



Petersen Consulting GROUP

Statement of Environmental Effects

Demolition of Existing Dwelling, Boundary Alteration,
Construction of Multi Dwelling Housing (8 x dwellings)
and Strata Subdivision – Lot 1 Section 23 DP19360 and
Lots 20 and 21 DP20607, 2 Fourth Avenue and 17
Honeysuckle Street, Sawtell



Prepared for: Casa Koala Architecture

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Town Planning & Development

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1 INTRODUCTION

1.1 Background

We have been engaged by Casa Koala Architecture to prepare and lodge a development application to:

1. demolish the existing dwelling house on Lot 20 DP20607 (hereafter referred to as Lot 20);
2. consolidate Lots 20 and 21, and undertake a boundary alteration between the resultant lot (hereafter referred to as Lot 201) and Lot 1 Section 23 DP19360;
3. erect 8 x townhouses on Lot 201, and strata subdivide the townhouses.

The development will include ancillary works, most notably including the removal of vegetation located on Lot 21.

This report is to be read as the Statement of Environmental Effects (SEE) accompanying the development application.

2 THE SITE AND SURROUNDING LOCALITY

The site is located west of Honeysuckle Street, south of East Street and east of Boronia Street and Fourth Avenue. It sits at the 'top' (northern end) of the 'block' formed by Fourth Avenue, East Street, Honeysuckle Street, Wattle Street and Boronia Street, and is located south east of the Sawtell Town Centre.

The site has a 76m frontage to Boronia Street and Fourth Avenue; a 47m frontage to East Street; and a frontage of 68m to Honeysuckle Street.

The site is described as Lot 1 Section 23 DP19360 and Lots 20 and 21 DP20607, 2 Fourth Avenue and 17 Honeysuckle Street, Sawtell.

The site contains a single storey brick and tile residence (Lot 20), and the Mary Help of Christians Catholic Church¹ (Lot 1 and Lot 21). Lot 21 also contains a stand of isolated littoral rainforest.

The western portion of the site is relatively level; falls gently to the street in its north east portion; but rises to a small knoll in its south east portion before falling to Honeysuckle Street. Lot 20 has a gentle fall to Honeysuckle Street.

The surrounding area contains a collection of dwelling houses, dual occupancies, multi dwelling housing and residential flat buildings. Many of the dwellings in the locality are quite old and over time much of the older housing stock has either been renovated or removed, and sites redeveloped.

Adjoining the site to the south-west is land owned by the owner of the site (Trustees of the Roman Catholic Church for the Lismore Diocese). This property (44 and 46 Boronia Street) is presently being developed with townhouses.

To the south, Lot 20 adjoins 15 Honeysuckle Street, which contains a single storey brick and tile residence.

An aerial photograph of the site is shown in Figure 1 below, and Figures 2-5 are photographs showing the site and surrounding properties.

¹ References within this SEE to the Church relate to this premises.



Figure 1 – Aerial photograph of the site (source: Coffs Harbour City Council).



Figure 2 – The site from from its south east corner (Honeysuckle Street). Lot 20 sits left of picture, containing the brick and tile residence to be demolished. The isolated stand of littoral rainforest on the site is apparent right of picture (source: Google Maps 2015).



Figure 3 – View west along East Street, showing the Church (source: Google Maps 2015).



Figure 4 – View south along Fourth Avenue along the site's western edge (source: Google Maps 2015).



Figure 5 – View of the site's south western corner near the intersection of Fourth Avenue and Boronia Street (source: Google Maps 2015).

3 THE PROPOSED DEVELOPMENT

The development involves:

1. Demolition of the existing brick and tile residence on Lot 20;
2. The removal of vegetation (isolated littoral rainforest) from Lot 21;
3. Consolidation Lots 20 and 21, and a boundary alteration between the resultant lot (Lot 21) and Lot 1; and
4. The erection of 8 x townhouses on Lot 201, and the strata subdivision of the townhouses.

The removal of vegetation from Lot 21 is required to facilitate the development of the 8 x townhouses. The clearing of this vegetation is the subject of *Biobanking Statement ID 21*.

The boundary alteration described in 3 above will confine the townhouses to a discrete lot (Lot 201), while leaving the remaining lot to accommodate the Church (Lot 202 on the *Plan of Subdivision*). This will resolve the present situation whereby the Church building is bisected by a lot boundary. The majority of the Church lot (Lot 1) is vacant, and is used for parking associated with activities at the Church. The amount of parking for the Church will not be compromised by the development, given the townhouses are proposed on that part of the site that is vegetated.

The townhouses are located along Honeysuckle Street, with each having frontage to the street. They are essentially two-storey, although they are to sit atop a basement car park.

Vehicular access to the basement car park is via a driveway located near the intersection of East Street and Honeysuckle Street; 2 x car spaces are allocated to each townhouse, as well as storage and a laundry. Vehicular access to the basement level is to be controlled by a panel-lift door.

The majority of the basement level will sit below natural ground level on account of the topography of this part of the site, however the front of the basement, where it fronts Honeysuckle Street, will sit approximately 1.1m above natural ground level.

Two visitor car spaces are located off the driveway before it enters the basement level, as is a waste storage area, which is to be roofed and enclosed, and which is to contain 2 x 1100kl bulk bins for general waste and recyclable waste and 4 x green waste MGBs.

Each townhouse includes a landscaped courtyard at its Honeysuckle Street frontage (with pedestrian access to the street), which connects to an elevated deck. Entry to each townhouse from the deck is via sliding doors, with the ground level of each townhouse containing living areas. The rear of each townhouse connects to a generous courtyard. This design provides for private open space areas that can receive morning and afternoon sun; that are well connected to living areas; and which will facilitate ventilation².

At the first floor, the townhouses contain 3 x bedrooms and bathrooms, with small decks located off the main bedroom overlooking Honeysuckle Street.

