potable Water
2. Sewer
3. Telecommunications
4. High and low voltage electrical services, including street lighting

Potable water reticulation is proposed to extend from the existing potable water main in Noroy Place. Following the approval of this application, the detail design will be progressed and lodged for approval as part of design progression to Subdivision Works Certificate approval. A high-level water main layout has been provided with the application and is included at Attachment H.

The proposed development has been considered in the catchment for Council's Sewer Pump Station 1. A high-level sewer main layout has been provided with the application and is included at Attachment H.

Easements will be required over the adjoining lot (Lot 14) to the south of the land for the provision of sewer and water. A servicing strategy has been lodged with the application and is included at Attachment K. An easement plan has been lodged with the application and is included at Attachment P.

3. Statutory Considerations

3.1 Rural Fires Act 1997

The land is mapped as bushfire prone land. The development requires a bushfire safety authority pursuant to section 100B of the Rural Fires Act 1997. A Bushfire Assessment was prepared for the proposal and has been lodged with the application. It is included at Attachment L. The NSW Rural Fire Service (RFS) have issued their general terms of approval and a bush fire safety authority for the development. These have been included in the conditions of consent at Attachment A.

3.2 Environmental Planning and Assessment Act 1979

Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments (SEPPs and LEP) are relevant to this application:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Greater Taree Local Environmental Plan 2010

SEPP (Planning Systems) 2021

This application is regionally significant development pursuant to Schedule 6 section 2 of the SEPP as the development is "General development that has a capital investment value (CIV) of more than \$30 million. The development has a CIV of \$33 million.

SEPP (Resilience and Hazards) 2021

Clause 4.6 of the SEPP 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.

The land is not registered as contaminated, and there have been no known contaminating activities undertaken on the land. The existing dwelling is to be relocated onto another site. Given the age of the dwelling, it may contain asbestos material. All other structures on the land are newer than the dwelling and are unlikely to contain asbestos. There is a risk of contaminated materials being discovered following the removal of the structures on the land, including lead paint residue, pest treatment residue and oil residue. Testing can only be effectively undertaken once the buildings are removed or demolished. Standard conditions have been included on the consent at Attachment A to ensure that any potential contamination is managed.

SEPP (Transport and Infrastructure) 2021

The application was referred to Essential Energy under Section 2.48 of the SEPP. Essential Energy advised that they have no comments to make on the potential safety risks arising from the proposed development. The following general comments were made:

- As part of the subdivision, an easement is to be created for any existing electrical infrastructure. The easement is to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.
- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
- Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.
- Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW)*.
- Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

Appropriate conditions have been included on the consent to address Essential Energy's requirements.

The development is not classified as traffic generating development.

SEPP No.65 – Design Quality of Residential Apartment Development

This SEPP applies to the proposed development as it comprises a new RFB that is three storeys with more than four dwellings.

SEPP 65 establishes nine design quality principles to be applied in the design and assessment of RFBs. The *Apartment Design Guide* (ADG) provides greater detail on how residential development proposals can meet those principles through good design and planning practice. An assessment of the RFB against the ADG has been lodged with the application and is included at Attachment E. That assessment notes full compliance with the objectives and design criteria of the ADG.

Greater Taree Local Environmental Plan (GTLEP) 2010

GTLEP 2010 applies to the land. The land is located within the R1 General Residential zone as shown in Figure 2 below. Multi-dwelling housing and RFBs are permitted with consent in the R1 zone.

