

APPLICATION TO MODIFY DEVELOPMENT CONSENT 0085/16DM, MODIFICATIONS TO APPROVED TRANSITIONAL GROUP HOME, 215 RANDALLS ROAD, BUCCA (LOT 13, DP 1161416)

PURPOSE:

This report provides an assessment of Application to Modify Development Consent 0085/16DM which proposes modifications to the approved transitional group home, at 215 Randalls Road (Lot 13, DP 1161416) Bucca. The Panel approved the transitional group home on 29 August 2012.

It is recommended that the application be approved, subject to modification and addition of some conditions of approval.

THE PROPOSAL

The application describes the modifications as 'refining the project ... to improve the cost effectiveness of the project and to recognise changing needs for the administration of the complex'. The modifications consist of variations to the layout of the group home precinct, relocation of the staff accommodation precinct and to modify the required upgrading of Randalls Road (Condition 15). These can be summarised as follows:

- Group home precinct - internal alterations with addition of decks and utility facilities.
- Staff accommodation – relocation of the staff accommodation to a position adjoining the recreation precinct and closer to the chapel.
- Modification to the Upgrading of Randalls Road required by Condition 15

The proposed location of the staff accommodation buildings is an area that contains some established native vegetation, that is mapped as Secondary Koala Habitat under Council's Koala Plan of Management. A bushfire hazard assessment and a flora and fauna impact assessment was provided with the application to address bushfire hazard and environmental impacts that arise as a result of the proposed new location.

DeGroot and Benson Consulting engineers have undertaken an assessment of the condition of the road and reviewed the upgrading required to service the development. Council's Sustainable Infrastructure Section have concurred with this assessment.

THE SITE:

The site is 215 Randalls Road, Bucca (Lot 13, DP 1161416). It is located approximately 1.8 kilometres north of the intersection of Bucca Road and Randalls Road and approximately fifteen kilometres west of Moonee Beach.