The townhouse component of the development is to be heavily landscaped, including along its Honeysuckle Street frontage, with Tuckeroo street trees proposed along Honeysuckle Street. The front and rear courtyards are to be landscaped, as well as along the southern, western and northern boundaries. Landscaping too is proposed around the waste storage area and visitor car spaces.

Given the slope of the site containing the townhouses (generally down to Honeysuckle Street), retaining walls are located throughout the development. A small wall is proposed along the Honeysuckle Street frontage, as well as walls along the western and northern boundaries (although these are set back within Lot 201).

Perimeter fencing of Lot 201 is to comprise a combination of proposed and existing fences. Existing fencing along the southern boundary is to be retained, while 1800mm high decorative timber slat fencing is

² Both Townhouses 1, 7 and 8 will include slightly differing rear courtyard shapes given their locations at the 'end' of the townhouses, and as a result of the adjoining boundary.

proposed along the western boundary and internally between the rear courtyards of the townhouses. 1600mm high wire mesh fencing is proposed along the northern boundary, while 1600mm high PCA vertical slat fencing is proposed along the front courtyards (to Honeysuckle Street) – with landscaping beds located in front to soften their appearance and provide an element of privacy.

The townhouses are to comprise a series of skillion roofs, sloping down from their Honeysuckle Street frontage to the western boundary. At the front of each townhouse, a raised skillion roof is proposed providing an element of interest to the roof form, but which also includes an aluminium framed window providing additional light to the master bedroom in this location (a skylights also located midway along each townhouse providing additional internal light at each location).

In terms of materials, the townhouses are to be constructed with bagged and painted blockwork; FC cladding (Stria); glass balustrades and doors; metal cladding, roofing and screens; and, feature stonework is to be provided in select locations.

Stormwater from the townhouses is to be piped to 2 x 3000l underground tanks in the northern portion of Lot 201, which then drain to an onsite detention and filter chamber located under the 2 x visitor car spaces, before discharging to infrastructure in Honeysuckle Street. This infrastructure is consistent with the *BASIX Certificate*.

The development is depicted in the following plans and documents accompanying the development application:

- Architectural plans [Casa Koala Architecture];
- Plan of Subdivision, Strata Plans and Survey [Newnham Karl Weir & Partners];
- Stormwater Management Plan [de Groot & Benson];
- Car Parking Assessment [de Groot & Benson];
- Aboriginal Cultural Heritage Assessment [Everick Heritage Consultants Pty Ltd];
- Biobanking Statement ID 21 [Office of Environment & Heritage];
- Bushfire Hazard Assessment Report [Holiday Coast Bushfire Solutions];
- Biobanking Statement ID 21 Correspondence dated 24 September 2018 and 18 October 2018 [Fishburn Watson O'Brien];
- BASIX Certificate (978604M) and associated NHERS Certificates [Partners Energy Management]; and
- Landscape Plan [Garden Expressions].

4 PLANNING CONTROLS

4.1 Environmental Planning and Assessment Act (the Act)

Section 1.7 of the Act provides that it has effect subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* that relate to the operation of this Act in connection with the terrestrial environment.

Schedule 9 of the *Biodiversity Conservation Act 2016* provides that the regulations may contain provisions of a savings or transitional nature. It further provides that a reference to a former Act is to be read as including a reference to this Act or to a provision of this Act.

A former Act includes the *Threatened Species Conservation Act 1995*.

Part 7 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* provides that former section 5A of the Act can be relied on for the purposes of ecological assessment associated with the development.

Former section 5A of the Act provides:

"5A Significant effect on threatened species, populations or ecological communities, or their habitats

(1) For the purposes of this Act and, in particular, in the administration of sections ... 79C ..., the following must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats:

(a) each of the factors listed in subsection (2),

(b) any assessment guidelines.

..."

Section 127ZO of the *Threatened Species Conservation Act 1995* provides that if development described in a biobanking statement supplied to a consent authority is development for which consent is required under Part 4 of the Act, the development is taken, for the purposes of that Part, to be development that is not likely to significantly affect any threatened species, population or ecological community under this Act, or its habitat.

Biobanking Statement ID 21 is relied on for the purposes of satisfying section 1.7 of the Act. *Biobanking Statement ID 21 Correspondence* from Fishburn Watson O'Brien provides further information in relation to the reliance on *Biobanking Statement ID 21*.

Should consent be issued to the development, it is anticipated that the conditions included in Schedules 1 and 2 of *Biobanking Statement ID 21* would be included as conditions of consent, in accordance with section 127ZO of the *Threatened Species Conservation Act 1995*.

Section 91 of the EP&A Act provides:

"91 What is "integrated development"?"

(1) Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals:

Act	Provision	Approval
...		
<i>Rural Fires Act 1997</i>	<i>S 100B</i>	<i>authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or</i>

Act	Provision	Approval
		<i>rural residential purposes or development of land for special fire protection purposes</i>
...		

...

(2) *Development is not integrated development in respect of an Aboriginal heritage impact permit required under Part 6 of the National Parks and Wildlife Act 1974 unless:*

(a) an Aboriginal object referred to in that Part is known, immediately before the development application is made, to exist on the land to which the development application applies, or

(b) the land to which the development application applies is an Aboriginal place within the meaning of that Act immediately before the development application is made.

(3) *Development is not integrated development in respect of the consent required under section 138 of the Roads Act 1993 if, in order for the development to be carried out, it requires the development consent of a council and the approval of the same council.*

... ”

The development is “integrated development” for the purposes of section 91 of the Act - the development including the strata subdivision of the (unapproved) townhouses, and the subdivision (boundary alteration) of bushfire prone land that could be lawfully used for residential development. In this regard, the development requires a bushfire safety authority under section 100B of the Rural Fires Act 1997, given that the majority of the site is mapped as bushfire prone land.

