

PLANNING PROPOSAL

AMENDMENT TO CABONNE LOCAL ENVIRONMENTAL PLAN 2012

PROPOSED ADDITIONAL PERMITTED USE FOR SENIORS
HOUSING - LOT 109 DP652726



Premise

PREPARED FOR:

GORDON EACOTT

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(RE-ISSUED)



ENGINEERING



ENVIRONMENT



AGRICULTURE



WATER

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The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

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ABBREVIATIONS

Abbreviation	Full Name
PP	Planning Proposal
DP&E	NSW Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
SEPP	State Environmental Planning Policy
LEP	Local Environmental Plan
AHD	Australian Height Datum
LGA	Local Government Area

1 BACKGROUND

1.1 INTRODUCTION

Premise has been commissioned by the Gordon Eacott to prepare a planning proposal to amend the *Cabonne Local Environmental Plan 2012* (LEP) to add an additional permitted use to Schedule 1 of that plan to enable development of a senior's housing development on Lot 109 DP652726, Queen Street, Molong, for the purposes of establishing a seniors housing facility.

The planning proposal has been submitted to Cabonne Council and received the endorsement of staff and Councillors at the April 2019 Council meeting – refer **Appendix E**.

The endorsed planning proposal has been lodged with the Department of Planning & Environment seeking a Gateway determination. DPE has requested additional information and a revised planning proposal – refer DPE correspondence at **Appendix F**. This updated planning proposal addresses the comment in the DPE letter.

The planning proposal relates to land described as Lot 109 DP652726, Queen Street, Molong.

The subject site is located within the R5 – Large Lot Residential zone pursuant to the *Cabonne Local Environmental Plan 2012* (LEP) and Seniors Housing is prohibited in the R5 zone.

The site is depicted in **Figure 1** and the current zoning is depicted in **Figure 2**.



Figure 1: The subject site

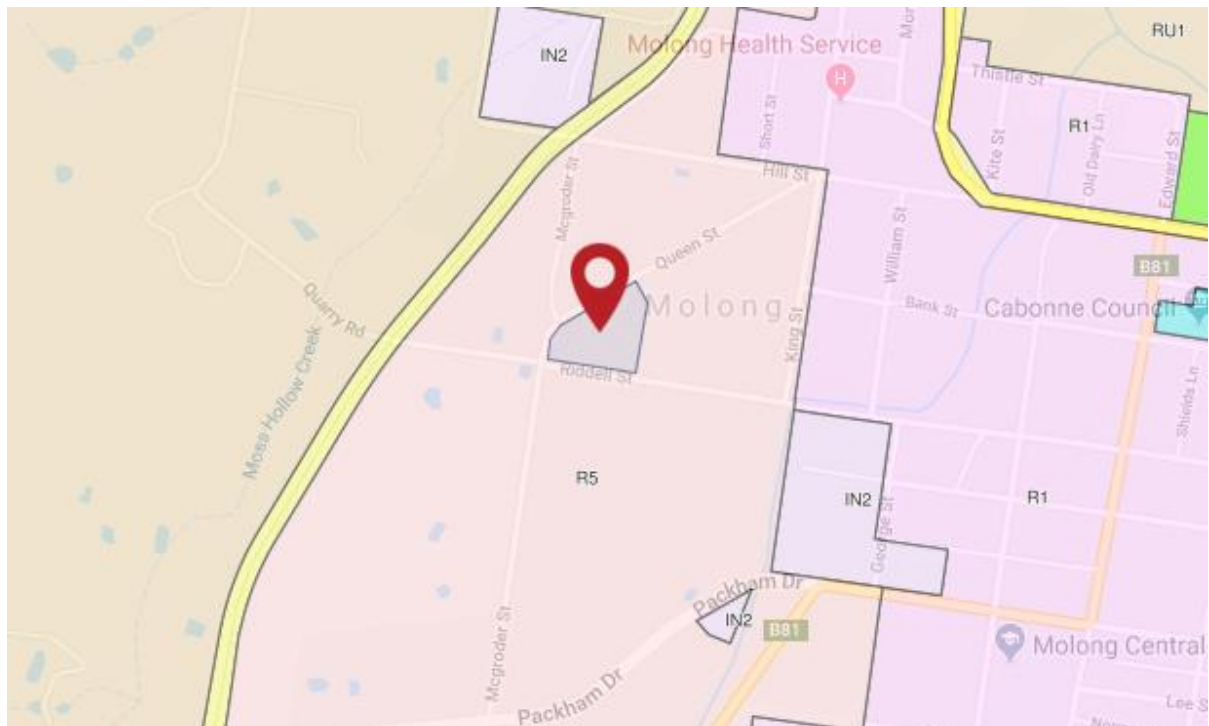


Figure 2: The subject site zoning

Seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),
and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,
but does not include a hospital.

The proponent seems to provide a seniors housing development on the subject site that would conceptually provide 42 units of two designs (single level and up/downers). An established dwelling on the site would remain intact, although may be converted or removed in the future to provide an amenities facility for the site. The conceptual site layout is provided as **Appendix A**. The final layout would be subject to detailed design and would be the subject of a development application, pending the proposed LEP amendment.

The site selected for this planning proposal has been identified following an extensive review of suitable and available land in Molong. This included a review of LEP land use zones that would accommodate this form of land use.

Sites located in zones that permit seniors living via the LEP and Seniors Housing SEPP (specifically residential zones) were considered for the proposal.

Characteristics considered in identifying suitable site were identified as follows:

- Appropriately zoned to accommodate seniors housing or capable of rezoning for the proposed purpose;
- Not unduly constrained by environmental hazards;
- Access to essential services or capable of being connected;
- Proximal to local services or capable of access being provided;
- Consisting of a single allotment, held in a single ownership;
- Of a sufficient size to accommodate the scale of development proposed;
- Available for purchase.

The subject site was considered appropriate as it satisfies the above criteria.

Other land allotments considered as meeting many of the above criteria were deemed unsuitable on the basis that:

- 15 Philip St – multiple lots, not for sale, impacted by mapped waterway;
- Lot 7323 DP1152548 – serviced, a suitable size and proximal to town, but not available for purchase;

The proponent has experience in the establishment of seniors living and seniors housing facilities and has conducted investigations into the suitability of sites within Molong. The subject site, 59 Queen Street, was the only site available that was suitable to undergo development of this land use.

In accordance with Part 2 of the Seniors Living SEPP and Action 26.5 of the Central West and Orana Regional Plan 2036, the site is well located in regard to services and facilities. The proposed site for the senior living facility is located within 650 metres of the Molong District Hospital, and approximately 1.5 kilometres from the town centre of Molong, where additional medical services are available. Further discussion on this is provided in **Table 3.1**.

Shops, services providers and retail and commercial services are all located within walking distance of the town centre.

Also located within close proximity to the town centre are community services such as the local men's shed, Molong UPA Activity Centre, Library and the RSL and bowling clubs, recreation facilities and places of worship.

As the aforementioned services and facilities are located further than 400 metres from the proposed site, the facility has proposed the operation of a small bus to transport residents. The bus will pick up and drop off residents on site and to their preferred destination. Additionally, the proposed senior living facility is a self-care facility, meaning the residents will have a moderate level of mobility and be able to drive themselves to and from the site as needed.

2 INTENT AND PROVISIONS

2.1 OBJECTIVE

To enable the development of Seniors Housing on Lot 109 DP652726, Queen Street, Molong within the Cabonne Local Government Area (LGA).

2.2 EXPLANATION OF PROVISIONS

This is simple planning proposal to amend Schedule 1 of the LEP to include Lot 109 DP652726 as an additional permitted use on which developing seniors housing is permissible with consent. Schedule 1 would be amended as follows (proposed text in red):

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at 2585 Cargo Road, Cargo

- (1) This clause applies to land at 2585 Cargo Road, Cargo, being Lot 97, DP 1000168.*
- (2) Development for the purpose of a dwelling house is permitted with development consent.*
- (3) Subclause (2) ceases to apply 5 years after the commencement of this Plan.*

2 Use of certain land at Market Street, Molong

- (1) This clause applies to land at Market Street, Molong, being Lot 30, DP 130510.*
- (2) Development for the purpose of a truck washing facility is permitted with development consent.*

3 Use of certain land at Queen Street, Molong

- (1) This clause applies to land at Queen Street, Molong, being Lot 109 DP652726.*
- (2) Development for the purposes of seniors housing is permitted with development consent*

3 JUSTIFICATION

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

As the site is located in an R5 zone, seniors living is prohibited, therefore an amendment to schedule 1 of the Cabonne LEP is proposed.

Given the current R5 zoning of the land, the proposed outcome of providing seniors living accommodation within close proximity to the town of Molong is not able to be achieved without first amending the LEP.

Options available in amending the LEP to facilitate the development include"

- Rezoning the land to a land use zone in which seniors housing is permitted;
- Amending the LEP to permit seniors housing in the R5 zone;
- Amending Schedule 1 of the LEP to permit seniors housing at the subject site only.

It is proposed to amend Schedule 1 to permit the proposed land use. This is considered the best means of achieving the desired outcome on the basis that it limits the likelihood of unintended consequences. Rezoning the land would result in an isolated lot amongst R5 zoned lots. This would be a poor land use planning outcome. Permitting seniors housing in all R5 zoned land would be inappropriate as these lots might not have access to services and may be constrained by hazards.

Therefore the proposed approach is considered the best means of achieving the desired outcome.

3.1 NEED FOR THE PLANNING PROPOSAL

Is the planning proposal a result of any strategic study or report?

The proposal is developed to respond to a growing need in the community and the sub-region to provide additional forms of senior's accommodation in local areas. This is consistent with the goals of the Orana and Central West Regional Plan 2036 and the local *Cabonne Community Strategic Plan 2025*, which seek to ensure adequate provision of seniors housing to meet the needs of communities.

Specifically, the proposal seeks to address Direction 26 of the Regional Plan, to *Increase Housing Choices for Seniors*. The development of seniors housing in Molong would help to achieve the actions stated with in Direction 26, namely the following:

26.2 Promote opportunities for retirement villages, nursing homes and other senior's housing in local housing strategies.

26.3 Remove planning barriers to provide a range of low-care and independent seniors' accommodation options in appropriate locations.

26.5 Locate new housing for seniors close to existing services and facilities, and on land free from hazards.

In response to the above, the following is noted:

- As discussed elsewhere in this planning proposal, there is strategic support for the provision of additional seniors housing opportunities via the Regional Plan, the Cabonne Settlement Strategy and the Cabonne Community Strategic Plan;
- The planning proposal facilitates the provision of necessary seniors housing in the town; and
- The land is not constrained by environmental hazards and is capable of being connected to reticulated services.

The Australian Institute of Health and Welfare (AIHW) estimate that around 5% of older Australians rely on care accommodation as they age, with the remaining majority preferring to remain in their own homes. The report prepared by the AIHW entitled *Australia's welfare 2017* identifies that of those that remain in their own home, around 40% require assistance with at least one activity, ranging from reading and writing tasks through to health care. Of the 5% seeking a care home style form of accommodation, 49% (as at 2015) suffered from dementia. In 2017, an estimated 365,000 people were living with dementia, and this is expected to rise to 900,000 by 2050. The need for appropriately designed accommodation options that enable

older Australians to remain in independent living while capable of doing so, with a view to moving to care based facilities when required, is essential to meet the growing number of aging Australians requiring care facilities.

