

**COUNCIL ASSESSMENT REPORT**  
**NORTHERN REGIONAL PLANNING PANEL**

PANEL REFERENCE & DA NUMBER	PPSNTH-327 - 0566/24DA
<b>DEVELOPMENT</b>	<p>The development of includes subdivision, demolition of two existing dwellings and associated outbuildings, and a mixed use development comprising a group home (transitional) and a dual occupancy (attached) with associated earthworks, vehicle access, stormwater management and landscaping.</p> <p>The proposal comprises three (3) stages of development as outlined below.</p> <p><u>Stage 1</u></p> <p>Consolidation of the existing lots and re-subdivision into two (2) lots. Lot A (894m<sup>2</sup>) will retain an existing dwelling with Lot B (2993m<sup>2</sup>) utilised for the group home and dual occupancy.</p> <p><u>Stage 2</u></p> <p>Construction of the group home (transitional), including a communal building, in the central portion of the site and administration building in the western portion of the site. The group home will include six (6) units within a two-storey building. The communal building and administration building are to be single storey. Ancillary works include:</p> <ul style="list-style-type: none"> <li>- Site earthworks</li> <li>- Landscaping</li> <li>- Stormwater management system</li> <li>- Works along Pitt Square frontage</li> </ul> <p><u>Stage 3</u></p> <p>Construction of a dual occupancy (attached) in the western portion of the site. Ancillary works include:</p> <ul style="list-style-type: none"> <li>- Landscaping</li> <li>- Stormwater management</li> <li>- Works along Azalea Avenue frontage</li> </ul>
<b>ADDRESS</b>	Lot A DP 377015 & Lot B DP 377015 & Lot 2 DP 31821 - 3 Pitt Square, 57 & 59 Azalea Avenue, Coffs Harbour, NSW 2450
<b>APPLICANT</b>	HOUSING PLUS

<b>OWNER</b>	HOUSING PLUS & KL & S ANDERSON
<b>DA LODGEMENT DATE</b>	9 April 2024
<b>APPLICATION TYPE</b>	Development Application (Regionally Significant Development)
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Section 2.19(1) and Clause 5 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the development as regionally significant development as the development has an estimated development cost of more than \$5 million for a group home.
<b>EDC</b>	\$5,765,576
<b>CLAUSE 4.6 REQUESTS</b>	The development proposes a variation to development standard 4.1 Minimum subdivision lot size of <i>Coffs Harbour Local Environmental Plan 2013</i> .
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021;</li> <li>• State Environmental Planning Policy (Housing) 2021;</li> <li>• State Environmental Planning Policy (Planning Systems) 2021;</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021;</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021;</li> <li>• Coffs Harbour Local Environmental Plan 2013;</li> <li>• Coffs Harbour Development Control plan 2015.</li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS</b>	The application was notified from 3 May 2024 to 17 May 2024. The application has received a total of 14 submissions. All submissions are in objection to the development.
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	Architectural Plans Arborist Report Civil and Stormwater Plans Cost Estimate Report Crime Prevention through Environmental Design Report Engineering Design Report Driveway and Access Plan Conceptual Operations Manual Landscape Plan Statement of Environmental Effects Subdivision Plan 4.6 Variation Request
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	The site is not located in an area that Special Infrastructure Contributions (SIC) apply.
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes

<b>SCHEDULED MEETING DATE</b>	11 December 2024
<b>PREPARED BY</b>	Glenn Petersen - Development Assessment Officer - The City of Coffs Harbour.
<b>DATE OF REPORT</b>	22 November 2024

## EXECUTIVE SUMMARY

Development consent is sought under Development Application (DA) 0566/24DA for a staged development comprising; subdivision, demolition of two existing dwellings and associated outbuildings, and construction of a mixed use development comprising a group home (transitional) and a dual occupancy (attached) with associated earthworks, vehicle access, stormwater management and landscaping.

The development is 'Regionally Significant Development' as defined by Chapter 2 Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP), as the development has an estimated development cost of more than \$5 million for a group home. The Northern Regional Planning Panel (NRPP) is the relevant determining authority.

### Consultation

The development was notified in accordance with the City of Coffs Harbour Community Participation and Engagement Plan 2023 from 3 May 2024 to 17 May 2024. The notification included the following:

- Notification letters sent to adjoining and adjacent properties;
- Notification on the City's website.

The City received 14 submissions in response to the notification. An assessment of the issues raised within these submissions is provided in Section 4.3 of this report.

### External referrals

The development was referred to Essential Energy (EE) and NSW Police. A discussion on these referrals is proposed in Table 9 of Section 4.1 of this report. EE did not raise any safety concerns due to the development. At the time of uploading the Assessment Report to the NSW Planning Portal, a response was not received from NSW Police. However, NSW Police have indicated that a response will be provided prior to determination. If the response requires the report and/or draft conditions to be updated a supplementary report will be provided.

### Pre-conditions to granting development consent

The following legislative clauses apply to the development which require the consent authority satisfaction prior to the granting of development consent:

- Chapter 2 'State and Regionally Significant Development' and Section 2.19(1) and Clause 5 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as the development has an estimated development cost of more than \$5 million for a group home. The Northern Regional Planning Panel (SRPP) is the relevant determining authority.
- Chapter 4 – Clause 4.6 'Contamination and remediation to be considered in determining development application' of State Environmental Planning (Resilience and Hazards) 2021. The site is unlikely to be contaminated as, based on publicly available historical mapping, the site has been surrounding by residential uses and occupied by three dwelling houses since at least 1969. Accordingly, this matter is considered to be suitably addressed.

- Section 62 of State Environmental Planning Policy (Housing) 2021 provides that A consent authority must not impose a condition on a consent granted for a group home only because the development is for the purposes of a group home. None of the recommended conditions are due to the development containing a group home.
- Section 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021 - Before determining a development application, the consent authority must give written notice to the electricity supply authority inviting comments about potential safety risks and take into consideration any response to the notice that is received within 21 days after the notice is given. No safety concerns were raised by Essential Energy.
- Clause 7.1(3) 'Earthworks' of the CHLEP provides several matters that the consent authority must consider prior to granting development consent to earthworks. The matters listed under clause 7.1(3) have been considered during the assessment and the proposed works are acceptable.
- Clause 7.12 Design excellence of the CHLEP provides that consent must not be granted unless the consent authority considers that the development exhibits design excellence. The matters listed under clause 7.12 have been considered during the assessment and the proposal is considered to exhibit design excellence.

### Key Issues

The key issues considered during the assessment relate to:

- Stormwater
- Operational management
- Impacts due to earthworks
- Privacy and overlooking

The development has been assessed under section 4.15(1) of the Environmental Planning & Assessment Act (EP&A Act) and is considered satisfactory. Accordingly, it is recommended that the application be approved for the reasons set out in Appendix A.

### Recommendation

That the Development Application DA 0566/24DA for subdivision, demolition of two existing dwellings and associated outbuildings, and a mixed use development comprising a group home (transitional) and a dual occupancy (attached) with associated earthworks, vehicle access, stormwater management and landscaping at 3 Pitt Square, 57 & 59 Azalea Avenue, Coffs Harbour be APPROVED pursuant to Section 4.16(1)(a) or (b) of the Environmental Planning and Assessment Act 1979 subject to the draft conditions of consent attached to this report at Attachment A.

## **1. THE SITE AND LOCALITY**

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### **1.1 The Site**

The site comprises three lots, being 57 and 59 Azalea Avenue (Lots A and B DP377015) and 3 Pitt Square (Lot 3 DP31821), Coffs Harbour. 57 and 59 Azalea Avenue each have an area of 1,653m<sup>2</sup> whilst 3 Pitt Square has an area of 581.7m<sup>2</sup>. The combined area of the site is 3,887.7m<sup>2</sup>. The site has a primary street frontage of 40.23 metres to Azalea Avenue to the east and a frontage of 16.46 metres to Pitt Square to the west.

Each lot within the site is currently occupied by a single dwelling house. There are also several outbuildings located on the site, including to the rear of the dwelling at 57 Azalea Avenue, to the rear of 3 Pitt Square, and adjacent to the dwelling at 58 Azalea Avenue.

