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**Attention: Bruce Moore – Coordinator Major Assessments**

**RE: DEVELOPMENT APPLICATION FOR PROPOSED RESIDENTIAL FLAT BUILDING (HARRINGTON WATERS ESTATE) – DA 460/2019**

**PROPERTY AT: 39 JOSEPHINE BOULEVARD, HARRINGTON (LOT 4122 DP 1065326) & PART LOT 49 DP 1239209 OF JOSEPHINE BOULEVARD, HARRINGTON**

Dear Bruce,

Reference is made in relation to Development Application **DA 460/2019**, that was lodged with MidCoast Council on 2 May 2019 for the proposed Residential Flat Building ('Multi-Unit Development') – Harrington Waters Estate – at the identified Subject Site – 39 Josephine Boulevard, Harrington (Lot 4122 DP 1065326) and part Lot 49 DP 1239209 of Josephine Boulevard, Harrington.

The Development Application (**DA 460/2019**) is currently before the Court and the purpose of this letter is to provide an addendum to the Statement of Environmental Effects (SEE) (including the Clause 4.6 Variation Request and supporting consultant reports) that were submitted with the Development Application on 2 May 2019.

The following amendments form part of this addendum to the SEE dated 17 April 2019:

**1. Description of Development**

The description of the proposal is amended to include the following:

- 40-unit Residential Flat Building (two-and-four-storey components) – comprising a mixture of two-and-three bedroom apartments.
- Basement car parking with 69 car parking spaces.
- Storage areas within the basement car parking.
- Communal open space and amenity areas (including gardens and a pool).
- Landscaping.

The revised Site Plan is illustrated in **Figure 1** below.

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**Figure 1 Proposed Site Plan (Source: BKA Architecture, 2021)**

The proposed development is defined as a Residential Flat Building under the provisions of the *Greater Taree Local Environmental Plan 2010* (GTLEP2010) and is wholly permissible in the R1 General Residential zone.

For completeness, the particulars of the proposal are outlined below in **Table 1**.

<b>Table 1: Proposed Development Particulars</b>	
<b>Project Element</b>	<b>Development Particulars as amended under DA 460/2019</b>
<b>Primary Land Use</b>	The proposed land use is for the purposes of a Residential Flat Building
<b>Building Height</b>	<b>Total Building Height:</b> <ul style="list-style-type: none"><li>Two-storey component – 9.86 m</li><li>Four-storey component – 16.9 m</li></ul>
<b>Gross Floor Area</b>	<b>Total GFA: 4,494.47 m<sup>2</sup></b> <b>Lot 4122: 543.56 m<sup>2</sup></b> <ul style="list-style-type: none"><li><b>Ground Floor:</b> 271.78 m<sup>2</sup></li><li><b>Level 01:</b> 271.78 m<sup>2</sup></li></ul> <b>Part Lot 49: 3,950.91 m<sup>2</sup></b> <ul style="list-style-type: none"><li><b>Ground Floor:</b> 1,082.77 m<sup>2</sup></li><li><b>Level 1:</b> 1,082.77 m<sup>2</sup></li></ul>

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	<ul style="list-style-type: none"><li>▪ <b>Level 2:</b> 892.88 m<sup>2</sup></li><li>▪ <b>Level 3:</b> 892.88 m<sup>2</sup></li></ul>
<b>Floor Space Ratio</b>	Lot 4122 of the Site is subject to an FSR of 0.6:1. As part of the revised scheme there is no longer an FSR breach pertaining to Clause 4.4 of GTLEP2010. In accordance with the Subject Site the available site area to be attributed to FSR is a total of 981.5 m <sup>2</sup> . Accordingly, with respect to this portion of the Site, the proposal includes provisions for an FSR of 0.55:1 complying with Clause 4.4 of GTLEP2010.
<b>Car Parking</b>	69 car parking spaces, including three (3) accessible parking spaces.

## 2. Purpose of Development Application

The purpose of the Development Application is to provide a Residential Flat Building over two (2) built form components pertaining to a two (2) and four (4) storey complex. The proposed development comprises a combination of two (2) and three (3) bedroom apartment typologies, with one (1) level of basement car parking, associated landscaping and peripheral amenity functions, including open space areas and a pool for private recreational use.

