

**Section 79C Evaluation
Development Application 0902/17**

a. the provisions of,

i. any environmental planning instrument, and

- ***State Environmental Planning Policy (SEPP) No 55—Remediation of Land***

The policy specifies that the Consent Authority must not consent to the carrying out of any development unless it has considered whether the land on which the development is proposed is contaminated and/or is required to be remediated for its intended use.

The subject land is not identified by Council's records as potentially contaminated.

A preliminary contamination investigation accompanied the application. The report details previous activities that have occurred on the land, including the placement of fill. The report discusses the nature and source of the material placed on the land. The report concludes that the land is unlikely to be contaminated.

The information presented is considered satisfactory and does not require further investigation. There is no further evidence available to Council that would suggest that the site has been previously used for a purpose that may have contaminated the land.

The development satisfies the relevant provisions of the Policy.

- ***State Environmental Planning Policy (SEPP) No 65 – Design Quality of Residential Apartment Development***

The applicant has utilised the design principles contained within the SEPP to guide design of the development, for example, those relating to building separation. Whilst these principles have been addressed by the applicant in the submitted statement of environmental effects, it should be noted that SEPP 65 does not apply to the development as the development does not constitute a 'residential flat building'. Therefore, no assessment has been undertaken against the SEPP.

- ***State Environmental Planning Policy (SEPP) No 71 - Coastal Development***

As the subject land is located within the 'coastal zone', the provisions of the Policy apply. The development site is not located within a 'sensitive coastal location'.

The proposed development is considered to be consistent with the aims of the policy and satisfies the relevant matters for consideration and development control provisions. Clauses of particular relevance are discussed further below:

Clause 7 – Application of Clause 8 Matters

Clause 7 requires that the consent authority take matters as listed in Clause 8 into consideration when determining development applications.

Clause 8 matters have been taken into consideration in the assessment of the proposed development. In this regard, the development:

- Is considered to meet the aims of the Policy.
- Will not impede or diminish public access to and along the coastal foreshore.
- Is considered suitable given its type, location and design and its relationship with the surrounding area.
- Will not result in significant impacts to Aboriginal cultural heritage values.
- Will not result in impacts to heritage or archaeological items.
- Will not adversely impact upon the scenic quality of the surrounding locality.
- The development is unaffected by issues of coastal hazards.
- Will not result in significant impacts to flora and fauna present on the site.

Clause 16 – Stormwater

Clause 16 specifies that the consent authority must not grant consent to development where stormwater will, or is likely to, be discharged untreated into the sea, a beach, an estuary, a coastal lake, a coastal creek or other similar body of water.

Stormwater will be directed to Council's reticulated stormwater system and the development is required to accord with Council's WSUD (Water Sensitive Urban Design) Policy. Stormwater is to be connected to piped drainage in Arthur Street and at the southern boundary where a stormwater pipe lies in an easement and discharges to the pipe network in San Francisco Avenue. A recommended condition of consent requires the submission and approval of detailed design information for the management of stormwater on the site.

- ***State Environmental Planning Policy (SEPP) Building Sustainability Index: BASIX 2004***

The provisions of the SEPP require that an application for residential development be accompanied by a BASIX Certificate. Given that 'seniors housing' is a type of 'residential accommodation' the Policy applies. The development has been assessed in accordance with the SEPP and a certificate has been submitted with the application. A recommended condition of consent requires that the commitments outlined in the Certificate be implemented in the development.

- ***State Environmental Planning Policy (State & Regional Development) 2011***

Clause 20 and 21 of this Policy state that the determination functions of Council are to be exercised by regional panels for developments of a certain

class or description, as included in Schedule 4A of the *Environmental Planning and Assessment Act 1979*.

Schedule 4A (3) includes 'General Development' with Capital Investment Value of over \$20 million. As the estimated cost of works is more than \$100 million the application is required to be determined by the Joint Regional Planning Panel (Northern Region) and not Council.

- ***State Environmental Planning Policy (Infrastructure) 2007***

Clause 102 – Impact of noise or vibration on non-road development:

Clause 102 of the Policy requires that for residential development adjoining a road with an annual average daily traffic volume of more than 40,000 vehicles Council consider any relevant guidelines for the purposes of the Clause.

Given that 'seniors housing' are a type of 'residential accommodation' and that parts of the development site are located approximately within 400 metres of the Pacific Highway, with some parts of the development likely to have a 'direct line of sight' to the highway the requirements of Clause 102 have been taken into consideration. The application was accompanied by an acoustic assessment, which demonstrates that the LAeq levels, as specified in the Policy, can be achieved for all residential buildings in the development.

Clause 104 – Traffic-generating development:

Clause 104 of the Policy specifies that developments listed in Schedule 3 be referred to the NSW Roads & Maritime Service (RMS) as 'traffic-generating development' and that Council take into consideration any comments provided by the RMS.

The application was referred to the RMS. The RMS provided comments relating to the safety of turning traffic, the location of driveway gates, connection to transport links and vehicle turning paths. These comments were considered as part of the assessment process and formed part of additional information requested from the applicant and the recommended conditions of consent.

The development satisfies the relevant provisions of the Policy.

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

The proposed development is defined as 'senior housing' and the provisions of the SEPP apply. The relevant provisions of the SEPP are discussed in detail below:

Chapter 3 – Development for seniors housing

Part 1 – General:

Clause 18 – restrictions on occupation of seniors housing allowed under this Chapter

The Clause requires that the Consent Authority be satisfied that the development will be used only by the kinds of people outlined in part (1) of the Clause.

A recommended condition of consent requires that a restrictive covenant under 88E of the *Conveyancing Act 1919* be registered against the title of the land, which restricts the use of the accommodation. The proposed condition of consent requires that this occur prior to the issue of any occupation certificate for the development.

Part 2 – Site-related requirements:

Clause 26 – Location and access to facilities:

The Clause requires that the Consent Authority be satisfied that residents will have access to facilities as outlined in the Clause.