The logic of providing forms of accommodation that provide for the very large proportion of Australians who prefer to age in independent circumstances, but with access to essential assistance as required is growing. The need to provide these forms of accommodation in local areas, rather than accommodating them in the larger regional centres or cities, is self-evident.

Strategic reporting at a national level, as well as planning at a local level demonstrates the need for the provision of additional levels of seniors housing in the town of Molong, to provide for the needs of the aging Cabonne population. Further discussion on the need for seniors housing in Molong is discussed in the below sections. On the basis of this assessment, the proposal is considered to be strategically justified.

3.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

At a state and regional level, relevant strategic documents include the *NSW 2021: Making NSW Number 1* (NSW 2021) and the *Orana and Central West Regional Plan 2036* (Regional Plan).

NSW 2021: Making NSW Number 1

NSW 2021 contains 32 goals and 180 targets to drive action, based around five strategies:

Rebuild the Economy - restore economic growth and establish NSW as the first place in Australia to do business

Return Quality Services - provide the best transport, health, education, police, justice and family services, with a focus on customer needs

Renovate Infrastructure - build infrastructure that drives our economy and improves people's lives

Strengthen our Local Environment and Communities - improve people's lives by protecting natural environments and building a strong sense of community

Restore Accountability to Government - strengthen trust in public institutions, return planning powers to the community and give people a say on decisions that affect them.

NSW 2021 noted at Goal 25 that the population of NSW of the age of 65 was expected to double in the next 25 years. Therefore, one of the specific priority actions of the NSW 2021 was the preparation of an Ageing Strategy. This was first prepared and released in 2012 and was then renewed in 2016. It was noted in the Ageing Strategy that by 2031 one in three people in NSW would be aged over 50 years. The most recent *NSW Intergenerational Report* (entitled *Future State NSW 2056*) notes that:

The median age has risen from 29 in 1976 to 37 in 2015 and is expected to rise to 41 in 2056. There are three reasons for this: lower fertility rates, rising life expectancy and the post-war population surge — the 'baby boomers' — moving into retirement.

There is therefore a strong need to plan for the future and ensure the adequate provision of appropriate forms of residential accommodation that meet the needs of this ageing population. The planning proposal is consistent with this strategic vision.

Orana and Central West Regional Plan 2036

The Regional Plan is the applicable regional strategy applying to the locality. The vision of the Regional Plan is:

The most diverse regional economy in NSW with a vibrant network of centres leveraging the opportunities of being at the heart of NSW

The relevance of and compliance with the Regional Plan is discussed in more detail in this report in relation to Ministerial Section 9.1 Direction No. 5.10.

Is the planning proposal consistent with Council's local strategy or other local strategic plan?

The proposed amendment aims to enable a specific form of development on the subject site. Cabonne Council currently has a number of strategic planning documents, including the *Cabonne Community Strategic Plan 2025* (CCSP), the *Blayney Cabonne Orange Rural and Industrial Land Use Strategy 2008* (BCO) and the *Cabonne Settlement Strategy* (CSS).

The BCO is currently the subject of a comprehensive review which proposes to exclude the strategic identification of future large lot residential land from BCO document. It is understood the CSS is due for review and update in 2019/20, following the completion of the comprehensive BCO review, although the precise timing for completion is unknown. This CSS review would incorporate a review of the supply and demand for large lot residential land and would therefore impact on the subject site.

Cabonne Community Strategic Plan 2025

CCSP Future Direction 3 seeks to provide and develop community facilities and CSP No. 3.2 specifically aims to ensure *health and aged care facilities meet local community needs*.

Key performance indicators in relation to the above waiting lists for facilities and services and the number of aged care beds available.

On the basis that this planning proposal aims to provide improved and expanded local seniors housing facilities, it is considered that the proposal sits comfortably with strategic aim of the CSP.

Blayney Cabonne Orange Rural and Industrial Land Use Strategy 2008

The Councils of Blayney, Cabonne and Orange City have joined forces in 2006 to prepare a Comprehensive Rural and Industrial Lands Strategy (the Strategy) for the Sub-Region, with a focus of guiding future land use planning for each Council as well as the Sub-Region, for the next 30 years.

Development of the strategy involved three key stages:

- Preparation of a local profile paper
- Preparation of an Issues Paper; and
- Preparation of the Strategy document.

As the focus of the strategy is on rural and industrial land uses, it has limited relevance to this planning proposal. The limited relevance it does have is in relation to the strategic identification of land suitable for use for large lot residential purposes, noting that the subject land is zoned for this purpose. As the current R5 zoning of the land represents a historic situation, this area of land is not explicitly discussed or addressed in the BCO. There is no explicit discussion around the need to provide additional seniors living accommodation within the sub-region.

As above, a comprehensive review of the BCO is currently being prepared which will, among other things, remove the focus on large lot residential land. This would instead be addressed in the upcoming and updated Cabonne Settlement Strategy. It is noted that there is some cross over between the current BCO and CSS in that both documents currently provide for the future provision of large lot residential land.

Cabonne Settlement Strategy

The Cabonne Settlement Strategy (CSS) is a plan that identifies key issues for the eight (8) urban settlements in Cabonne. It seeks to manage the future growth and enhancement of each of the settlements for the next 10-20 years.

The objectives of the Settlement Strategy for Cabonne's key settlements are:

- *To determine the desired future character and vision;*
- *To review the key opportunities and constraints to sustainable growth;*
- *To set out key land use principles that will guide future development;*
- *To recommend strategies to address key challenges;*
- *To encourage sustainable development for future generations;*
- *To protect the environmental and cultural values and assets;*
- *To inform the drafting of new planning controls (a new Local Environmental Plan and Development Control Plan for Cabonne) that will implement the recommended strategies and land use arrangements for each settlement;*
- *To ensure the strategy and future planning controls are in accordance with the legislative and policy framework for Cabonne.*

The CSS identifies that the town of Molong has a number of potential positive influences that results in positive population growth and demand for land including seniors housing facilities and support services. Specifically, the CSS identifies as a key positive influence that could assist with growth in Molong:

Provision of a range of aged care facilities and support services that can meet the needs of a growing aged population and allow this section of the population to 'age-in-place' and integrate with the community;

The CSS further notes:

With such a high percentage of older citizens and a higher median age than Australia there will be significant increased pressure and demand for aged care and health services and a corresponding lack of younger / employment aged people to provide economic growth in Molong. Molong is fortunate to already have health infrastructure and services to support this group but it will need to be maintained and grow to support a growing aged population or there could be a significant loss of older people away from Molong over time which will impact on population growth rates.

In relation to housing types, the CSS notes:

The majority of dwellings in Molong are detached and there are limited medium density housing types (~26 row houses or flats). The existing attraction of living in Molong is rarely to live in higher density dwellings. However, with a larger older population there may be a future demand for small or more compact housing that is lower in maintenance on smaller lots. There is currently low choice of housing types in Molong to meet this future need (other than aged care housing).

With respect to dwelling occupancy rates, the CSS notes:

The occupancy rate for Molong (ABS data) is also expected to also decrease over the next 10-30 years, especially if there are increases in aged care housing (senior citizens living alone); families having less children (smaller family sizes); and greater variety of housing types which attracts younger people to live independently.

Sections 3.20 and 3.21 of the CSS provides discussion around the residential and large lot residential land options. The CSS notes that land to the west of King St is likely to be suitable for conversion to residential land and notes that the land may be suitable, due to its proximity to the hospital, for conversion to higher density and the for the potential for provision of seniors housing services.

The CSS provides a summary of seniors housing and retirement services available in Cabonne. In the way of senior living and seniors housing, Molong provides 16 self-care units, 6 bed hostel, 12 bed dementia unit, 3 units and a 3 bedroom house, equating to 40 beds.

At Section 3.21.2, the CSS notes that there is currently an oversupply of large lot residential zoned land around the town of Molong, and that additional large lot residential land is not required. Given this oversupply, the identification of the subject land for use for seniors housing would not detrimentally impact upon availability of large lot residential land.

Finally, in relation to the subject site, the CSS notes that subdivision of land to allow development down to 4,000 m² is acceptable where connection to reticulated services are provided, as this would:

... addresses many of the issues associated with intensification of development on the karst areas by avoiding use of on-site effluent management systems and the need for additional bores.

The proposed development would connect to reticulated services and would therefore address concerns around potential impacts to the Karst environment.

Other local strategic documents

In 2016, Cabonne Council commissioned a Housing Review and Site Analysis (prepared by Geolyse) to conduct a housing review and site analysis for seniors living in the village of Canowindra. Many of the conclusions of that study are equally relevant to Molong.

From a review of the policy framework and from limited local consultation, it was identified that many long-term residents prefer to stay close to retire and downsize by staying in generally the same geographical locality. The analysis concluded that an appropriate economic model involved the provision of self-contained versions of accommodation at local levels with higher care facilities located in the larger regional centres, closer to specialist health care facilities.

The proposal provides the accommodation option in close proximity to the town of Molong, allowing local residents to remain in their local area and continue to support the local

community, rather than needing to relocate to larger regional centres to find high quality and available accommodation.

Discussion

As noted above, the CSS is the relevant current endorsed strategy applying to the land. Throughout the CSS, an emphasis is placed upon the need to provide suitable seniors housing services within the Cabonne Shire, and specifically Molong. The CSS identifies that in order to retain the population and allow the aging residents to age in place, essential services of this nature need to be provided to the population.

Molong is the largest centre in the Cabonne Shire and has an aging population. Provisions for an additional senior living facility in close proximity to health services and the town centre responds to the local need for forms of accommodation that allow aging Australians to stay within their local communities. The CSS provides a summary of aged care and retirement services available in Cabonne. In the way of senior living and aged care, Molong provides 16 self-care units, 6 bed hostel, 12 bed dementia unit, 3 units and a 3 bedroom house, equating to 40 beds.

As discussed earlier in this planning proposal, statistics across Australia indicate approximately 5% of aging Australians look to move from their homes to care facilities. The town of Molong has a population (as at 2016) of 1,674, of which 582 (35%) is over the age of 55. If 5% of these residents look for care accommodation in their local area, there is a logical demand for 29 spaces at 2016 rates. With the aging population, this figure is estimated to grow by approximately 4-5 people per year. As above, at present Molong can accommodate 40 residents in existing aged care. Based on current population and the rate of aging in Molong, there will therefore be a deficiency in spaces in less than 3 years if additional forms of aged care facilities are not provided. This does not account for those residents who may wish to move to a supported facility earlier than may be otherwise necessary to enjoy a lifestyle amongst similarly minded people

No provision for additional aged care or seniors living facilities have been explicitly proposed within the CSS, although the need to provide for this form of accommodation has been identified as a key factor.

The land surrounding and including the subject site has been identified as being suitable to retain large lot residential, noting that higher density development would be accommodated subject to the provision of reticulated services. As outlined in the concept servicing strategy, the site is capable of being serviced by reticulated water and sewer services and is capable of managing stormwater on site. Power and telecommunication services are already available to the site. The provision of these additional services to the site by this development will assist in realising the potential of the area for higher density development and will assist other developers in developing other land in the locality.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

A review of environmental planning instruments (EPI) applying to the site identifies the following state planning policies as relevant.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The LGA of Cabonne is listed in Schedule 1 of *State Environmental Planning Policy No. 44 – Koala Habitat Protection* (SEPP44) is therefore applicable. An updated ecological assessment is provided as **Appendix B**, which identifies species types and the extent of potential impact associated with the proposed development. The ecological report confirms that, the site contains White box trees and adjoining Yellow Box and Apple Box trees, all of which are listed at Schedule 2 of SEPP44 as Koala feed trees. As noted by FloraSearch (**Appendix B**), it is possible that the site provides occasional temporary habitat but unlikely due to the poor habitat quality.