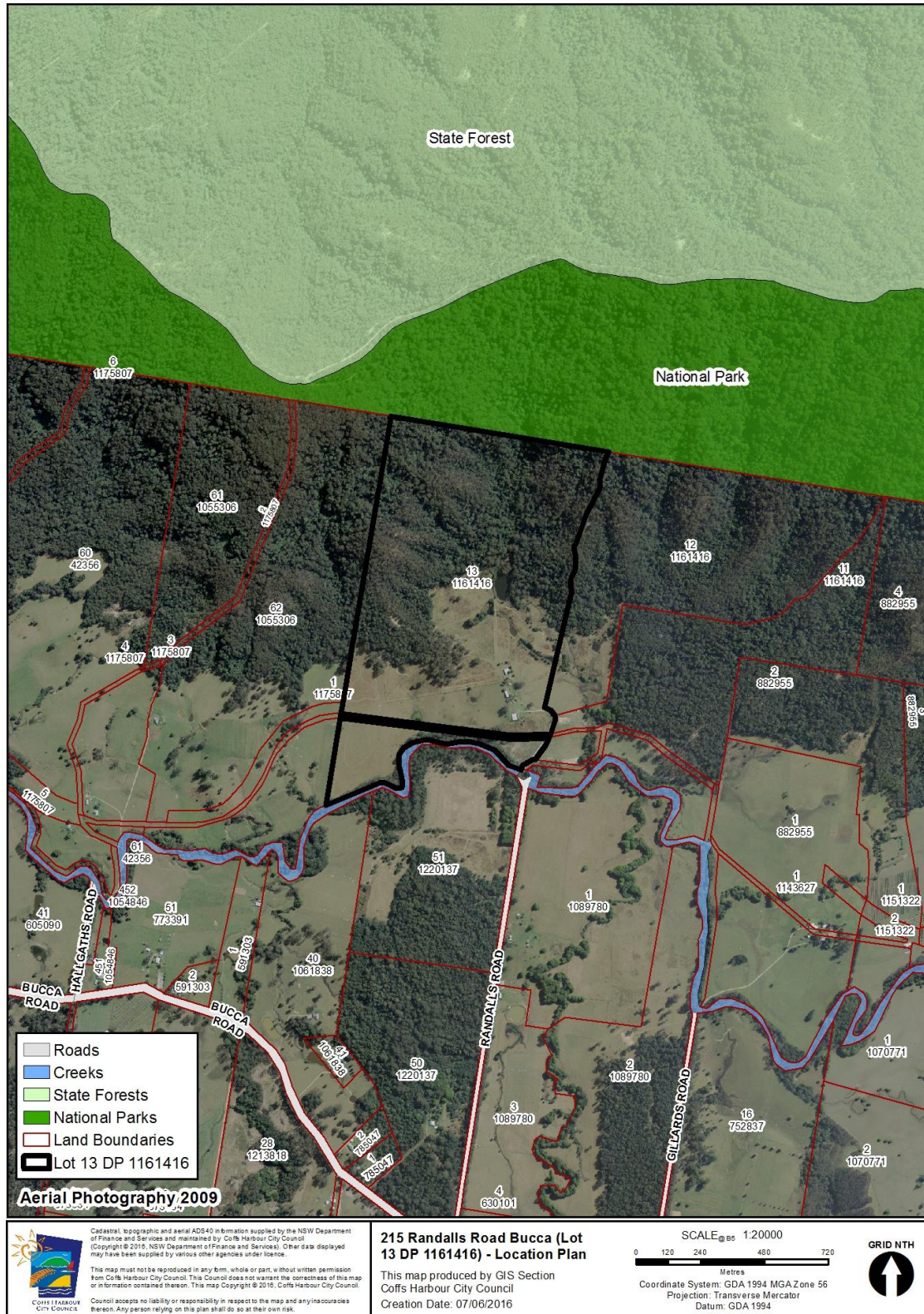
The site is bound by Bucca Bucca Creek to the south, Sherwood Nature Reserve to the north, one rural allotment to the west and two rural allotments to the east. The south east corner of the site has frontage to Randalls Road. Approximately half of the site is vegetated with the remaining half of the site being cleared land. The site falls from the highest points of the site (that adjoin Sherwood Nature Reserve to the north) to the south where it adjoins Bucca Bucca Creek.

Access to the site is from Randalls Road. The first 50 metres of Randalls Road has a six metre wide sealed surface; the rest is unsealed with a 3.5 metre wide carriageway. Approximately 1.8 kilometres from the intersection with Bucca Road, Randalls Road crosses Bucca Bucca Creek at a timber bridge.