- (1) (a) The development site is within close proximity to the Park Beach Shopping Centre complex, with one of the centre entrances being located approximately 180 metres from the development site. The centre offers a wide range of facilities, which includes shops, banks and other retail and commercial services such as a post office, supermarkets, discount department stores and over 100 specialty tenancies covering fashion, food, footwear, optometry, travel, homewares, jewellery, hobbies, lifestyle, hairdressing, beauty and massage and telecommunications.
- (1) (b) Community services and recreational facilities such as a pub, bowling club, surf club, open space playing fields, beachfront reserves, restaurants and cafes are available near the development site or accessible by public transport. Community services are also located in the city centre, accessible by public transport bus services.
- (1) (c) Two medical centres with general practitioners and allied health professionals are located at the Park Beach Plaza shopping centre. A dentist is located on Arthur Street, approximately 260 metres from the development site.
- (2) (a) The facilities referred to in subclause (1) and discussed above are located within 400 metres of the development site. The facilities can be accessed via a concrete footpath that runs from the development site to the shopping centre. The path is generally flat and complies with the gradients specified in the Clause.
- (2) (c) The development site is serviced by a public bus, with bus stops located on York Street frontage of the site and on the opposite side of the road. This service connects the city centre with Park Beach Plaza. There are additional bus stops on Arthur Street, located within 50 metres of the development site and Park Beach Plaza, which accommodates multiple bus services. Pathways comply with the gradient requirements of the Clause.

The development complies with the requirements of the Clause.

Clause 28 – Water and Sewer:

The Clause requires that the Consent Authority be satisfied that the development will be connected to a reticulated water and sewer system.

The development is capable of connection to Council's reticulated sewer and water systems. Conceptual servicing details have been provided with the application and recommended conditions of consent require connection to these services.

The development complies with the requirements of the Clause.

Part 3 – Design Requirements:

Clause 30 – Site analysis:

The Clause requires that the Consent Authority take into account a site analysis prepared by the applicant. A site analysis that complies with the requirements of the Clause was submitted with the application and taken into consideration.

Clause 31 – Design of in-fill self-care housing:

The Clause requires that the Consent Authority take into consideration the provisions of the 'Seniors Living Policy: Urban Design Guideline for Infill Development'.

The development is considered to be consistent with the relevant parts of the Guideline, which include matters relating to analysis of neighbourhood character, site planning and design, impacts to the streetscape, impacts to neighbours and internal site amenity.

Clause 32 – Design of Residential development:

The Clause requires that the Consent Authority be satisfied that adequate regard has been given to the design principles set out in Division 2. This is discussed below.

Division 2 – Design Principles

Clause 33 – Neighbourhood amenity and streetscape:

The Clause requires that the development contribute to the neighbourhood amenity and streetscape in a positive way. The Park Beach locality currently accommodates a range of residential, tourist and commercial land uses. The locality is currently transitioning from lower density residential development to higher density residential development, as reflected in the planning controls that apply to the locality.

It is considered that the development will contribute positively to the desired character of the locality.

The development retains reasonable neighbourhood amenity and appropriate residential character through the design and siting of buildings on the site. The proposed setbacks are consistent and in some places larger than other residential development in the locality. The smaller scale, less bulkier parts of the development are situated around the edges of the development site, with the taller and bulkier parts of the development located within the middle of the site.

There are no listed heritage items or conservation areas within the vicinity of the development site.

The development will involve the removal of all existing trees on the site. The submitted application includes conceptual landscaping plans, which shows landscaping that is complementary and consistent with existing plantings in the locality and will also include compensatory plantings to replace trees that have been removed.

The development complies with the requirements of the Clause.

Clause 34 – Visual and acoustic privacy:

The Clause requires that the development provide for appropriate visual and acoustic privacy.

The development incorporates screening devices to balconies and landscaping on the podium balconies and along boundaries to protect and enhance the privacy of adjoining land uses.

All proposed buildings have been located to ensure that acceptable acoustic levels in bedrooms can be achieved.

The development complies with the requirements of the Clause.

Clause 35 – Solar access and design for climate:

The Clause requires that the development ensure that appropriate solar access can be retained for adjoining properties and that the design of the development is appropriate for the climate.

The application was accompanied by solar diagrams that demonstrate that the development does not impact on the solar access for the living areas of adjoining developments and results in only minimal impacts to the rear yards of some adjoining residential development, located to the south of the site.

The orientation of the proposed buildings will allow for appropriate solar access throughout the development.

The development complies with the requirements of the Clause.

Clause 36 – Stormwater:

The Clause requires that stormwater generated by the development be managed appropriately and include onsite detention where appropriate.

The application was accompanied by details in relation to the management of stormwater that is expected to be generated by the development. Measures will include onsite detention. The information provided complies with Council's requirements, including Council's Water Sensitive Urban Design Policy.

The development complies with the requirements of the Clause.

Clause 37 – Crime prevention:

This Clause requires that the development prevent opportunities for crime through appropriate design.

Residents will be able to view the approach to their dwellings, with the inclusion of peep-holes and controlled secure access in the case of dwellings located within the multistorey buildings. The design of the development also allows passive surveillance of internal roads and parking areas.

The development complies with the requirements of the Clause.

Clause 38 – Accessibility:

The Clause requires that the development provide safe links to transport from the site and within the site for both pedestrians and motorist.

The development includes clear pathway links to the surrounding road network, including to bus stops located on the York and Arthur street frontages of the site.

The development provides for legible internal pathways and roads for pedestrians and motorist, including easy access to internal parking.

The development complies with the requirements of the Clause.

Clause 39 – Waste Management:

The Clause requires that development maximise opportunities for waste recycling.

The development complies with Council's requirements in relation to waste recycling. The application is accompanied by a waste management plan that includes details relating to recycling.

The development complies with the requirements of the Clause.

Part 4 – Development standards to be complied with:

Division 1 – General

The relevant parts of the Clause specify that the development site is at least 1,000m² and has a site frontage of 20 metres.

The development is approximately 32,450m² in size and has frontages that are approximately 170 – 201 metres.

The development complies with the requirements of the Clause.

Division 2 – Residential care facilities – standards concerning accessibility and useability

The Clause requires that the development comply with the relevant provisions of the Commonwealth Aged Care Accreditation Standards and the Building Code of Australia. The development is consistent with the relevant provisions.

