



Our ref: (2235965PN)

17 June 2019

NSW Planning & Environment  
Attention: Mr J Stone  
Jonathan.Stone@planning.nsw.gov.au

Dear Sir,

## **Site Compatibility Certificate – Lot 1, DP 1128964, Mullaway Drive, Mullaway**

Reference is made to the Site Compatibility Certificate mentioned above for the purposes of a proposed seniors housing development.

Council has reviewed the submitted information and requests that the following matters be considered as part of your assessment of the certificate:

### **Environmental Matters:**

- It is noted that the site is located within the 'Coastal Zone' and is, therefore, subject to the provisions of *State Environmental Planning Policy (Coastal Management) 2018*. Under this Plan a small part of the land is identified on the 'Coastal Use Area Map'.

The applicant has addressed the relevant requirements of the Plan in the submitted information and this appears to be satisfactory.

- It is noted that the development is likely to involve vegetation removal that will exceed the clearing thresholds contained within *Biodiversity Conservation Act 2016* and will, therefore, likely trigger the requirement for the developer to prepare a Biodiversity Assessment Report (BDAR). The developer's intentions to utilise the Biodiversity Offsets Scheme to mitigate the expected impacts of the development are noted.

It is further noted, however, that parts of the subject site are mapped as secondary koala habitat. The Coffs Harbour Koala Plan of Management 1999 (KPoM), therefore, applies to the development. It is important to note that while the Biodiversity Conservation Act allows for the expected biodiversity impacts to be 'offset' under the offsets scheme, the development is still required to satisfy the requirements of the KPoM. In this regard, the KPoM is a precondition that must be satisfied by any future development regardless of what offsetting arrangements are available under the *Biodiversity Conservation Act 2016*.

It is noted that the applicant's comments about this is that "removal of koala habitat and impacts on koalas generally has been considered and will be addressed through the utilisation of the Biodiversity Offsets Scheme". Council recommends that the developer be asked to address the provisions in a more comprehensive way, which demonstrates that the proposed development is consistent with the provisions of the KPoM.

- Council notes the developer's advice in relation to potential acid sulfate soils.
- Council notes the developer's advice in relation cultural heritage matters. Specifically, that a cultural heritage assessment has been prepared and that cultural heritage items have been identified in the southern portion of the site. Please note that Council has not reviewed the submitted assessment in detail and would refer any future development application for the purposes of seniors housing to the NSW Office of Environment & Heritage for their expert advice in relation to Aboriginal cultural heritage.

#### **Bushfire:**

- Council notes the developer's advice in relation to bushfire hazard. The proposed development requires a Section 100B Bushfire Safety Authority under the *Rural Fires Act 1997*. Council would refer any future development application for seniors housing to the NSW Rural Fire Service either as 'integrated development' (if nominated by the applicant) or for their advice under the provisions of 4.14 of the *Environmental Planning and Assessment Act 1979*.

#### **Applicable planning controls:**

- Council notes the developer's advice in relation to compliance with the applicable planning controls for the subject site and intended development. While a cursory assessment of the proposed development has been undertaken against the relevant controls and no significant assessment matters have been identified, any future development application for seniors housing on the subject site would need to provide detailed information demonstrating compliance (or identifying variances) with applicable controls.

#### **Traffic:**

- Council notes the information submitted in relation to traffic. A cursory review of this information has been undertaken. Concerns have been identified with respect to the proposed access point off Mullaway Drive, particularly in relation to the distance from the Mullaway Drive/Arrawarra Road intersection and sight distances that may be available from this point.

#### **Services:**

- The proposed development will generate the need for water supply and sewerage services. The report advises that the development will connect to reticulated, Council provided water supply and sewerage infrastructure.

The development site is not currently covered by Councils Water Supply and Sewerage Servicing Strategy. While there may be capacity in Council's infrastructure for the

proposed development, this will be unplanned for and may require alterations and changes to Council's existing infrastructure.

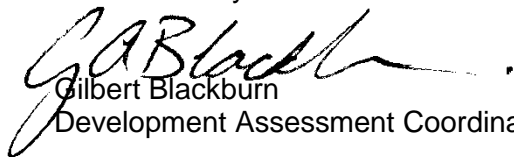
The site is also not covered by Council's developer contributions plans nor water services strategy.

**Compatibility with Surrounding Development:**

It is noted that the proposed lot for the development is currently located around Lot 1, DP 382303. As a result, the proposed development, when built, will surround this lot. This is considered to be a likely source of land use conflict if the development were to be approved.

For further information please contact Gilbert Blackburn on 6648 4652.

Yours faithfully

  
Gilbert Blackburn  
Development Assessment Coordinator