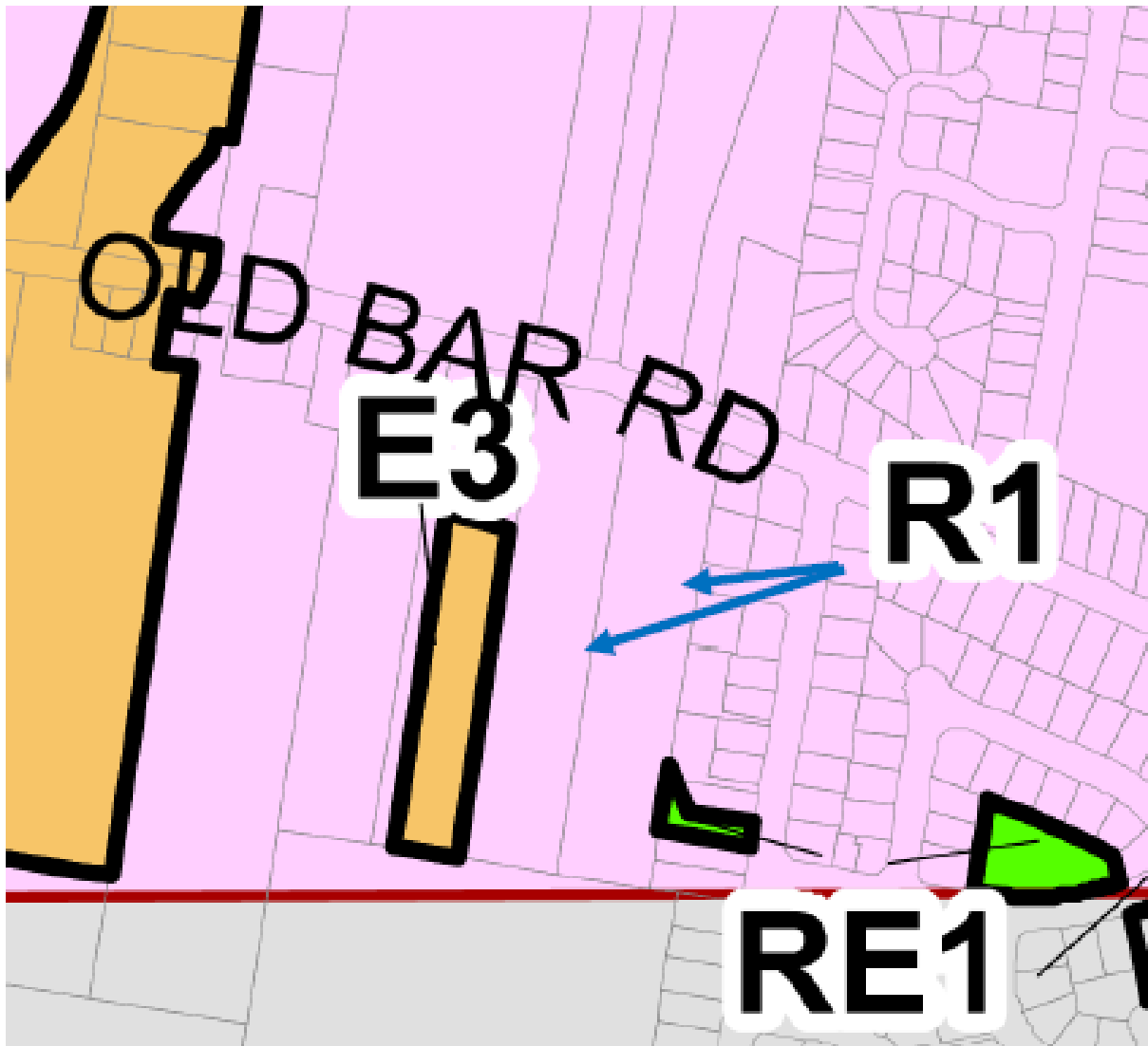


Figure 4: Location of development area within the R1 General Residential zone. Source: Planning Resolutions SEE

The controls applying to the land are:

Control	Proposed	Compliance
Clause 4.1 - Minimum lot size 450m ²	All proposed torrens title lots are greater than 450m ² . Clause 4.1 does not apply in relation to the subdivision of any land by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015.	Complies.
Clause 4.3 - Maximum height of building (HOB) 8.5m	The RFB will be 9.3m for approximately 33% of the roof area. The	Does not comply. The RFB exceeds the HOB standard by approximately 80cm.

Control	Proposed	Compliance
	remaining roof area is below the height limit.	This represents a 9% increase in height above the standard.
Clause 4.4 - Floor space ratio (FSR) 0.6:1	Strata Plan 1 – 0.51:1 Strata Plan 2 – 0.43:1 Strata Plan 3 – 0.60:1	Complies. Note that FSRs have not been calculated for the individual strata lots. The FSR calculations are based upon the site area of each development lot.
Clause 4.6 – Exceptions to development standards	A request for a variation to the standard has been lodged with the application and is included at Attachment I.	Complies. The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and the proposed development will be in the public interest because it is consistent with the objectives of the height standard and the objectives for development within the zone in which the development is proposed to be carried out.
Clause 6.1 – Arrangements for designated State public infrastructure	A SAC has been issued by the Department for all development applications in the Old Bar urban release areas. Refer to Attachment J.	Complies. The Department has certified that no satisfactory arrangement requirements towards the provision of designated state infrastructure are required for the development.
Clause 6.2 – Public utility infrastructure	The development can be adequately serviced by all essential services	Complies. A servicing strategy has been lodged with the application and is included at Attachment K.
Clause 6.3 – Development control plan	Part L5 (Precinct 2B) of the GTDCP applies to the land.	The development complies with the precinct plan, objectives, and controls in Part L5.
Clause 7.1 - Acid Sulfate Soils. A small area of Class 5 ASS is mapped for rear of property.	No works are proposed within 500m of adjacent Class 1, 2a, 2b, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is	Complies. An ASSMP is not required.

Control	Proposed	Compliance
	likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2a, 2b, 3 or 4 land.	
Clause 7.3 - Earthworks	The civil engineering plans at Attachment X show the proposed earthworks, including cut and fill. The plans show a requirement to import approximately 2,950m ² of fill.	The work is ancillary to the proposed development.

Section 4.15(1)(a)(ii) – Proposed Instruments

There are no proposed instruments that have been the subject of public consultation under this Act.

Section 4.15(1)(a)(iii) – Development control plan

Greater Taree Development Control Plan (GTDCP) 2010

Part L5 – Precinct 2B

The relevant objectives and controls applying to the land are addressed in the table below.

Part	Compliance
L5.1.4 Desired future character statement	The development complies with the desired future character for the precinct through its inclusion of a diverse range of opportunities for small lot housing and medium density housing, as well as traditional house lots. Civil infrastructure complies with the desired character for environmentally sensitive stormwater management systems as well as access to open space and parklands.
L5.2 The precinct plan	The development is located in the southeastern corner of the precinct. This land provides access from Wyden Street into the precinct by continuing Noroy Place through the land east to west.

