

**Report to the Director General on an application for a Site Compatibility Certificate
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

SITE: Lot 1 DP 1128964, Darkum Road, Mullaway in Coffs Harbour City Local Government Area (LGA) (Tag G).

APPLICANT: GHD Pty Ltd on behalf of John Hannaford of JP Hannaford Darkum Road Pty Ltd

PROPOSAL: The proposal is to provide self-care housing consisting of 34 single storey dwellings of 2 and 3 bedrooms, a village clubhouse to provide administration and care facilities, a maintenance shed and landscaping including pathways, BBQ/picnic shelters and daybed/pavilion (Tag F).

LGA: Coffs Harbour City Council.

PERMISSIBILITY STATEMENT

The subject land satisfies the requirements of Clause 4(4) of State Environmental Planning Policy (SEPP) (Housing for Seniors or People with a Disability) 2004 as the land adjoins land primarily for urban purposes. The land is zoned Rural 1A Agriculture under the Coffs Harbour Local Environmental Plan (LEP) 2000. Land to the north and east, including land across Darkum Road is zoned 2A Residential under the LEP.

A Site Compatibility Certificate was issued by the Director General for 38 dwellings on the site on the 17 September 2009. A development application was lodged with Coffs Harbour City Council on 23 August 2011 relying on the certificate issued 17 September 2009. The application was rejected by Council as it did not contain adequate information. This certificate has subsequently lapsed.

CLAUSES 24(2) AND 25(5)

The Director General must not issue a certificate unless the Director General:

- (a) *has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made;*
- (b) *is of the opinion that:*
 - (i) *the site of the proposed development is suitable for more intensive development; and*
 - (ii) *the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).*

1. Suitability of the site for more intensive development (clause 24(2)(a)): - The site adjoins the western boundary of Mullaway village. A row of residential lots is located along Mullaway Drive to the north of the site and along Darkum Road to the east of the site. These lots form the western part of the village of Mullaway which generally consists of low density single residential dwelling houses.

The site is identified as having native vegetation and includes an endangered ecological community. Clearing of vegetation will be required to permit the development and to achieve

adequate buffers for bushfire protection. The built development will cover approximately 25 per cent of site, however approximately half the site (4.4ha) will be in the entire development footprint. The proponent proposes to offset any vegetation losses through BioBanking.

The site can be serviced with water and sewer and has access to local facilities and public transport.

It is considered that the site is suitable for more intensive development.

The land is not identified as being within a Growth Area in the *Mid North Coast Regional Strategy* and is identified as being in a Coastal area. Council's *Our Living City Settlement Strategy* does not identify the site for urban uses.

2. Surrounding Environment: - Land to the west of the site is zoned for rural purposes and is characterised by existing stands of native vegetation and cleared pasture. Land to east is the existing residential village of Mullaway. The village is characterised by low density residential development. Native vegetation on the site includes an endangered ecological community (EEC) and is identified as Secondary Koala Habitat by Coffs Harbour City Council (CHCC) (refer discussions below).

COMMENTS FROM COUNCIL

The Director General must not issue a certificate unless he has taken into account any written comments concerning the consistency of the proposed development with the criteria specified in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made (clause 25(5)(a)).

Council did not support the issue of a Site Compatibility Certificate in relation to the previous certificate application on the basis that the site was "considered intrinsically unsuitable to such a use", and that the report provided by the applicant did not provide relevant information to evaluate the proposal.

In response to the present application, Council notes inconsistencies and omissions from the documentation, and requests that the Department reject the current application and seek a properly prepared submission from the applicant for re-referral to Council (**Tag B**).

It is considered that adequate information is provided to determine to issue a site compatibility certificate.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES

The Director General must not issue a certificate unless he/she is of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the following criteria (clause 25(5)(b)) and clause 24(2)(b)):

- 1. The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i)):** The land is identified as High Conservation Land under Council's draft Priority Habitat and Corridors study and includes an endangered ecological community (EEC) (see item 6 below). It is also identified as secondary koala habitat under the Coffs Harbour Koala Plan of Management. Council has identified the land as in a bushfire hazard area. The proposal will involve the removal of about 48% of the trees within the development footprint. The proponents propose to offset any vegetation loss through BioBanking.