A *Bushfire Hazard Assessment Report* has been prepared for the development. The Report concludes:

“The bushfire hazard vegetation that constrains the site is located on the coastal dune system located approximately 80m to the east of the properties. The bushfire threat and risk to the site is extremely low given the distance separation, and the fact that a fire occurring in the dunes that would impact on the properties could only occur under mild, easterly weather conditions (cool & moist).”

The Report also recommends approval of the development, subject to the following recommendations:

1. The structure is to comply with the provisions of sections 3 and 5 (BAL-12.5) of AS3959-2009 *Construction of buildings in bushfire-prone areas* and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.
2. The landscaping of the entire site is to be maintained in perpetuity in accordance with the principles contained within Appendix B of the Report.

The landscaping shown on the *Landscape Plan* has been designed mindful of the second recommendation; the townhouses are capable of being constructed to the standard cited in the first recommendation.

4.2 Environmental Planning and Assessment Regulation 2000 (Regulations)

In accordance with clause (2) of Schedule 1 of the Regulation, a BASIX Certificate (and NHERS Certificates) has been prepared for the townhouses.

4.3 State Environmental Planning Policy (Coastal Management) 2018

The site is identified on the *Coastal Wetlands and Littoral Rainforests Area Map* as land that is inside the littoral rainforests area as "proximity area for littoral rainforest".

Clause 11 of the SEPP provides that:

- "(1) *Development consent must not be granted to development on land identified as ... "proximity area for littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*
- ..."

The development will have little impact on the littoral rainforest found along the eastern boundary of properties opposite the site, across Honeysuckle Street. This is due to the distance of the site from this rainforest - separated by public road and private property.

In relation to hydrological impact, the development will have little impact on the water table; and, stormwater from the development is to be treated and discharged to Council's street system (see the *Stormwater Management Plan*).

No ground water will flow from the site such that it might impact the nearby littoral rainforest.

Clause 13 of the SEPP provides:

"13 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- ...
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- ...
- (f) Aboriginal cultural heritage, practices and places,*
- ...

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

... ”

The development will not cause an adverse impact on the integrity and resilience of the biophysical and hydrological (surface and groundwater) environment; see comments above in relation to clause 11.

In relation to impacts on the ecological environment, the removal of the littoral rainforest will have an impact. However, the development is to be managed to mitigate this impact via *Biobanking Statement ID 21*, compliance with which is considered to improve or maintain biodiversity values.

The development will not cause an adverse impact on coastal environmental values; it is essentially a residential development within an urbanised location, and one which is clear of natural coastal processes.

The development will not impact on Aboriginal cultural heritage, practices or places; see the *Aboriginal Cultural Heritage Assessment*.

Clause 14 of the SEPP provides:

“14 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

(b) is satisfied that:

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

... ”

The development is located within an urbanised area, and well removed from the various coastal features mentioned in this clause. As such, it is unlikely to cause an adverse impact on these features. In addition:

- See the comment above regarding Aboriginal cultural heritage impact;
- No cultural and built environment heritage impacts will arise, no such places or buildings are located near the development;
- The development is sited, and will be managed, so as to avoid adverse impact to the features mentioned in the clause, and is of a bulk, scale and size compatible with the zoning and built form of nearby developments.

Clause 15 of the SEPP provides:

*"15 Development in coastal zone generally—development not to increase risk of coastal hazards
Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land."*

The development will not increase the risk of coastal hazard on the site or on other land. In this regard the design of the development (townhouses) are not such that they will elevate the risk of hazard to the site, nor to nearby properties.

Clause 16 of the SEPP provides:

*"16 Development in coastal zone generally—coastal management programs to be considered
Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land."*

Not applicable; no such programs exist at this time.

4.4 Coffs Harbour Local Environmental Plan 2013 (LEP 2013)

In relation to **clause 2.3** of LEP 2013, the site is zoned R3 Medium Density Residential.

The objectives of the R3 Medium Density Residential zone are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.

The development is consistent with the first two objectives insofar as housing needs will be satisfied by the development in a medium density setting; and, the townhouses will add to the mix of housing types in the locality, which include single dwelling houses through to residential flat buildings. In addition and in relation to the fourth objective, the development is well designed, addressing its frontage to Honeysuckle Street, and will be visually pleasing to look at. The appearance of the development is discussed in later sections of this SEE.

In relation to **clause 2.6** of LEP 2013, the development involves a boundary alteration between Lot 1 and the consolidated lot comprising Lots 20 and 21 (Lot 201). In addition, the strata subdivision of the proposed townhouses is also sought, creating 8 x lots and common property.

In relation to **clause 2.7** of LEP 2013, the development seeks consent to demolish the dwelling house on Lot 20.

In relation to **clause 4.1** of LEP 2013, the site is subject to a minimum lot size of 400m². Both of the lots resulting from the boundary alteration between Lot 1 and consolidated Lots 20 and 21, will exceed 400m² (See the *Plan of Subdivision*).

The strata subdivision component of the development is not subject to this control.

In relation to **clause 4.3** of LEP 2013, the site is subject to a maximum building height of 8.5m. The development does not exceed this height limit (see architectural plans A3.01, A4.01 and A4.02).

In relation to **clause 7.2** of LEP 2013, the development includes ancillary earthworks. In relation to these:

- The earthworks are part of the construction of the townhouses; see architectural plans A2.01, A2.02, A4.01 and A4.02. As the area containing the townhouses generally slopes down to Honeysuckle Street, drainage is directed to this street, and the earthworks will not result in any disruption to, or any detrimental effect on, drainage patterns and soil stability in the locality.
- The earthworks are required to facilitate the development of the townhouses.
- Material excavated from the site is to be disposed of to a licensed waste facility.
- The earthworks in and of themselves will not impact on the amenity of adjoining properties, they are simply required to facilitate construction of the townhouses.
- No relics are likely to be disturbed (see the *Aboriginal Cultural Heritage Assessment*).
- The earthwork are clear of any waterway, drinking water catchment or environmentally sensitive area, and will therefore avoid impacts to such features.
- The earthworks are not significant, nonetheless sediment and erosion control measures are to be implemented to ensure the works do not result in any adverse impacts resulting from the escape of material from the site.