No further consideration required under this Clause.

Division 3 – Hostels and self-contained dwellings – standards concerning accessibility and useability

This Clause requires that the development comply with the requirements specified in Schedule 3 of the SEPP, which relate to accessibility and useability of self-contained dwellings.

The development complies with the requirements relating to siting, security, letterboxes, private car accommodation, accessible entry and requirements relating to the interior, bedroom, toilet, surface finishes, door hardware, ancillary items, kitchen, lifts, laundry and garbage.

The development complies with the requirements of the Clause.

Part 7 – Development standards that cannot be used as grounds to refuse consent

Division 1 – General

The Clause specifies that the Consent Authority cannot refuse a development where it can be demonstrated that adequate regard has been given to the principles set out in Division 2 of Part 3.

Council is satisfied that adequate regard has been given to these principles.

Division 2 – Residential care facilities

Clause 48 – Standards that cannot be used to refuse development consent for residential care facilities

The relevant parts of the Clause specify that Consent Authority cannot refuse application for a residential care facility if the building height of all the buildings are less than 8 metres; if the density and scale of the development when expressed as a floor space ratio is 1:1 or less; if a minimum of 25m² of landscaped area per bed is provided; and parking is provided at the following rate:

- (i) 1 parking space for each 10 beds in a residential care facility;

- (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time; and
- (iii) 1 parking space suitable for an ambulance.

The development exceeds 8 metres in height and provides for an FSR that is less than 1:1. The development also provides for over 20,000m² of landscaped area. The development provides for 12 parking spaces for residential care beds, 18 spaces for staff and an ambulance space.

The non-discretionary standards that cannot be used by the Consent Authority to refuse the application are noted.

Division 4 – Self-contained dwellings

Clause 50 – Standards that cannot be used to refuse development consent for self-contained dwellings

The relevant parts of the Clause specify that Consent Authority cannot refuse application for a residential care facility if the building height of all the buildings are less than 8 metres; if the density and scale of the development when expressed as a floor space ratio is 0.5:1 or less; if a minimum of 55m² of landscaped area per dwelling or 30% of the site is landscaped; 15% of the development site be used for 'deep soil zones'; 70% of the dwellings receive 3 hours of direct sunlight between 9am and 3pm in mid-winter; if minimum requirements are met for private open space; and parking is provided at the rate of 0.5 spaces for each bedroom.

The development exceeds 8 metres in height and provides for an FSR that is less than 0.5:1. The development provides for 20,000m² of landscaping, which includes soft and hard landscaping and also involves plantings on the podiums and rooftops. The area available for 'deep soil zones' is approximately 54%. The development meets the requirements of solar access, as demonstrated on the submitted solar access diagrams. The development provides private open space that exceeds the minimum requirements. The development provides for 162 parking spaces, which is three (3) more than the Clause requires.

The non-discretionary standards that cannot be used by the Consent Authority to refuse the application are noted.

Chapter 4 – Miscellaneous

Clause 55 – Residential care facilities for seniors required to have fire sprinkler systems:

The Clause specifies that the Consent Authority must not grant consent to carry out development for the purpose of a residential care facility unless the development includes a sprinkler system. The development proposes a sprinkler system.

The development complies with the requirements of the Clause.

- **Coffs Harbour Local Environmental Plan 2013**

The proposed development is defined as 'seniors housing', comprising a 'residential care facility' and 'serviced self-care housing'.

Part 2 – Permitted or Prohibited development

The subject land is zoned R3 Medium Density Residential and 'seniors housing' is identified as permitted with consent in the zone.

Part 4 – Principal Development Standards

Clause 4.3 – Height of Buildings

The Clause specifies that developments must not exceed the maximum height, as shown on the Building Height Map. The maximum building height for the locality is 15.5 metres.

The proposed height of the development (at its highest points) is summarised in the following table, which is taken from the submitted Statement of Environmental Effects:

Building	Existing ground RL	Top of building RL	Building height (m)	Height exceedance (m)	Height exceedance %
A	5.55	31.66	26.11	10.61	68%
B	5.65	34.92	29.27	13.77	89%
C	6.55	28.34	21.79	6.29	40%
D	5.70	31.66	25.96	10.46	67%
E	5.25	34.61	29.36	13.86	89%
Townhouse			Single storey	nil	nil

The extent of the variation to the maximum building height ranges from 6.29 metres for Building C to 13.86 metres for Building E. Due to the stepped building form, the height exceedance is not uniform on a particular building.

The height of the development is further summarised in section drawings (shown in Appendix A of this report), which show the development at the highest points and a 3D model, as shown below.



3D model of the proposed development showing the 15.5 metre height control represented by the blue coloured plane.

Given that the development exceeds the maximum building height in several locations, the applicant is seeking to vary the development standard contained within Clause 4.3. This is discussed in detail below.

Clause 4.6 – Exceptions to development standards

Clause 4.6 specifies that development consent may be granted to development even though the development would contravene a development standard contained within the LEP. The relevant sections of Clause 4.6 are reproduced below:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - I. *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - II. *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,*

The matters that the Consent Authority must address can be summarised into the following three questions:

- a. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case? (Clause 4.6(3)(a))
- b. Are there sufficient environmental planning grounds to justify contravening the development standard? (Clause 4.6(3)(b))
- c. Is the proposed development in the public interest? - is it consistent with the objectives of the development standard and the objectives of the particular zone? (Clause 4.6(4)(a)(ii))

To answer these questions there is an assessment process and five-part test established in the case of *Winten Property v North Sydney (2001)*, and later refined by *Wehbe v Pittwater Council (2007)*. It provides five different ways in which an objection to a development standard may be considered well founded. Recent case law (*Four2Five Pty Limited v Ashfield Council* [2015] NSWLEC 90, *Moskovich v Waverly Council* [2016] NSWLEC 1015 and *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7) builds on part 1 of this test.