The design intent has seen an ongoing evolution following extensive consultation with Council, for which the amended plans prepared by BKA Architecture are shown in the following Drawings (as well as annexed in **Appendix 1** of this addendum SEE):

- A000 – Cover Page
- A001 – Location Plan
- A002 – Site Plan
- A100 – Basement Plan
- A101 – Ground Level Plan
- A102 – Level 01 Plan
- A103 – Level 02 Plan
- A104 – Level 03 Plan
- A105 – Roof Plan
- A201 – Elevations – Sheet 01
- A202 – Elevations – Sheet 02
- A301 – Sections – Sheet 01
- A700 – Solar Access Diagram – Sheet 01
- A701 – Solar Access Diagram – Sheet 02
- A710 – Height Plane Diagram
- A720 – Ventilation Diagram
- A750 – GFA Diagram
- A900 – Materials and Finishes

## 3. Local Environmental Planning Framework

**Table 2** outlined below includes a summation pertaining to the amended schemes applicability to the GTLEP2010.

<b>Table 2: Greater Taree Local Environmental Plan 2010 (GTLEP2010)</b>	
<b>Requirement</b>	<b>Application to the Proposed Development</b>
<b>R1 General Residential</b>	
2.3 Zone Objectives and Land Use Table	<p><i>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i></p> <ul style="list-style-type: none"><li>▪ <i>To provide for the housing needs of the community.</i></li></ul> <p><b>Comment:</b> The Proposed Development would provide housing near to the centre of Harrington, where people can access local services and facilities</p>

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	<p>including a supermarket and Council library. It would also positively contribute towards dwelling density targets within the MidCoast LGA by providing a range of apartment housing typologies in an area experiencing enhanced urban growth potential.</p> <ul style="list-style-type: none"> <li>▪ <i>To provide for a variety of housing types and densities.</i></li> </ul> <p><b>Comment:</b> The Proposed Development would provide for residential dwellings in a higher density form than the dominant existing residential stock of detached dwellings. This presents an opportunity for greater housing diversity, potentially allowing a mix of demographics in the area to utilise. Furthermore, the higher density as a result of the proposed building height allows for immediate contribution to housing stock, supporting dwelling targets stipulated within the strategic planning framework applicable to the wider area.</p> <ul style="list-style-type: none"> <li>▪ <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> </ul> <p><b>Comment:</b> The Site is located within the Harrington Waters Estate, where existing utility services such as water, sewer, electricity and telecommunications can be augmented to service the Proposed Development. Furthermore, whilst the R1 General Residential zone allows for a range of residential land uses, the proposed development has been designed for the purposes of being consistent with existing and future residential housing typologies permissible within the R1 General Residential zone, for which the proposed development would complement the existing built form surrounding the Site and provide a sequential and transitional development for future development.</p> <p>Accordingly, the proposed development would not preclude other land uses from continuing to function (and future developments from being undertaken) that adjoin or are in close proximity to the Site given the generous separation distances proposed, and the relevant design measures and mitigation measures proposed to be implemented across the Site which will protect and preserve the amenity of the Site and adjoining sites – particularly 37 Josephine Boulevard.</p>
Permitted without Consent	<i>Home occupations</i>
Permitted with Consent	<p><i>Advertising structures; Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Cemeteries; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health services facilities; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Moorings; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor);</i></p> <p><b><i>Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Sewerage systems; Shop top housing; Take away food and drink premises; Tank-based aquaculture; Veterinary hospitals; Water recreation structures; Water supply systems</i></b></p>
Prohibited	<i>Any development not specified in item 2 or 3</i>
<b>General LEP Clauses</b>	