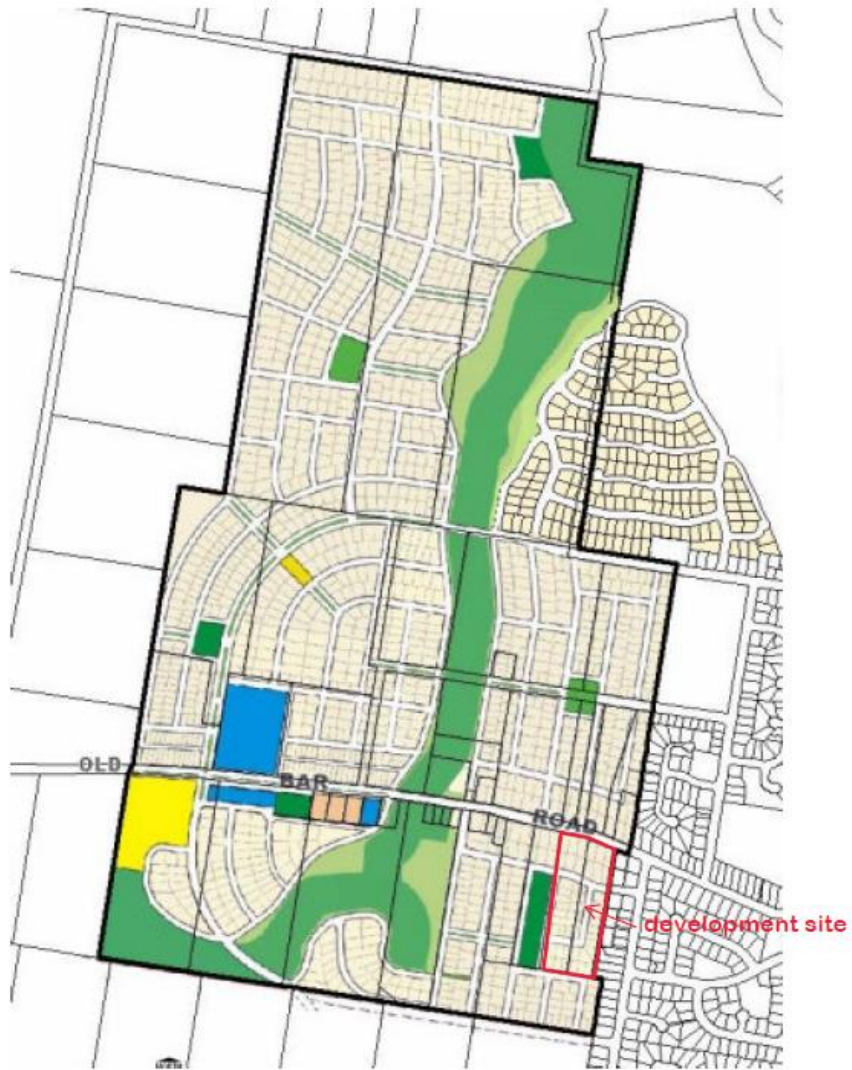


Figure 3: Precinct Plan. Extract from GTDCP Part L5

The other important feature of the land is access to the public reserve to the west of the land. The precinct plan shows a road along the eastern edge of the public reserve shared with the land; however the applicant has provided a public road entirely within the development land to reduce encroachment and degradation of the reserve whilst maintaining full public access to the reserve.

Although the precinct plan shows future lots accessing Old Bar Road, the proposed development layout will remove that need, which is a preferable outcome.

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.

	<p>Performance criteria</p> <ul style="list-style-type: none"> • The minimum frontage setback is 5.5m to the second storey and to garage doors. • The minimum front setback is 4.5m to the ground floor. • The minimum front setback for multi-dwelling houses is 4.5m to the ground floor, second storey and the garage. • The minimum front setback to non-residential land uses on lands adjoining Old Bar Road is 0m. <p>Does not fully comply. The western part of the RFB is set back 4.15m from Noroy Place and the eastern part is setback 6.75m. Although strict compliance is not achieved the staggered setback for the RFB satisfactorily achieves the objectives.</p> <p>The townhouses backing on to Old Bar Road are set back approximately 7m.</p> <p>All development is set back 11m to the south and 12m to the west to ensure compliance with the APZs.</p> <p>Setbacks for the townhouses to the existing residential development to the east are all more than 6m. Height and FSR standards are achieved to ensure bulk and scale impacts are minimised on existing residences.</p> <p>The development originally proposed retaining walls along the east. These have now been deleted, and adjoining levels match existing levels. Cross-sections of the eastern boundary interface have been provided in drawing A207 in the architectural plans at Attachment B. They demonstrate that whilst the “new” development provides a denser form of housing, the generous setbacks, compliance with the height standards and deletion of the retaining walls provides an acceptable outcome.</p>
L5.4 Street hierarchy	<p>Objectives</p> <ul style="list-style-type: none"> • 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. <p>Performance criteria</p> <ul style="list-style-type: none"> • Street layout and hierarchy within the precinct will be consistent with the map in Figure 4, which shows all roads within the land to be 16m wide. <p>Complies. The public roads are 16m wide or greater.</p>
L5.5 Street types	<p>Local Streets will be 16m wide incorporating:</p> <ul style="list-style-type: none"> • 4m verges on each side of the street. • 8m carriageway. <p>Complies. The public roads are 16m wide or greater.</p>
L5.6 Pedestrian and cycle routes	<p>Objectives</p> <ul style="list-style-type: none"> • Provide safe recreational walking and cycling opportunities throughout the precinct and linking to wider pedestrian and bicycle ways and key locations;

	<ul style="list-style-type: none"> • Provide key linkages across the land; • Improve cyclist safety in moving traffic. <p>Performance criteria</p> <ul style="list-style-type: none"> • Pedestrian and cycleway locations are to be provided as shown in Figures 4 and 5. • The boulevard collector shall include a 1.5m on-road bicycle lane in each direction. • 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. • East-west connections are to be provided through 2.5m pathways within designated verges. • Standard 1.2m wide footpaths are to be provided to at least one side of the higher order residential streets as shown in Figure 5. <p>The precinct plan does not show pedestrian and cycleways as being required on the land, however pedestrian and cycleways are being provided in the development in accordance with current standards.</p>
L5.8 Bushfire protection	<p>Objectives</p> <ul style="list-style-type: none"> • Ensure appropriate siting of new development where this adjoins bushland areas; • Ensure the protection of buildings and occupants from potential bushfire risk. <p>Performance criteria</p> <ul style="list-style-type: none"> • Any application to erect a building on land affected by the bushfire setbacks, as shown in Figure 6, will need to demonstrate appropriate building setbacks, appropriate construction methods (including AS3959-2009), and, where required by the NSW Rural Fire Service, provision for firefighting services such as hydrants. • Consideration must be given to whether a development proposal near a bushfire source poses excessive challenges in terms of evacuation and firefighting. <p>Complies. A bushfire assessment has been prepared and a BFSA issued by the RFS. The development layout incorporates APZs and other bushfire protection measures.</p>
L5.12 Safety and security	<p>Objectives</p> <ul style="list-style-type: none"> • 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. <p>Performance criteria</p> <ul style="list-style-type: none"> • Applications may be referred for consideration by the NSW Police. • Applications that are referred will incur an additional fee. • Entrances to buildings are to front the street.