The assessment made by FloraSearch concluded that the site is not a core koala habitat, SEPP44 is not further applicable.

As recommended by DPIE, consultation has been completed with the former Office of Environment and Heritage (now the Biodiversity Conservation Division) in relation to the potential relevance of SEPP44. Their response is provided as **Appendix G**. They confirm the need to ensure that the relevant provisions of SEPP44 are considered in any Biodiversity Assessment Report accompanying a future DA.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55) seeks to ensure that the potential contamination status of land is considered at rezoning stage (cl.8). A review of historic land uses, together with review of online resources including the List of Sites Notified to the EPA and the EPA register of contaminated land, has confirmed that the site is not considered likely to be contaminated and as such remediation is not required. SEPP55 is therefore not further applicable.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The proposed amendment is intended to facilitate the development of seniors housing on the subject land and therefore the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP) applies.

Specific site related requirements are outlined in Part 2 of Chapter 3 of the Seniors SEPP, seeking to ensure that sites developed for the purposes of Seniors Housing are appropriate to accommodate the specific form of land use.

These matters are discussed in **Table 3.1**.

Table 3.1 – Senior SEPP – Part 2 Matters

Part 2 Matters	Site Specific Response
Clause 26 Location and access to facilities	
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p>	<p>All of the services listed at Clause 26 are available within the Molong CBD. A bus would be provided at the facility to transport people to these services as required and at least once per day.</p>
(2) Access complies with this clause if:	
<p>(c) in the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater Capital City Statistical Area)—there is a transport service available to the residents who will occupy the proposed development:</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3)</p>	<p>A transport service would be provided in the form of a site bus, provided by the developer, that would satisfy this requirement.</p>
Clause 27 Bush fire prone land	
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 10.3 of the Act as "Bush fire prone land—vegetation category 1", "Bush fire prone land—vegetation category 2" or "Bush fire prone land—</p>	<p>The land is not mapped as bushfire prone and therefore the site is consistent with this clause.</p>

Part 2 Matters	Site Specific Response
Clause 26 Location and access to facilities	
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p>	<p>All of the services listed at Clause 26 are available within the Molong CBD. A bus would be provided at the facility to transport people to these services as required and at least once per day.</p>
<p>vegetation buffer" unless the consent authority is satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.</p>	
Clause 28 Water and Sewer	
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p>	<p>The site has access to water and sewer services subject to extension of services, to be carried out at the full cost of the developer. The site is noted to be located in an area that allows subdivision of land to a minimum lot size of 4000 m2 where services are provided. This reflects the suitability of the land for residential forms of development, subject to provision of services by a developer.</p>
<p>(2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational</p>	<p>The services, provided at the cost of the developer, would be built to Council standards and dedicated to Council on completion of construction</p>

Part 2 Matters	Site Specific Response
Clause 26 Location and access to facilities	
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p>	<p>All of the services listed at Clause 26 are available within the Molong CBD. A bus would be provided at the facility to transport people to these services as required and at least once per day.</p>
<p>considerations, are satisfactory for the proposed development</p>	
Clause 29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply	
<p>(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply. Note. Clause 24 (1) sets out the development applications to which that clause applies.</p>	<p>Clause 24 does not apply to this development, on the basis that:</p> <ul style="list-style-type: none"> • The subject site does not adjoin land zoned primarily for urban purposes, • The subject site is not within a zone that is identified as "special uses" under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted), • The subject site is not used for the purposes of an existing registered club, or <p>The proposal does not involve buildings having a floor space ratio that would require the consent authority to grant consent under clause 45 of the Seniors Housing SEPP.</p>
<p>(3) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).</p> <p><i>The matters listed at 25 (5) (b) (i), (iii) and (v) are as follows:</i></p> <p><i>(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:</i></p>	<p>The matters listed at 25 (5) (b) (i), (iii) and (v) are addressed as follows:</p> <p>25(b) – Surrounding land uses in the vicinity of the development are a mix of large lot residential and residential dwellings, with a single lot of light industrial zoned land and a limestone mine to the west. The site is close to the urban edge of Molong and is located in an area identified via the LEP as being suitable for more dense forms of residential development, subject to the provision of reticulated services. As reticulated services are capable of being provided to the site (at the developers expense) it follows that more denser forms of development are acceptable.</p>

Part 2 Matters	Site Specific Response
Clause 26 Location and access to facilities	
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p>	<p>All of the services listed at Clause 26 are available within the Molong CBD. A bus would be provided at the facility to transport people to these services as required and at least once per day.</p>
<p><i>(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,</i></p>	<p>25(5)(b)(i) – The site is not unduly constrained by natural hazards, noting that a small amount of land clearing is required and is subject to approval via the methods outlined in the <i>Biodiversity Conservation Act 2016</i>. Subject to approval under the BC Act, a significant impact is not likely. The site is well separated from the Molong Limestone Mine such that noise and vibration are unlikely to result in unreasonable impacts. Council's LEP provides a buffer to the mine to ensure land uses are not provided in close proximity. The proposed site is outside of this buffer area. The land is not hazard affected, noting that it is not bushfire or flood prone. Existing and approved land uses in the locality include large lot residential and residential land uses in all directions, with a mining operation further to the west and a single light industry lot to the east. The proposed land use is residential in nature and is therefore compatible with the surrounding residential land uses. The proposal provides an essential local facility to allow Molong residents to remain in the local area rather than needing to move away to larger centres.</p>
<p><i>(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision</i></p>	<p>25(5)(b)(iii) – The site would be fully serviced at the full cost of the developer as per the concept servicing plan. A bus would be provided on site to provide local residents with the capacity to access nearby local services in the Molong CBD. All necessary services listed at Clause 26 are provided in the Molong CBD.</p>
<p><i>(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on</i></p>	<p>25(5)(b)(v) – The concept arrangement as depicted in the concept drawings, and noting that these are subject to refinement, they are</p>

Part 2 Matters	Site Specific Response
Clause 26 Location and access to facilities	
(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to: (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner.	All of the services listed at Clause 26 are available within the Molong CBD. A bus would be provided at the facility to transport people to these services as required and at least once per day.
<i>the existing uses, approved uses and future uses of land in the vicinity of the development,</i>	considered suitable in the context of surrounding residential development. The proposal provides for split level units, generally presenting to the public domain as a single storey. The land is unlikely to change use in the future but is likely to see an increase in density due to provision via the LEP for higher density development subject to the provision of services.
(3) Nothing in this clause limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.	Noted

Source: Seniors Living SEPP

On the basis of the above, it is confirmed that the planning proposal does not conflict with the principles of any relevant EPI.

Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

A review of the Section 9.1 (formerly 117) Ministerial Directions identifies that the planning proposal has the potential to be affected by two directions; these are:

- Directive 3.1 – Residential Zones; and
- Direction 5.10 – Implementation of Regional Plans.

Directive 3.1 – Residential Zones

The objectives of this direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
- (b) any other zone in which significant residential development is permitted or proposed to be permitted.*

The planning proposal affects land that is within a residential zone and therefore the directive is applicable.

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:*
 - (i) gives consideration to the objective of this direction, and*
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) is approved by the Director-General of the Department of Planning, or*
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
- (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) of minor significance.*

Given the nature of the proposal, and the limited availability of seniors housing in the region, and in recognition of the goals and directions stated in the Regional Plan and the CSP, the planning proposal is considered to be generally supported by the strategic framework and also, given the nature of the use, of minor significance. On this basis, the proposal is therefore considered to be legitimately inconsistent with the direction.

Direction 5.10 – Implementation of Regional Plans

Direction 5.10 seeks to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

The direction applies to land to which a Regional Plan has been released by the Minister of Planning.

The Central West and Orana Regional Plan 2036 (Regional Plan) applies to the Cabonne LGA and therefore to the subject site.

The Regional Plan notes the following relevant objectives for the Planning Proposal:

- Improve access to health and aged care services*
- Manage growth and change in regional cities and strategic and local centres.*
- Increase housing choice for seniors.*
- Deliver healthy built environments and better urban design.*

The proposal is not considered to be antipathetic to these objectives.

The vision of the Regional Plan is to provide:

The most diverse regional economy in NSW with a vibrant network of centres leveraging the opportunities of being at the heart of NSW

This vision is supported by the following goals:

- *The most diverse regional economy in NSW*
- *A stronger, healthier environment and diverse heritage*
- *Quality freight, transport and infrastructure networks*
- *Dynamic, vibrant and healthy communities*

Each of the above goals is supported by a range of specific directions. The following directions are considered to be applicable to the proposal:

Table 3.2 – Central West and Orana Regional Plan 2036

Direction	Comment
Goal 1	
5. Improve access to health and aged care services	The proposal fits with the direction set forth by the Regional Plan, in improving accessibility to quality senior accommodation in regional centres.
Goal 4	
22. Manage growth and change in regional cities and strategic and local centres.	The proposal allows for regional centre growth through providing senior housing in a regional centre, meaning the aging population can remain in their local area without moving to a larger centre for care.
26. Increase housing choice for seniors.	The proposed site could conceptually accommodate 44 dwellings in a variety of options with quality design, allowing for residents to age in place, and is located within a suitable distance to existing services and facilities – refer Appendix A .
29: Deliver healthy built environments and better urban design.	The proposed development will provide a safe and healthy community for senior living in a regional centre

Source: Central West and Orana Regional Plan 2036

The proposal is considered to be generally consistent with the vision and goals of the regional plan and is therefore considered to be consistent with this directive.

3.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected as a result of the proposal?

An ecological assessment of the site has been completed by FloraSearch to investigate the above matters – refer **Appendix B**. The site investigation found:

- The proposed development site is highly disturbed and, while dominated by introduced flora species and weeds, native grasses and forbs are widely dispersed and dominate the groundcover over approximately 40 percent of the site.
- Remnant eucalypt trees on and around the development site indicate the original native vegetation was Plant Community (PCT) Type 266: *White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion*.

- PCT266 is part of the Box-Gum Woodland Endangered Ecological Community, remnants of which are present on the site.
- No other threatened flora or fauna has potential for permanent occupation of the site owing to its small size, high level of disturbance and poor habitat quality, although some threatened fauna species may utilise it occasionally.
- The amount of native vegetation that would be cleared for the development exceeds the threshold for the Biodiversity Offsets Scheme and requires assessment of the site via the Biodiversity Assessment Method (BAM).
- The proposed development can be assessed using the 'streamlined assessment method' for the Biodiversity Development Assessment Report.
- A preliminary BAM assessment indicated a biodiversity value of 24 credits for the site.
- The proposed development does not include 'core' Koala habitat and a SEPP 44 Plant of Management would not be required.

By virtue of this assessment, Council and DP&E can be satisfied that any future DA would satisfy the relevant obligations under the *Biodiversity Conservation Act 2016* and therefore the proposal would not result in adverse impacts to critical habitat or threatened species, populations or ecological communities, or their habitats.