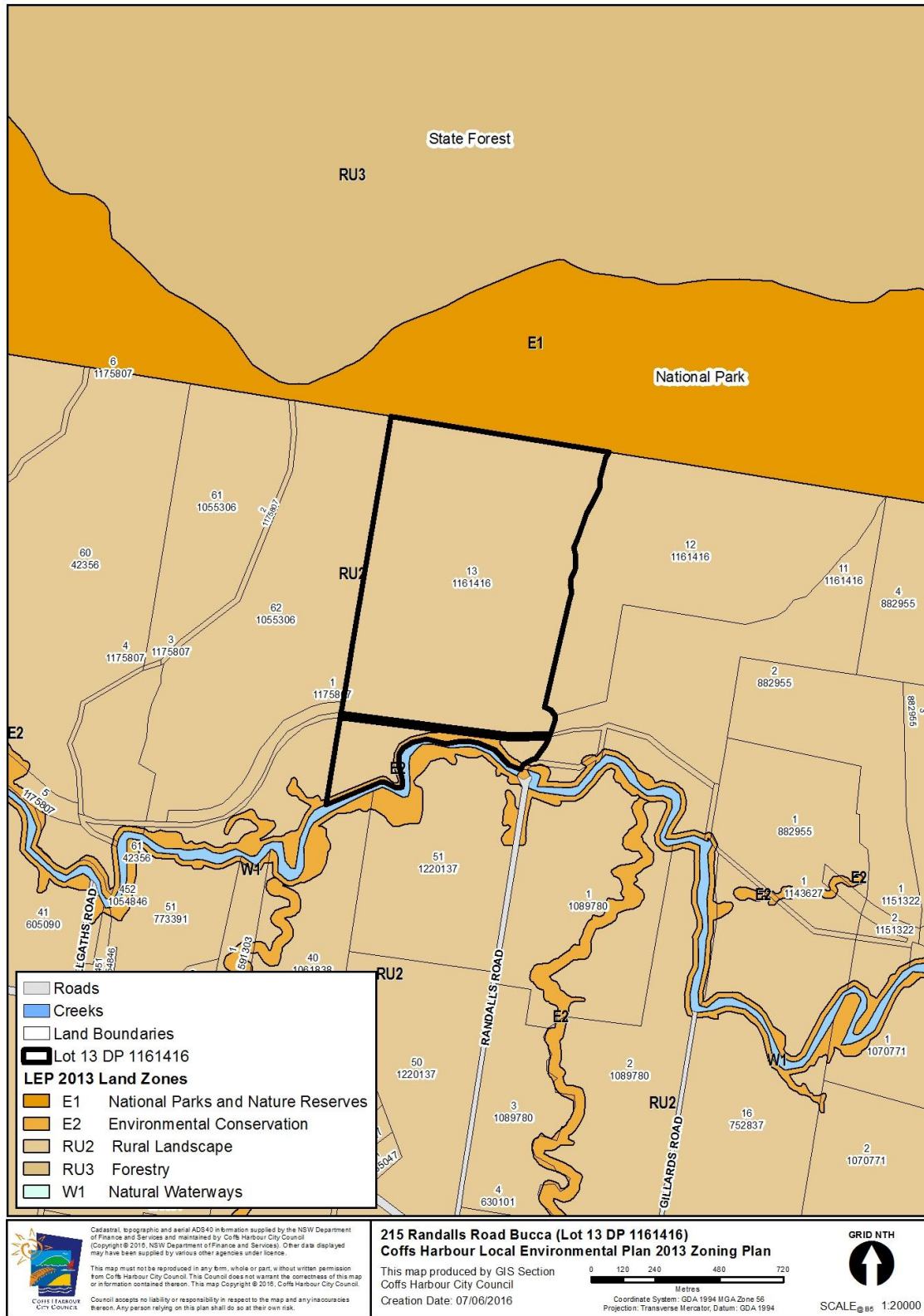
The locality consists of properties similar in topography with similar amounts of existing native vegetation. Dwellings in the area tend to be located near Bucca Road although a

number of larger properties have dwellings that are located away from Bucca Road. There are approximately eighteen separate land parcels within one kilometre of the site.

215 RANDALLS ROAD (LOT 13 DP 1161416) – LOCATION PLAN



215 RANDALLS ROAD (LOT 13 DP 1161416)
COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN 2013 ZONING PLAN



CONSULTATION:

Advertising and Notification

The application was advertised and notified as required by Coffs Harbour Development Control Plan 2015 with a submission period from 24 March 2016 to 6 April 2016. No submissions were received.

State Government Referrals

The application was referred to NSW Rural Fire Service for comment. The matters raised by the service have been incorporated into conditions of development consent.

Council Departments

Council internal departments have provided comment on the development proposal and their comments have been incorporated into the assessment of the application.

STATUTORY MATTERS:

Section 96(2) of the Environmental Planning and Assessment Act 1979 specifies a number of preconditions that must occur and matters on which the consent authority must be satisfied, prior to modification of a development consent. These matters are considered in detail in Appendix B of this report.