The land is adjacent to residential development to the north and east. An ecotourism development is being developed on the western part of the subject lot with access off Mullaway Drive. The use of the site for seniors housing is considered compatible with the development in the vicinity.

2. **The impact that the proposed development is likely to have on the uses that, in the opinion of the Director General, are likely to be the future uses of that land (clause 25(5)(b)(ii)):** The land is zoned Rural 1A Agriculture under the Coffs Harbour LEP 2000 and has generally been used for grazing purposes. However, the vegetation cover, the size of the lot and its proximity to urban development will limit its agricultural potential. The western part of the lot is presently being developed for an ecotourism development. The proposed development will not impact on this development as it is separated from the subject site with separate access off Mullaway Drive.
3. **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 (clause 25(5)(b)(iii)):** A general store is in Mullaway village about 350 metres from the site. The village of Woolgoolga, 6km south, provides the nearest access to medical, dental, banking, shopping and social facilities. The regional centre of Coffs Harbour is located about 33km south of the site and provides a full range of retail, commercial, medical, community and recreational facilities.

Mullaway is serviced Monday to Friday, twice in the morning and once in the afternoon, by Ryans Bus Service that passes the site. The service links the coastal villages including Mullaway with Woolgoolga and Coffs Harbour to the south, and Grafton to the north. The proposed development will provide a community bus with a capacity of at least 10 people. Adequate access arrangements are proposed to meet the requirements of Clause 43 of the Seniors SEPP. The proposal includes a range of on-site community facilities. The site has access to reticulated water, sewerage, electricity and telecommunications.

4. **In the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development (clause 25(5)(b)(iv)):** Not relevant.
5. **Without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development (clause 25(5)(b)(v)):** The development will comprise of 34 single storey dual occupancy dwellings units of 2 and 3-bedroom construction for serviced self care (independent living) housing. The complex will also include a village clubhouse to provide administration and care facilities, a maintenance shed and landscaping including pathways, BBQ/picnic shelters and daybed/pavilion. The scale of this development is not out of character with the existing single and two storey residential development in Mullaway.
6. **If the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act 2003*—the impact that the proposed development is likely to have on the conservation and management of native vegetation (clause 25(5)(b)(vi)):** An EEC known as Sub-tropical Coastal Floodplain Forest of the NSW North Coast Bioregion listed under the NSW Threatened Species Conservation Act 1995 is located on the site. This vegetation has also been classified as Secondary Koala Habitat by Coffs Harbour City Council. Council's draft Priority Habitat and Corridors study identified the land as High Conservation Land. The proposal will involve the clearing of about 48% of the trees from within the development footprint.

The applicant acknowledges the significance of the vegetation on the site and a BioBanking assessment has been undertaken that identifies the number of credits required to offset the proposed loss of vegetation. In this regard, it is proposed to retire credits from Lot 2 Darkum Road Mullaway, about 600 metres down the road from the site to offset the loss of the vegetation on the subject site. The vegetation on Lot 2 has similar values to that on the subject site. The application for the BioBanking Agreement is soon to be lodged with the Office of Environment and Heritage for determination. While the loss of the significant vegetation will have an impact on the site the BioBanking credit offset is considered an appropriate measure to mitigate this loss.

All other aspects of the site as discussed above make it suitable for the proposed seniors centre development.

RECOMMENDATION

It is RECOMMENDED that the Director General:

- **note** this report; and
- **consider** any written comments received from the relevant General Manager within 21 days after the application for the certificate was made (provided at **Tag B**); and
- **form the opinion** that the site of the proposed development is suitable for more intensive development; and
- **form the opinion** that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having had regard to the criteria specified in clause 25(5)(b); and
- **determine** the application for a site compatibility certificate under clause 25(4)(a) by issuing a certificate (**Tag C**) for ; and
- **sign** the letters to the applicant and Council advising of this determination (**Tags D and E**).