It is appropriate that these tests be applied when considering the submitted request to vary the development standard for the proposed development. They are as follows:

1. the objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. the underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
5. the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

With reference to the five-part test and the assessment process, as set out by case law, the following is provided as an analysis of the request made by the applicant to vary the development standards contained in Clause 4.3 of LEP 2013:

- 1. the objectives of the standard are achieved notwithstanding non-compliance with the standard;**

The applicant has provided the following comment in relation to how the development achieves the objectives of the standard, despite non-compliance with the standard:

- The development is able to provide for an appropriate urban character and level of amenity:
 - the Masterplan for the locality, contained within the DCP, reflects the desired urban form. The development is generally consistent with this, meeting the intent of the Masterplan;
 - there are no significant view corridors or landscape features that would be impacted by the proposed development;
 - the development complies with relevant solar access requirements and will not result in unacceptable overshadowing impacts;
 - the proposed development avoids 'wind tunnelling', due to the placement and format of buildings; and
 - the development will contribute positively to the streetscape.
- The objectives of the development standard are better met by the proposed development than a complying development, which would result in the following inferior outcomes:
 - increased overshadowing of adjoining lands;
 - loss of significant entry statement to Park Beach locality;
 - a canyon effect along the York Street and Arthur Street streetscapes provided by a monotonous building form;
 - an unremarkable urban form that would not help signify the regional role and function of the City;
 - an increased building footprint and poorer areas of open space
 - a development that afforded no significant views of the surrounding area, particularly the coast from the higher units;
 - a lost opportunity to provide for a large scale senior's housing project in a highly urbanised area;
 - potential loss of capital investment employment and multiplier benefits to the local economy; and
 - the development provides for a wider range of urban design benefits than a complying development.
- The development site is surrounded by a structured urbanised area that is supported by services and facilities.
- There are no heritage sites located in the vicinity of the development site, with the nearest listed sites being located approximately 1.6 – 2kms away.
- The development provides for an appropriate transition of lower scale smaller buildings around the edges of the site to larger scale taller buildings towards the middle of the site. This development form provides for the maintenance of a lower

density along York and Arthur streets, with the taller building providing for a backdrop.

- The submitted information demonstrates that whilst the development encroaches the maximum building height, impacts to the existing natural and built environment are minimised and not considered unacceptable.
- The development site is located in close proximity to services and facilities. Access to these can be gained either by public transport or walking. The development provides for appropriate links to transport routes and suitable grades, which is expected to reduce the need for vehicle dependency.
- The extent of the variation when expressed in relation to the overall size of the development size is acceptable. In this regard, the applicant advises that the area of the building footprint that penetrates the 15.5 metre height limit is 4,003m² or 12 % of the site area.

In considering the information presented in the application and summarised above, it is considered that the applicant has satisfactorily demonstrated that the development achieves the objectives of the development standard, despite non-compliance with the control.

2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

The applicant does not suggest that the underlying objective or purpose of the standard is not relevant to the development.

The objective of the standard is considered relevant.

3. the underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The applicant does not suggest that the underlying object or purpose would be defeated or thwarted.

It is considered that compliance with the development standard would not result in the underlying object being defeated or thwarted.

4. the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and

The applicant does not suggest that the development standard has been virtually abandoned or destroyed.

Whilst Council has approved variations to the maximum building height, the development standard is not considered abandoned.

5. **the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.**

The applicant does not suggest that the zone of the land is inappropriate.

The current zoning of the land, R3 Medium Density, is not considered to be unreasonable or inappropriate given the location and attributes of the site.

It is considered that there are sufficient environmental planning grounds to justify contravening the development standard for this proposal. In this regard, the application has demonstrated that the development is consistent with the objectives of the standard and the zone, despite non-compliance with the maximum building height. The application has also demonstrated that a complying development would result in a development with a worse environmental planning outcome. Further, given the extent of the encroachments and due to where they occur on the site, the encroachments are considered unlikely to result in any unacceptable impacts. Council is satisfied that strict compliance with the development standard would be unreasonable and unnecessary in the circumstances. Council is satisfied that the development is within the public interest.

The development satisfies the requirements of the Clause.

Clause 5.5 – Development within the Coastal Zone

The site is located within the 'coastal zone' (but not identified as a 'sensitive coastal location') and the Clause specifies a number of matters that must be considered before consent can be granted.

The proposed development is considered to satisfy the requirements of the Clause. In this regard, the development: does not impact on access to the foreshore area or otherwise affect the amenity of the foreshore area; negatively affect the scenic quality of the area; result in impacts to biodiversity values. Further, the development provides for the appropriate treatment of stormwater and is not subject to coastal hazards.

The development satisfies the requirements of the Clause.

Clause 5.9 – Preservation of trees or vegetation

The Clause specifies the vegetation to which the provision applies and requires consideration of Part E1 of the Coffs Harbour Development Control Plan (DCP) 2015. Under the DCP the site is mapped as 'Prescribed Vegetation B' and the development involves the removal of 14 trees, which constitute remanent native vegetation on the site.

Two of the trees to be removed are identified as 'high conservation value trees', under the provisions of the DCP. The removal of these two trees requires offset planting at a ratio of 1:20.

The development proposes to accommodate this offset planting in the southern section of the site. A recommended condition of consent requires that these plantings be completed as part of the first stage of the development.

The development satisfies the requirements of the Clause.

Clause 7.1 – Acid Sulfate Soils

The site is mapped as potential Acid Sulfate Soils Class 3. The Clause specifies that for development on Class 3 land involving works more than 1 metre below the natural ground surface or that will lower the watertable by more than 1 metre below the natural ground surface requires the submission of an acid sulfate soils management plan.

Given that parts of the development are expected to involve excavations more than 1 metre in depth, the application was accompanied by an acid sulfate soils investigation report, which includes a management plan. The investigation report indicates that acidic soils are likely to be encountered at certain depths, however, it is considered that there is a low to moderate risk of sulphuric acid generation.

A recommended condition of consent requires that the Management Plan be implemented at appropriate points during the construction phase.

The development satisfies the requirements of the Clause.

Clause 7.2 – Earthworks

Clause 7.2 specifies a number of matters that must be considered for development proposals that involve earthworks. The development will involve both cut and fill. Approximately 4,900m³ of fill will be placed on the site to raise the site to suit flood-planning levels. The required fill will be sourced from cut necessary to establish the flood storage basin. Other sources of fill will include spoil from excavation for footings and pits.