	<ul style="list-style-type: none"> • Front boundaries should be clearly delineated using landscaping or fencing. • Numbering and signage should be clear. • Bushy landscaping in the stratum of 1m to 2m above the ground should not directly adjoin footpaths, unless barrier fences shield the landscaping. • 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. • 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. • Facilities like bus stops, ATM's, public toilets, and telephone booths should be located in higher traffic locations where they enjoy good surveillance. <p>Complies. The development complies with the principles of <i>Safer By Design</i>.</p>
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Part H – Residential Requirements

The relevant objectives and controls applying to the land are addressed in the table below. Where controls have already been addressed in Part L, these have not been addressed again below.

H2.1 Land coverage and lot requirements	<p>Objectives</p> <ul style="list-style-type: none"> • Bulk and scale are 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: <ul style="list-style-type: none"> ◦ 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-land 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. <p>Performance criteria</p> <ul style="list-style-type: none"> • The maximum land coverage for all residential development is 65%. <p>Complies. Each of the proposed strata lots has the following coverage:</p> <p>Strata Lot 1 – 59% Strata Lot 2 – 56% Strata Lot 3 – 33%</p>
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H2.3 Building height	<p>Objectives</p> <ul style="list-style-type: none"> • Maintain a low-rise residential character throughout the 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; • 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. <p>Performance criteria</p> <ul style="list-style-type: none"> • The lowest floor level of all development shall not be greater than 1m above natural ground levels at any point. • 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. • 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. <p>Does not comply. The RFB is 3 storeys, with underground basement car parking. Although this component of the development is 3 storeys, it only exceeds the height limit by a minor amount (80cm) and achieves housing diversity in accordance with the precinct objectives. Extensive landscaping and an adjoining park are proposed to soften the bulk of the building. A request to vary the height standard has been lodged with the application and is included at Attachment I. The rest of the development complies.</p>
H2.4 Car parking and access	<p>Objectives</p> <ul style="list-style-type: none"> • 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-land 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.

	<p>Performance criteria</p> <p>All residential development</p> <ul style="list-style-type: none"> • Garages and driveways do not dominate the street facade of the development. • Long straight driveways are to be avoided. • 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. • Design for vehicle access and parking should in every instance take into account: <ul style="list-style-type: none"> ◦ The size and number of dwellings proposed ◦ The provision of on-land 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. • 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. • Special consideration will be given to particular land conditions such as existing vegetation, land drainage, steep access etc. • Where land has a frontage to a main road all development shall provide sufficient area on land to allow vehicles to enter and leave the land in a forward direction. <p>The development requires 142 car parking spaces. 152 car parking spaces have been provided.</p> <p>All of the townhouses have space to park two visitor cars in front of the garage except for the townhouses along the southern boundary which only have room for one visitor space.</p> <p>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. As the visitor parking spaces are provided in the driveways of each townhouse, compliance with the DCP is achieved.</p> <p>The RFB includes a basement level car park for 42 cars. Twelve spaces are tandem spaces. There are four car spaces accessible for people with disabilities. There are five visitor car parking spaces. One of those is accessible. Compliance with the DCP requirements is achieved.</p>
H2.5 Private open space	<p>Objectives</p> <ul style="list-style-type: none"> • 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 dwellings; • Locate private open space so that it takes advantage of solar access, privacy from adjacent properties, outlook and views, existing plantings and existing landform;

	<ul style="list-style-type: none"> • Ensure that all open spaces, private or communal are clearly defined and are useable, and help create a pleasant, safe and attractive living environment. <p>Performance criteria</p> <ul style="list-style-type: none"> • Each dwelling shall be provided with quality, useable private open space (POS) • The POS area of each dwelling is to have a principal private open space (PPOS) directly connected to a living zone of the dwelling. • POS is to be no steeper than 1:10 gradient. • A front POS forward of the building line will only be considered where the allotment is predominantly north facing. • 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. • At least one principal living area of a dwelling must face predominantly north. • The POS shall be adequately screened for privacy from adjacent dwellings and passers-by. • Any dwellings which cannot be provided with private open space at ground level (i.e., RFBs, shop top housing) shall instead be provided with a balcony. • Enclosing screen walls or fences should be designed to ensure privacy, for the dwelling and for adjoining communal open space or access ways and for other dwellings and their yards. • Part of the private open space should be capable of enabling an extension of the function of the dwelling for relaxation and recreation and be directly accessible from the living area of a dwelling. Its location should take into account: outlook, natural features, continuity with open space and the location of adjoining dwellings. Its orientation should provide for maximum year-round use. • Planting should not obscure or obstruct dwelling entries, adjoining public space, paths or streets in a way that reduces actual or perceived personal safety. • Proposed tree locations and species are to be selected so as not to adversely impact upon the amenity of adjoining properties or interfere with adjoining structures. <p>Partially complies.</p> <p>Each townhouse has been provided with:</p> <p>Type A1 – 70m² Type A2 – 60 – 80m² Type B – 110m² Type C – 220m²</p> <p>The principal POS for all townhouses is directly connected to the living zone of the dwelling.</p>
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	<p>No POS is steeper than a 1:10 gradient and all POS is located at the rear of each townhouse.</p> <p>All townhouses have POS that receives generous amount of sunlight except for townhouses 1.13 to 1.18 along the southern boundary. Those townhouses will receive some solar access between 11am and 2pm. To compensate for this, all of the southern townhouses have a north-facing outdoor living area to receive full solar access.</p> <p>All of the townhouses have good northerly solar exposure and most of them are orientated east to west to receive longer “moving” periods of sunlight for a longer period of time. Where the main area of POS doesn’t meet the required solar access there is a secondary screened space in the front setback which has solar access all day.</p> <p>POS is screened from adjacent dwellings and passers-by via a 1.8m high timber fence.</p> <p>The RFB has a generous balcony for each unit and 1390m² of common open space available for use by residents of the RFB.</p>
H2.6 Solar access and overshadowing	<p>Objectives</p> <ul style="list-style-type: none"> • 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. <p>Performance criteria</p> <ul style="list-style-type: none"> • Shadow diagrams are to be submitted with all new development applications for 2 storeys or greater. • All new dwellings are to be designed to ensure that the predominant living spaces and the key private open space maximises northern or eastern sun. • The 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 principal 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. • Buildings must be land 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. <p>Shadow diagrams have been lodged with the application and are included in the Architectural Plans at Attachment B. All dwellings have either the main living space or a secondary space with northern exposure.</p> <p>The town houses have been designed to achieve the DCP requirements in relation to solar access. The RFB has been designed to meet the objectives and design criteria of the ADG. An assessment of the RFB</p>