The site is also mapped as being located within a Karst area. Suitable structural investigations and design would be necessary prior to the development proceeding, however these matters can be legitimately addressed in relation to developed design at DA stage. Accommodating this environmental constraint is not a barrier to the development proceeding.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Other potential environmental impacts associated with the project are related to:

- Challenges in providing adequate servicing to respond to the additional demand associated with the proposed use;
- Potential traffic impacts due to change in land use;
- Potential impacts to previously unknown or undiscovered sites of Aboriginal heritage significance due to disturbance of the land;
- Potential impacts associated with noise, both from external sources impacting on the land and noise from the development impacting on the locality;
- Potential impacts to construction associated with the underlying Karst landscape.
- Potential impacts from hazards.

As above, the site is not flood and bushfire prone and no other significant constraints are known to affect the land.

Servicing

The concept servicing strategy has identified suitable points for connection to Cabonne Council water and sewer services in relation to the proposed development, being the intersection of Riddell and George Streets to the east of the site. A pressure and flow test was completed by Council on behalf of the proponent at the proposed water connection point and the results show that the available pressure and flow can service the development without the need for booster pumps. Council has indicated no objection to the proposal as conceived in relation to potential servicing.

A concept layout for fire hydrants has been completed to show that the proposed development can be serviced with 6 fire hydrants. The available pressure and flow at the connection point has been confirmed with Council staff and shows that the site fire hydrants can be serviced without the need for booster pumps and storage tanks.

Stormwater runoff from the proposed development will be captured and conveyed to an on-site detention basin in the south east corner of the site that will limit peak flows leaving the site to pre-development levels.

Traffic and Access

The site is currently zoned as R5 Large Lot Residential, the proposed development will cause the density of the area to be increased however the nature of the land use means that a similar increase in traffic flows is unlikely. The concept design provided via this PP proposes the development of 44 self-contained seniors housing dwellings. A parking space for each dwelling is provided and a small on site bus will provide a transport option for those residents who don't own cars.

Parking rates for the proposed development, by reference to the Seniors Living SEPP is 0.5 car spaces for each bedroom (for non-social housing provider applications). The concept design provides 44 x 2-bedroom units, each with a double garage. By reference to this design, this therefore generates a need for 44 car parking spaces (88x0.5). Via the concept design, access to all units is from internal roads via a proposed access treatment to Queen Street. Parking requirements are therefore exceeded by the development.

The updated *RMS Guide to Traffic Generating Development 2013* provides that seniors living trip generation is, on average, 2.1 daily trips per dwelling and the weekday peak hour trip is 0.4 per dwelling. On the basis of 44 proposed dwellings, this equates to 92.4 trips per day and 17.6 in the peak hour. This is considered conservative, given not all occupants would be expected to have their own vehicles.

By comparison, the RMS guide estimates trip generation for low density dwellings at 7.4 trips per dwelling in regional areas and 0.71 trips per dwelling in the peak hour (regional). The current lot has an existing dwelling that would be expected to generate traffic at this level. While this may seem a large increase in vehicle movements, it is still within the operating capacity of the road network and would be unlikely to lead to a detrimental impact to the locality. Any perceived residual impact is offset by the benefit of the development to the local community, by providing a resource that is in demand.

The proposed property access would be designed to ensure compliance with Austroads standards together with the engineering standards of Cabonne Council.

Aboriginal Heritage

Aboriginal objects are defined as the physical evidence of the use of an area by Aboriginal people. Objects are also referred to as 'Aboriginal sites', 'relics' or 'cultural material'. They include:

- Physical objects, such as stone tools, remnant quarry sites, Aboriginal-built fences and stockyards, scarred trees and the remains of fringe camps,
- material deposited on the land, such as middens; or
- the ancestral remains of Aboriginal people

Aboriginal objects would be likely to occur on land that is not 'disturbed' by layers of development and that is also located:

- within 200 metres of waters;
- within a sand dune system;
- on a ridge top, a ridge line or a headland;
- within 200 metres below or above a cliff face;
- within 20 metres of, or in a, cave, rock shelter or cave mouth; or
- within remnant mature stands of vegetation

The subject site is developed and does not feature or is located near any of the abovementioned physical features. The extensive land modification associated with the ongoing use of the land for large lot residential purposes and the absence of the above listed landforms suggest the site is unlikely to contain any Aboriginal sites or places.

A search of the NSW Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) confirms that there are no recorded Aboriginal sites or places at or near the site. The search radius included a 50 m buffer around Lot 109 DP652726 – refer **Appendix C**.

Despite the low potential of discovering any Aboriginal cultural heritage items in the identified project area, a precautionary principle applies. The following safeguards are to be implemented to minimise potential disturbance by the proposed court upgrade:

- Limit proposed activity to the identified development footprint; and
- If something is discovered that could be an Aboriginal object during the course of construction, work in that area is to stop and the area is to be cordoned off. NSW OEH is to be contacted for advice on recording the finds, appropriate management options and how to proceed. [N.B., Part 6 of the National Parks and Wildlife Act 1974 gives only the Director General of the NSW OEH express powers to consent to the damage, destruction or defacement of Aboriginal objects by development activities].

On the basis of the above, Council and DPIE can be satisfied that the obligations with respect to Aboriginal heritage are satisfied and the development may proceed with caution, subject to the adoption of the above recommendations.

Potential contamination:

As a result of desktop investigations it was concluded that the use of the subject site appears to be limited to primary production activities (such as grazing of stock). This research did not reveal any indications of likely site contamination requiring remediation. It is concluded that the site is suitable to accommodate the proposed land use without the need for remediation. Consideration of the contamination status pursuant to the requirements of clause 6 of SEPP55 has been adequately completed. The obligations of SEPP55 are therefore adequately satisfied.

Noise

The locality is characterised by scattered residential dwellings in a long density setting, but also influenced by the proximity to the Molong Limestone Mine and the alignment of the Main Western Railway line to the west. These are both noise generating activities however are sufficiently removed from the site that the likelihood of significant adverse impacts is low. The site is outside of the adopted 500 metre buffer from the limestone mine that is outlined in the CSS and approximately 1 kilometre from the mine itself – refer **Figure 3**. A detailed noise assessment would be required at DA stage to determine that noise impacts associated with the proposal would not detrimentally impact on surrounding occupiers.

As per **Figure 3** there are around 40 dwellings within 1 kilometre of the site but there are a limited number of receivers directly adjacent to the site. Those nearest dwellings (to the west) are shielded from the proposal site by the change in grade of the landscape.



Figure 3: Nearby potentially sensitive receivers

Air quality

Air quality impacts associated with the proposal would be limited to short term impacts during construction. Given the residential nature of the land use, ongoing impacts during operation are not predicted.

Karst

The site is mapped as being located on Karst landscape. Geotechnical investigations will be necessary to demonstrate that the development may occur without risk in this environment. Given the lightweight construction proposed and the number of dwellings in the immediate locality, it is not anticipated that the proposal would lead to any unreasonable levels of risk to the development or the locality.

Standard mitigation measures adopted throughout construction would be sufficient to manage short term construction impacts.

Hazards

The site is not mapped as being prone to bush fire and flooding, As mentioned above the site is located on a Karst landscape, this has potential to pose a hazard, however the nature of the development deems the hazard of impacts posed to the development by the Karst landscape are minimal and can be managed effectively via technical and design methods, such as upfront geotechnical investigations and suitable structural and civil engineering design. No other hazards are known to affect the site.

By virtue of the above, impacts associated with the proposal are considered manageable.

Has the planning proposal adequately addressed any social and economic effects?

Social and economic effects associated with the planning proposal are considered to be generally positive. The *Draft Centres Policy 2009* (Policy) provides a number of questions that should be considered in determining whether to proceed with a rezoning; referred to as the Net Community Benefit Test. These questions together with an assessment in the context of the planning proposal are provided in **Table 3.3**.

The Policy identifies that if it is judged that the rezoning would produce a net community benefit, the proposal should proceed through the rezoning process. If no benefit is identified, the proposed rezoning should not proceed.

The outcome of the discussion provided in **Table 3.3** confirms that the rezoning would have a net community benefit and accordingly it is considered that the rezoning should proceed.

Table 3.3 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Would the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors)?	The Central West and Orana Regional Plan applies to the site. Direction 26 of the Regional Plan seeks to ensure choice of seniors living opportunities in the region.	The LEP seeks to add an additional permitted use to the site for the purposes of seniors living accommodation.	The qualitative benefits of the proposal are: <ul style="list-style-type: none"> The creation of additional seniors living opportunities in the locality to meet demand; The supply of additional accommodation options satisfies the needs of the region 	No external cost to the community as all services would be provided by the developer.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or another regional/sub-regional strategy? Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The site is located close to the health facilities of Molong and close to necessary services.	The planning proposal affects a single lot that is well located for the proposed purpose and proximal to the necessary facilities of Molong. It allows local people to retire and remain local, which is of benefit to the community.	It would be difficult to establish a precedent from support for the LEP based on the characteristics of the proposal and the subject land.	No external cost to the community

Table 3.3 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	No other noted spot rezonings in the locality	The proposed LEP has been prepared on behalf of the land developer to facilitate the seniors living development on the land.	No external cost to the community	No external cost to the community
Would the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No employment lands created however the project will employ construction staff and operational maintenance staff to manage the grounds and provide support care to the facility.	No employment lands created.	No employment lands created.	No external cost to the community
Would the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The subject lot is zoned large lot residential and accommodates one dwelling. The planning proposal provides additional affordable seniors living accommodation options, to the benefit of the locality.	The planning proposal provides for approximately 44 additional seniors living opportunities.	No external cost to the community	No external cost to the community
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Telecommunication, electricity, roads, sewer and water are available to the site.	Existing services would be extended to service the site.	No external cost to the community	No external cost to the community

Table 3.3 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Would the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	Not applicable	An increase in seniors living accommodation would not affect customers, employees or suppliers.	No external cost to the community	No external cost to the community
Are there significant Government investments in infrastructure or services in the area whose patronage would be affected by the proposal? If so, what is the expected impact?	The proposal would not affect any significant Government investments in infrastructure or services	Minor changes to traffic generation is predicted but this is within the capacity of the road network	No external cost to the community	No external cost to the community
Would the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No protected land.	The various specialist studies conclude that the land is suitable for the proposed use.	No external cost to the community	No external cost to the community
Would the LEP be compatible/ complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Would the public domain improve?	Adjacent land is developed for large lot residential purposes. The nature of the land use means that conflict between land use types is unlikely to occur.	The planning proposal provides additional seniors accommodation which is to the benefit of the local community.	No external cost to the community as all costs are borne by the applicant.	No external cost to the community

Table 3.3 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Would the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No current commercial or retail land use.	The LEP would not increase retail or commercial function but would support the local economy through provision of additional seniors living accommodation.	No external cost to the community	No external cost to the community
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not relevant to this planning proposal.			No external cost to the community
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	Provision of additional seniors living facilities lots would ensure demand for this form of accommodation is satisfied and enables local people to retire locally in appropriate facilities, rather than needing to relocate to larger centres.	Provides additional supply of seniors living in a location close to health services and in response to local demand.	Public Interest is best served by increasing supply of seniors living accommodation within the locality before demand becomes problematic.	Potential external cost to community if LEP does not proceed due to identified shortfall of senior's accommodation, as people will move to other localities to find accommodation.
Net Community Benefit =			Positive	Positive

The outcome of the above analysis confirms that the planning proposal would have a net community benefit to the local area.