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Clause 4.1 – Minimum Lot Size	The proposed development does not include provisions for a torrens title subdivision.
Clause 4.3 – Height of Buildings	The GTLEP2010 map referred to in Subclause 4.3(2) identifies the Site as being subject to a maximum building height of 8.5 m (39 Josephine Boulevard) and 14.5 m, which applies to the remainder of the Site. Pursuant to the provisions of Clause 4.6, the proposed development seeks exception to the 8.5 m and 14.5 m building height limits articulated under the Development Standard prescribed by Clause 4.3.
Clause 4.4 – Floor Space Ratio (FSR)	Lot 4122 of the Site is subject to an FSR of 0.6:1. As part of the revised scheme there is no longer an FSR breach pertaining to Clause 4.4 of GTLEP2010. In accordance with the Subject Site the available site area to be attributed to FSR is a total of 981.5 m <sup>2</sup> . Accordingly, with respect to this portion of the Site, the proposal has an FSR of 0.55:1 complying with Clause 4.4 of GTLEP2010.
Clause 4.6 – Exceptions to Development Standards	<p>The Proposed Development would breach the 14.5 m height limit applicable to part Lot 49 by 2.4 m. The Proposed Development would also breach the 8.5 m height limit applicable to Lot 4122 by 1.36 m.</p> <p>An amended Clause 4.6 Variation has been prepared in accordance with the revised Architectural Plans (refer to <b>Appendix 1 &amp; 2</b>).</p>
Clause 5.3 – Development Near Zone Boundaries	The proposed development adjoins land zoned RE2 Private Recreation; however, the proposed development would be undertaken wholly with the land portion zoned R1 General Residential. Accordingly, the proposal does not rely on the provisions of Clause 5.3.
Clause 5.10 – Heritage Conservation	The Site does not contain, and is not located in close proximity of, any Local or State listed non-Aboriginal Cultural Heritage items. Given the scale of historical land uses which have taken place at the Site, the potential for Aboriginal Cultural Heritage items to be located at the Site is low. Therefore, no further assessment of Aboriginal Cultural Heritage is required to support the proposed development.
Clause 5.11 – Bush Fire Hazard Reduction	The Site is not identified as containing bushfire prone land which would require any further consideration pertaining to the <i>Rural Fires Act 1997</i> or the <i>Planning for Bushfire Protection 2019</i> (PBP) document.
Clause 7.1 – Acid Sulfate Soils	<p>The Site is mapped under the GTLEP2010 as containing the potential for Class 3 Acid Sulfate Soils. Clause 7.1 of the GTLEP2010 requires that consent be obtained for any works more than 1 m below the natural ground surface, and for works by which the watertable is likely to be lowered by more than 1 m below the natural ground surface.</p> <p>The proposed level and height of the Residential Flat Building have been chosen so as to avoid contact with Acid Sulfate Soils where reasonable and practicable to do so.</p> <p>Furthermore, the Site has been the subject of filling as a part of works associated with DA358/2009. As a result, the Site currently supports a disrupted ground level which is not indicative of the Site's natural ground level. It is considered unlikely that any excavation works associated with the development would be 1m below natural ground levels and it is unlikely that potential or actual Acid Sulfate Soils will be encountered.</p>
Clause 7.2 (Repealed)	It is noted since lodging the DA, Clause 7.2 has been repealed.
Clause 7.3 – Earthworks	<p>The Application as submitted under <b>DA 460/2019</b> has considered earthworks across the Site, for which the proposal would not have a detrimental effect on drainage patterns and soil stability in the locality which would prevent future developments from being undertaken in the locality.</p> <p>It is noted, that in accordance with Clause 4.3 and Clause 4.6 above, the</p>

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	earthworks and finished floor levels have been designed so as not to be below the identified groundwater levels on the Site.
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### 4. Assessment

The development particulars described in **Section 1** of this addendum SEE above are considered as follows with respect to their potential environmental impact on the Site.

**4.1 Strategic and Statutory Context** – The proposed development aligns with the strategic planning framework, namely the *Hunter Regional Plan*, the *MidCoast 2030 Shared Vision, Share Responsibility: Community Strategic Plan 2018-2030*, the *Housing Diversity and Affordability Strategy* and the *draft Local Strategic Planning Statement* (MidCoast Council, July 2020). The proposed development, for the purposes of a Residential Flat Building, is considered to be entirely consistent with the Objects of the Act under Section 1.3 of the EP&A Act. The appropriateness of the proposed development is also demonstrated through compliance with GTLEP2010 (including Clause 4.6) in that it achieves the zone objectives pertaining to residential development for Site with minimal impact on surrounding land uses and the environment.

**4.2 Suitability of the Site** – The investigations undertaken as part of **DA 460/2019** conclude that the Site is highly suited for its intended land use, which remains true for the proposal before the Court. Furthermore, the SEE (dated 17 April 2019) sets out recommendations and mitigation measures (where necessary), to account for identified potential impacts – which the proposed development before the Court satisfactorily ameliorates the concerns raised, including potential overshadowing impacts, bulk and scale and streetscape character through the evolution of the revised design.