The proposed earthworks are considered to be consistent with the requirements of the Clause. Recommended conditions have been incorporated that address the appropriate management of earthworks required for the development.

The development satisfies the requirements of the Clause.

Clause 7.3 – Flood Planning

Clause 7.3 specifies that Council must be satisfied of a number of matters before consent can be granted for development on land that is below the flood planning level.

Part of the subject site is mapped as flood prone land, with the southern portion of the site being affected by the 1 in 100 year ARI and 1 in 500 year

flood event. The application was accompanied by a flood risk assessment, which addresses the requirements of the Clause. The proposed development is not expected to result in any flooding impacts, subject to a minimum finished floor level for the proposed buildings being achieved. Appropriate minimum finished floor levels have been proposed and are shown on the submitted plans. A recommended condition of consent requires that these minimum floor levels be implemented throughout the development.

The development satisfies the requirements of the Clause.

Clause 7.9 – Airspace Operations

Clause 7.9 requires, where development will penetrate the Limitations or Operations Surface, Council to consult the relevant Commonwealth body.

The land is located between the 60 and 80 contour on Obstacle Limitations Map. Given that the proposed development is less than 30 metres in height, it does not penetrate the Obstacle Limitations Surface. Consultation with the Commonwealth is, therefore, unnecessary.

The development satisfies the requirements of the Clause.

Clause 7.10 – Development in Areas Subject to aircraft Noise

Clause 7.10 specifies certain considerations where development is proposed to be located near the Coffs harbour Regional Airport and is within an ANEF contour of 20 or greater, and where the Consent Authority considers that the development is likely to be affected by aircraft noise.

As the land is located outside the ANEF 20 contour, the development is not considered to be affected by aircraft noise.

Clause 7.11 – Essential Services

Clause 7.11 specifies that Council cannot grant consent to development unless it is satisfied that the development can be serviced by essential services such as water, sewer, electricity, stormwater drainage and suitable vehicle access.

All services that are essential for the development are available and adequate as required by this provision. The development will be serviced by water, via the extension of a water main. The development can be connected to Council's existing sewage system, via the sewer manhole on San Francisco Avenue. The development is capable of being serviced by reticulated electricity. Vehicle access will be gained via York Street.

The development satisfies the requirements of the Clause.

Clause 7.12 - Design Excellence

Clause 7.12 specifies that development consent cannot be granted to development on land zoned R3 Medium Density Residential unless Council considers that the development exhibits design excellence. In assessing this Council is required to consider several matters relating to the design of the proposed development. These matters are outlined below:

- (b) *Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (c) *Whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
- (d) *Whether the development determinately impacts on view corridors,*
- (e) *The requirements of the Coffs Harbour DCP,*
- (f) *How the development addresses the following matters:*
 - i. *The suitability of the land for the development,*
 - ii. *Existing and proposed uses and use mix,*
 - iii. *Heritage issues and streetscape constraints,*
 - iv. *The relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - v. *Bulk, mass and modulation of buildings,*
 - vi. *Street frontage heights,*
 - vii. *Environmental impacts such as sustainable design, overshadowing, solar access, wind and reflectivity,*
 - viii. *The achievement of the principles of ecologically sustainable development,*
 - ix. *Pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - x. *The impact on, and any proposed improvements to, the public domain*

In considering the above requirements the following comments are made:

- The proposed buildings will be modern in form and appearance. It is considered that the development will improve the quality and amenity of the public domain.
- The development is considered unlikely to impact on existing view corridors. The locality is flat and due to this topography the adjoining properties do not currently gain views of any significant landscape features such as the ocean.
- The development is consistent with the relevant requirements of the Coffs harbour Development Control Plan 2015.
- The land is considered suitable for the development.
- The development is not expected to result in environmental impacts such as overshadowing, wind and reflectivity.
- The bulk and mass of the development is considered appropriate for the development site and locality. The main bulk of the development consists of the larger taller buildings contained to the centre of the site. The mass of these buildings are broken up by their boomerang shape, stepped design and different colours and materials.

- The development provides for appropriate vehicle, pedestrian and cycle access.

The development satisfies the requirements of the Clause.

ii. The provisions of any draft environmental planning instrument

• **Draft State Environmental Planning Policy - Coastal Management**

Draft State Environmental Planning Policy (SEPP) (Coastal Management) 2016 is applicable to the proposed development. The proposed SEPP when adopted will repeal SEPP 14 (Coastal Wetlands) SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection) by largely consolidating the provisions outlined within these SEPPs.

Clause 15 of the draft SEPP outlines matters for Council consideration for development within a 'coastal use area'. These matters are largely reflected in Clause 8 matters outlined within the current SEPP 71 – Coastal Protection – provisions. The development is consistent to be consistent with the draft SEPP.

Coastal Hazard Planning Controls

Council resolved at its meeting of 27 November 2014, to seek a 'Gateway Determination' from the Minister for Planning for a Planning Proposal to revise provisions relating to coastal hazards, including the introduction of an additional coastal hazards clause and associated maps in Coffs Harbour LEP 2013. Council subsequently resolved on 10 March 2016 that the Planning Proposal not be advanced until such time as the State Government Coastal Management Reforms are further advanced. This action by the State Government has not yet been completed.

As the planning proposal has been placed on exhibition, it is a draft environmental planning instrument that requires consideration in the assessment of any development application.

The planning proposal applies to the area of land that is located seaward of the 2100 coastal hazard line. The subject site is located within this area.

Under draft LEP Clause 7.17 development consent is not to be granted unless Council is satisfied that the development:

- *is not likely to cause detrimental increases in coastal hazards to other development or properties, and*
- *is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and*
- *incorporates appropriate measures to manage risk to life from coastal hazards, and*
- *provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards, and*
- *has regard to the impacts of sea level rise.*

The proposed development is considered to be consistent with the provisions of the draft clause.

There are no other draft environmental planning instruments that apply to the proposed development.

iii. any Development Control Plan (DCP)

- **Coffs Harbour Development Control Plan 2015**

Part B – Public Consultation

This part of the DCP specifies when developments are required to be advertised and notified.