The site slopes downwards from the south-east to the north-west, with levels ranging from 19.35 to 12.7 AHD. The land is grassed and contains several trees clustered centrally within the site.

The site contains no European heritage and is not identified on the City's Known or Predictive Aboriginal Cultural Heritage Landscape Mapping. An AHIMS search resulted in no known Aboriginal sites or places within 200m of the site.

Existing infrastructure is available within the vicinity of the site, including sealed roads with kerb and guttering, sewerage, water, telecommunications and electricity. Electricity infrastructure consists of 11kV overhead power lines along the Pitt Square frontage and the Azalea Avenue frontage. A stormwater kerb inlet pit is also located within the frontage of 3 Pitt Square, which connects to Council's underground stormwater drainage system.





**Figure 1: Site Location**

The site was inspected on 2 September 2024. Photos from the site inspection are included below (see Figures 2-4).





**Figure 2: Photo of site from Azalea Avenue**



**Figure 3: Photo of site from Pitt Square**





**Figure 4: Photo looking north into site**

## **1.2 The Locality**

The site is located approximately 700m south-west of Coffs Harbour Central Business District (CBD) and is within the Coffs Harbour Regional Local Government Area (LGA).

The site contains R2 Low Density Residential and R3 Medium Density Residential zoned land pursuant to the Coffs Harbour Local Environmental Plan 2013 (CHLEP). The local context features predominantly residential development, comprising both low density detached dwellings, and higher density multi-dwelling (attached and detached) developments. The established residential built form is characterised by brick (unpainted, painted or rendered) or weatherboard finish with pitched roofs of either tiled or metal construction.

## **2. THE DEVELOPMENT AND BACKGROUND**

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### **2.1 The Development**

The proposed development consists of subdivision, demolition, and a mixed use development comprising a group home (transitional) and a dual occupancy (attached). The proposal comprises three (3) stages of development as outlined below.



### **Stage one**

Stage one of the proposed development involves consolidation of the existing lots and re-subdivision into two (2) lots, resulting in the following:

- Proposed Lot A – Comprises the existing dwelling of 57 Azalea Avenue and has a proposed lot size of 894.03m<sup>2</sup>. The lot is subject to a minimum lot size development standard of 1200m<sup>2</sup>.
- Proposed Lot B – Comprises the proposed core and cluster buildings, as well as the existing dwelling of 59 Azalea Avenue, and has a proposed lot size of 2,993.67m<sup>2</sup>.

### **Stage two**

Stage two of the development involves the demolition of the dwelling at 3 Pitt Square and construction of a group home (transitional) in the central portion of the site. The group home comprises two single storey buildings, one (administration) fronting Pitt Square alongside the driveway, one (communal) set further back into the site and a two-storey residential building.

The administration building comprises a reception area, two consultation rooms, a multipurpose room, an accessible bathroom, and an office and kitchenette. From the administration building, secure access is available to the rest of the site, with accessible pathways leading to the communal building. The communal core building is centrally located within the site, and comprises an open plan dining and lounge area, a communal kitchen, laundry, bathroom, as well as a children's area and a separated study area. The communal building also features outdoor open space areas including an attached deck with a BBQ, a children's playground (including a sand pit), and a yarnning circle.

The residential building, comprising of six independent living quarters over two-storeys, is positioned along the southern boundary of 59 Azalea Avenue, and is oriented to the north to overlook the communal building. Each unit is provided with dedicated private open space and an open plan kitchen, living and dining area which overlook the communal core open space, creating opportunities for passive surveillance. Of the six independent living quarters, five are single bedroom units, and one is a double bedroom unit. Of these, one ground level single bedroom is identified as accessible.

Vehicular access is provided via a driveway from Pitt Square, on the site's western boundary. The driveway leads to one parking space towards the street frontage on Pitt Square, adjacent to the administration building, and to seven further parking spaces adjacent to the communal building towards the centre of the site.

Additionally, the development involves works within the road reserves for the construction of footpaths along land adjacent to the site. This work involves alterations to the existing retaining wall along the frontage of 57 and 59 Azalea Avenue to accommodate the require footpath. An approval for the works is to be sought under s138 of the Roads Act 1993.

### **Stage three**

Stage three of the proposed development involves the demolition of the existing dwelling at 59 Azalea Avenue and the construction of a dual occupancy (attached). Each dwelling of the dual occupancy shall comprise two bedrooms, an open plan living area including a kitchen, living and lounge area, a bathroom and laundry, a single garage, and a balcony adjacent to dedicated private open space. The dual occupancy will have direct vehicular access to Azalea Avenue via a shared driveway.

The dual occupancy component is proposed to be independent to the group home development. However, it could be used to provide long-term housing for people exiting the group home.

**Internal Referrals:**

The development was referred internally to the City's Water Sensitive Urban Design Engineer, Development Engineer, Biodiversity Officer, Finance officer (contributions) and Waste Services Officer.

**External Referrals:**

The development was referred externally to Essential Energy and NSW Police.

**2.2 Background**

A pre-lodgement meeting was held on 12 December 2023 where various issues were discussed. A summary of the issues and how they have been addressed by the development is outlined below:

The DA was lodged on **9 April 2024**.

A chronology of the development application since lodgement is outlined below including the Northern Regional Planning Panel's (NRPP) involvement:

**Table 1: Chronology of Development**

<b>Date</b>	<b>Issues discussed</b>	<b>Addressed</b>
23 April 2024	Application accepted by DPIE Housing Flying Squad for assessment	Application was returned to at the end of June as funding for the flying squad was discontinued.
3 May 2024 – 17 May 2024	Notification of application.	14 Submissions received with concerns considered as part of this assessment.
28 May 2024	Information requested to clarify Estimated Development Cost (EDC)	Revised quantity surveyor report provided confirming EDC of \$5,336,344.76 (excluding GST) for the group home component.
6 August 2024	Further information requested on: a) Stormwater management b) Vehicle access and parking c) Consideration of crime prevention through environmental design (CPTED) d) Vegetation impacts e) Waste management f) Structures over sewer mains	Response provided on 24 September 2024. a) Updated stormwater management plan provided which considers stormwater management for the entire site b) Clarification that development involves gated access. Sufficient vehicle manoeuvring demonstrated. c) CPTED report provided demonstrating adequate consideration for CPTED principles. d) Arborist report provided. Tree species identified with removal required for most trees on-site. e) Confirmation that private waste contractor will service development with contract to include upkeep and management of the bin area to mitigate any odours. f) Plans updated to relocate structures over sewer mains.
17 September 2024.	A briefing with the NRPP was completed. The City provided a background to the development and an overview of the assessment process to date.	Response on 10 October 2024. a) Amended plans provided demonstrating landscaping between existing fencing and proposed car parking area.

	<p>The NRPP raised questions regarding:</p> <ul style="list-style-type: none"> <li>a) Provision of limited landscaping, particularly along the northern boundary car park, noting presentation to adjoining development</li> <li>b) Consideration of submission of Operational Management Plan, including details around proposed access and security</li> <li>c) Recommendation for referral to Police</li> <li>d) Request for further information in relation to the proposed mix of units (1 and 2 bedroom), noting that some people may have family members and possible pets</li> <li>e) Provision of bicycle parking</li> <li>f) Consideration of the potential amenity and visual impacts to the north that are associated with the proposed cut and fill (retaining walls and fencing)</li> <li>g) Consideration of internal occupant amenity (climatic) given limited landscape and extent of hard surfaces</li> <li>h) Privacy and overlooking</li> </ul>	<ul style="list-style-type: none"> <li>b) Conceptual Operational Management Plan provided with details on access and security.</li> <li>c) Application referred to NSW Police.</li> <li>d) Justification provided for proposed mix of units. The proposed mix of units is considered suitable.</li> <li>e) Justification provided. Provision of dedicated bicycle parking area not considered necessary.</li> <li>f) Amended plans provided demonstrating landscaping between existing fencing and proposed car parking area. Fill and retaining are required due to existing slope of site.</li> <li>g) Information provided justifying current design of open communal spaces and landscaping.</li> <li>h) Amended plans provided which include privacy screening on all elevated windows that face towards site boundaries.</li> </ul>
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### 2.3 Site History

The site has historically been used for residential purposes and currently three dwellings.