In relation to **clause 7.11** of LEP 2013, the various services listed in this clause are available to the development.

In relation to **clause 7.12** of LEP 2013:

- The townhouses have been designed by a registered architect; include a mix of materials (see section 3 and Table 3 of this SEE) and detailing appropriate for the locality and coastal location of the site.
- The townhouses will present well to Honeysuckle Street, with an interesting façade; landscaped courtyards and compatible fencing. Each townhouse also has direct pedestrian access to the street.
- The townhouses do not impact on any view corridors.
- Compliance with the requirements of *Coffs Harbour Development Control Plan 2015* are addressed in section 4.5 of this SEE.
- The development is suitable for the site given its medium density zoning, and the nature and form of housing located nearby.
- There are no heritage or streetscape constraints that impact the development.
- The development does not impact the ongoing function of the Church (the townhouses are to occupy land not utilised by the Church); see sections 4.5 and 5 of this SEE in relation to separation, setbacks, amenity and urban form impacts.
- The townhouses present as two-storeys to Honeysuckle Street; sufficient interest and modulation exists along the front elevation of the townhouses to downplay their overall length.
- No street frontage heights exist; notwithstanding the two-storey appearance of the townhouses to Honeysuckle Street is compatible with nearby buildings and the streetscape.
- See the *BASIX Certificate*. See also Table 3 of this SEE in relation to overshadowing. In relation to solar access, the front and rear of each townhouse will receive solar access (midwinter) in the mornings and afternoons – each townhouse is oriented east-west.
- The townhouses are not of a size to impact wind in the locality, nor are they to be constructed so as to cause reflectivity issues for nearby dwellings.
- The townhouses comply with the various design requirements of *Coffs Harbour Development Control 2015* and BASIX requirements; they are considered to be designed consistent with ecologically sustainable development principles.

- The development encourages pedestrian use of Honeysuckle Street given the direct access provided to each townhouse; the development has no particular implications for cycling; vehicular access and circulation are addressed in Table 5 of this SEE.
- The development will have little impact on the public domain; the provision of footpath is anticipated to be required for the Honeysuckle Street frontage of the site, and street trees (Tuckeroos) are proposed in this location (see the *Landscape Plan*).

4.5 Coffs Harbour Development Control Plan 2015 (the DCP)

The DCP has been drafted to:

- expand upon the aims, objectives and other provisions of LEP 2013; and
- provide detailed development provisions for development within the Coffs Harbour Local Government Area (LGA).

Section 79C(3)(A) of the Act provides:

"If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

*(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be **flexible** [author's emphasis] in applying those provisions and allow **reasonable** [author's emphasis] alternative solutions that achieve the objects of those standards for dealing with that aspect of the development ..."*

This section of the DCP also outlines its various objectives under the headings of:

- Environmental Sustainability;
- Social Sustainability;
- Civic Leadership; and
- Economic Sustainability.

The DCP comprises a number of Parts each of which deals with specific issues and which include their own objectives and controls. An analysis of the developments compliance with relevant controls is provided in Tables 1 -5 of this SEE.

Table 1 – Part B Public Consultation.

Part B – Public Consultation
B1.1 Public Notification
It is anticipated that the development application will be publicly notified by written notice for a period of 14 calendar days, being “notified development”.

Table 2 – Part C Subdivision Controls.

Part C Subdivision Controls
C1.1 Subdivision - general design requirements
The boundary alteration will result in lots which acknowledge the proposed (townhouses) and current (Church) use of the lots, and has no implications for development on adjacent sites.
C1.2 Subdivision – design requirements for certain residential zones
The boundary alteration will not compromise the Church lots (Lot 1) potential to be redeveloped for medium density residential purposes. Each of the lots from the boundary alteration will have a public road frontage exceeding 4m.
C1.7 Infrastructure for certain subdivisions
The site has available to it sealed road pavement, concrete kerb and gutter, concrete footpath (adjacent the townhouses), and piped stormwater drainage. Reticulated water and sewer, telecommunications and electricity are also available. Separate water meters are to be provided to each townhouse, and located in front of Townhouse 8.
C1.9 Water management requirements
Not applicable; see Table 3 of this SEE.
C1.10 Erosion and sediment control requirements
Not applicable; earthworks are limited to those associated with construction of the townhouses. See Table 3 of this SEE.

Table 3 - Part D Built Form Controls.

Part D Built Form Controls
D3.1 Density requirements
The development involves the erection of 8 x dwellings less than 8.5m in height. A minimum site area of 1600m ² is therefore required; the site (Lot 201) has an area of 1922m ² .
D3.2 Front setback requirements
The townhouses are setback further then the required minimum 6m from Honeysuckle Street. This includes the basement level that protrudes above ground level to Honeysuckle Street (setback 6.195m – see architectural plan A2.01). Architectural plans A2.02 and A2.03 have the 6m front setback shown, and both floors sit behind this.
D3.3 Side and rear setback requirements
<p>The townhouses provide a 3m side and rear setback with the exception of Townhouse 8 in its north western corner. In this location elements of both the ground and first floor encroach this side setback, and this comprises three corners of the townhouse protruding into this setback.</p> <p>The objectives of this control are:</p> <ul style="list-style-type: none"> ➤ To provide space between buildings and streets to maintain streetscape character and provide for air flow, sunlight, landscaping and general amenity; and ➤ To activate lanes to maintain safety and improve liveability. <p>The second objective is irrelevant.</p> <p>The encroachment into the 3m setback will do little to impact the space between Townhouse 8 and the adjacent Church, which is well setback from the shared boundary. Similarly, the distance between them will continue to provide for the flow of air; sunlight being available to each premises; adequate area along the rear of Townhouse 8 for landscaping; and the maintenance of general amenity between the two properties. In relation to the latter consideration, the orientation of Townhouse 8 along its rear elevation provides for a sawtooth edge to the adjacent boundary, such that the encroachment into the 3m setback is offset by voids along this elevation (exceeding 3m). Notably, the encroachments are minor, and do not include building elements that impact privacy considerations.</p> <p>It is submitted that the setback proposed in this location is a reasonable alternative solution that achieves the first objective of the control.</p>
D3.4 Frontage width requirements
The townhouses are included on a lot (Lot 201) which has a frontage to Honeysuckle Street exceeding 5.5m.
D3.5 Private open space requirements
<p>Each of the dwellings will have private open space area exceeding the minimum 35m² requirement.</p> <p>Each townhouse will have a front courtyard a minimum of 35m² in area (minimum dimension 3m and slope no more than 1:8), which adjoins a deck (minimum area 22m² in area). In turn, these decks connect direct to the living areas of each townhouse, which then connect to rear courtyards of area no less than 40m².</p> <p>The private open space areas are shown on architectural plan A2.02.</p>