The application was advertised and notified in accordance the Council's Development Control Plan 2015 for a period of 14 days and 107 submissions were received. Of these 101 submissions were in support of the development, with 6 submissions objecting to the development.

The matters raised in these submissions are summarised and discussed in Section (d) below.

Part D3 – Residential Development

Whilst this part of the DCP does not contain controls that relate specifically to seniors living developments, seniors living developments are a type of 'residential accommodation' under the Coffs Harbor Local Environmental Plan 2013. The applicable controls are, therefore, discussed below.

This part of the DCP also contains controls that relate to matters such as private open space, design, solar access, landscaping; access and car parking; and infrastructure requirements. These matters are all addressed by *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, which contains controls that override those in the DCP. These matters are discussed above.

D3.1 – Density requirements:

The control requires a maximum density of 1/200m² for buildings with a height of less than 8.5 metres and 1/100m² for buildings with a height of more than 8.5 metres.

The total site area is approximately 32,450m². The development, which has components that are both less than and greater than 8.5 metres, does not exceed the maximum density requirement.

The development satisfies the requirements of the Plan.

D3.2 – Front setback requirements:

This control requires a minimum setback of 6 metres for building less than 8.5 metres in height and 9 metres for building more than 8.5 metres in height, with 3 metres to a secondary road frontage.

The development site has three street frontages, with Arthur Street being considered the primary frontage and York Street being the secondary frontage. Compliance with the controls is shown below in the table:

Boundary	Setback requirement	Compliance	Nature of encroachment
Arthur Street – Primary	- 6m for buildings < 8.5m in height; or - 9m for buildings > 8.5m in height.	No	Minor encroachment (down to 5.2m) for the kitchen area of one self-contained dwelling and an alfresco area within the articulation zone.
York Street – Secondary	- 3m	Yes	n/a

The development is generally consistent with this control, with the self-contained dwellings (less than 8.5 metres in height) fronting Arthur and York streets being set back 6 metres, with the exception of a minor encroachment for one of the dwellings, with the taller parts of the development being set back more than 13 metres. Given that the encroachment is minor in nature and is considered unlikely to result in any impacts to the streetscape or adjoining properties, the proposed variation is considered appropriate in the circumstances.

D3.3 – Side and rear setbacks:

This control requires a minimum of 3 metres for buildings less than 8.5 metres in height (down to 900mm for single storey components) and 6 metres for buildings more than 8.5 metres in height.

The remaining boundaries of the site comprise the side/rear setbacks to San Francisco Avenue and the southern boundary, where the development site adjoins existing residential development. Compliance with the controls is shown below in the table:

Boundary	Setback requirement	Compliance	Nature of encroachment
San Francisco Av	- 3m for buildings < 8.5m in height; or - 6m for buildings > 8.5m in height; or - 900mm for single storey building components.	Yes	n/a
Southern boundary	- 3m	Yes	n/a

In the south-eastern section of the site the development is set back 9 metres from the southern boundary and adjoining residential development. The development is set back more than 6 metres from the San Francisco Avenue boundary.

The development satisfies the requirements of the Plan.

D3.15 – Safer by design:

This control requires crime prevention through environmental design. The development incorporates safer by design principles such as territorial reinforcement, surveillance and access control.

The development satisfies the requirements of the Plan.

D3.20 – Erosion and sediment control requirements:

This control requires that measures be undertaken to ensure that earthworks will not have a detrimental impact of the environment. The application was accompanied by details in relation to sediment and erosion. Recommended conditions of consent require the implementation of appropriate sediment and erosion measures at various stages of the development.

The development satisfies the requirements of the Plan.

D3.22 – Flood requirements:

This control requires that flooding impacts are minimised. The development satisfies the requirements of the Plan. See discussion below under Part E4.

D3.24 – Contaminated land:

This control requires the development of land comprising potentially contaminated land to comply with Part E3 of the DCP. The development satisfies the requirements of the Plan. See discussion below under Part E3.

D3.26 – Amenity requirement:

This control requires consideration of the impacts of road and rail noise on development. This is considered under *State Environmental Planning Policy (Infrastructure) 2007*. See discussion above.

Part E1 – Biodiversity

This Part of the DCP prescribes that consent is required for the removal of certain vegetation. The site is mapped as 'Prescribed Vegetation B' and the development involves the removal of 14 trees, which constitute remanent native vegetation on the site.

Two of the trees to be removed are identified as 'high conservation value trees', under the provisions of the DCP. The DCP requires that the removal of 'high conservation value trees' be offset at a ratio of 1:20.

The development proposes to accommodate this offset planting in the southern section of the site. A recommended condition of consent requires that these plantings be completed as part of the first stage of the development.

The development satisfies the requirements of the Plan.

Part E3 – Contaminated Land

This part of the DCP requires that land be suitable for its intended purpose, with potentially contaminated land being identified and remediated where necessary.

A preliminary contamination investigation accompanied the application. The report details previous activities that have occurred on the land, including the placement of fill. The report discusses the nature of the material placed on

the land and its source. The report concludes that the land is unlikely to be contaminated.

The information presented is considered satisfactory and does not require further investigation.

The development satisfies the requirements of the Plan.

Part E4 – Flooding

This Part of the DCP specifies certain requirements for land mapped as flood prone. Seniors living developments are identified in the DCP as a 'sensitive facility'. Sensitive facilities are required to provide for buildings that have a minimum finished floor level of the 500-year average recurrence interval flood level plus 500mm freeboard. Approval of sensitive facilities may also be conditional upon the submission of a flood safe plan.

As discussed above, part of the subject site is mapped as flood prone land, with the southern portion of the site being affected by the 1 in 100 year ARI and 1 in 500 year flood event. The application was accompanied by a flood risk assessment, which addresses the requirements of the DCP. The proposed development is not expected to result in any flooding impacts, subject to a minimum finished floor level for the proposed buildings being achieved. Appropriate minimum finished floor levels, which meet the requirements of the DCP, have been proposed and are shown on the submitted plans. A recommended condition of consent requires that these minimum floor levels be implemented throughout the development. A recommended condition of consent also requires that a flood safe plan, prepared in accordance with state emergency services guidelines be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The development satisfies the requirements of the Plan.