## 3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in section 4.15(1) of the EP&A Act. The matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
  - (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*



- (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,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are considered below.

### 3.1 Environmental Planning Instruments

The relevant environmental planning instruments (EPIs), proposed instruments, development control plans, planning agreements and the matters for consideration under the Environmental Planning & Assessment Regulation 2021 (EP&A Regs) are considered below.

#### (a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following EPI are relevant to this development application:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP)
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Coffs Harbour Local Environmental Plan 2013
- State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

A summary of the key matters for consideration arising from these SEPPs is outlined in **Table 2**.

**Table 2: Summary of Applicable Environmental Planning Instruments**

EPI	Matters for Consideration
Housing SEPP	<p>State Environmental Planning Policy (Housing) 2021 was introduced with the following principles:</p> <ul style="list-style-type: none"> <li>(a) enabling the development of diverse housing types, including purpose-built rental housing,</li> <li>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</li> <li>(c) ensuring new housing development provides residents with a reasonable level of amenity,</li> <li>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</li> <li>(e) minimising adverse climate and environmental impacts of new housing development,</li> <li>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</li> <li>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</li> <li>(h) mitigating the loss of existing affordable rental housing.</li> </ul> <p>Section 62 Determination of development applications states:</p> <ul style="list-style-type: none"> <li>(1) A consent authority must not— <ul style="list-style-type: none"> <li>(a) refuse consent to development for the purposes of a group home unless the consent authority has made an assessment of the community need for the group home, or</li> <li>(b) impose a condition on a consent granted for a group home only because the development is for the purposes of a group home.</li> </ul> </li> <li>(2) This section applies to development for the purposes of a group home that is permissible with consent under this or another environmental planning instrument.</li> </ul> <p>Comment:</p>

	<p>The application is not recommended for refusal. No recommended conditions are included only because the development proposes a group home. The proposal and assessment, including recommended conditions, is consistent with Housing SEPP.</p>												
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<p><b>Chapter Four: Koala Habitat Protection 2021</b></p> <p>Chapter Four – Koala Habitat Protection 2021 of the B&amp;C SEPP applies to the development pursuant to clause 4.4 and aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p> <p><b>Table 3: Koala Habitat Assessment</b></p> <table><tr><th>Control</th><th>Development</th><th>Outcome</th></tr><tr><td>Clause 4.8 - Does the site have a KPOM?</td><td>Yes</td><td>The site does not contain any vegetation identified as koala habitat in the KPOM. No further consideration required. The development is consistent with the KPOM.</td></tr><tr><td>Clause 4.9 - Does the site have an area greater than 1.0 Ha and not have an approved koala plan of management applying to the land.</td><td>No</td><td>LGA wide KPOM applies to the site.</td></tr><tr><td>Clause 4.9 - Is the development likely to have any impact on koalas or koala habitat.</td><td>No</td><td>The potential impact of the development on koala habitat is considered within the submitted BDAR and has been considered by the City's Biodiversity Officer. The development is satisfactory under B&amp;C SEPP – able to grant consent.</td></tr></table> <p>Note: 'koala habitat' means koala habitat however described in a plan of management under this Chapter or a former Koala SEPP and includes core koala habitat.</p> <p>The development has been assessed against the requirements of Chapter Four of the B&amp;C SEPP and it has been determined that the development would meet the requirements and objectives of the B&amp;C SEPP.</p>	Control	Development	Outcome	Clause 4.8 - Does the site have a KPOM?	Yes	The site does not contain any vegetation identified as koala habitat in the KPOM. No further consideration required. The development is consistent with the KPOM.	Clause 4.9 - Does the site have an area greater than 1.0 Ha and not have an approved koala plan of management applying to the land.	No	LGA wide KPOM applies to the site.	Clause 4.9 - Is the development likely to have any impact on koalas or koala habitat.	No	The potential impact of the development on koala habitat is considered within the submitted BDAR and has been considered by the City's Biodiversity Officer. The development is satisfactory under B&C SEPP – able to grant consent.
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Clause 4.9 - Is the development likely to have any impact on koalas or koala habitat.	No	The potential impact of the development on koala habitat is considered within the submitted BDAR and has been considered by the City's Biodiversity Officer. The development is satisfactory under B&C SEPP – able to grant consent.											
State Environmental Planning Policy (Planning Systems) 2021	<p>State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP) applies to the development pursuant to Part 2.4 – Regionally Significant Development as the development is classified as regionally significant development under Schedule 6 of the PS SEPP.</p> <p><b>Chapter 2: State and Regional Development</b></p> <p>The group home has an EDC \$5,336,344.76 (excluding GST) and is therefore classified as being 'regionally significant development' pursuant to Section 2.19(1) and Clause 5 of Schedule 6 of State Environmental Planning Policy (Planning</p>												

	Systems) 2021 as the development has an estimated development cost of more than \$5 million for a group home.
State Environmental Planning Policy (Resilience & Hazards) 2021	<p><b>Chapter Four: Remediation of Land</b></p> <p>Chapter Four of the R&amp;H SEPP applies to the site pursuant to clause 4.4 and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 4.6 requires that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use to be carried out.</p> <p>The site is unlikely to be contaminated as, based on publicly available historical mapping, the site has been surrounding by residential uses and occupied by three dwelling houses since at least 1969.</p>
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p><b>Chapter Two: Infrastructure</b></p> <p>Clause 2.48 of the T&amp;I SEPP requires certain development to be referred to the relevant electricity supply authority to comment on potential safety risks and any response is to be considered as part of the assessment.</p> <p>The proposed development involves earthworks and the installation of new driveways in the vicinity of existing power poles in Pitt Square and Azalea Avenue and as such was referred to Essential Energy (EE) for comment under clause 2.48(2)(a).</p> <p>EE did raise any potential safety risks arising from the development.</p>

### **Coffs Harbour Local Environmental Plan 2013**

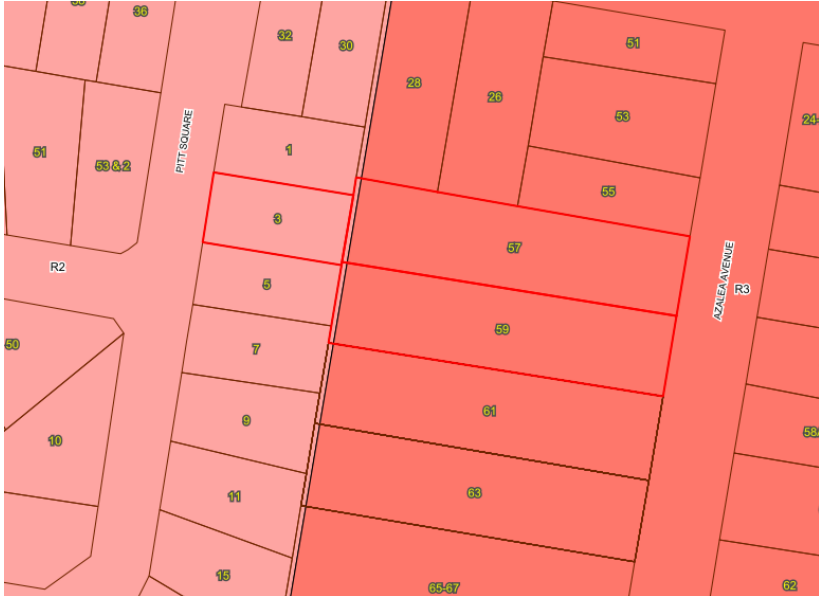
Section 4.15(1)(a)(i) of the EP&A Act requires the consent authority to consider the provisions of EPLs, which includes Local Environmental Plans (LEPs). The Coffs Harbour Local Environmental Plan 2013 (CHLEP) applies to all land within the Coffs Harbour LGA. An assessment of the development against the relevant sections of the CHLEP is provided below:

**Table 4: Coffs Harbour Local Environmental Plan 2013**

QLEP Clause	Development	Compliance
<b>Part 1 Preliminary</b>		
<b>Clause 1.2 Aims of Plan</b>	<p>The aims of this clause are as follows:</p> <p><i>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i></p> <p><i>(a) to promote a sustainable growth footprint by directing urban development and growth into the existing urban footprint and identified greenfield investigation areas,</i></p> <p><i>(b) to protect and sustainably manage areas of high biodiversity, agricultural, scenic, recreational and European and Aboriginal cultural heritage value,</i></p>	Yes