	<p>against the ADG is provided in Attachment E. It demonstrates that the RFB can comply with the ADG.</p> <p>The shadow diagrams demonstrate that some of the adjoining dwellings along the southern part of the eastern boundary will be impacted by overshadowing from around 2pm in the middle of winter. The overshadowing is restricted to the rear POS of those properties.</p>
H2.7 Acoustic and visual privacy	<p>Objectives</p> <ul style="list-style-type: none"> • 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. <p>Performance criteria</p> <ul style="list-style-type: none"> • 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. • Dwellings are to be sited and designed to limit the potential for noise transmission to the living and sleeping areas of adjacent dwellings. • 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. • 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. • 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. • A minimum line-of-sight separation of 3m is required between parking areas/streets and all bedroom windows. • Where any wall openings of adjacent dwellings are opposite each other, a minimum separation of 3m is required. • All opposing windows and doors on adjacent lots must be offset. • 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.

	<ul style="list-style-type: none"> • Direct views between living area windows of adjacent dwellings must be screened or obscured where: <ul style="list-style-type: none"> ◦ 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. • 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. • Overlooking between units is to be avoided, for example through dividing fins, louvers and other design detail. • The windows and doors of proposed dwellings that provide direct view into the living area/bedroom windows of an adjoining dwelling should: <ul style="list-style-type: none"> ◦ Be located out of alignment with the windows of adjoining dwellings, or ◦ 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. • The outlook from a proposed dwelling into the private open space of another dwelling does not require screening where: <ul style="list-style-type: none"> ◦ 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. • A roof top balcony, terrace and the like on residential developments and outbuildings is not suitable where it compromises privacy and amenity. <p>The townhouses have been designed with a general front and rear face only. The view from rear windows to adjoining private open space is restricted either by being set back from the main part of the building or via portal fin elements either side of the windows.</p> <p>The landscaping is also sufficient for increasing privacy. A landscape plan is included at Attachment F.</p> <p>Privacy for the individual units in the RFB has been achieved by varying the setbacks of the balconies and fin dividing walls.</p> <p>The greatest potential impact on privacy is likely to occur along the eastern boundary south of Noroy Place. To address this, louvers will be provided on the upper storey windows.</p>
H2.8 Views	<p>Objectives</p> <ul style="list-style-type: none"> • Avoid compromising available quality views; • Minimise view loss from adjoining or nearby properties and public places;

	<ul style="list-style-type: none"> • 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. <p>Performance criteria</p> <ul style="list-style-type: none"> • Provision of a view analysis as a component of a land analysis to indicate that a proposed development reflects the desirability of protecting known views and the principles of view sharing. The view analysis on surrounding development is required to indicate the position of the proposal on its land, the location of adjoining buildings and the degree of view loss, if any, resulting from the proposal. • Council may require the erection of a height profile structure certified by a registered surveyor on the land prior to determining an application. <p>A view analysis is included in the architectural plans at Attachment B.</p> <p>As the land is located on one of the highest parts of Old Bar, it does not affect any existing views. It was considered that the original height of the RFB would have a negative impact on views from the beach area and other public places. The lowering of the RFB height has reduced any potential impact on distant views.</p>
H2.10 Front fencing	<p>Objectives</p> <ul style="list-style-type: none"> • 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; • 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. <p>Performance criteria</p> <ul style="list-style-type: none"> • Fencing should not block views from a dwelling towards the street or similarly obscure the visibility of the front entrance of a dwelling. • 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. • The distance between modulating elements (indentations, posts, or engaged piers), should not be greater than 2.5m. • Front fences must not exceed 10m in length without some articulation or detailing to provide visual interest, i.e., fence posts, engaged piers etc. • 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.