The social effect of the planning proposal would be best gauged during the period of Community Consultation (refer **Section 4**).

3.4 STATE AND COMMONWEALTH INTERESTS

Is there adequate public infrastructure for the planning proposal?

Roads, electricity, telecommunications, reticulated water and sewer services are available in the locality and would be extended as required to service the proposed development as outlined in the attached servicing strategy – refer **Appendix D**.

The conclusion of initial investigations is that there are adequate services to meet the demands associated with the future development of the land for the purposes of seniors living.

What are the views of state and commonwealth public authorities consulted in accordance with the Gateway determination?

The views of state and commonwealth public authorities would be ascertained in accordance with the comments contained in the Gateway Determination.

Comments from the former NSW Office of Environment and Heritage are provided as **Appendix G**.

4 COMMUNITY CONSULTATION

4.1 TYPE OF COMMUNITY CONSULTATION REQUIRED

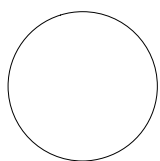
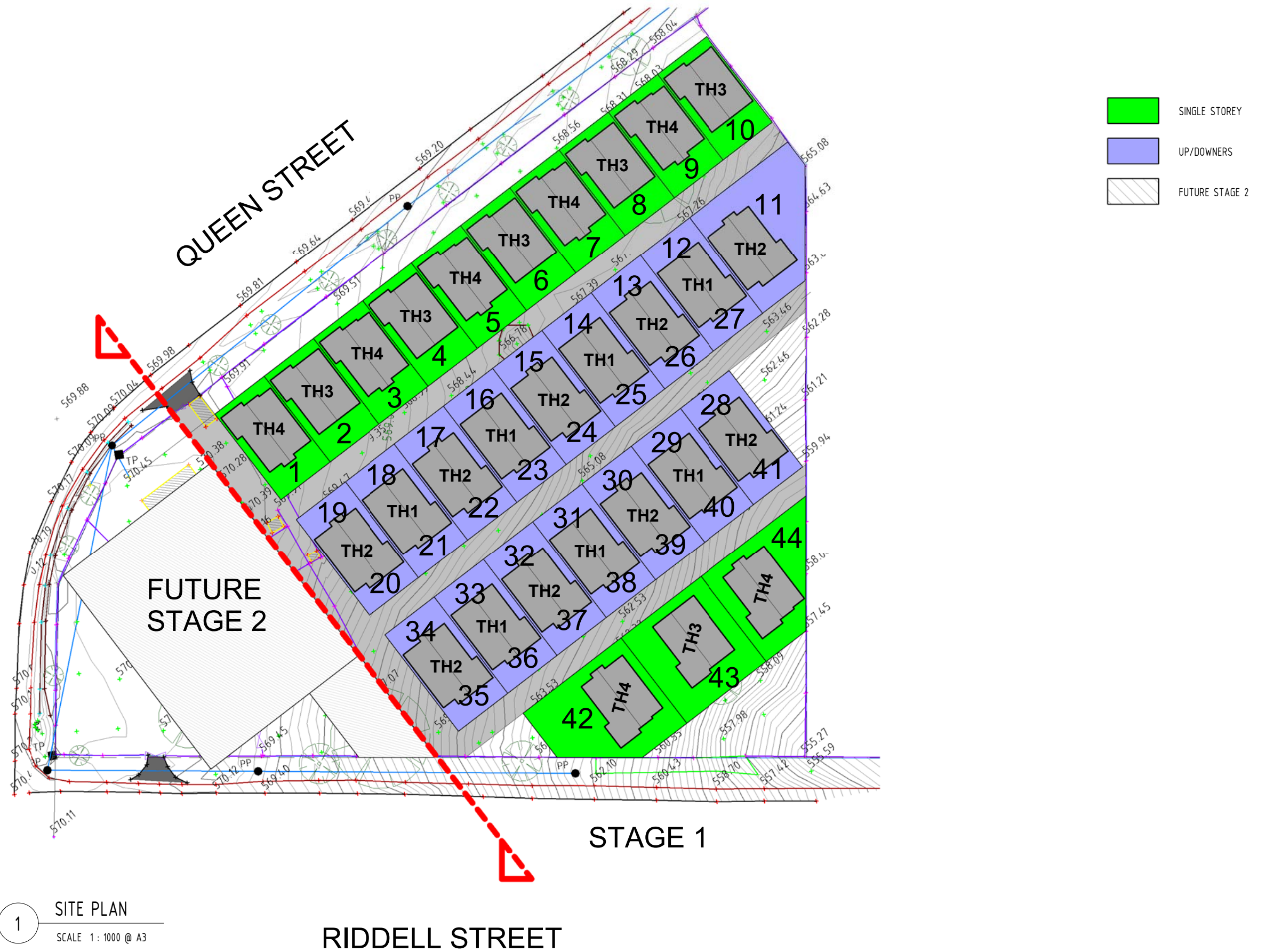
Given the minor nature of the proposal, and the relative localised nature of any impacts, it is considered that the planning proposal is a low impact proposal. Nonetheless it is recommended that a public exhibition period of 28 days be provided. It is recommended that the planning proposal be publically exhibited for 28 days via the local newspaper and/or the Council's website, and via targeted correspondence to neighbouring properties.

References

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Appendix A

CONCEPT SITE LAYOUT PLAN



Appendix B

PRELIMINARY ECOLOGICAL ASSESSMENT

10 January 2019

Mr David Walker
Geolyse Pty Ltd
PO Box 1963
Orange NSW 2800

Dear David,

**Re: Proposed Retirement Village at 59 Queen Street, Molong -
Preliminary Biodiversity Assessment**

The proposed retirement village development is located on Lot 9 DP 652726 on the southern side of Queen Street, Molong (Figure 1). The purpose of this letter is to provide a preliminary assessment of the site to determine what level of biodiversity assessment is required under the NSW *Environmental Planning and Assessment Act 1979* and the *Biodiversity Conservation Act 2016* (BC Act).

The development site is relatively small (1.9 ha), so the first requirement is to determine whether the Biodiversity Offsets Scheme applies. Section 7 of the *Biodiversity Conservation Regulation 2017* sets the thresholds for entry into the Biodiversity Offsets Scheme (BOS). For properties zoned with a minimum lot size between 1 and 40 ha the clearing threshold for native vegetation is 0.5 ha. Accordingly, it is necessary to determine how much 'native vegetation' would be cleared for the development, where native vegetation is defined in the *Local Land Services Amendment Act 2016* as;

60B *Meaning of "native vegetation"*

(1) *For the purposes of this Part, native vegetation means any of the following types of plants native to New South Wales:*

- (a) *trees (including any sapling or shrub or any scrub),*
- (b) *understorey plants,*
- (c) *groundcover (being any type of herbaceous vegetation),*
- (d) *plants occurring in a wetland.*

Site visits were made on 17 December 2018 and 10 January 2019 to determine the status of the vegetation.

Survey Methods

The following aspects of the vegetation were identified and mapped;

- All native trees present on the site were identified to species,
- native trees in the immediate surrounds were also identified to assist in determination of the appropriate Plant Community Type for the site,
- the groundcover was classified and mapped into two zones being;
 - a. Exotic-dominated, i.e. having > 50 percent cover of introduced plant species,
 - b. Derived native grassland, i.e. having > 50 percent cover of native plant species, and
- habitat for threatened flora and fauna species that may potentially occur.

In addition, two Biodiversity Assessment Method (BAM) (OEH, 2017) quadrats were conducted, one each in areas of exotic-dominated grassland / forbland and derived native grassland (Figure 2). The BAM quadrats provided vegetation data for entry into the BAM credit calculator which was used to quantify the biodiversity value of the site.

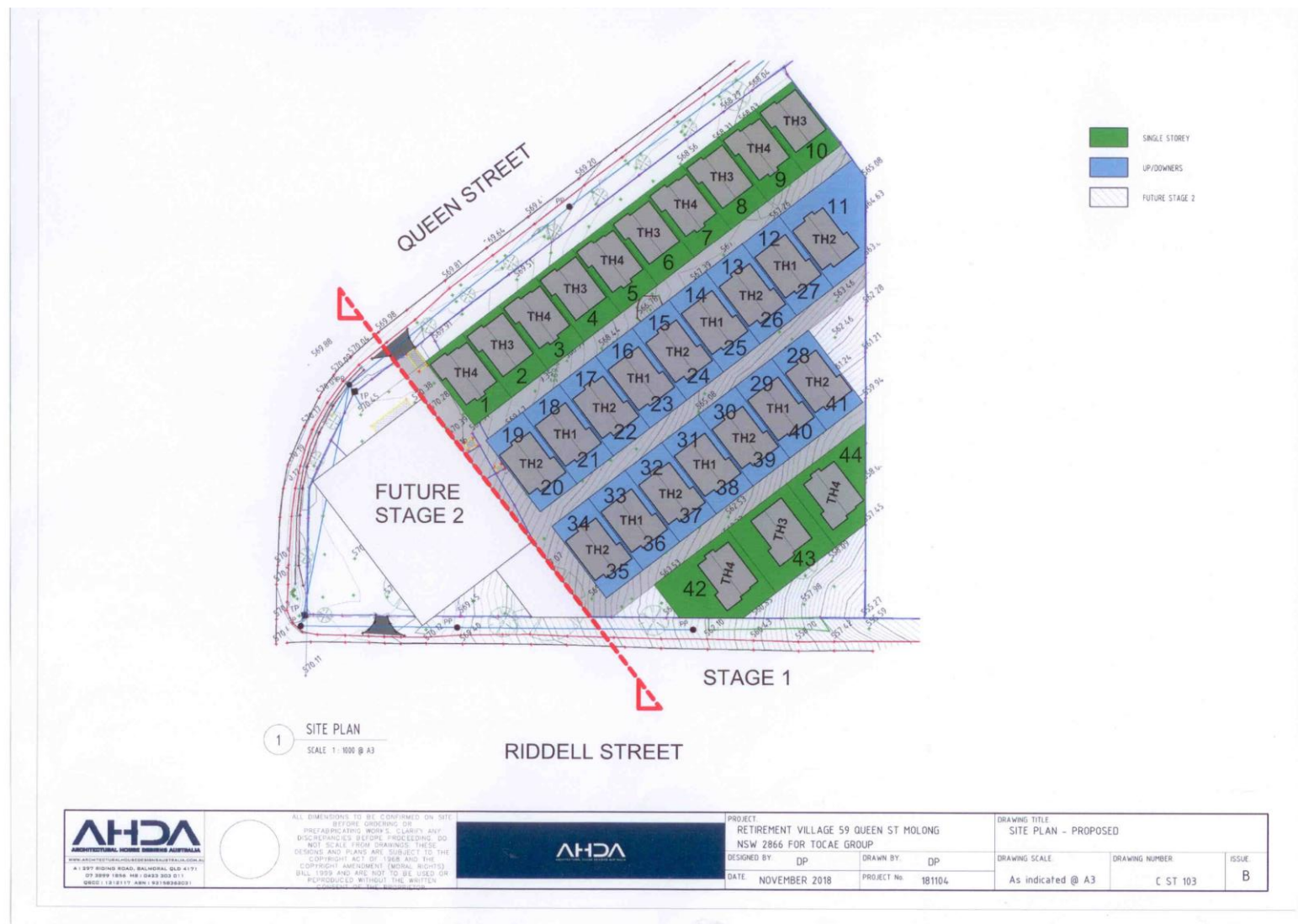


Figure 1. Concept Design for Retirement Village at 59 Queen Street, Molong, NSW.