	<p>(c) to reinforce the Coffs Harbour City Centre as the principal business, office, cultural, civic, entertainment and retail hub, while supporting the objectives of Zones E1, E2, E3 and MU1,</p> <p>(d) to reinforce the Coffs Harbour local government area business centres hierarchy to maintain the primacy of the Coffs Harbour City Centre and provide for a range of employment opportunities in appropriate locations,</p> <p>(e) to provide for active living and connectivity by providing healthy, walkable and green built environments, including quality public open space and community facilities and walkable local streets,</p> <p>(f) to provide for development that supports tourism in appropriate locations,</p> <p>(g) to create a highly liveable city, through the promotion of design excellence in all elements of the built environment and public domain,</p> <p>(h) to create local and sub-regional movement corridors by maximising renewal opportunities after the completion of the Coffs Harbour bypass,</p> <p>(i) to promote ecologically sustainable development that supports a strong and diverse local economy both now and into the future,</p> <p>(j) to ensure that sensitive land uses and development are sited and designed so that they do not affect the viability of existing uses,</p> <p>(k) to provide for the social and economic welfare of the community by facilitating equitable access to public open spaces, community services and facilities that are safe and meet the needs of a diverse population,</p> <p>(l) to promote the delivery and maintenance of housing diversity and affordable housing,</p> <p>(m) to promote a strong sense of community, identity and place,</p> <p>(n) to promote the effective management of natural hazards and risks and the creation of a climate resilient community.</p> <p>The development is generally consistent with the relevant aims of the CHLEP. Specifically, the development will promote a sustainable growth footprint by directing urban development and growth into the existing urban footprint, promoting the delivery and maintenance of housing diversity and affordable housing and by providing for the social and economic welfare of the community by facilitating equitable access to public open spaces, community services and facilities that are safe and meet the needs of a diverse population.</p>	
<b>Clause 1.6 Consent Authority</b>	Pursuant to Schedule 2 of the EP&A Act, the NRPP is the consent authority for the development.	Yes
<b>Clause 1.9A Suspension of Covenants, Agreements</b>	No covenants, agreements and instruments restricting the development have been identified.	N/A

and Instruments		
<b>Part 2 Permitted or Prohibited Development</b>		
<b>Clause 2.1 Land use zones</b>	<p>The site is located within the R2 Low Density Residential zone and R3 Medium Residential zone and as shown in Figure 4.</p>  <p><b>Figure 5: Zoning Map</b></p>	N/A
<b>Clause 2.3 Zone objectives and Land Use Table</b>	<p>Development for the purposes of a group home or dual occupancy is permitted with consent is both R2 and R3 zoned land.</p> <p>The R2 Low Density Residential zone objectives are:</p> <ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community within a low-density residential environment.</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> <li>• <i>To provide for housing diversity and choice and associated infrastructure that supports the changing housing needs of the population that is consistent with local character.</i></li> <li>• <i>To encourage active living through the provision of healthy, walkable, green and safe built environments and streets, greener connections and walking and cycling infrastructure.</i></li> <li>• <i>To ensure that development reflects design excellence in its presentation to the public realm.</i></li> </ul> <p>The R3 Medium Density Residential zone objectives are:</p> <ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community within a medium density residential environment.</i></li> <li>• <i>To provide a variety of housing types within a medium density residential environment.</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> </ul>	Yes

	<ul style="list-style-type: none"> <li>• To provide for associated infrastructure that supports the changing housing needs of the population that is consistent with local character.</li> <li>• To encourage active living through the provision of healthy, walkable, green and safe built environments and streets, greener connections and walking and cycling infrastructure.</li> <li>• To ensure that development reflects design excellence in its presentation to the public realm.</li> </ul> <p>The development is considered to be consistent with the objectives of the R2 and R3 zone as it will provide for the housing needs of the community, provide a variety of housing types and provide for housing choice and diversity that supports the changing housing needs of the population.</p>	
<b>Clause 2.4 Unzoned land</b>	Clause 2.4 does not apply to the development as there is no part of the site that is unzoned.	N/A
<b>Clause 2.5 Additional permitted uses for particular land</b>	Clause 2.5 does not apply to the development as the development is not located on land identified in Schedule 1.	N/A
<b>Clause 2.6 Subdivision – Consent requirements</b>	<p>(1) Land to which this Plan applies may be subdivided, but only with development consent.</p> <p>The development is seeking consent for the subdivision.</p>	Yes
<b>Clause 2.7 Demolition requires development consent</b>	<p>The demolition of a building or work may be carried out only with development consent.</p> <p>Development consent is being sought for the demolition of two existing dwelling and associated outbuildings.</p>	Yes
<b>Clause 2.8 Temporary use of land</b>	Clause 2.8 does not apply as the development does not include the temporary use of land.	N/A
<b>Part 4 Principal Development Standards</b>		
<b>Clause 4.1 Minimum subdivision lot size</b>	<p>4.1(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the <a href="#">Lot Size Map</a> in relation to that land.</p> <p>The proposed development involves the reconfiguration and consolidation of the existing lots to create two lots as follows:</p> <ul style="list-style-type: none"> <li>- Lot A comprising a total area of 894.03m<sup>2</sup>, including the existing dwelling and shed at 57 Azalea Avenue.</li> <li>- Lot B comprising a total area of 2,993.67m<sup>2</sup>, including the proposed development with frontages to both Pitt Square and Azalea Avenue.</li> </ul> <p>This configuration will result in one lot (Lot A) at a size below the 1200m<sup>2</sup> minimum lot size requirement.</p> <p>Accordingly, a written request pursuant to Clause 4.6 Exceptions to development standards accompanies the application. Consideration of the request is provided in this report.</p>	No



<b>Clause 4.1AA Minimum subdivision lot size for community title schemes</b>	Clause 4.1AA does not apply as the development does not include community title subdivision.	N/A
<b>Clause 4.1A Minimum subdivision lot sizes for certain split zones</b>	Clause 4.1A does not apply as the development does not propose subdivision.	N/A
<b>Clause 4.3 - Height of buildings</b>	<p>The maximum permitted building height for the R2 portion of the site is 8.5m from natural ground level. The administration building is single level, approximately 4.9m in height and does not exceed the maximum height.</p> <p>The maximum permitted building height for the R3 portion of the site is 15.5m from natural ground level. The residential unit building is two-storey, approximately 9.3m in height and does not exceed the maximum height.</p>	Yes
<b>Clause 4.4 Floor space ratio</b>	Clause 4.4 does not apply as the development as the site does not have a prescribed maximum permitted Floor space ratio (FSR)	N/A
<b>Clause 4.6 Exceptions to development standards</b>	<p>A written request seeking to vary the minimum lot size requirement under 4.1 of CHLEP has been submitted to support the development.</p> <p>The proposed development seeks to consolidate the existing lots and subsequently subdivide into two (2) lots, resulting in the following:</p> <ul style="list-style-type: none"> <li>- Proposed Lot A – Comprises the existing dwelling of 57 Azalea Avenue and has a proposed lot size of 894.03m<sup>2</sup>. The lot is subject to a minimum lot size development standard of 1200m<sup>2</sup>.</li> <li>- Proposed Lot B – Comprises the proposed core and cluster buildings, as well as the existing dwelling of 59 Azalea Avenue, and has a proposed lot size of 2,993.67m<sup>2</sup>.</li> </ul> <p>The proposed reconfiguration of the site will result in Proposed Lot A having a shortfall of the minimum development standard by 305.97m<sup>2</sup>, being a variation of 25.5%.</p> <p><b>Clause 4.6 (Justification) assessment:</b></p> <p>There are 2 separate matters for consideration as contained within cl 4.6(3) These are addressed as follows:</p> <p><i>a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case</i></p> <p>Comment: The Applicant's written request has demonstrated that the objectives of the development standard are achieved,</p>	Yes