ISSUES:

Flora and Fauna Considerations for Modified Staff Accommodation Location

The main issue for assessment of this application is the impact from the vegetation removal that is required for the provision of asset protection zones for the staff accommodation buildings.

The matters under s 5A of the Environmental Planning and Assessment Act have been considered and addressed in the flora and fauna assessment provided with the application.

The 'submitted assessments are adequate in addressing the potential impacts of the proposal. A species impact statement is not required. It is considered that there will not be a significant effect on threatened species, populations or ecological communities, or their habitats.

Recommendations of the flora and fauna assessment should be required by a condition of development consent. In addition searches for the presence of threatened fauna should occur prior to any vegetation removal and this is required by a condition of development consent. Also proposed as a condition of development consent is compensatory planting, at a ratio of 1:3 for the loss of Tallowwood in the area of Secondary Koala Habitat. With imposition of these conditions there will not be any unacceptable impacts on the natural environment.

RECOMMENDATION:

That Application to Modify Development Consent 0085/16DM for modification to the approved transitional group home, be approved by deletion of Conditions 3, 4, 15 and 54 and by substitution and addition of the conditions provided in Appendix A;

CONDITIONS**Development is to be in Accordance with Approved Plans:**

3. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent (Development Consent No. 259/12).

Drawing No.	Prepared by	Dated
DA002, Revision C	Turner & Associates	14 July 2011
DA003, Revision K	Turner & Associates	28 October 2015
DA110, Revision E	Turner & Associates	1 December 2015
DA111, Revision G	Turner & Associates	1 December 2015
DA112, Revision H	Turner & Associates	1 December 2015
DA113, Revision E	Turner & Associates	1 December 2015
DA114, Revision D	Turner & Associates	1 December 2015
DA130, Revision E	Turner & Associates	28 October 2015
DA131, Revision D	Turner & Associates	28 October 2015
DA140, Revision C	Turner & Associates	5 July 2011
DA141, Revision B	Turner & Associates	27 May 2011
DA142, Revision B	Turner & Associates	27 May 2011

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Development in Accordance with Documents:

4. The development shall be undertaken in accordance with the following documents:

Document	Prepared by	Dated
Statement of Environmental Effects	Geoff Smyth Consulting	11 January 2012
On-site Wastewater Management Plan	Whitehead & Associates Environmental Consultants Pty Ltd	14 July 2011
Modification to On-site Wastewater Management Plan	Whitehead & Associates Environmental Consultants Pty Ltd	9 October 2015
Fire Services & Stormwater Management Details	Glenn Haig and Associates	18 July 2011
BASIX Assessment for Staff Residences	Vipac	20 July 2011
Bushfire Protection Assessment Report	Ecological Australia	7 July 2011
Amendment Application Bushfire Protection Assessment Report	Ecological Australia	10 December 2015
Flora & Fauna Habitat Assessment Report	Ecological Australia	10 July 2012

Document	Prepared by	Dated
Engineering Issues Report	De Groot and Benson Pty Ltd	August 2011
Upgrading of Randalls Road & Bucca Creek Bridge	De Groot and Benson Pty Ltd	13 October 2015
Social Impact Assessment	Lantz Marshall	May 2012

Limit of Vegetation Approval

- 6A. The vegetation removal approved by this consent is limited to that specified in the plan of Ecological Australia dated 9 November 2015.

Road Design and Services - Works to Randalls Road:

15. Randalls Road shall be upgraded to the standard shown in drawings 10193–301 & 10193–302 prepared by de Groot and Benson Pty Ltd and dated 30 July 2015

Plans and specifications are to be submitted to Council and approved **prior to the issue of the relevant Construction Certificate**. Plan submissions are to be accompanied by payment of prescribed fee.

Plans and specifications submitted later than six (6) months from the date of development consent shall comply with Council's current specifications at a date six (6) months prior to submission.

All work is to be at the developer's cost.

Pre Clearing Procedures:

- 20A. Prior to commencement of tree removal, a search for the presence of threatened fauna is to be conducted in the area before commencement of operations each day by a suitably qualified and experienced Ecologist.