	<ul style="list-style-type: none"> • All fencing behind the line of the dwelling/building façade, side and rear fences, may be a maximum of 1.8m. • Side fences which project forward of the front building line should step down to the adjoining front fence. • Expansive flat and blank surfaces to street frontages are to be minimised to reduce the opportunity for graffiti. <p>Private Open Space Fencing</p> <ul style="list-style-type: none"> • 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. • 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. <p>Low, open timber fencing is proposed for the frontage of all of the townhouses. The POS of rear yards is screened via 1.8m high timber fencing. Fencing details have not been provided is proposed for the common area of the RFB, however it is intended that the common area will be fenced and available only for the use of the RFB residents.</p>
H4.3 Multi-dwelling housing and RFBs	<p>Objectives</p> <ul style="list-style-type: none"> • 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 lands have sufficient land area to accommodate appropriate setbacks and open space areas, including areas for deep soil planting and natural land drainage. <p>Performance criteria</p> <p>Land Coverage</p> <p>1. Development for the purposes of multi dwelling housing requires a minimum land size of 1,000m².</p> <p>The land is greater than 1000m².</p> <p>Setbacks</p> <p>Addressed in L5.3.</p> <p>Car parking and access</p> <p>Parking in the form of garages or carports is to be provided on land at the rate of:</p> <p>1 space for each 1 and 2 bedroom dwelling. 2 spaces for each 3 or more bedroom dwelling.</p> <p>Visitor parking is to be provided onland at the rate of 1 space per 3 dwellings.</p> <p>The development provides the following parking:</p>

	<p>Townhouses (55) – 110 spaces for residents. Complies. Provided via double garages.</p> <p>All townhouses have space for two visitors to park outside the garage except for the townhouses along the southern boundary which only have 1 space per dwelling. Complies.</p> <p>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.</p> <p>The RFB includes a basement level car park for 42 cars. Twelve spaces are tandem spaces. There are four car spaces accessible for people with disabilities. There are five visitor car parking spaces. One of those is accessible. Two EV charging stations have been provided in the basement parking area.</p> <p>Private open space</p> <p>The useable private open space per ground level dwelling should not total less than 35m² where:</p> <ul style="list-style-type: none"> • The minimum dimension in any direction is 4m. • The open space contains an area not less than 16m² with a minimum dimension of 4m and is directly accessible from the living room of the dwelling. • For dwellings above ground level, private open space should be provided in the form of a balcony, where: <ul style="list-style-type: none"> ◦ The balcony has a minimum area of 8m² and a minimum dimension of 2m in any direction. ◦ The balcony has direct access from the main living area of the dwelling. • Secondary balconies with direct access to a bedroom may be permitted. <p>For dwellings above ground level, private open space should be provided in the form of a balcony, where:</p> <ul style="list-style-type: none"> • The balcony has a minimum area of 8m² and a minimum dimension of 2m in any direction. • The balcony has direct access from the main living area of the dwelling. <p>The ADG assessment lodged with the application notes full compliance with balcony areas and depths for the ADG.</p> <p>All apartments are two bedroom. Eighteen have an internal dedicated storage area of 8.9m³. Six have a storage cupboard of 5.4m³. There are 10 storage cages and four bike storage compartments in the basement car park.</p>
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Part C – Subdivision Requirements

The relevant objectives and controls applying to the land are addressed in the table below. Where controls have already been addressed in Part L, these have not been addressed again below.

C3.1 Land Hazards	<p>Objectives</p> <ul style="list-style-type: none"> • Ensure adequate assessment of any risks to development are identified and responded to at the Development Application stage. <p>Performance Criteria</p> <ul style="list-style-type: none"> • 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. • 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. <p>Civil engineering plans have been lodged with the application and are included at Attachment H.</p> <p>The subdivision does not require any removal of native vegetation.</p> <p>The land is not subject to flooding or coastal hazards. A bushfire assessment has been lodged with the application and the RFS GTAs have been received and included in the conditions at Attachment A.</p> <p>The land has no known history of contaminating land uses. There is a risk of contaminating materials (e.g., lead paint, asbestos) being discovered once the structures are removed from land. Testing will take place and an unexpected finds protocol will be in place prior to the issue of the first construction certificate. Appropriate conditions have been included in the consent.</p>
C3.3 Filling and Levelling	<p>Objectives</p> <ul style="list-style-type: none"> • Minimize the impacts of cutting and filling on natural and built environments. <p>Performance criteria</p> <ul style="list-style-type: none"> • Landworks are to be planned to allow topsoil to be stripped, stockpiled and reused on the land. No soil is to be removed from the land without consent. • Filling and levelling shall not adversely affect adjoining land and shall be carried out to Council's satisfaction, as indicated on approved engineering plans. • The quality of 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. • Levels shall generally be adjusted so that lots drain to the street and/or the stormwater drainage system. Where required, a

	<p>system of inter-allotment drainage shall be installed to prevent or ponding of water, or intensification of runoff on to adjacent land.</p> <ul style="list-style-type: none"> • Cutting and filling should be planned to minimise damage or disturbance to existing vegetation. • Erosion control and sediment control principles shall be implemented in accordance with Part G of this DCP. <p>The cut to fill design has been structured to accommodate the required road grades, stormwater infrastructure and boundary conditions across the land. The required earthworks are addressed in the civil engineering plans at Attachment H. Conditions have been included to require geotechnical certification.</p>
C3.5 Drainage	<p>Objectives</p> <ul style="list-style-type: none"> • 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; • 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. <p>Performance criteria</p> <ul style="list-style-type: none"> • 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. • 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. • Drainage from subdivision lands 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. • Water quality in water courses near subdivisions is to be protected by way of appropriate structures and/or filter mechanisms. • Drainage systems should be designed so as to ensure safety and minimise the likelihood of storm water inundation of existing and future dwellings. • Adequate provision should be made for measures during construction to ensure that the landform is stabilised, and erosion controlled.

	<ul style="list-style-type: none"> • 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. • 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. • Pump systems will not be permitted for other than underground car parking in large lands. • Drainage reserves may be required over natural and artificial watercourses. • 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. • Works as executed drawings are to be supplied upon completion of works. • 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). • Integrated water cycle management and water sensitive urban design principles shall be incorporated into the drainage design. • Drainage from existing dwellings to the subdivision shall be allowed for in the design by way of interlot drainage and easements. <p>A stormwater strategy has been lodged with the application and is included at Attachment M. The strategy complies with the requirements of the DCP and is adequate for achieving the objectives and performance criteria and objectives of the DCP.</p> <p>An easement to drain water from the development is proposed over Lot 14. The owner of Lot 14 has provided owner's consent for the easement. A condition has been included on the conditions of consent requiring registration of the easement prior to issue of the first construction certificate.</p>
C3.8 Landscaping	<p>Objectives</p> <ul style="list-style-type: none"> • 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.