	<p>notwithstanding the non-compliance with the development standard. The underlying objectives of the standard, pursuant to Clause 4.1 – ‘Minimum subdivision lot size’ of the CHLEP and their consideration in the variation request is provided below.</p> <p>a. <u>to ensure that lot sizes have a practical and efficient layout to meet their intended use.</u></p> <p>Response from applicant: <i>The intended use of proposed Lot A is defined by the zone R3 Medium Density Residential, which specifically includes group homes and residential accommodation as development types that are permitted with consent.</i></p> <p><i>The intended use of the land is further informed by the objectives of the zone R3 Medium Density Residential which include:</i></p> <ul style="list-style-type: none"> <li>- <i>To provide for the housing needs of the community within a medium density residential environment.</i></li> <li>- <i>To provide a variety of housing types within a medium density residential environment.</i></li> <li>- <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> <li>- <i>To provide for associated infrastructure that supports the changing housing needs of the population that is consistent with local character.</i></li> <li>- <i>To encourage active living through the provision of healthy, walkable, green and safe built environments and streets, greener connections and walking and cycling infrastructure.</i></li> </ul> <p><i>... the proposed group home development is expected to significantly align with the objectives of the zone by addressing the pressing need for housing...[and] contributes to the variety of housing types within the area... As it is clear that a group home is an intended use within the R3 zone, it is considered that the proposed reconfiguration of the lots will facilitate the proposed development practically and efficiently, while not jeopardising the existing use of Lot A as a residential property.</i></p> <p><i>... Additionally, while Lot A is currently used as a residential lot for a detached single dwelling, the proposed lot reconfiguration is not expected to unreasonably hinder future development of the site in its proposed form, or in conjunction with surrounding lots.</i></p> <p><i>...The proposed Lot A has been arranged to achieve a regular shape, with a size of 894m<sup>2</sup>, consistent with other adjoining or adjacent lots, as well as lots within the surrounding area.</i></p> <p>Conclusion: The proposal is considered to be consistent with the objectives of the Clause 4.1 – ‘Minimum subdivision lot size’. It is considered that the Applicant’s written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).</p>	
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b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment: In the matter of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ provides that: “sufficient environmental planning grounds” must:

- Relate to the subject matter, scope and purpose of the Environmental Planning and Assessment Act 1979 (the EP&A Act), including the objects in Section 1.3 of the EP&A Act; and
- Justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five vs Ashfield Council [2015] NSWLEC 1009.

Response from applicant: *Notwithstanding the proposed non-compliance, the proposed development standard is consistent with the objects in Section 1.3 of the EP&A Act. In particular, it is consistent with the following objects:*

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources*
- (c) to promote the orderly and economic use and development of land,*
- (g) to promote good design and amenity of the built environment,*

*The proposed contravention of the development standard with respect to proposed Lot A is a result of the reconfiguration of the lots on the site to allow for the development of a group home on the larger remaining Lot B. The group home is a proposed development by the Tier 1 accredited community housing provider [to provide needed housing for the community]. The contravention of the development standard will allow for this development to promote the positive social welfare of the community of Coffs Harbour.*

*The proposed contravention of the development standard, with respect to proposed Lot A, promotes the orderly and economic use and development of the land. The proposed size of Lot A allows for the proposed development of the group home on the remaining larger Lot B, while maintaining the ongoing functionality of Lot A as a residential dwelling. Further, proposed Lot A has sufficient area to accommodate the potential future development with appropriate setbacks.*

*The proposed development aims to achieve good design outcomes and maintain the amenity of the residential area. The developer Housing Plus have worked to ensure their projects are of high quality, using durable materials that complement the surrounding local area.*

	<p>The applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).</p> <p><b>Conclusion</b></p> <p>The requirements of clause 4.6 of the CHLEP have been achieved and there is power to grant development consent to the development notwithstanding the variation to the minimum subdivision lot size development standard. The clause 4.6 variation request has demonstrated that the proposed lot size is acceptable and compliance with the prescribed minimum subdivision lot size would be unreasonable and unnecessary. The clause 4.6 variation request and the merits supporting the non-compliance are supported.</p>	
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<b>Part 5 Miscellaneous Provisions</b>		
<b>Clause 5.3 Development near zone boundaries</b>	While near a zone boundary, the development does not rely on permissibility of development from adjoining zones.	N/A
<b>Clause 5.6 Architectural roof features</b>	Clause 5.6 does not apply as the development does not propose any architectural roof features	N/A
<b>Clause 5.10 Heritage conservation</b>	<p>The site is not within a heritage conservation area and has no known heritage items (European), on the site.</p> <p>The site is a disturbed residential site in a long-standing urban context, therefore it is considered unlikely that the site contains Aboriginal sites or places. This is supported by the results of an Aboriginal Heritage Information Management System (AHIMS) search on 23 January 2024 which did not identify any Aboriginal sites or places within a 200 metre buffer of the site.</p> <p>Additionally, a recommended condition of consent is included to address potential discovery of Aboriginal objects during construction works.</p>	Yes
<b>Clause 5.11 Bush fire hazard reduction</b>	Clause 5.11 does not apply as the development does not propose bush fire hazard reduction.	N/A
<b>Clause 5.21 Flood planning</b>	The site is not flood affected or identified in the flood planning area.	N/A
<b>Part 7 Additional Local Provision</b>		
<b>Clause 7.1 Acid Sulfate Soils</b>	No works are proposed below 5m AHD or that are likely to lower the water table below 1m AHD.	N/A
<b>Clause 7.2 Earthworks</b>	The site falls from the south-east corner (19.35m AHD) to the north-west corner (12.5m AHD). The development proposes cut of up to approx. 1.9m and fill of up to approx. 1.5m. Earthworks are required to provide for suitable grades for vehicle access level areas for buildings.	Yes



	<p>Before granting development consent for earthworks the consent authority must consider the following matters:</p> <p>a) <i>The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i></p> <p>Earthworks associated with the proposed development are unlikely to disrupt existing drainage patterns or soil stability. Detailed engineering plans have been submitted with the Development Application, including a stormwater management plan, including on-site detention.</p> <p>b) <i>The effect of the development on the likely future use or redevelopment of the land,</i></p> <p>The site is unlikely to be used for any other purposes in the short, medium term. The development is not considered to unreasonable impact any future redevelopment.</p> <p>c) <i>The quality of the fill or the soil to be extracted, or both,</i></p> <p>It is anticipated that the majority of excavated soils will be able to be re-used on-site. The source or destination of any excavated or fill material will be required to be detailed and confirmed as a condition of consent.</p> <p>d) <i>The effect of the development on the existing and likely amenity of adjoining properties,</i></p> <p>It is considered that the overall design of the development, including earthworks, will have an acceptable impact on the amenity of adjoining properties.  <i>Any appropriate measures proposed to avoid, minimise or mitigate</i></p> <p>e) <i>The source of any fill material and the destination of any excavated material,</i></p> <p>The source or destination of any excavated or fill material will be required to be detailed and confirmed as a condition of consent. Generally, fill is to be VENM or NEM, excavated material is to be taken to a suitable waste facility.</p> <p>f) <i>The likelihood of disturbing relics,</i></p> <p>As identified in the assessment of the development under Clause 5.10 of the CHLEP, the development is unlikely to result in disturbance of relics.</p> <p>g) <i>The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p>	
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	<p>The site is not mapped as intersecting with any mapped watercourse, nor it is mapped as being located within a mapped drinking water catchment or environmentally sensitive area.</p> <p><i>h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</i></p> <p>Conditions of consent have been provided to minimise impacts via the requirement for erosion and sediment controls.</p> <p><i>i) the effect of the development on Aboriginal cultural heritage</i></p> <p>As identified in the assessment of the development under Clause 5.10 of the CHLEP, the development is unlikely to result in impacts to Aboriginal cultural heritage.</p>	
<b>Clause 7.4 Terrestrial Biodiversity</b>	The land is not identified as “Biodiversity” on the Terrestrial Biodiversity Map.	N/A
<b>Clause 7.5 Drinking water catchments</b>	Clause 7.5 does not apply as the site is not within a drinking water catchment.	N/A
<b>Chapter 7.6 Riparian land and watercourses</b>	Clause 7.6 does not apply as the site is not located in close proximity to a watercourse or riparian zone.	N/A
<b>Clause 7.9 Airspace operations</b>	Clause 7.9 does not apply as the development is does not penetrate the limitation or operations surface of 47.5m AHD.	N/A
<b>Clause 7.10 Development in areas subject to aircraft noise</b>	Clause 7.10 does not apply as the site is not within the noise contour mapping.	N/A
<b>Clause 7.11 Essential services</b>	The City’s Development Engineer has assessed the development and confirmed that adequate services are available (or can be made available) subject to the imposition of recommended conditions.	Yes
<b>Clause 7.12 Design excellence</b>	<p>Consent must not be granted for development within the R3 zone unless the consent authority considers that the development exhibits design excellence.</p> <p>The consent authority must have regard to the following matters -</p> <p><i>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i></p> <p>The proposed development has been designed to incorporate high-quality design elements to ensure the longevity of the development. The proposed development has been designed with a northern orientation and high ceilings to allow for light and air flow. The development includes articulation in the form of external details such as rails, windows and the central three posts on the cluster building to create visual interest.</p>	Yes