Presence includes both physical presence within the proposed tree removal area and occurrence of fresh scat materials.

- a) All hollows shall be searched and all checks shall be carried out a minimum distance of 50m from the tree clearing area.
- b) Koala faecal pellets (scats) check is required within a three metres radius of the base of all Koala Feed Trees.
- c) If a threatened arboreal species is located, the tree must be identified (flagged with tape). No further action shall occur until the animal has moved on of its own accord. If after two nights the animal has not moved the NSW Office of Environment and Heritage should be contacted.
- d) Physical removal of the animal is not an option and shall not be attempted.
- e) All injured animals shall be reported to WIRES immediately. To secure any wildlife which may be accidentally injured during clearing process a blanket, heavy duty gloves and a large bin is required on-site (note the bin lid must have holes to permit air passage).
- f) WIRES contacts: Coffs Harbour/ Woolgoolga: (02) 6652 7119.

Note: In relation to Koalas such search should include both lower branches and upper canopy in all listed koala food species (Tallowood, Swamp Mahogany, Broad-leaved Paperbark, Flooded Gum, Blackbutt, Forest Red Gum, Small-fruited Grey Gum, Forest Oak).

Compensatory Planting:

- 36A. Compensatory planting being provided at a ratio of 1:3 for every tree removed that is mapped as *Foothills Grey Gum – Ironbark – Mahogany Dry Forest* under the Coffs Harbour Fine Scale Vegetation Mapping Volume 2. The species utilised must be commensurate to the vegetation community (*Tallowwood – Small – Fruited Grey Gum Dry Grassy Open Forest*).

Compensatory plantings are to be established by a suitably qualified bush regenerator with professional experience extending beyond 5 years in current bush regeneration, restoration and relocation techniques. Current membership to the Australian Association of Bush Regenerators (AABR) is required.

All compensatory planting is to be completed prior to issue of an occupation certificate for the staff accommodation buildings.

Note: all compensatory tree plantings being undertaken in accordance with the NSW Rural Fire Service '*Planning for Bush Fire Protection 2006*' guidelines.

Integrated Terms of Approval Conditions - NSW Rural Fire Service

54. At the commencement of building works and in perpetuity the property around the staff accommodation dwellings, for the following distances, shall be maintained as an inner protection area (IPA) as outlined within Section 4.2.7 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
- North – 31 metres
 - North-east – 40 metres
 - South – 20 metres
 - West – 50 metres

APPENDIX B

EVALUATION - SECTION 96(2) ENVIRONMENTAL PLANNING & ASSESSMENT ACT**S 96(2)(a) IS THE DEVELOPMENT, TO WHICH THE CONSENT AS MODIFIED RELATES, SUBSTANTIALLY THE SAME?**

COMMENT This requires a comparison between the development, as currently approved, and the development with the proposed modifications. The approved development and the modified development must be essentially and materially the same. This requires consideration of both quantitative and qualitative aspects of the development.

The development remains unaltered in terms of the land use that is proposed. The development remains very similar in terms of the scale of the development. The changes to the group home precinct occupy the same overall footprint. The staff accommodation buildings will remain similar in physical area and layout. The changes proposed to Randalls Road upgrading do not alter the access proposed; only the level of upgrading that must occur.

The amended location for the staff accommodation buildings, will result in removal of vegetation that was not assessed under the original application. On balance the impacts are considered acceptable and environmental impacts can be managed with imposition of conditions of development consent. This additional vegetation removal, and resulting environmental impact is both a quantitative and qualitative difference to the development as originally approved. On balance, the modified development is considered to be essentially and materially the same, as the currently approved development.

S 96(2)(c) & (d) NOTIFICATION OF THE APPLICATION AND CONSIDERATION OF ANY SUBMISSIONS

COMMENT The application was advertised and notified as required by Coffs Harbour Development Control Plan 2015 with a submission period from 24 March 2016 to 6 April 2016. No submissions were received.