	<p>Performance criteria</p> <ul style="list-style-type: none"> • The overall design of any subdivision, whether residential or rural residential, should set aside open space which incorporates existing trees where practical. • Housing lands should be confined to below ridgelines, so as not to become the dominant feature of the landscape. • Flat cleared land should be set aside for active recreation. • 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. <p>Residential subdivision</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ◦ 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; <p>A Landscape Plan has been lodged with the application and is included at Attachment F. The Plan meets the objectives and performance criteria of the DCP.</p>
C4.1 Residential subdivision	<p>Objectives</p> <ul style="list-style-type: none"> • 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. <p>Performance criteria</p> <ul style="list-style-type: none"> • Land frontage shall be sufficient to permit vehicular and pedestrian access to the land. • 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. • Residential development will only be considered where reticulated water and sewerage is available to the proposed subdivision. • 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 land circumstances such as orientation, topography etc. • Lots should be designed to allow the construction of a dwelling with a maximum cut or fill of 1m from the natural ground level.

	<ul style="list-style-type: none"> • 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. • Lot sizes should be increased where lands are steep or contain significant landscape features including watercourses and easements. <p>The subdivision has been designed in accordance with the Local Area Plan for Old Bar Precinct 2B. 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 a connection through to future development in the south. The internal access arrangements are considered adequate. The subdivision plan is included at Attachment N.</p>
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Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the land.

Section 4.15(1)(a)(iv) - Provisions of Regulations

Part 4 Division 1 of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

In relation to Section 61 of the Regulation, a condition of consent will be imposed requiring demolition to be undertaken in accordance *with Australian Standard AS 2601—2001: The Demolition of Structures*.

Section 4.15(1)(b) - Likely impacts of development

Context, Setting and Design

The site analysis identified several key drivers that have shaped the proposal:

- There is a need for continuation of the existing public street, Noroy Place, through the "two-third-point" of the land. This effectively divides the land into a northern portion on the crest of a hill and a larger southern portion, predominantly sloping down to the south.
- The northern boundary fronts Old Bar Road, which is a main feeder road in the network and should have its driveways minimized.
- 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.
- The eastern boundary has the back yards of neighbouring single and double level housing, which require a similar scale of development or generous setbacks.
- The south-western corner of the land is the lowest point and is likely to have stormwater and sewer service requirements.

The site layout responds to the analysis whilst complying with the precinct plan as discussed below.

The land is located in the Old Bar Precinct 2B Urban Release Area. The Precinct is focused on providing for well-designed one and two storey homes as well as parks and streets that

provide pedestrian and recreational opportunities. The proposed development has achieved this through the provision of architecturally designed two storey townhouses, the generous provision of footpaths providing pedestrian linkages and landscaping appropriate to the land.

The development is largely compliant with the precinct plan but has provided a more superior planning outcome through the provision of a public road located entirely on the development lot, thereby ensuring a connection to future development to the south, as well as continuous public access around the bushland reserve to the west. Footpaths and cycleways have also been provided above the DCP requirements.

The architecture of the townhouses has a repeating tall portal frame delineating each individual house, and three-layered facades. There is a balance between similar elements and forms with subtle changes in materials, fenestration and colours to provide a subtle variety in the streetscape.

There is generous front planting for each townhouse and low front fencing constructed of brick and timber. To break up the bulk and scale there are no more than 6 houses in a row.

The only potential impacts on privacy and overlooking occurs along the eastern boundary south of Noroy Place. To address this, generous rear setbacks have been provided to the townhouses and privacy louvres on the upper windows.

The RFB also has strong portal frame elements to 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 maximised to the private open space. The screening around the RFB parking uses timber batten screening to allow ventilation.

Although the RFB does not strictly comply with the height standard, it is a minor exceedance, and it is recommended for support as it provides housing diversity across the land without compromising the desired low rise character of the precinct.

There are a number of minor DCP non-compliances which would be expected for a development of this size. None of the DCP non-compliances are considered to be detrimental to the design quality of the development.

The proposed development is contextually appropriate, suitable for the setting and has been appropriately designed to complement the character of Old Bar and achieve the intent of the precinct plan.

Access and Transport

Key access and transport findings are as follows:

- Vehicle access would be provided via Noroy Place which is consistent with current access arrangements. The existing Old Bar Road access point would not be utilised as part of the future land development which will benefit the operation and safety of Old Bar Road traffic.
- The proposal will include an internal road network to facilitate the safe and efficient movement of vehicles, including large waste collection vehicles. The roads have been designed to the relevant requirements.
- Car parking will be provided for future residents within the land in excess of the minimum requirements outlined in Council's Development Control Plan.

- 20 visitor car parking spaces will also be provided on the internal street network.
- Traffic modelling indicates that the two key intersections in the vicinity of the land will continue to operate at a very good Level of Service (A) following the proposed land development.
- In the above context, the traffic and transport impacts arising from the proposal are considered acceptable with no further infrastructure required.

Natural Hazards

The land is bushfire prone. A bushfire assessment has been lodged with the application and the recommendations of that assessment have been incorporated into the design of the development, notably including large asset protection zones to the south (11m) and west (12m).

The Noroy Place extension and the internal strata roads have been designed as loop roads that will accommodate bushfire tankers. An access point for a firefighting vehicle has been added off Old Bar Road.

The RFS have issued their general terms of approval and a bush fire safety authority.

There are no other natural hazards mapped for the land.