	<p>The development features resilient external materials in classic neutral tones, designed to maintain their aesthetic appeal and durability over time</p> <p><i>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</i></p> <p>It is anticipated that the form and external appearance of the development will positively contribute to the existing streetscape which includes new footpaths and additional street trees.</p> <p><i>(c) whether the development detrimentally impacts on view corridors,</i></p> <p>Impacts on views are considered in detail in Section 4.3 of this report. The proposed development, which is below the maximum building height permitted for the site and generally compliant with built form controls, is not considered to unacceptable impact view corridors.</p> <p><i>(d) the requirements of the Coffs Harbour DCP,</i></p> <p>As considered in the DCP section of this report, the development is generally consistent with applicable development controls.</p> <p><i>(e) how the development addresses the following matters—</i>  <i>(i) the suitability of the land for development,</i></p> <p>The site is suitably zoned for the proposed development, there are no known significant constraints to the site that would prevent the development. The group home and dual occupancy are considered compatible with the site and the context of the surrounding residential area.</p> <p><i>(ii) existing and proposed uses and use mix,</i></p> <p>The existing use of the site and area is residential. The development including a group home and dual occupancy is compatible with the surrounding residential uses and is not anticipated to create land use conflicts.</p> <p><i>(iii) heritage issues and streetscape constraints,</i></p> <p>The site is not in proximity to heritage items or a heritage area. The development has been designed to respond to the existing streetscape</p> <p><i>(iv) the relationship of the development with other development (existing or proposed) on the same site or on</i></p>	
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	<p><i>neighbouring sites in terms of separation, setbacks, amenity and urban form,</i></p> <p>The proposed development is appropriately positioned on the site in relation to buildings on-site, as well as buildings on adjoining sites. The bulk of the development is located towards the centre of the site and generally looks inwards to the site. The development is considered to provide acceptable amenity and compatible urban form.</p> <p><i>(v) bulk, massing and modulation of buildings,</i></p> <p>The development has been designed to incorporate several detached buildings on the site, featuring both single and double storey buildings. By splitting the development into detached buildings, it has allowed the development to consider the slope of the land while avoiding a bulky outcome. It is considered that the development has effectively considered design to mitigate any potential bulk and massing issues on the site.</p> <p><i>(vi) street frontage heights,</i></p> <p>The proposed development has been designed with single storey buildings adjoining street frontages and does not dominate the street frontage or streetscape.</p> <p><i>(vii) environmental impacts such as sustainable design, overshadowing, solar access, wind and reflectivity,</i></p> <p>The proposed two storey cluster building will have minimal overshadowing impacts on adjoining sites due to the slope of the site, and its positioning adjacent to driveways. Each of the independent living quarters have north facing open spaces and living areas to ensure there is sufficient solar access available to residents.</p> <p>The units have been designed with openings at either end of the units to allow for natural breezes to flow through.</p> <p>In terms of materials, the development incorporates durable, lasting materials to maximise longevity of the development, and utilises light colours for external walls to enhance reflectivity of heat from the development.</p> <p><i>(viii) the achievement of the principles of ecologically sustainable development,</i></p> <p>The buildings are designed to be long lasting with consideration given to climatic factors impacting design. Sustainability is further addressed via the compliant BASIX certificates. The removal of existing vegetation is offset by</p>	
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	<p>proposed landscaping which includes native tree species. The development is not considered to be detrimental to future generations.</p> <p><i>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</i></p> <p>The development includes the construction of footpaths along the street frontages as well throughout the site. The development has been designed to achieve appropriate vehicular access and circulation.</p> <p><i>(x) the impact on, and any proposed improvements to, the public domain.</i></p> <p>The development will involve construction of footpaths within the streetscape and additional street trees adjacent to the site. The design of the development it is anticipated to positively contribute to the existing streetscape</p>	
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<b>Clause 7.13 Coffs Harbour City Centre</b>	The development is considered to maintain Coffs Harbour City Centre as the prime business, office, retail and cultural centre.	Yes
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**(b) Section 4.15 (1)(a)(ii) - Provisions of any Draft Environmental Planning Instruments**

Section 4.15(1)(a)(ii) of the EP&A Act requires the consent authority to consider the provisions of draft EPIs that have been publicly exhibited.

There are no draft EPIs applicable to the site or development.

**(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

Section 4.15(1)(a)(iii) of the EP&A Act requires Council to consider the provisions of any development control plan.

The development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Coffs Harbour Development Control Plan 2015 (CDCP).

**Table 5: Coffs Harbour Development Control Plan 2015**

CHDCP Clause	Requirement	Development	Compliance
<b>C1.1 Subdivision – general design requirements</b>	<p>Lots are to be of regular shape and comprise a suitable frontage to depth ratio to enable future development.</p> <p>Subdivision proposals are to demonstrate that development can be accommodated on the resulting lot(s) in accordance with the Density Map and relevant built form controls</p>	Proposed lots are a suitable shape and ratio to enable development and accommodate the existing dwelling.	Yes

<b>C1.7 Infrastructure requirements for certain subdivisions</b>	To ensure that appropriate infrastructure and utility services are provided to all lots resulting from a subdivision of land to which this control applies.	The development includes new footpaths and demonstrate essential services are provided to both lots.	Yes
<b>C1.9 Water management requirements</b>	Stormwater drainage is to be provided in accordance with the City of Coffs Harbour's Development Specifications including WSUD requirements.	Engineering plans demonstrate the site effectively manages stormwater including pollution reduction requirements via bio basins.	Yes
<b>D3.1 Density requirements</b>	Land zoned R3 Medium Density Residential <ul style="list-style-type: none"> <li>- 1 dwelling per 200m<sup>2</sup> for buildings ≤ 8.5m in height</li> <li>- 1 dwelling per 100m<sup>2</sup> for buildings &gt;8.5m in height</li> </ul>	The land containing dwelling is within the R3 zone and approximately 2400m <sup>2</sup> which allows for 12 dwellings. Eight dwellings are proposed.	Yes
<b>D3.2 Front setback requirements</b>	6m required.	Minimum setback of 6.5m proposed.	Yes
<b>D3.3 Side and rear setback requirements</b>	Side setbacks <ul style="list-style-type: none"> <li>- 900 for buildings below 8.5m</li> <li>- 3m for building 8.5 – 12m in height</li> </ul> Rear setbacks 3m Objectives <ul style="list-style-type: none"> <li>- To provide space between buildings and streets to maintain streetscape character and provide for air flow, sunlight, landscaping and general amenity</li> <li>- To activate lanes to maintain safety and improve liveability</li> </ul>	Side setbacks <ul style="list-style-type: none"> <li>- At least 1m for single storey buildings</li> <li>- 3m for two storey building</li> </ul> Rear setbacks <ul style="list-style-type: none"> <li>- 2m between communal building and proposed boundary</li> <li>- At least 0.9m between existing shed and proposed boundary</li> <li>- 3m for two storey building.</li> </ul> It is considered that the variation to rear setbacks still allows for space between buildings, air flow, sunlight landscaping and general amenity and is considered acceptable. It is noted that at time of lodgement the rear setbacks were compliant with the CHDCP setback requirements. Subsequently, the CHDCP has been amended to	No – acceptable