S 96(3) SECTION 79C(1) MATTERS OF RELEVANCE (TO THE DEVELOPMENT THE SUBJECT OF THE APPLICATION)**(1) Matters for Consideration - general****(a) the provisions of:****(i) any environmental planning instrument, and**

Coffs Harbour Local Environmental Plan 2013

Land Use Table

The land use of the proposed development is not being altered in any way by the proposed modification. There are no matters of permissibility that require consideration for this modification.

7.8 Koala habitat

This provision requires that development be in accordance with Coffs Harbour City Koala Plan of Management, ISBN 0 7313 6050 8, published in November 1999. The area of the staff accommodation contains land mapped as secondary koala habitat under the koala plan of management.

The flora and fauna assessment provided with the application recommends mitigation measures in accordance with the requirements of Council's adopted koala plan of management. It is recommended that the recommendations of this report be imposed as a condition of development consent. It is also recommended that compensatory planting be required by a condition of development consent.

7.11 Essential Services

This provision requires the consent authority to be satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available. These essential services include;

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

The proposed development is considered acceptable with respect to all these matters.

State Environmental Planning Policy (State and Regional Development) 2011

Pursuant to clause 20 and 21 of this state policy determination of development applications that is of a class or description included in Schedule 4A of the Environmental Planning and Assessment Act is made by a Joint Regional Planning Panel.

The proposed development fits the description under Schedule 4A of "development that has a capital investment value of more than \$5 million for...a group home...".

A quantity surveyors report has been provided. This demonstrates that the capital investment value for the development is more than \$5 million.

State Environmental Planning Policy No 55 - Remediation Of Land

Clause 7 of this state policy specifies that the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. This provision is only of relevance to the proposed amended location for the staff accommodation. There is no evidence of any potential contamination in this area. There are no further requirements of this state policy.

State Environmental Planning Policy (Rural Lands) 2008

Part 3 of this state policy contains provisions that must be considered for an application for subdivision of land or erection of a dwelling. As the proposed development is a transitional group home, these provisions do not apply.

Part 4 - state significant agricultural land - contains provisions relating to land that is declared state significant agricultural land. There is no land at this point in time that is considered state significant for the purposes of this policy.

There are no other matters of the policy that require consideration.

- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and**

There are no draft planning instruments of relevance to the development.

- (iii) any development control plan, and**

There are no matters of the development control plan that need to be reconsidered for the proposed modification.

- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and**

There are no draft planning agreements that apply to the land.

- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and**

There are no matters under the regulations that require consideration.

- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,**

There is no coastal zone management plan of relevance to the development.

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,**

The matters under s 5A of the *Environmental Planning and Assessment Act* have been considered and addressed in the flora and fauna assessment provided with the application.

The 'submitted assessments are adequate in addressing the potential impacts of the proposal. A species impact statement is not required. It is considered that there will not be a significant effect on threatened species, populations or ecological communities, or their habitats.

Recommendations of the flora and fauna assessment should be required by a condition of development consent. In addition searches for the presence of threatened fauna should occur prior to any vegetation removal and this is required by a condition of development consent. Also proposed as a condition of development consent is compensatory planting, at a ratio of 1:3 for the loss of Tallowwood in the area of Secondary Koala Habitat. With imposition of these conditions there will not be any unacceptable impacts on the natural environment.

The upgrading to Randalls Road that is proposed by this application is considered appropriate for the nature and traffic numbers associated the development. There will be no social impacts as a result of this modification.

(c) the suitability of the site for the development,

The amended location for the staff accommodation will not result in any unacceptable impacts on the natural environment. The site is considered suitable for the proposed development.

(d) any submissions made in accordance with [this Act](#) or the regulations,

The application was advertised and notified. No submissions were received.

(e) the public interest.

The proposed development as modified is within the public interest.