Figure 2. Vegetation Zones, Native Trees and BAM Quadrat Sites at 59 Queen Street, Molong.

Site characteristics

The site has the following characteristics:

- The site is underlain by limestone rocks with Terra Rosa soils.
- The site has been used recently as a grazing paddock for horses.
- The land slopes from the Queen Street boundary to the lowest point in the south-east corner.
- There are three remnant native trees on the site, two White Box (*Eucalyptus albens*) and one Kurrajong (*Brachychiton populneus*).
- Native trees on land adjoining the site include Yellow Box (*Eucalyptus melliodora*) and Apple Box (*Eucalyptus bridgesiana*).
- The site lacks native shrubs but has several exotic shrubs including Large-leaved Privet (*Ligustrum lucidum*), Hawthorn (*Crataegus monogyna*) and Sweet Briar (*Rosa rubiginosa*).
- The paucity of native trees on the site indicates it is best regarded as grassland/forbland with scattered trees.
- The native vegetation on the site is highly degraded, heavily weed infested and includes only a small portion of the original pre-European diversity.

Results

Plant Community Type (PCT)

The dominant native tree species on the development site and the immediate surrounds indicate the original vegetation belonged to PCT266 - *White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion* (BioNet 2018).

Endangered Ecological Community

PCT266 is part of the Box-Gum Woodland Endangered Ecological Community which is listed as the;

- *White Box Yellow Box Blakely's Red Gum Woodland Endangered Ecological Community* (BC Act), which is equivalent to,
- *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland Critically Endangered Ecological Community* (Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* [EPBC Act]).

Other Potential Threatened Flora and Fauna Species, Populations and Critical Habitat

The habitats on the site are considered highly unlikely to support resident populations of any other flora or fauna species, populations or critical habitat listed under the BC Act or the EPBC Act because of the high level of disturbance and poor habitat quality. The native trees on the site may provide occasional temporary resources for some threatened fauna species.

Biodiversity Offsets Scheme

The area of derived native grassland from PCT266 on the development site is 0.74 ha, which exceeds the 0.5 ha threshold for application of the Biodiversity Offsets Scheme (BOS). Accordingly, the impacts of the proposed development on biodiversity are required to be assessed under the BOS using the Biodiversity Assessment Method (BAM) and the online credit calculator.

However, the proposed development can be assessed using the so-called 'streamlined assessment method' which applies to clearing of less than 2 ha where the minimum lot size is between 1 and 40 ha. The streamlined assessment module is faster, less detailed and less expensive to undertake than a full BAM assessment.

Preliminary BAM Assessment

It is assumed for the purposes of this preliminary assessment that all the existing vegetation on the development site would be cleared, including 0.7 ha (39%) of derived native grassland and 1.2 ha (61%) of exotic-dominated grassland / forbland. The data from the two BAM quadrats (Table 1) were fed into the online Office of Environment and Heritage credit calculator (OEH 2019) to determine a biodiversity credit value for the remnant native vegetation on the site.

Table 1. Collated Quadrat Data for the BAM Credit Calculator.

BAM attribute	Derived Native Grassland		Exotic-dominated Grassland / Forbland	
	No. of species	Foliage cover (%)	No. of species	Foliage cover (%)
<i>Native trees</i>	1	15.0	0	0
<i>Native shrubs</i>	0	0	0	0
<i>Native grasses</i>	9	8.1	6	4.3
<i>Native forbs</i>	9	2.0	8	2.0
<i>Native ferns</i>	0	0	0	0
<i>Native other</i>	0	0	1	0.1
<i>High Threat Weeds</i>	5	2.8	4	4.3
<i>Litter cover</i>	-	50	-	74
<i>Length of fallen logs</i>	-	2.1	-	0

Table 2 gives the summary vegetation statistics generated by the credit calculator. As expected, the derived native grassland has a higher vegetation integrity score than the exotic-dominated grassland / forbland. The score for the latter just exceeds 15, which is the threshold above which vegetation has sufficient value to require offsetting.

Table 2. Vegetation Integrity Statistics Generated by the Credit Calculator

Statistic	Score	
	Derived Native Grassland	Exotic-dominated Grassland / Forbland
<i>Composition</i>	67.6	62.9
<i>Structure</i>	44.1	5.8
<i>Function</i>	17	15
<i>Vegetation Integrity</i>	37	17.6

The estimated credit liability for biodiversity on the development site is given in Table 3.

Table 3. Biodiversity Credits Summary.

Vegetation Zone	No. of credits
Derived native grassland (0.7 ha) (PCT266)	14
Exotic-dominated grassland / forbland (1.2 ha) (PCT266)	10
Total	24

The number biodiversity credits assigned to this site may seem surprising given its highly disturbed nature as a cleared grazing paddock and its high coverage of exotic weed species. The reason for its relatively high residual biodiversity is the fact that it does not appear to have been cultivated or pasture-improved historically. Consequently, it retains a diversity of resilient native grasses and herbs in the groundcover.

Conclusions

It is concluded that:

- The proposed development site is highly disturbed and, while dominated by introduced flora species and weeds, native grasses and forbs are widely dispersed and dominate the groundcover over approximately 40 percent of the site.
- Remnant eucalypt trees on and around the development site indicate the original native vegetation was Plant Community Type (PCT) 266: *White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion*.
- PCT266 is part of the Box-Gum Woodland Endangered Ecological Community, remnants of which are present on the site.
- No other threatened flora or fauna has potential for permanent occupation of the site owing to its small size, high level of disturbance and poor habitat quality, although some threatened fauna species may utilise it occasionally.
- The amount of native vegetation that would be cleared for the development exceeds the threshold for the Biodiversity Offsets Scheme and requires assessment of the site via the Biodiversity Assessment Method (BAM).
- The proposed development can be assessed using the 'streamlined assessment method' for the Biodiversity Development Assessment Report.
- A preliminary BAM assessment indicated a biodiversity value of 24 credits for the site.

References

- BioNet (2019). *BioNet Vegetation Classification*. NSW Office of Environment and Heritage, Sydney. Web address: www.environment.nsw.gov.au/research/Visclassification.htm/. (Accessed: December 2018).
- OEH (2017). *Biodiversity Assessment Method*. NSW Office of Environment and Heritage, Sydney.
- OEH (2019). *Biodiversity Assessment Calculator*. Webpage: <https://www.lmbc.nsw.gov.au/bamcalc>. (Accessed: January 2019). NSW Office of Environment and Heritage, Hurstville.

Signed:



Principal Consultant Ecologist
FloraSearch

Appendix C

AHIMS SEARCH RESULT

Geolyse Pty Ltd

Date: 19 March 2019

PO Box 1842 62 Wingewarra Street
Dubbo New South Wales 2830

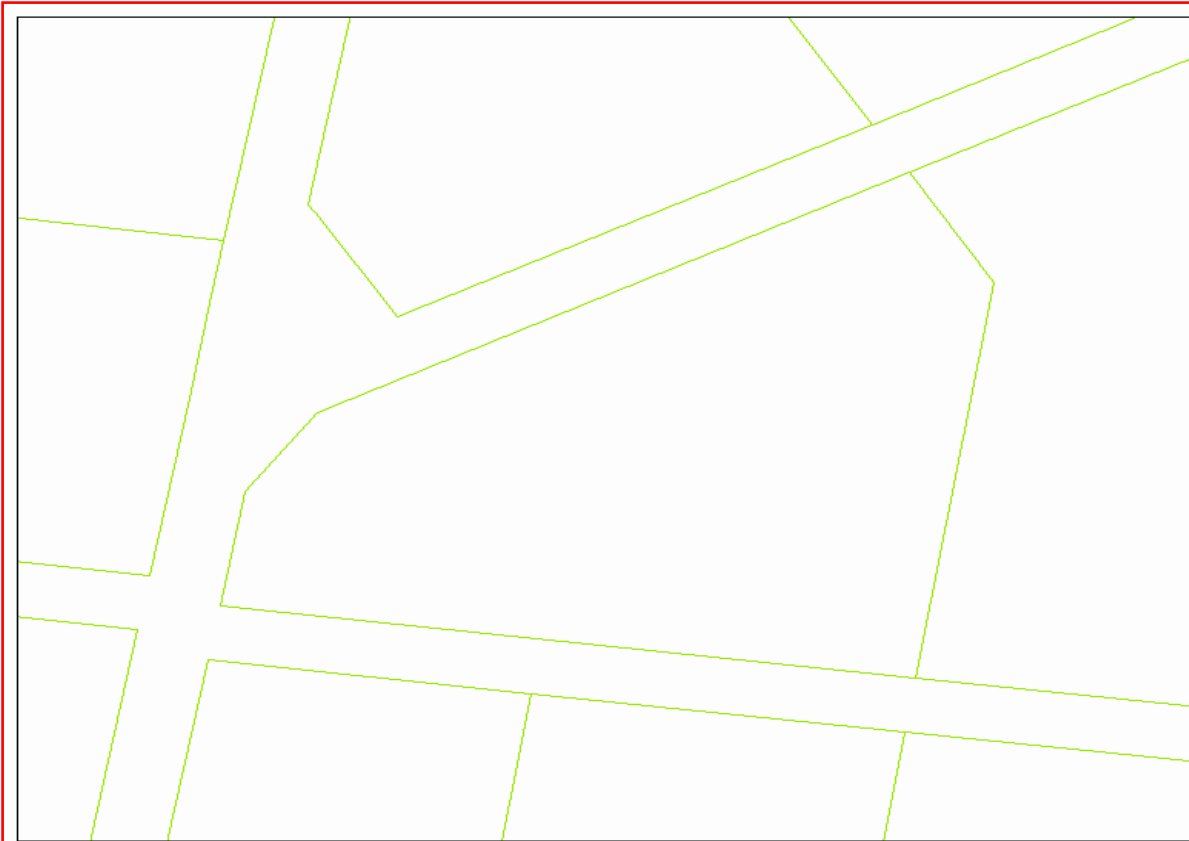
Attention: David Walker

Email: dwalker@geolyse.com

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 109, DP:DP652726 with a Buffer of 50 meters,
conducted by David Walker on 19 March 2019.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Appendix D

CONCEPT SERVICING STRATEGY

TOCAE RETIREMENT VILLAGE

59 QUEEN ST, MOLONG

RV MANAGEMENT PTY LTD

CONCEPT SERVICES STRATEGY-CIVIL WORKS

SCHEDULE OF DRAWINGS	
DRAWING	TITLE
C001	TITLE SHEET
C002	EXISTING SITE PLAN
C003	CONCEPT SITE PLAN
C004	CONCEPT SERVICES PLAN



SITE LOCALITY
NOT TO SCALE

REV.	DATE	DFTD.	APPD.	DETAILS
A	22/03/19	GT	AW	FOR REVIEW

	FILE	INITIALS	DATE
SURVEY	218483.DWG	PS	FEB 19
DESIGN	-	-	-
DRAINS/ HEC-RAS MODELLING	-	-	-
ENGINEERING/ SURVEYING APPROVAL			