		increase the rear setback control from amendments to setbacks (0.9 to 3m) which commenced on 24 July 2024. While the amendment did not contain any savings provisions, the proposed setbacks have been assessed on merit and are satisfactory and meet the objectives of the control.	
<b>D3.5 Private open space requirements</b>	A minimum of 24m <sup>2</sup> of private open space is to be provided with a minimum width of 3 metres and a maximum slope of 1:8.	Three of the group home units include balconies with minor variations to POS ranging from 21.56m <sup>2</sup> to 23.43m <sup>2</sup> . Significant communal open space is provided throughout the site to serve the needs of future occupants. The private open space provided suits the needs of future occupants based on the proposed land use. The minor variation is supported in this instance.	No - minor variation acceptable
<b>D3.6 Design requirements – Residential Accommodation</b>	Requirements include: <ul style="list-style-type: none"> <li>- Be of appropriate scale,</li> <li>- have outlook to street,</li> <li>- minimise overlooking, minimise view impacts,</li> <li>- not have garages and parking structures dominating street frontage</li> <li>- Maximum 1m of cut or fill outside of buildings external walls</li> </ul>	The development is generally compliant with the clause with a variation to the maximum cut and fill requirements.  The development proposes cut of up to approx. 1.9m and fill of up to approx. 1.5m. Earthworks are required to provide for suitable grades for vehicle access and level areas for buildings. The variation is considered acceptable in the context of the development.	No - acceptable
<b>D3.8 Design requirements – general</b>	Requirements include: <ul style="list-style-type: none"> <li>- Building to be less than 45m in length</li> <li>- Incorporate modulation of building form</li> </ul>	No building exceeds 45m in length. Buildings include appropriate modulation.	Yes
<b>D3.9 Solar access requirements</b>	Designed to allow for at least two hours of sunshine upon indoor living areas and private open space (both within the same site and on adjacent	At least two hours of sunshine provided on-site and on adjacent land.	Yes

	land) between 9.00am and 3:00pm on the 21 June of any given year.		
<b>D3.10 Infrastructure requirements</b>	Requires adequate infrastructure and utility services are provided to development on residential land.	Adequate infrastructure provided.	Yes
<b>D3.13 Ancillary development requirements</b>	Ancillary development to minimise visual impacts on adjoining land and area  Front fencing not to be solid and obscure views.	Highest fencing is set back from boundary with vegetation proposed for screening.  Front fencing is not solid .	Yes
<b>D3.15 Safer by design requirements</b>	Crime Prevention Through Environmental Design principles are to be considered in the design of development in accordance with the NSW Police Safer by Design: Crime Prevention Through Environmental Design guidelines.	CPTED assessment report provided.	Yes
<b>E1 Biodiversity</b>	Clearing of high conservation value vegetation is to be minimised with compensation planting to be provided for such clearing.	Tree 24 in the Arborist report is a native species with a diameter at breast height over 1m and requires a compensatory planting rate of 1:20. 25 tree species are included in the landscaping plan and complies with compensatory planting requirements.  Due to location, the tree is unable to be maintained.	Yes
<b>F1.1 Vehicular Access and Manoeuvring - General</b>	(1) Where possible, driveways are to be provided from lanes and secondary roads rather than primary roads.  (2) Vehicle access and entry points are to be integrated into the building design so as not to dominate the streetscape.  (3) Driveway width and grades, vehicle circulation, passing bays and vehicular ramp width and grades are to accord with Australian Standard 2890.  (4) Vehicles must be able to enter and leave the site in a forward direction.  (5) Driveway crossovers are to be:	1) N/A  2) Vehicle access points do not dominate streetscape.  3) Driveways achieve the required standards.  4) All vehicles can enter and leave the site in a forward direction.  5) Driveway crossovers achieve required separations.  6 N/A – The development does not propose ramps or parking stations.  7) N/A – No vehicle access ramps are proposed.	Yes



	<p>(a) designed in accordance with the City of Coffs Harbour's Driveway Specifications, and</p> <p>(b) located to take into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, and</p> <p>(c) located clear of intersections as specified in Australian Standard AS2890,</p> <p>(d) located to minimise amenity impacts to adjacent properties, and</p> <p>(e) located to avoid adverse impacts on traffic safety.</p> <p>(6) Vehicular ramps are to be less than 20 metres long within developments and parking stations must not exceed a maximum grade of 1 in 5 (20%). Ramp widths are to accord with Australian Standard 2890.1.</p> <p>(7) Vehicle access ramps parallel to the street frontage are not supported.</p> <p>(8) Porte cocheres:</p> <p>(a) are permitted in certain circumstances for hotels, major tourist venues, aged care developments, medical centres and the like subject to urban design, streetscape, heritage and pedestrian amenity considerations; and</p> <p>(b) should be attached to the building with one combined vehicle entry and exit point, or one entry and exit point on two different street frontages of the development; and</p> <p>(c) may have separate entry and exit points across the footpath (in exceptional circumstances) for buildings with one street frontage only, provided that:</p>	<p>8) N/A – No Porte Cochères are proposed.</p> <p>9) No public parking proposed.</p>	
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	<p>(i) they are constructed entirely at the footpath levels, and</p> <p>(ii) they provide active street frontage uses in addition to any hotel entry or lobby at their perimeter, and</p> <p>(iii) they are of high quality design and finish, and</p> <p>(iv) they provide for safe and clear pedestrian movement along the street.</p> <p>(9) Certain parking areas will require dedicated pedestrian paths (separate to parking spaces and vehicle manoeuvring areas) where high public usage is expected.</p>		
<b>F1.2 Vehicular Access and Manoeuvring - Residential</b>	<p>(1) Vehicles must be able to enter and leave the site in a forward direction</p> <p>(2) A driveway, which serves a maximum of two dwellings, is to have a minimum paved width of three metres at the street.</p> <p>(3) A shared driveway, which serves more than two dwellings, is to provide:</p> <p>a. a minimum paved width of 4.5 metres at the property frontage, continuing at this width to a depth of six metres, and thereafter at a minimum width of three metres, and</p> <p>b. a minimum of 0.5 metres of unobstructed area either side of the driveway to enable provision of services.</p> <p>(4) Driveways may require 'passing points' (particularly where the driveway is providing access to and from a busy road).</p> <p>(5) Manoeuvring areas including car parking areas, circulation roadways and access driveways are to be designed in accordance with Australian Standard AS2890 to allow for the 85% Design Car Turning Path</p>	<p>(1) Vehicles can enter and exit the site in a forward direction.</p> <p>(2) Driveway widths achieved</p> <p>(3) Driveway widths achieved</p> <p>(4) Width allows passing.</p> <p>(5) All access ways and manoeuvring areas provided as part of this development application are designed in accordance with AS2890 as confirmed by the City's Development Engineer.</p> <p>(6) Crossover compliant.</p> <p>(7) One access point per development.</p>	Yes

	<p>template generally and the 99% design vehicle where applicable.</p> <p>(6) Wherever practicable, a driveway crossover is to be a single lane crossing with a minimum width of 3.0 metres over the footpath, and perpendicular to the kerb alignment. Increased crossing width may be permitted in accordance with AS2890.</p> <p>(7) Access is to be limited to one point from public road frontage secondary roads (where available) and is to conform to the City of Coffs Harbour's Development Specifications.</p>		
<b>F1.4 On-Site Parking – Residential Uses</b>	<p>Parking is to be provided in accordance with the Off Street Parking Rates</p> <p>1 space per dwelling &lt;100m2</p> <p>Group home parking requirements undefined.</p>	<p>Dual occupancy parking of one space per dwelling is complaint.</p> <p>The group home proposes 8 parking spaces which is inclusive of an accessible space.</p> <p>The applicant has provided information stating that the group home will typically include two on-site staff members with residents often not having a vehicle.</p> <p>In the context of the development, the proposed eight spaces for the group home which involves 6 units is acceptable.</p>	Yes
<b>F3.1 Landscaping Requirements - General</b>	<p>(1) Landscaping is to be provided which:</p> <p>(a) complements and enhances the existing streetscape features of the locality; and</p> <p>(b) creates human scale at ground level; and</p> <p>(c) softens buildings and hard landscaping; and</p> <p>(d) provides privacy.</p> <p>(2) Soft landscaping is to comprise:</p>	<p>The development provides a concept landscaping plan that achieves the requirements of this control on-site.</p> <p>A recommended condition is included to provide for street trees.</p>	Yes