Part D Built Form Controls
D3.6 Design requirements – residential accommodation
<p>The townhouse component of the development presents as two-storeys to Honeysuckle Street, and sits below the 8.5m height limit. It is a 'lengthy' building to Honeysuckle Street; however, its front elevation is punctuated by a number of recesses separating each townhouse from that adjoining. The skillion roof present at the front of each townhouse, and the mix of materials proposed will aid in minimising the overall length of the townhouses. As a consequence, the townhouses are considered of an appropriate scale for the locality.</p> <p>The townhouses will provide for an outlook across Honeysuckle Street, increasing passive surveillance of this road.</p> <p>The townhouses will not compromise the privacy of nearby developments. All living areas are located at ground level, and only small first floor balconies are located along the Honeysuckle Street frontage of each townhouse, off the master bedroom. In relation to 15 Honeysuckle Street, only 3 x small windows are present along the southern elevation of adjoining Townhouse 1, with these servicing 2 x bedrooms and a bathroom.</p> <p>No views or view corridors of note exist in the locality, and garaging for the development is concealed from Honeysuckle Street.</p> <p>The appearance of the townhouses to Honeysuckle Street will be visually interesting, containing:</p> <ul style="list-style-type: none"> ➤ A mix of materials including bagged and painted blockwork; FC cladding (Stria); extensive glazing; feature stonework; and metal cladding. ➤ Vergolas to the decks; ➤ A modulated design, with each townhouse visually distinguishable from its neighbour. <p>No retaining walls exceeding 1m are located along the perimeter of the townhouses. Low height walls are proposed along the frontage; and, along the western edge so as to overcome slope issues in this location.</p> <p>Cut and fill within the development has been minimised, and the extent is clearly shown on architectural plans A2.01, A2.02, A4.01 and A4.02.</p>
D3.8 Design requirements - general
<p>The development has a length of 50m, measured from the wall at the southern ground floor of Townhouse 1 to the northern ground floor wall of Townhouse 8.</p> <p>This control provides buildings should not exceed 45m in length.</p> <p>The objectives of this control are:</p> <ul style="list-style-type: none"> ➤ To ensure that development exhibits design excellence that contributes to and complements the natural, cultural, visual and built character of the streetscape and public domain in residential zones. ➤ To reduce the apparent bulk and scale of buildings by breaking up expanses of building walls with modulation of form and articulation of facades. ➤ To provide design responses for the North Coast climate. <p>In relation to the first objective, the design excellence of the townhouses has been addressed in section 4.4 of this SEE. Notwithstanding, there is no "natural" or "cultural" character within the streetscape. Visually, the townhouses present as two-storeys in height, below the 8.5m height limit, and consistent with the height of buildings in the locality. In terms of built form, the design of the townhouses and their presentation to Honeysuckle Street is characteristic of a number of the more</p>

Part D Built Form Controls

modern buildings in the locality, providing open space to the street (including balconies), and significant glazing.

In relation to the second objective, the bulk and scale of the townhouses are broken by the raised decks at ground level (atop the basement level), with each of these enclosed by screening (and roofed), providing a recess at the bottom of each townhouse. In addition, the first floor overhangs the ground floor; with the first floor providing balconies that protrude over the ground floor.

The mix of materials across the front of each townhouse also provides for visual interest to each, and breaks down the (albeit modest) size of each townhouse. Collectively however this mix of materials contributes to a visually interesting and 'busy' building to Honeysuckle Street, and avoids any significant, bland expanses.

Significantly, the bulk and scale of the building is diminished by the visual break between each townhouse (modulation). In this regard at the first floor each master bedroom is adjoined by walls that are recessed (see architectural plan A2.03), providing for a building which continually steps forward and backward at this level (articulation). Contributing to this, is the variation provided between Townhouses 7 and 8, where the different floor plan of Townhouse 8 translates through to a different appearance to the Honeysuckle Street frontage; and, Townhouse 1 includes a ground floor addition at its southern end which 'steps out' slightly from the remainder of the wall in this location.

In relation to the third objective, the townhouses include design features appropriate for the North Coast climate, including roofs to front and rear courtyards, inclusion of appropriate BASIX requirements, well ventilated under floor level (provided by the basement level), and good for cross flow for ventilation (particularly at the ground floor). The townhouses include many of the design features included in the *North Coast: Design Guidelines*.

It is submitted that exceeding the maximum 45m building length in this location is a reasonable alternative solution that achieves the three objectives of the control.

The townhouses provide a visually interesting skyline through the break between roofs of each townhouse (see the east elevation on architectural plan A3.01), which is furthered by the steeper skillion roof provided at the frontage, and which provides glazing to Honeysuckle Street.