Regional Director, Northern Region


23.9.11
Executive Director, Planning Operations


23/9/11
Deputy Director General, Plan Making and Urban Renewal


Director General

23/9/2011

**State Environmental Planning Policy (Housing for Seniors or People with a Disability)
2004
Certificate of Site Compatibility**

I, Director General of the Department of Planning and Infrastructure determine the application made by GHD Pty Ltd on 24 August 2011 by issuing this certificate under clause 25(4)(a) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

I certify that in my opinion:

- the site described in Schedule 1 is suitable for more intensive development; and
- the development described in Schedule 1 is compatible with the surrounding environment and surrounding land uses, having had regard to the criteria specified in clause 25(5)(b).


Director General

Date certificate issued: 23rd September 2011

Please note: This certificate will remain current for 24 months from the date of this certificate (clause 25(9)).

SCHEDULE 1

Site description: Lot 1 DP 1128964 Darkum Road Mullaway in Coffs Harbour City

Project description: A self-care housing development referred to as Solitary Islands Retreat and consisting of 34 single storey dwellings of 2 and 3 bedrooms, a village clubhouse to provide administration and care facilities, a maintenance shed and landscaping including pathways, BBQ/picnic shelters and daybed/pavilion.

SCHEDULE 2

Application made by: GHD Pty Ltd on behalf of John Hannaford of JP Hannaford
Darkum Road Pty Ltd

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I certify that in my opinion:

- the site described in Schedule 1 is suitable for more intensive development; and
- the development described in Schedule 1 is compatible with the surrounding environment and surrounding land uses, having had regard to the criteria specified in clause 25(5)(b).


Director General

Date certificate issued:

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Please note: This certificate will remain current for 24 months from the date of this certificate (clause 25(9)).

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SCHEDULE 2

Application made by:

GHD Pty Ltd on behalf of John Hannaford of JP Hannaford
Darkum Road Pty Ltd



Office of the Director General

Mr B Luffman
GHD Pty Ltd
PO Box 1340
COFFS HARBOUR NSW 2450

Our ref: 11/15776
Your ref: 22/14828/14845

Dear Mr Luffman

**Determination of application for a site compatibility certificate for Lot 1 DP
1128964 Darkum Road Mullaway - State Environmental Planning Policy
(Housing for Seniors or People with a Disability) 2004**

I refer to your application of 24 August 2011 for a site compatibility certificate under clause 25(1) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (Seniors Housing)) in relation to the above site.

I, the Director General, have determined the application under clause 25(4)(a) of the SEPP (Seniors Housing) by issuing a site compatibility certificate. I have attached the Certificate of Site Compatibility.

If you have any questions in relation to this matter, please contact Jim Clark, of the Department of Planning and Infrastructure's Northern Region on (02) 6641 6604.

Yours sincerely


Sam Haddad
Director General

23/9/2011

Enc: SCC certificate



Office of the Director General

Mr S McGrath
General Manager
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR NSW 2450

Our ref: 11/15776
Your ref: 2886864

Dear Mr McGrath

**Determination of application for a site compatibility certificate for Lot 1 DP
1128964 Darkum Road Mullaway - State Environmental Planning Policy (Housing
for Seniors or People with a Disability) 2004**

I refer to the application submitted by GHD Pty Ltd for a site compatibility certificate under clause 25 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (Seniors Housing)) in relation to the proposed seniors housing development on the above site.

I, the Director General, have determined the application under clause 25(4)(a) of the SEPP (Seniors Housing) by issuing a site compatibility certificate. I have attached the Certificate of Site Compatibility.

If you have any questions in relation to this matter, please contact Jim Clark, of the Department of Planning and Infrastructure's Northern Region on (02) 6641 6604.

Yours sincerely


Sam Haddad
Director General

23/9/2011

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