Part F1 – Access and parking

This part of the DCP specifies requirements in relation to car parking, access and maneuvering.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 contains provisions that relate to the amount of car parking required to be provided onsite for seniors living developments. These provisions override those in the DCP relating to car parking. Car parking is discussed above in relation to compliance with *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

In relation to access and maneuvering the development provides for one entry point, via new public roads off York Street. All vehicle access to the different parts of the development is to be gained via new internal roads. The location of access point, the proposed road layout and associated parking areas are consistent with the requirements of the DCP and also comply with Australian Standard 2890.1.

The development satisfies the requirements of the Plan.

Part F3 – Landscaping

This part of the DCP specifies requirements in relation to landscaping for developments.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 contains provisions that specify landscaping required to be provided for seniors living developments. These provisions override those in the DCP relating to landscaping. Landscaping is discussed above in relation to compliance with *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

In relation to the species proposed to be planted, the application was accompanied by a landscaping plan which shows species consistent with the requirements of the DCP. It is considered that the landscaping will enhance, screen and soften the development.

The development satisfies the requirements of the Plan.

Part F6 – Waste Management

This part of the DCP specifies requirements in relation to waste management.

The application was accompanied by waste management plan, which provides conceptual detail in relation to how waste generated by the development will be managed. The conceptual detail satisfies the requirements of the DCP in terms of waste storage and collection.

Recommended conditions of consent require the submission and approval of further detail prior to the issue of a construction certificate.

The development satisfies the requirements of the Plan.

Part G2 – Arthur Street Precinct

This part of the DCP specifies requirements for land located within the 'Arthur Street Precinct', which is divided into east and west.

The development site is located within the 'Arthur Street West Precinct'. The DCP contains a Masterplan for the western part of the precinct and several requirements, which specify at high-level, matters such as setbacks requirements and the desired location of roads and car parking.

The applicant is seeking a variation to the controls contained within this part of the DCP. In support of this variation the applicant contends that the controls contained within this part of the DCP did not anticipate the site being developed for the purposes of a seniors living development and maintained in a single ownership. Rather, the controls anticipate that the site will be subdivided and developed for typical residential purposes, with the resulting controls relating to such development. Regardless, the applicant argues that the development still achieves the objectives of the DCP, which include improved pedestrian connectivity in the Park Beach locality; and maximising deep soil zones.

It is agreed that the controls do not anticipate the type of development proposed and that regardless of the non-compliance with the overall Masterplan, the overall objectives and intentions of the Masterplan are met and the variation to the controls is considered satisfactory in the circumstances.

- iv. the regulations (to the extent that may prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,**

The Regulations do not prescribe any matters relevant to the proposed development.

- 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,**

Council adopted the Coffs Harbour Coastal Zone Management Plan at its meeting of 14 February 2013. The plan provides the basis for future management and strategic land use planning of the Coffs Harbour coastal zone. The development site is within the study area of the plan but is not within any area covered by specific management strategies contained within the plan.

The Coffs Harbour Coastal Processes and Hazard Definition Study 2010 was prepared prior to, and informed the Coastal Zone Management Plan and identified likelihood of hazards occurring, such as beach erosion, coastal inundation and the impacts of sea level rise on these hazards by 2100. The Hazard Study does not identify any coastal processes that would impact on the development site.

- 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,**

Environmental impacts:

The development site is located within an established urban area and is considered highly disturbed. The development involves the removal of 14 trees. These trees constitute remanent native vegetation on the site and the removal of these trees will not result in any significant impacts. Regardless, the removal of two of these trees, identified as 'high conservation value trees' under the Coffs Harbour Development Control Plan 2015 (DCP), will be offset at a ratio of 1:20 on the site, in accordance with the requirements of the DCP.

Whilst the site is mapped as flood prone, the development will not result in any flooding impacts to the site itself or adjoining properties, subject to a minimum finished floor level for the proposed buildings being achieved. Appropriate minimum finished floor levels, which meet the requirements of the DCP, have been proposed and are shown on the submitted plans

Amenity impacts:

Solar access:

The application was accompanied by solar diagrams (for the 21st of June) that demonstrate that the development does not impact on the solar access for the living

areas of adjoining existing developments and results in only minimal impacts to the rear yards of some adjoining residential development, located to the south. The information submitted with the application sufficiently demonstrates that the development will retain an appropriate solar access for adjoining properties and will not result in any significant impacts.

Privacy:

The development site, being bound by existing public roads to the north, east and west, is afforded adequate separation to existing adjoining development in these directions. The development site adjoins existing residential development directly to the south. The closest part of the development to the adjoining residential development occurs in the south-eastern section of the site. A row of single storey self-contained dwellings, which front York Street, are located in this section of the site. The closest setback to this row of self-contained dwellings to the southern boundary is 9 metres, with the remaining buildings that adjoin the southern boundary setback approximately 14 metres and more. Given the separation distances between the proposed and existing development and that landscaping is also proposed to occur along the southern boundary of the site, the development is not expected to result in privacy impacts.

Noise:

The proposed development is expected to result in operational noise as a result of the operation of things such as air conditioners, refrigeration equipment, vehicle movements, laundry operations and resident activities.

Noting that the development site is surrounded by existing residential development, the application was accompanied by an acoustic assessment, which addresses operational noise expected to be generated by the development. The assessment indicates that whilst the development is expected to generate noise as a result of ongoing operations, the impacts are not expected to be unacceptable in the locality.

Recommended conditions of consent require that noise attenuation measures outlined in the acoustic assessment be implemented in the development and that ongoing operation of plant and machinery not exceed 5dB(A) above the background noise level, when measured at the boundary of the development site. The development is not expected to result in unacceptable impacts in the locality.