DRAWING SCALE
DO NOT SCALE FROM THESE DRAWINGS. ALL MEASUREMENTS SHALL BE CONFIRMED ON SITE AND WITH GEOLYSE PTY. LTD. PRIOR TO CONSTRUCTION

APPROVAL AUTHORITY	CABONNE COUNCIL
CLIENT	RV MANAGEMENT PTY LTD
PROJECT	TOCAE RETIREMENT VILLAGE 59 QUEEN ST, MOLONG SERVICES STRATEGY-CIVIL WORKS



GEOLYSE
ORANGE

154 PEISLEY STREET
P.O. BOX 1963
ORANGE, NSW 2800
Ph. (02) 6393 5000
Fx. (02) 6393 5050

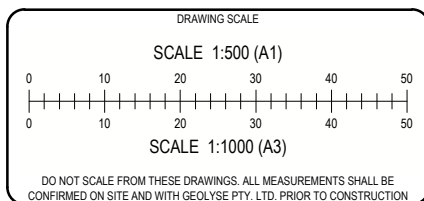
orange@geolyse.com
www.geolyse.com

DRAWING				TITLE SHEET	
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SURVEY MARK -		R.L. -		DATUM A.H.D.	
IMAGE SOURCE -		STATUS FOR REVIEW		SHEET C001 OF C004	SET 02A




REV.	DATE	DFTD.	APPD.	DETAILS
A	22/03/19	GT	AW	FOR REVIEW

	FILE	INITIALS	DATE
SURVEY	218483.DWG	PS	FEB 19
DESIGN	-	-	-
DRAINS/ HEC-RAS MODELLING	-	-	-
ENGINEERING/ SURVEYING APPROVAL	-	-	-



APPROVAL AUTHORITY	CABONNE COUNCIL
CLIENT	RV MANAGEMENT PTY LTD
PROJECT	TOCAE RETIREMENT VILLAGE 59 QUEEN ST, MOLONG SERVICES STRATEGY-CIVIL WORKS

**GEOLYSE**
ORANGE

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ORANGE, NSW 2800
Ph. (02) 6393 5000
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orange@geolyse.com
www.geolyse.com

DRAWING				EXISTING SITE PLAN	
PROJECT NUMBER 218483		DRAWING FILE 218483_02A-C001-C004.dwg		ORIGINAL	
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IMAGE SOURCE -		DATUM A.H.D.		SET	
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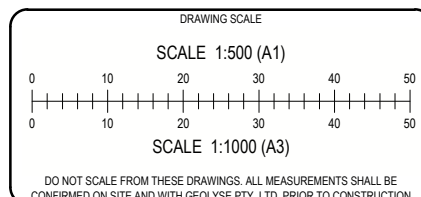
---	ROAD CENTRELINE
- / - / -	FENCE
OH	EXISTING OVERHEAD ELECTRICITY LINES
T	EXISTING TELECOMMUNICATIONS LINE
S	PROPOSED SEWER MAIN
W	PROPOSED WATER MAIN
FH	PROPOSED FIRE SERVICE MAIN
D	PROPOSED STORMWATER MAIN
PP	EXISTING POWER POLE
TP	EXISTING TELECOMMUNICATIONS PIT
FH	PROPOSED FIRE HYDRANT
WMR	PROPOSED WATER METER
FSMR	PROPOSED FIRE SERVICE METER
	PROPOSED GRATED DRAINAGE PIT
	PROPOSED HEADWALL OUTLET

THIS PLAN IS PREPARED FROM A COMBINATION OF FIELD SURVEY AND EXISTING RECORDS. THIS PLAN IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY. AND SHOULD NOT BE USED FOR CONSTRUCTION.



REV.	DATE	DFTD.	APPD.	DETAILS
A	22/03/19	GT	AW	FOR REVIEW

FILE	INITIALS	DATE
SURVEY 218483.DWG	PS	FEB 19
DESIGN -	-	-
DRAINS/ HEC-RAS MODELLING -	-	-
ENGINEERING/ SURVEYING APPROVAL	-	-



APPROVAL AUTHORITY	CABONNE COUNCIL
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DRAWING			
CONCEPT SITE PLAN			
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IMAGE SOURCE -	STATUS FOR REVIEW		
SHEET C003	OF C004	02A	

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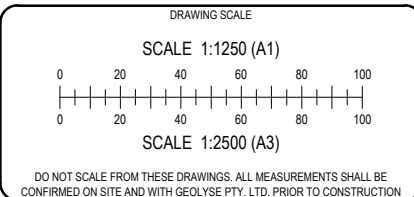
- ROAD CENTRELINE
--- / --- FENCE
--- OH --- EXISTING OVERHEAD ELECTRICITY LINES
--- T --- EXISTING TELECOMMUNICATIONS LINE
--- S --- PROPOSED SEWER MAIN
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TP □ EXISTING TELECOMMUNICATIONS PIT
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(PROPOSED HEADWALL OUTLET

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A	22/03/19	GT	AW	FOR REVIEW

FILE	INITIALS	DATE
SURVEY 218483.DWG	PS	FEB 19
DESIGN -	-	-
DRAINS/ HEC-RAS MODELLING -	-	-
ENGINEERING/ SURVEYING APPROVAL	-	-



APPROVAL AUTHORITY	CABONNE COUNCIL
CLIENT	RV MANAGEMENT PTY LTD
PROJECT	TOCAE RETIREMENT VILLAGE 59 QUEEN ST, MOLONG SERVICES STRATEGY-CIVIL WORKS

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DRAWING			
CONCEPT SERVICES PLAN			
PROJECT NUMBER 218483	DRAWING FILE 218483_02A-C001-C004.dwg	ORIGINAL	A1
SURVEY MARK -	R.L. -	DATUM A.H.D.	SET
IMAGE SOURCE -	STATUS FOR REVIEW		SHEET C004 OF C004
			02A

Appendix E

CABONNE COUNCIL MEETING REPORT AND MINUTES

19/04/05 Carried

ITEM - 6 GROUPING OF REPORT ADOPTION

MOTION (Durkin/Newsom)

THAT items 7 to 9 be moved and seconded.

19/04/06 Carried

ITEM - 7 CONFIRMATION OF THE MINUTES

MOTION (Durkin/Newsom)

THAT the minutes of the Ordinary meeting held 26 March 2019 be adopted.

19/04/07 Carried

ITEM - 8 ENFORCEMENT AND COMPLIANCE POLICY

MOTION (Durkin/Newsom)

THAT Council endorse the draft Enforcement and Compliance Policy and place on public exhibition for a period of not less than 42 days, inviting submissions from the public, after which time the policy shall be reported back to Council for adoption with a summary of submissions received.

19/04/08 Carried

ITEM - 9 DRAFT IT SECURITY POLICY

MOTION (Durkin/Newsom)

THAT Council endorse the draft IT Security Policy

19/04/09 Carried

**ITEM - 10 2019 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S
ASSOCIATION ANNUAL CONFERENCE**

MOTION (Oldham/Treavors)

THAT Cllr Oldham be authorised to attend the 2019 ALGWA National Conference.

19/04/10 Carried

**ITEM - 11 PLANNING PROPOSAL FOR AMENDMENT TO CABONNE
LOCAL ENVIRONMENTAL PLAN 2012 TO INCLUDE IN
SCHEDULE 1 LAND AT 59 QUEEN STREET, MOLONG, FOR THE**

PURPOSE OF A SENIORS LIVING DEVELOPMENT

Proceedings in Brief

Clr Batten queried if the current water situation in Molong plus the Molong to Cumnock and Yeoval pipeline water implications has been considered in this development proposal. The Director of Environmental Services advised that the proposal is for the initial step to amend the Local Environmental Plan, and that the developer has undertaken initial research into the site and its servicing capacity.

Clr Davison noted that he recently attended an aged forum in Orange and suggested that at some stage Council should consider what services are needed to support a development such as this and thought it would be beneficial if Council held another forum in Molong and surrounding towns/villages to find out what residents will require from council in the future.

The General Manager advised that the Disability Inclusion Action Plan is another resource that should also be considered.

MOTION (Jones/Oldham)

THAT Council:

1. Receive and note the Planning Proposal to amend Cabonne Local Environmental Plan 2012 to add an additional permitted use to Schedule 1 of that plan to enable development of a seniors' housing development upon land identified as Lot 109 DP 652726, being 59 Queen Street, Molong.
2. Forward the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979.
3. Receive a further report following the public exhibition period to provide details of an submissions received during the exhibition.

19/04/11 Carried

The Chair called for a Division of Council as required under Section 375A (3) of the Local Government Act which resulted in a vote (noting the absence of Clr Walker) for the motion as follows:

For: Clr K Beatty, J Jones, M Nash, P Mullins, G Treavors, C Newsom, A Durkin, J Weaver, P Batten, L Oldham and I Davison.

Against: Nil

**ITEM - 12 REVIEW OF COUNCIL'S WATER AND / OR SEWERAGE
CONSUMPTION COSTS POLICY**

Proceedings in Brief

The 2019 National ALGWA Conference will be hosted by Blacktown City Council from 15-17 May 2019.

The Australian Local Government Women's Association (ALGWA) supports and promotes women in local government through advocacy, advice and action. The national conference provides a fantastic opportunity for delegates to network with like-minded women from all avenues of local government and exchange ideas, debate and engage in cross-council collaboration on issues affecting women in local government. The conference program is attached. Registration options include full, one or two day registration.

Any councillor interested in attending should nominate to be authorised to attend.

ITEM 11 - PLANNING PROPOSAL FOR AMENDMENT TO CABONNE LOCAL ENVIRONMENTAL PLAN 2012 TO INCLUDE IN SCHEDULE 1 LAND AT 59 QUEEN STREET, MOLONG, FOR THE PURPOSE OF A SENIORS LIVING DEVELOPMENT

REPORT IN BRIEF

Reason For Report	To obtain council support for the planning proposal.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.c - Provide appropriate mechanisms for democracy and participation for Cabonne residents
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\LAND USE AND PLANNING\\ZONING\\REZONING APPLICATIONS - 1007329