Achieving a top, middle and base is difficult given the 8.5m height limit, however the townhouses include two stories (a top and middle), which sit atop the basement level (base), which protrudes approximately 1.1m above natural ground level.

The townhouses do not provide any large unrelieved expanses of wall or building (addressed above, see also the east elevation on architectural plan A3.01).

The townhouses include microclimate responses, addressed above.

The colours and textures of materials to be used in the townhouses are shown on architectural plans A3.01 and A9.01. They are reflective of the North Coast environment, and in particular the site's coastal location.

The townhouses use extensive glazing and avoid materials that are highly reflective and less durable.

Additional light is to be provided to each townhouse via the raised skillion roof to each at their Honeysuckle Street frontage, and by the inclusion of a sky light.

Details regarding materials and colours to be used throughout the townhouses is shown on architectural plan A9.01.

D3.9 Solar access requirements

The architectural plans include shadow diagrams showing the impact of overshadowing from the development on the adjoining property to the south (15 Honeysuckle Street). These diagrams indicate that, for midwinter:

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<ul style="list-style-type: none"> ➤ During the morning period (9am), the townhouses will overshadow a portion of the rear yard, extending from the rear of the dwelling through to the rear boundary, however the bulk of the yard will be free of shadow. ➤ By 12pm, overshadowing from the townhouses will have moved away from the rear boundary (eastward), covering only a small portion of the rear yard of the adjoining property, as well as the northern extent of the dwelling on the site. ➤ By 3pm, overshadowing from the townhouses will have reduced to only a very small portion of the rear yard of the adjoining property, but covering a greater portion of the dwelling itself (approximately a third of its northern portion). <p>The extent of overshadowing from the townhouses on the rear yard of 15 Honeysuckle Street and over the northern portion of the dwelling thereon is considered minor; both the rear yard and majority of the dwelling are free of shadow cast by the townhouse's midwinter. The extent of overshadowing is not "excessive".</p>
D3.10 Infrastructure requirements
<p>The site has available to it sealed road pavement, concrete kerb and gutter, concrete footpath (adjacent the townhouses), and piped stormwater drainage. Reticulated water and sewer, telecommunications and electricity are also available.</p> <p>Separate water meters are to be provided to each townhouse, and located in front of Townhouse 8.</p> <p>Waste storage is addressed in Table 5 of this SEE.</p> <p>Mailboxes are to be integrated into the stonework wall enclosing the waste storage area.</p>
D3.11 Access and parking requirements
See Table 5 of this SEE.
D3.12 Landscaping requirements
See Table 5 of this SEE.
D3.13 Ancillary development requirements
<p>Wire mesh fencing is proposed along the northern perimeter of Lot 201 at a height of 1600mm, with existing fencing along its southern boundary to be retained (see the <i>Landscape Plan</i>). Decorative timber slat fencing is proposed along the western boundary, and internally separating the rear courtyards.</p> <p>PCA vertical slat fences are also proposed along the front of each townhouse (1600mm high); this fencing is setback from the front boundary to permit landscaping along the site's frontage (see the <i>Landscape Plan</i>).</p> <p>The proposed fencing is considered compatible with fencing used within the locality, as well as with materials used within the development. Given its location, it will not impact traffic visibility along Honeysuckle Street.</p> <p>The stonework walls flanking the driveway are located back from the nearby footpath, and end before meeting the driveway, so as to permit pedestrians on the path to be seen by vehicles leaving the townhouses.</p>

Part D Built Form Controls
D3.15 Safer by design requirements
<p>Crime Prevention Through Environmental Design principles have been addressed in the design of the development, and in the following manner.</p> <p><i>Territorial Re-enforcement</i></p> <p>The development clearly delineates private space from public space; retaining walls and fences separate private space from public space (Honeysuckle Street).</p> <p><i>Surveillance</i></p> <p>The townhouses will overlook Honeysuckle Street.</p> <p><i>Access Control</i></p> <p>The design of the driveway and pedestrian entries to each townhouse from Honeysuckle Street make clear the means of entering the development; this provides for a level of control over entry to each townhouse and the basement level.</p> <p><i>Space/Activity Management</i></p> <p>Space/Activity Management strategies are not of particular relevance to the development, given its nature.</p> <p>It is considered that the development complies with the objectives of the safer by design requirements control.</p>
D3.19 Water management requirements
See the <i>Stormwater Management Plan</i> .
D3.20 Erosion and sediment control requirements
<p>Earthworks are proposed as part of the development, with the basement level being cut into the site on account of its slope (see architectural plans A2.01, A2.02, A4.01 and A4.02).</p> <p>A basic erosion and sediment control plan is to be prepared addressing the earthworks associated with the construction of the townhouses. It is anticipated that this plan will be required to be prepared prior to issue of a construction certificate for the townhouses, and implemented prior to any works occurring on the site. The plan is to be prepared in accordance with the principles of <i>Best Practice Management for Small Areas of Disturbance</i>.</p>
D3.21 Environmental requirements
See Table 4 of this SEE.

Table 4 – Part E Environmental Controls.