Stormwater

The stormwater strategy lodged with the application has been developed in accordance with *Council's Stormwater Management Policy, 2021* and the *Site Stormwater Design Guidelines 2022*.

The proposed strategy is considered to provide a suitable framework to safeguard the environment by improving the quality of stormwater run-off from the development.

Council is satisfied that the proposed strategy minimises the potential impacts of the development on receiving waters and controls the hydrological impacts of the development on receiving surface and ground water systems by controlling the frequency, magnitude, and duration of flows to preserve, as far as practicable, predevelopment groundwater and surface water regimes and interactions.

As per Council's request, provision has been made for harvesting rainwater and urban stormwater runoff for use where appropriate.

The post-development stormwater management strategy satisfies the following key elements of Council's policies and guidelines:

- Construction of roads and drainage infrastructure caters for the proposed development works and conveyance of overland flow.
- Runoff generated from residential lot areas, excluding the RFB land, is to be collected and conveyed via the proposed road and drainage network and through the combined OSD and water quality basin to the south as depicted on the engineering plans. The proposed OSD and water quality basin has been sized to accommodate the post-developed catchment and will attenuate flows to existing conditions before discharging to the south.

- Runoff generated from the RFB land is to be collected and conveyed to the proposed below ground tank structure proposed under this application. The OSD tank has been designed to attenuate flows from the RFB land to replicate existing flow regimes.
- Runoff generated within the northern most lots, excluding roof and driveway catchments, is to be collected and conveyed to the new kerb and gutter network in Old Bar Road proposed under these works.

An easement for drainage of stormwater from the site is required across Lot 14 to the south.

An easement plan has been lodged with the application and the easement will be required to be registered on the title of the land prior to the issue of the first construction certificate.

Socio-economic Impact

The development is likely to have a positive socio-economic impact as it will contribute to the provision of diverse, high-quality housing in the region, which is in short supply. During the construction phase it will contribute significant construction and employment opportunities.

As the development complies with the Precinct 2B area plan it is considered to complement the social, cultural and built form character of the area.

Heritage

Potential heritage issue on the land were resolved during the rezoning and precinct planning stages. Indigenous and non-indigenous heritage assessments were undertaken for all of the land in Precinct 2B.

The land does not contain any known items of indigenous or non-indigenous heritage. Council's standard unexpected finds protocol has been included in the conditions of consent.

Construction Noise and Vibration

The works for the development will include the use of standard earthmoving and construction equipment. Residential receivers are located only along the eastern boundary of the land.

A condition has been included on the consent requiring work to be carried out only during normal construction hours. No significant impacts associated with construction noise and vibration are expected.

Waste Management

The garbage collection for the RFB will be via a wheel-out to kerb system on the private road on the western side of the RFB. Sufficient room is provided for kerbside collection.

The RFB has 23 apartments and has been provided with garbage rooms on every floor with capacity for three 240L bins.

Garbage rooms are located close to lifts on each level to ensure that residents do not need to walk more than 30m to use the bins (in accordance with the EPA's *Better practice guide for resource recovery in residential developments*).

A garbage collection room is located at the ground level with capacity for 15 240L bins. The residents will not have access to the garbage collection room. The caretaker will manage the bin rotation on each level and wheel the bins out to the kerb on garbage pick-up day.

The garbage collection room has level access to the kerbside bin collection point on the western side of the RFB. A bulky waste storeroom is also provided, with an area of 10m².

Council's *Waste Management Guidelines* for multi-dwelling housing are:

Putrescible waste generation: 80L/unit/week. With 23 units this will require eight 240L bins.

Recyclable material generation: 40L/unit/week. With 23 units this will require four 240L bins.

The proposed waste management system complies with the relevant controls and standards.

Biodiversity

No native vegetation will be affected by the proposal as the land is entirely cleared except for a small number of exotic trees and shrubs.

Potential biodiversity issues across Precinct 2B were resolved during the rezoning and precinct planning stages. No impacts on biodiversity are likely.

An arboricultural impact assessment was lodged with the application in response to a request from the Panel to understand the potential impacts of the development on the adjoining future bushland reserve.

That report is included at Attachment O.

It notes that there is a cleared mowed strip between the property boundary and the start of the vegetated area in the proposed reserve.

The trees closest to the property boundary were identified on a plan and the tree protection zones (TPZs) were calculated. The TPZ's are shown in the diagram below.

The assessment concludes that only one tree (tree number 3) has a TPZ that encroaches onto the development land.

The encroachment is less than 1%. The Australian *Standard AS 4970-2009 Protection of trees on development lands* S.3.3.2 Minor Encroachment allows encroachments of up to 10% as a "minor encroachment".

As the works within the TPZ of Tree 3 involve only minor earthworks to create a batter slope, the report states that the works will not cause Tree 3 to become unviable.



Figure 4: Tree Protection Zones. Source: Northern Tree Care Arboricultural Report

Landscaping

Landscaping plans have been lodged with the application and are included at Attachment F. The plans show a simple scheme with generous plantings to the front of the townhouses, and street planting to create shade, screening and amenity. The most significant element of the landscaping scheme is the large area of shared communal space at the front of the RFB. This provides the residents of the RFB the opportunity for apartment living with a pleasant outlook and an area of passive recreation. Predominantly native trees and shrubs are used in the scheme.

Servicing

The development will be serviced by reticulated water, sewer and electricity. New utility infrastructure will be provided. These services will be placed in typical shared trench arrangements in accordance with the NSW Streets Opening Conference Guide to Codes and Practices for Streets Opening (2009) or an equivalent alternative approved by the certifier.

The services to be provided within the development include:

1. Potable Water
2. Sewer
3. Telecommunications
4. High and low voltage electrical services, including street lighting

The proposed arrangements for the provision of services is acceptable and relevant conditions have been included in the consent at Attachment A.