Given the assessment undertaken the Site is considered highly suitable for the proposed land use owing to its ready availability to provide a diversified mix of apartment typologies in an area experiencing increased residential growth; its excellent access provisions (including basement car parking); its suitable contextual setting; and its low impact on the environment it would impose. Accordingly, it is considered that the Site is highly suited for intended land use purposes.

**4.3 Urban Design and Visual** – As clearly demonstrated in the submitted Architectural Plans prepared by BKA Architecture (2021), the proposed development provides a positive urban design outcome that has been cognisant of previous concerns raised by virtue of reducing the overall bulk and scale of the building – particularly the built form component predominantly proposed on 39 Josephine Boulevard – which has seen an increase of enhanced landscaping provisions across the Site. Additionally, through a revised design that seamlessly integrates with the topography of the Site, the proposal presents a conducive design that demonstrates a sequential and transitional development that complements the streetscape character of the immediate and adjoining existing land uses, as well as future development to the west and south of the Site.

Non-compliances have been further addressed within the addendum Clause 4.6 Variation (refer to **Appendix 2**) which confirms the minor height variation across the Site. There is no longer an FSR breach as outlined in **Table 2** of this Report.

Furthermore, the proposed development is considered to appropriately respond to the design quality principles stipulated under *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) and general compliance with the Apartment Design Guide (ADG), which further complements the proposal's built form outcomes, amenity outcomes (including solar access and cross ventilation targets, as well as the proposal's consistency and transparency with the streetscape character intended for the Site and surrounding area with respect to existing and future development.

**4.4 Soils and Water** – The Site is considered suitable for the proposed residential land use with the appropriate mitigation and design measures to be implemented across the Site, including the positioning of the pad layer and finished floor level, which cannot go any lower due to potential

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impacts on the existing groundwater levels, including the potential to disturb Acid Sulfate Soils on the Site.

It is noted, that the stormwater management strategy for the Site will include the implementation of water quality and quantity control measures that adhere to Council's engineering guidelines and pollution reduction targets; consideration of the Site's (including the surrounding site's) flooding parameters (including overland flow); and an Erosion and Sediment Control Plan (ESCP). Accordingly, these measures provide for an optimal stormwater management outcome for the Site.

**4.5 Traffic and Access** – Sufficient access and parking (basement) arrangements are provided for in the proposed development. Traffic generation has been assessed and it is considered that the existing road networks in close proximity to the Site are capable of continuing to operate at a satisfactory Level of Service (LoS) – noting a LoS 'A'.

**4.6 Infrastructure Requirements** – the Site can be appropriately serviced via augmentation of the existing services leading to the Site and surrounding area.

**4.7 Heritage** – the Site does not contain, and is not located in close proximity of, any Local or State listed non-Aboriginal Cultural Heritage items. Given the scale of historical land uses which have taken place at the Site, the potential for Aboriginal Cultural Heritage items to be located at the Site is low. Therefore, no further assessment of Aboriginal Cultural Heritage is required to support the proposed development.

**4.8 Socio-Economic** – the proposed development is considered to comprise significant socio-economic impacts through the investment of increased residential accommodation via a range of apartment typologies in area experiencing enhanced residential growth and demand. As such, it is considered that the significant socio-economic benefits, on-balance, outweigh the negative socio-economic impacts from the proposed development and is supportable from a socio-economic perspective.

**4.9 Building Code of Australia and Fire Engineering** – the proposed development is capable of complying with the BCA Standards and relevant fire performance solutions required to be implemented across the Site.

## 5. Summary

The items discussed above which form part of this addendum to the SEE are all permissible within the R1 General Residential zone pursuant to the provisions of the GTLEP2010.

It is concluded that the items discussed above are capable of support by the LEC and Council and that there will be minimal environmental impact by including the revised scheme in the proposal. Compliance with the relevant controls of the Development Control Plan are generally achieved as previously assessed. Furthermore, the proposal is considered to satisfy the Objects of the Act, for which it provides an orderly development pertaining to adjoining and future developments adjoining the Site.

Should you wish to discuss further, please contact the undersigned.

Yours Faithfully,



Chris Wilson  
Managing Director  
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**Enclosed:**

**Appendix 1 – Amended Architectural Plans**

**Appendix 2 – Amended Clause 4.6 Variation**