Part E Environmental controls
E1.1 Preservation of trees and vegetation
Consent is sought to remove the vegetation located centrally and in the southern portion of Lot 21, and as referred to in <i>Biobanking Statement ID 21</i> .
E1.2 Compensatory requirements
<p>The vegetation to be removed from Lot 21 is “high conservation value vegetation” for the purposes of DCP 2015.</p> <p>The “Notes” to this control provide that:</p> <p><i>“Additional mechanisms exist for offsetting and the in-perpetuity management of high conservation value land, under the Biodiversity Conservation Act 2016. Where offsets are required under the Biodiversity Conservation Act 2016 Council may still impose offsets designed to protect local biodiversity.”</i></p> <p><i>Biobanking Statement ID 21</i> provides that 5 ecosystem credits must be retired prior to physical commencement of the development on the site. This is effectively a mechanism for the off-set of the removal of the vegetation; accordingly, it is submitted that no further compensatory planting is necessary in order to carry out the development.</p>
E1.4 Environmental design requirements - general
<p>The vegetation on Lot 21 is “high conservation value land” for the purposes of DCP 2015.</p> <p>There are no specific controls of relevance to the development, given its nature.</p>
E1.5 Application requirements
<p>The vegetation to be removed from Lot 21 is “prescribed vegetation” for the purposes of DCP 2015.</p> <p>The removal of the vegetation is required in order to further develop part of the site (by way of townhouses), consistent with the objectives of the R3 Medium Density Residential zone.</p> <p>The architectural plans detail the extent of vegetation to be removed (as does <i>Biobanking Statement ID 21</i>).</p> <p>As stated above, the vegetation on Lot 21 is “high conservation value land” for the purposes of DCP 2015.</p> <p>An ecological assessment does not accompany the development application.</p> <p>The objective of the control is:</p> <p><i>“To ensure that development applications and clearing permit applications are accompanied by sufficient information to enable a proper assessment of the proposal in accordance with relevant legislation.”</i></p> <p>The development application is accompanied by <i>Biobanking Statement ID 21</i>. The circumstances surrounding the Statement are addressed in section 4.1 of this SEE, as well as the <i>Biobanking Statement ID 21 Correspondence</i>.</p> <p>In order for <i>Biobanking Statement ID 21</i> to issue, a Biobanking Assessment Report was prepared, which included an assessment of the removal of the vegetation, in accordance with relevant legislation. It is submitted that the preparation of this Report is considered a reasonable alternative solution to satisfying the objective of the control, namely that a proper assessment under relevant legislation is prepared. A copy of the Report can be made available if required.</p>

Table 5 – Part F General Development Controls.

Part F General development controls
F1.1 Vehicular Access and Manoeuvring - General
<p>The driveway is integrated into the design of the building, with its entry to the townhouses located along its northern side, reducing its visibility from Honeysuckle Street. At the street, the driveway is flanked by stonework walls (see architectural plan A3.01) and landscaping (see the <i>Landscape Plan</i>).</p> <p>The driveway width and grades, vehicle circulation, passing bays and vehicular ramp width and grades have been designed in accordance with <i>Australian Standard 2890.1</i>. It should be noted that parking in the basement level is for residents only.</p> <p>Vehicles will be able to leave the site in a forward direction.</p> <p>Driveway crossovers will be designed in accordance with Council's <i>Driveway Specifications</i>, and subject to approval under the <i>Roads Act 1993</i>. In relation to driveway location (and <i>Australian Standard 2890.1</i>), and its connection to Honeysuckle Street, De Groot & Benson have provided that:</p> <p><i>"Proposed driveway location meets Honeysuckle St on the inside of a bend. Sight distances comply with Fig 3.2, but require no wall or other visual obstruction between frontage and the visitor parking.</i></p> <p><i>Sight angles of 104 degrees left and 106 degrees right (slightly over shoulder) due to location on the inside of the bend. Relocation of access point further south is complicated by the existing kerb inlet pit plus it actually reduces the left sight distance, unless relocated substantially to the south necessitating a complete rearrangement of the townhouses. On balance, given the over shoulder angles are not excessive and the low traffic volumes of the local street, the access location presents an acceptably low hazard."</i></p> <p>See also the <i>Car Parking Assessment</i>.</p> <p>In relation to circulation and access, and the inability for vehicles to turn around once they enter the development, de Groot & Benson provide the following as mitigating factors for consideration:</p> <ul style="list-style-type: none"> ➤ <i>"The underground parking is for residents only with reserved spaces;</i> ➤ <i>The two visitor spaces are visible from the street which will reduce incidence of vehicles entering to find all spaces full;</i> ➤ <i>Low traffic on local street will reduce the hazard of vehicles reversing out;</i> ➤ <i>Roadside parking in the street is permissible."</i> <p>Furthermore, the location of the driveway has been considered relative to the location of existing services in the Honeysuckle Street road reserve.</p> <p>The driveway location will have minimal impact on adjacent residential properties, given it is located 'centrally' within the site.</p>
F1.2 Vehicular Access and Manoeuvring - Residential
<p>Vehicles will be able to exit the development in a forward direction.</p> <p>The driveway has a minimum paved width of 4.5 metres at the property frontage, continuing at this width to a depth of six metres, allowing for vehicles to safely pass.</p> <p>Turning areas within the development have been designed to allow for the 85% Design Car Turning Path template.</p>
F1.4 On-Site Parking - Residential Uses
Each townhouse exceeds 100m ² in GFA; 2 x spaces has been provided each townhouse.

Part F General development controls
Two visitor spaces are also provided near the driveway entrance to the townhouses.
F3.1 Landscaping Requirements - General
See the <i>Landscape Plan</i> .
F3.2 Landscaping Requirements – Residential Areas
See the <i>Landscape Plan</i> .
F3.6 Application Requirements
See the <i>Landscape Plan</i> .
F6.1 Waste Requirements – General
2 x 1100kl 'red' and 'yellow' bulk waste bins as well as 4 x 240l 'green' MGBs are to be provided to serve the development.
F6.3 Waste Storage Requirements
<p>A waste storage area is proposed along the Honeysuckle Street frontage, and near the driveway to the basement level.</p> <p>The storage area:</p> <ul style="list-style-type: none"> ➤ Will be large enough to accommodate the number of bins required to service the development; ➤ Is to have a maximum height (to the underside of the roof) of 2.4 metres; ➤ Is to be roofed with a 100mm overhang where one or more sides of the storage/wash area is open to the weather; ➤ Is to be bunded (a minimum 50mm high) and graded to prevent the ingress of stormwater/rainwater; ➤ Is located clear of residential properties; ➤ Is to be screened from public view (enclosed along its Honeysuckle Street frontage – see architectural plans A2.02 and A3.01) and located to minimise potential odour and noise impacts to adjoining properties; ➤ Is to be drained to the sewer, with a concrete floor graded and drained to a dry basket arrestor, prior to draining to the sewer (refer to Council's Liquid Trade Waste Policy); ➤ Is compatible with the materials used throughout the development; and ➤ Is easily accessible.
F6.4 Access and Design Requirements
The waste storage area and adjacent driveway have been designed to meet with the requirements of this control, and to allow for the bins to be easily moved to and from Honeysuckle Street for servicing.
F6.5 Demolition and Construction Waste Management Requirements
The existing dwelling house on 17 Honeysuckle Street is to be demolished. In relation to this:

Part F General development controls
<ul style="list-style-type: none"> ➤ All demolition and construction waste is to be stored within the site. ➤ Adequate measures (fencing) shall be provided to prevent litter from being blown from the site during construction. ➤ Any waste or materials that are transported off-site shall be transported to an approved waste management facility, in accordance with the requirements of the <i>Protection of the Environment Operations Act 1997</i>. <p>No contractor has been appointed to carry out the demolition; there is little point seeking parties to undertake this work until such time as development consent has been obtained for these works.</p> <p>Notwithstanding:</p> <ul style="list-style-type: none"> ➤ Top soil is to be stockpiled on the site and reused for landscaping of the development. ➤ Bulk waste skip bins will be available for the duration of construction, with these to be located within Lot 1. Waste bins covering the three waste streams will be available during construction for contractors. ➤ Timber waste will be reused for formwork and studwork where possible, with pallets returned to suppliers. ➤ Remaining timber waste and plasterboard will be disposed of to a licensed waste facility. ➤ Plastics and cardboards will be recycled where appropriate. ➤ Careful building material selection will be employed to ensure that building materials waste is minimised during construction and upon completion. Excess material is likely to be disposed of to a licensed waste facility where it cannot be readily reused.
F6.7 Application Requirements
<p>The information provided above (Table 2) is to be considered the <i>Waste Minimisation and Management Plan</i> outlining measures to minimise and manage waste generation during the construction and operational stages of the development.</p>

5 IMPACTS OF THE DEVELOPMENT, SUITABILITY OF THE SITE AND THE PUBLIC INTEREST

The various impacts of the development (townhouse component) have been addressed in earlier sections of this SEE. Notwithstanding, in terms of impacts:

- The development is consistent with the objectives of the R3 Medium Density Residential zoning of the site, and will increase housing in close proximity to the various services offered within the Sawtell Town Centre. As a result, this will have a positive impact on businesses in this location.
- The development presents townhouses contemporary in design, which will present as an attractive addition to the Honeysuckle Street streetscape.
- The removal of vegetation is satisfactory from an ecological viewpoint, the impacts of which have been dealt with under *Biobanking Statement ID 21*. Notwithstanding this, an impact will arise, in terms of visual amenity, from the loss of this vegetation. This impact is however considered minor.
- Increased traffic movements will occur along Honeysuckle Street and nearby streets from traffic generated by the development, however the capacity of the local road system is capable of accommodating this.
- The development will have some overshadowing impact on 15 Honeysuckle Street, however this impact is considered minor – the development displaying a 3m side setback in this location, with the majority of the rear yard and the dwelling thereon remaining free from shadow midwinter.
- The development will not affect the operation of the Church (Lot 1).
- The development will have no adverse impact on Aboriginal cultural heritage values.

6 CONCLUSION

The site is located west of Honeysuckle Street, south of East Street and east of Boronia Street and Fourth Avenue. It sits at the 'top' (northern end) of the 'block' formed by Fourth Avenue, East Street, Honeysuckle Street, Wattle Street and Boronia Street, and is located south east of the Sawtell Town Centre. It contains the Mary Help of Christians Catholic Church, a single storey brick and tile residence and a stand of isolated littoral rainforest.

The development involves:

- Demolition of the existing brick and tile residence;
- The removal of vegetation (isolated littoral rainforest);
- The consolidation of lots, and a boundary alteration between existing lots; and
- The erection of 8 x townhouses and their strata subdivision.

The 8 x townhouses are to be constructed fronting Honeysuckle Street. They are essentially two-storey in height, although they are to sit atop a basement car park. The townhouses are to be constructed over that part of the site containing the small stand of littoral rainforest, which is to be removed.

Each townhouse includes a landscaped courtyard at its Honeysuckle Street frontage (with pedestrian access to the street), which connects to an elevated deck. At ground level, each townhouse includes living areas (with courtyards at their rear), with bedrooms located at the first floor.

The townhouses are to comprise a series of skillion roofs, sloping down from their Honeysuckle Street frontage to the western boundary. At the front of each townhouse, a raised skillion roof is proposed providing an element of interest to the roof form, but which also includes an aluminium framed window providing additional light into each.

In terms of materials, the townhouses are to be constructed with bagged and painted blockwork; FC cladding (Stria); glass balustrades and doors; metal cladding, roofing and screens; and, feature stonework provided in select locations.

The basement level includes 2 x car spaces per townhouse, and a further 2 x visitor spaces are to be provided near the driveway entrance to the townhouses.

Vehicular access to the basement car park is via a driveway located near the intersection of East Street and Honeysuckle Street.

A screened waste storage is proposed adjacent the driveway, and near Honeysuckle Street.

The development (townhouse component) represents a sensible outcome for the site, given its medium density zoning and proximity to the Sawtell Town Centre. It sits below the maximum height limit for the site; involves a minor encroachment into the northern side setback; provides an acceptable level of overshadowing to adjoining 15 Honeysuckle Street; and, presents as a series of well-designed contemporary townhouses that will contribute to the Honeysuckle Street streetscape.

The ecological impact of the removal of littoral rainforest from the site has been addressed via biobanking.