Construction impacts:

The construction phase of the development is expected to result in some disturbance in the locality. To minimise construction impacts recommended conditions will specify construction hours and the management of dust and sediment and erosion. A recommended condition of consent also requires the preparation of a construction management plan, which

Traffic impacts:

The development, which will gain access from a single access point off York Street, will generate additional traffic movements in the locality that will impose an additional load on the surrounding public road network. The application was accompanied by a traffic impact assessment, which considered the impact of the development on the public road network. The assessment is based on the RMS Guide to Traffic Generating Developments (2004 and as updated). To quantify the potential impacts of the completed development on the surrounding road network SIDRA modelling has been utilised.

The assessment includes consideration of the expected impact on the intersection performance of the York and Arthur streets intersection and the York Street and Park Beach Road intersection. The assessment also considers the impact of the completed development on Arthur Street, York Street and San Francisco Avenue (northern leg), Hogbin Drive and Park Beach Road.

The assessment undertaken indicates that the existing public road network has sufficient capacity to cater for the expected traffic generation.

The development also includes an internal road network, which provides access through the site to the various buildings proposed as part of the development, and includes access to car parking areas, turning areas, waste collection and loading areas. The internal road network and associated parking meet the relevant design requirements of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the Coffs Harbour Development Control Plan 2015 and AS2890.

The proposed development is not expected to result in any significant adverse traffic impacts in the locality.

Context and Setting - Building form/design impacts:

The development site is located in an established urban area and is surrounded by a mix of medium to higher density residential and tourist land uses. The development site is also located within close proximity to various commercial land uses such as shops, restaurants and hotels.

The Park Beach locality is a precinct, which is currently in transition from a lower scale, lower density style of development to higher density developments that capitalise on proximity to the coastline, topography of the land and which reflect the planning controls that currently sit over the locality.

The development includes a combination of lower scale buildings that front York and Arthur streets and San Francisco Avenue, transitioning to larger scale higher density tower style buildings towards the centre of the site. The bulk and scale of the taller buildings are broken up by their boomerang shape, stepped design and the use of varying materials and colour schemes.

Whilst the development is more modern in design and parts of it are a higher density than immediately surrounding development, the proposed development is considered to be consistent with the desired future character of the locality. The development is not expected to result in adverse impacts to the streetscape, as a result of the proposed building design.

Socio-economic impacts

The development is expected to generate employment opportunities both during the construction and operational phases of the development.

The development will provide for additional aged care opportunities to assist with meeting the needs of an ageing community.

The proposed development is not expected to result in any significant adverse environmental, social or economic impacts in the locality.

c. the suitability of the site for the development,

The attributes of the site are considered to be conducive to the proposed development.

d. any submissions made in accordance with this Act or the regulations,

The application was advertised and notified in accordance the Council's Development Control Plan 2015 for a period of 14 days and 107 submissions were received. Of these 101 submissions were in support of the development, with 6 submissions objecting to the development.

A summary of the matters raised in the submissions received is provided below:

In support of the development:

- The development will create job opportunities for the local community, both during construction and ongoing operations.
- The development generally will provide a boost for the local economy.
- Coffs Harbour is an ageing community. The development will help meet the significant needs of an ageing community.
- There are currently limited opportunities for ageing people in the Coffs Harbour community – the development will provide this.
- The development is appropriately located near various services and facilities such as doctors, shops, financial institutions, public transport and recreation areas etc.
- The development provides for an attractive design.
- The development will result in a signature development, contributing positively to the urban form.
- The development will improve safety in the area.
- The developer has a good track record for providing good quality developments.
- The development will provide for a superior quality of life for its residents.
- The development provides an opportunity for ageing people to live independently.
- The development will result in reduced reliance on cars for residents.
- The development will increase the regional attractiveness of Coffs Harbour.

Objections to the development:

- The development exceeds the height controls for the area. The controls exist for a reason and should be enforced.
- The height of the building will result in unacceptable impacts for neighbouring properties in terms of privacy and shadow impacts.
- The height and general bulk of the development will have unacceptable visual impacts in the locality.
- Construction of the development will result in noise, dust and vibration impacts to adjoining properties.
- The development will affect the property values of adjoining properties.
- The development is out of character with the residential locality.
- Traffic impacts due to additional traffic movements.
- Stormwater impacts from additional stormwater generated by the development.

The application was referred to the NSW Roads & Maritime Service in relation to Clause 102 of *State Environmental Planning Policy (Infrastructure) 2007* to their advice has been incorporated into the assessment process.

Comments:

The following comments are provided in response to the matters raised above:

- Council is statutorily required to consider and assess variations to planning controls proposed by an applicant. An assessment of the variations proposed indicates that there are sufficient environmental planning grounds to support the proposed variations.
- Consideration of adjoining property values is outside the scope of the S79C of the *Environmental Planning & Assessment Act 1979* and cannot be relevantly considered as part of this assessment.
- The development provides for satisfactory separation to adjoining existing development and the development is not expected to result in privacy impacts for neighbouring properties.
- The information submitted with the application sufficiently demonstrates that the development will retain an appropriate solar access for adjoining properties and will not result in any significant impacts.
- Whilst the development is more modern in design and parts of it are a higher density than immediately surrounding development, the proposed development is considered to be consistent with the desired future character of the locality. The development is not expected to result in adverse impacts to the streetscape, as a result of the proposed building design.
- Whilst the development is expected to result in some disturbance in the locality during the construction phase, the development is not expected to result in unacceptable noise, dust and vibration impacts in the locality. A recommended condition of consent requires that construction works be limited to certain days and hours. Similarly, a recommended condition of consent addresses the management of dust generated by construction works.
- The development, which will gain access from a single access point off York Street, will generate additional traffic movements in the locality that will impose an additional load on the surrounding public road network. The application was accompanied by a traffic impact assessment, which considered the impact of the development on the public road network. The assessment concludes that surrounding road network can satisfactorily accommodate the additional traffic movements without causing unacceptable impacts in the locality.
- The application was accompanied by details relating to stormwater management. Stormwater will be directed to Council's reticulated stormwater system and the development is required to accord with Council's WSUD (Water Sensitive Urban Design) Policy. Council is satisfied that stormwater generated by the development can be satisfactorily managed, without resulting in impacts to adjoining properties or the locality generally.

e. the public interest:

The proposed development does not present any issues that are contrary to the public interest.