RECOMMENDATION

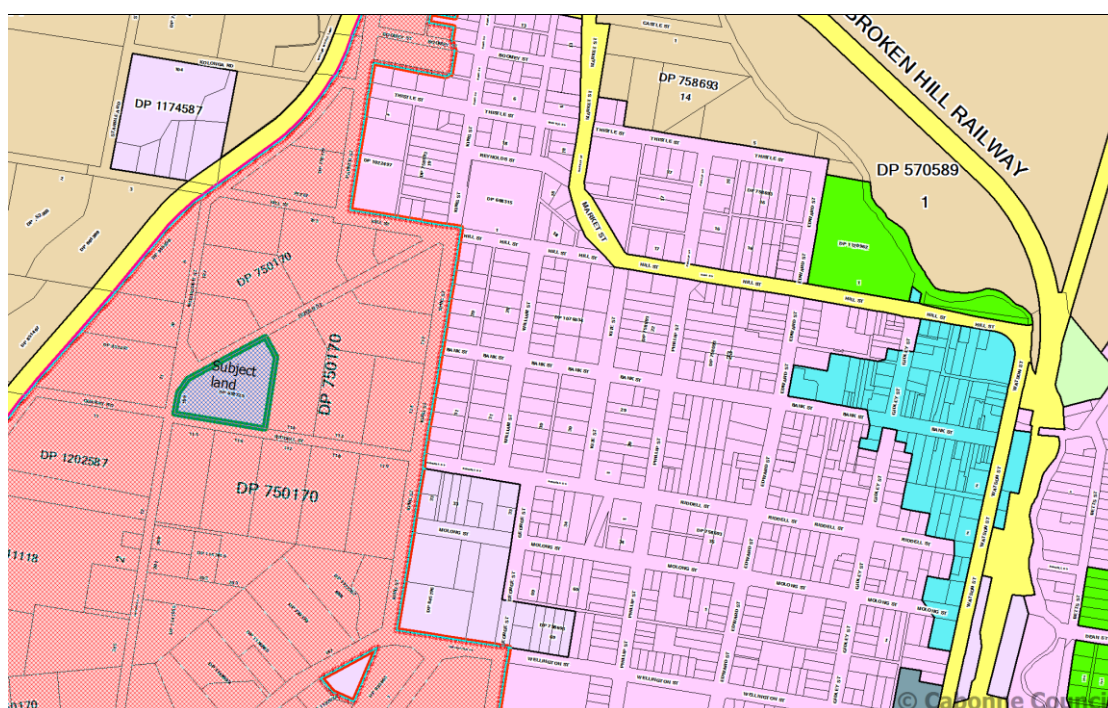
THAT Council:

1. Receive and note the Planning Proposal to amend Cabonne Local Environmental Plan 2012 to add an additional permitted use to Schedule 1 of that plan to enable development of a seniors' housing development upon land identified as Lot 109 DP 652726, being 59 Queen Street, Molong.
2. Forward the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979.
3. Receive a further report following the public exhibition period to provide details of any submissions received during the exhibition.

ACTING GENERAL MANAGER'S REPORT

Council has received a Planning Proposal from Geolyse on behalf of Gordon Eacott to amend the Cabonne Local Environmental Plan 2012. The Planning Proposal relates to land located in west Molong described as Lot 109 DP 652726, 59 Queen Street, Molong, and owned by Mr TJ and Mrs R Hale.

The subject land is currently zoned R5 Large Lot Residential by the Cabonne Local Environmental Plan 2012 (the LEP). It is proposed to amend the LEP to add an additional permitted use to Schedule 1 of that plan to enable development of the subject land for the purpose of a 42 unit development for seniors living accommodation.



Location map



Aerial map of subject area

A conceptual development plan has been prepared as part of the Planning Proposal, however the final lot layout may vary based upon the requirements of the development assessment process and relevant design criteria. It is proposed that the development be released in two stages.

Preliminary investigation has been undertaken as part of the Planning Proposal to assess environmental impacts including water quality, flora and fauna assessment, groundwater, on-site effluent disposal, soil erosion, stormwater management, traffic and access, and site contamination. The support documentation indicates that the land is capable of accommodating the proposed development. A review of the Planning Proposal documentation by council officers supports the study findings.

The Planning Proposal to amend LEP 2012 by inclusion of the subject land within Schedule 1 for the purpose of a seniors housing facility is supported. It is considered that the relevant requirements under section 3.33 of the Environmental Planning and Assessment Act 1979 and the matters identified in the Department of Planning's 'A guide to preparing Planning Proposals' have been adequately addressed in the Planning Proposal.

It is recommended that council support the Planning Proposal by submission of the proposal for Gateway Determination.

The intended outcomes of the Planning Proposal are identified as being:

- To amend the Cabonne Local Environmental Plan 2012 to add an additional permitted use to Schedule 1 of that plan to enable development of a seniors housing development upon land identified as Lot 109 DP 652726, being 59 Queen Street, Molong.

ITEM 12 - REVIEW OF COUNCIL'S WATER AND / OR SEWERAGE CONSUMPTION COSTS POLICY

REPORT IN BRIEF

Reason For Report	To enable council's review of its policy
Policy Implications	Amend an existing policy to delegate certain water account variation requests to the General Manager
Budget Implications	Nil
IPR Linkage	4.5.1.a - Provide quality administrative support and governance to councillors and residents
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\FINANCIAL MANAGEMENT\FINANCIAL REPORTING\FINANCIAL REPORTS TO COUNCIL - 1007354

RECOMMENDATION

THAT council amend clause 11 of the 'Request for reduction in water and/or sewerage consumption costs policy' by the inclusion of an additional dot point to that clause to read *'The General Manager may determine and approve requests for water account adjustments in relation to applications for adjustments under \$1,000. Any adjustments over this amount will be directed to council for approval.'*

ACTING GENERAL MANAGER'S REPORT

The Deputy Mayor, Cr Durkin, at the March 2019 council meeting requested council consider a review its policy 'Request for reduction in water and / or sewerage consumption costs policy'. Cr Durkin suggested that the policy be amended to delegate to the General Manager responsibility to determine and approve consumer requests to adjust accounts of under \$1,000 where requests relate to undetected water leakage. The suggested amendment would be similar to the procedure adopted by Central Tablelands Water in its 'Undetected Water Leakage Allowance Policy'.

The suggested amendment to council's policy would enable prompt determination of general requests, with only the more significant requests being subject to a council report.

To facilitate the suggested amendment to council's policy an additional dot point may be added to clause 11 Policy Statement as follows:

Appendix F

CORRESPONDENCE FROM NSW DP&E



Mr Brad Byrnes
General Manager
Cabonne Council
PO Box 17
MOLONG NSW 2866

Dear Mr Byrnes

Cabonne Local Environmental Plan 2012 – Proposed LEP Amendment for 59 Queen Street Molong – Request for further information

I am writing to you regarding Council's request for a Gateway determination on 9 May 2019 seeking to amend the Cabonne Local Environmental Plan 2012 to include an Additional Permitted Use within Schedule 1 to allow seniors housing at 59 Queen Street, Molong.

Initial review of the planning proposal documentation has been completed. It has been identified that additional information is required before the Department can undertake further assessment of the proposal. Council is requested to provide the following information:

- Detailed comments regarding the strategic merit of the proposal is required, including reference to how this proposal is consistent with the Cabonne Settlement Strategy 2012. Identification of the intended future use of surrounding land should be included, as well as reference to the existing provisions in the Cabonne Local Environmental Plan 2012 which permit a reduced minimum lots size for surrounding land zone R5 Large Lot Residential, if serviced.
- Acceptable site related requirements for seniors housing are a component of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. These requirements include standards for location and access to facilities and requirements for servicing. Consideration should be given to these requirements when determining the site-specific merit of the proposal. Please demonstrate that these requirements have been considered.
- Giving further consideration to site suitability and selection, please demonstrate that consideration has been given to the suitability of other sites currently zone R1 General Residential and zones where seniors housing is currently permitted.
- Detail consistency with the Central West and Orana Regional Plan 2036, Action 26.5 Locate new housing for seniors close to existing services and facilities, and on land free from hazards by reference to location of relevant services and facilities in relation to the site and demonstrating the land is free

from hazards which would impact on the suitability of the site for the proposed use.

- It is suggested that Council undertake preliminary consultation with the Office of Environment and Heritage to clarify whether the site is identified as potential koala habitat for the purpose of State Environmental Planning Policy 44 (Koala Habitat Protection), and any associated requirements. It is noted that formal consultation with the Office of the Environmental and Heritage will be a requirement of any Gateway determination on this proposal.

Should you have any enquiries about this matter, I have arranged for Ms Amanda Carnegie of the Department of Planning and Environment, Western Region office, to assist you. Ms Carnegie can be contacted on 5852 6800.

Yours sincerely



27.5.19

Damien Pfeiffer
Director Regions, Western
Planning Services

Appendix G

CORRESPONDENCE FROM NSW OEH

David Walker

From: Sam Burns
Sent: Wednesday, 12 June 2019 10:55 AM
To: David Walker
Subject: FW: Potential Koala Habitat

This is the response from the OEH in regard to the seniors living at Molong.



SAM BURNS
Graduate Town Planner

T 02 6393 5000
E sam.burns@premise.com.au
A 154 Peisley St, Orange NSW 2800



We have recently rebranded, can you please update your records

From: Renee Shepherd <Renee.Shepherd@environment.nsw.gov.au>
Sent: Wednesday, 12 June 2019 10:38 AM
To: Sam Burns <sam.burns@premise.com.au>
Cc: Samantha Wynn <Samantha.Wynn@environment.nsw.gov.au>
Subject: RE: Potential Koala Habitat

Hi Sam,

It would be beneficial to consider SEPP 44 at this point in the LEP amendment process in order to identify whether core koala habitat is present and how that might impact on the determination of a future DA.

With regards to SEPP 44 – Cabonne LGA is listed in Schedule 1 as land to which the policy applies.

The proponent/consultant therefore must determine whether land contains potential koala habitat (where the trees listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component). If it is considered that the land is potential koala habitat then it must be determined if the land is core koala habitat (whether the land has a resident population of koalas). Neither of these considerations were included in the letter provided by FloraSearch, however the purpose of the letter does appear to be focussed on the whether a future DA would trigger the Biodiversity Offset Scheme (BOS) or not. It is recommended that the environmental assessment for the LEP amendment considers SEPP 44 so that any potential environmental constraints to future development are clearly identified now.

Please note that it is the role of the proponent to include this information in the environmental assessment, it is not the role of OEH to determine whether the site contains potential koala habitat.

The letter from FloraSearch indicates that the proposed retirement village development would trigger entry into the BOS. The potential impact to koalas must therefore be appropriately assessed in section 6 of the Biodiversity Assessment Method (BAM), with these impacts and any relevant offsets detailed in the Biodiversity Development Assessment Report (BDAR). The BDAR will need to accompany any future DA.

If you have any further questions please get in touch.

Regards,
Renee.

Renee Shepherd

Senior Conservation Planning Officer
North West Branch
Regional Operations Division
Office of Environment & Heritage

48-52 Wingewarra Street, Dubbo 2830
PO Box 2111, Dubbo 2830
T 02 6883 5355 F 02 6884 8675

Please note that I work part-time: Monday-Thursday

From: Sam Burns <sam.burns@premise.com.au>
Sent: Friday, 7 June 2019 9:33 AM
To: Renee Shepherd <Renee.Shepherd@environment.nsw.gov.au>
Subject: Potential Koala Habitat

Hi Renee,

We are currently in discussions with Cabonne Shire Council and the Department of Planning & Environment regarding a proposed development at 59 Queen Street, Molong (Lot 1 DP1197038)

The Department of Planning & Environment has requested commentary from the Office of Environment and Heritage with clarification as to whether the subject site is identified as potential koala habitat, for the purpose of SEPP 44.

Attached are the comments from the Department, specifically the final dot point.

An ecological assessment was conducted by FloraSearch as part of the initial proposal. Their findings suggest the site is highly unlikely to support resident populations of any other flora or fauna species, populations or critical habitat listed under the BC Act or the EPBC Act because of the high level of disturbance and poor habitat quality.

The FloraSearch Ecological report is also attached.

Can you provide comments on the possibility for potential koala habitat to be located on site.

Please contact the undersigned to discuss.

Kind Regards



SAM BURNS
Graduate Town Planner

T 02 6393 5000
E sam.burns@premise.com.au
A 154 Peisley St, Orange NSW 2800



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