	<p>(a) species that are sensitive to local climate, topography and natural features; and</p> <p>(b) understorey plantings to visually enhance the development (in keeping with NSW Police Safer by Design: Crime Prevention Through Environmental Guidelines); and</p> <p>(c) groundcover to minimise unsealed ground; and</p> <p>(d) deep soil zones to promote large tree growth; and</p> <p>(e) species that will ensure driver visibility for ingress and egress to the site; and</p> <p>(f) shade trees to soften the visual impact of large parking areas (where provided).</p> <p>(3) Landscaping beds (internal dimensions not including edging or supports) are to be:</p> <p>(a) a minimum of 1.5 metres in width where trees are likely to reach four metres in height upon maturity; or</p> <p>(b) a minimum of two metres in width where trees are likely to reach more than four metres in height upon maturity.</p> <p>(4) The visual impact of hard landscaping is to be minimised via soft landscaping.</p> <p>(5) Shade tree planting is to be provided for every eight parking spaces within parking areas and along public street frontages of parking areas.</p> <p>(6) Existing high conservation value vegetation, mature trees and high landscape value trees are to be retained on the site and incorporated into the landscaping design wherever possible.</p> <p>(7) Where development or subdivision proposals comprise or adjoin high conservation value vegetation, plant species selection for additional soft landscaping is to</p>		
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	<p>comprise a mix of bushland friendly species and native vegetation where possible.</p> <p>(8) Where palms are incorporated into landscape designs, they are to complement and not substitute trees.</p> <p>(9) One (1) street tree is to be planted for every 5 - 10 metres of the development's public road frontage.</p>		
<b>F6.1 Waste Requirements - General</b>	<p>(1) A three stream waste separation system is to be provided to cater for all waste generated by the development.</p> <p>(2) The following variables are to be considered in the calculation of waste generation rates:</p> <p>(a) the number of occupants;  (b) size of dwellings;  (c) nature of business;  (d) nature of waste being generated;  (e) frequency of collections; and  (f) peak season volume changes.</p> <p>(3) The number and type of bins required for waste separation systems are to suit the type of development and may include any of the following options:</p> <p>(a) 240 litre lime green-lidded bin for organics (green waste and food waste, collected weekly); and 240 litre yellow-lidded bin for recycling (collected on alternate fortnights); and 240 litre red-lidded bin for residual garbage (collected on alternate fortnights); or  (b) 660 litre red and yellow-lidded bulk bins (collected weekly) for multi dwelling housing (with six or more units) or commercial development; or  (c) 1,100 litre red and yellow-lidded bulk bins (collected weekly) for multi dwelling housing (with ten or more units) or commercial development; or  (d) 1m<sup>3</sup> to 3m<sup>3</sup> bulk bins for commercial and industrial</p>	<p>Waste is proposed to be managed by a private contractor who will provide also maintain the bin area.</p> <p>1100L bins are proposed for the group home that are acceptable for up to 10 units.</p> <p>Dual occupancy has individual 240L bins.</p>	Yes

	development (with no council service). Maximum weekly waste generation rates collected through the City of Coffs Harbour's standard waste collection service.		
<b>F6.3 Waste storage requirements</b>	Bin storage to be: <ul style="list-style-type: none"> <li>- Bunded</li> <li>- Drained to sewer</li> <li>- Include a tap</li> <li>- At least 2m from neighbouring properties</li> </ul>	The bin area is located at least 2.1m from boundaries.  Tap, bunding and drainage are addressed in recommended conditions of consent.	Yes

### Contributions

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

Applicant (Housing Plus) is a Tier 1 community housing provider. As such, they are exempt from Section 7.11 contributions under the 4 x LGA Wide plans. Water and sewer contributions applicable. Total water and sewer contributions are \$88,213.94.

#### **(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act**

N/A – no planning agreements proposed.

#### **(e) Section 4.15(1)(a)(iv) - Provisions of Regulations**

Clause 61 of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.

### **3.2 Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- **Construction** – The construction stage of the development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval is conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and the environment by way of noise, erosion, dust and the like.
- **Social** – The development will provide additional housing and services for the community. The proposed development will have a positive social impact, going some way towards meeting demand for particular accommodation requirements.
- **Economic** – The construction phase and operational phase will create opportunities for construction workers and ongoing employment of staff.
- **Built form** – The built form has been considered in the context of the site and is not likely to results in adverse impacts to the locality.

Accordingly, it is considered that the development will not result in any notable adverse impacts in the locality as outlined above.

### **3.3 Section 4.15(1)(c) - Suitability of the site**

**Does the development fit in the locality?** - There are no significant constraints, heritage, threatened species, agricultural or mineral and extractive resource constraints impacting the development. The site is accessible for future residents and will have access to required services.

### **3.4 Section 4.15(1)(d) - Public Submissions**

Section 4.15(1)(d) of the EP&A Act requires Council to consider “any submissions made in accordance with this Act or the regulations”.

A total of 14 public submission were received for the application. An assessment of the issues raised within these submissions is provided in Section 4.3 of this report.

### **3.5 Section 4.15(1)(e) - Public interest**

Section 4.15(1)(e) of the EP&A Act requires Council to consider “the public interest”. The development satisfactorily addresses Council’s criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Approval of the development would be in the public interest.

### **3.6 Other Statutory Considerations**

Section 1.7 of the EP&A Act it has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 (FM Act), both in connection with the terrestrial and aquatic environments. Both the BC Act and FM Act must be considered in the assessment of the development.

#### **3.6.1 Biodiversity Conservation Act 2016**

The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecological sustainable development.

The development will not:

- Impact native vegetation identified on the Biodiversity Values Map
- Exceed the biodiversity offsets scheme clearing threshold
- Be carried out in a declared area of outstanding biodiversity value.

The development is not likely to significantly affect threatened species or ecological communities, or their habitats.

#### **3.6.2 Fisheries Management Act 1994**

The purpose of the FM Act is to manage NSW fishery resources. The FM Act ensures the fishing needs and traditions of Aboriginal people are appropriately captured in the management of fisheries resources.

The development will not impact on the threatened marine species as the development is not in close enough proximity to a water body.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 6.

**Table 6: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements</b> (s4.13 of EP&A Act)			
N/A			
<b>Referral/Consultation Agencies</b>			
Essential Energy (EE)	SEPP (Transport and Infrastructure) 2021, s2.48	EE raised no safety concerns.	N/A
NSW Police		No response received at the time of uploading the assessment report to the Planning Portal. NSW Police have advised that a response is expected to be provided in advance of the determination meeting. Should the response require an amendment to the assessment report and/or recommended conditions of consent, the Panel will be provided with a supplementary report addressing these matters.	
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			
N/A			

### 4.2 Council Officer Referrals

The development application has been referred to various City officers for technical review as outlined Table 7.

**Table 7: Consideration of Council Referrals**

Officer	Comments	Resolved
Water Sensitive Urban Design	The water sensitive urban design (WSUD) officer has reviewed the development application and confirms it is acceptable subject to the imposition of conditions of consent.	The recommended conditions of consent have been included in the draft consent.

Engineering Officer	The engineering officer has reviewed the development application and confirms it is acceptable subject to the imposition of conditions of consent.	The recommended conditions of consent have been included in the draft consent.
Biodiversity	Compensatory planting required at a rate of 1:20 for tree 24. Removal of tree 16 should or redesign should be considered due to TPZ encroachment.	25 tree species are included in the submitted landscaping plan. The applicant has amended the application to include removal of tree 16.
Waste	Waste officer has requested detailed demolition and construction waste management, waste generations rates, servicing frequencies and details such as bunding, drain to sewer and tap to be shown on plans.	The details provided for waste servicing are considered sufficient for development application assessment. Conditions are included to address detailed construction and waste management at construction stage and to include bunding, drain to sewer and tap. The proposed bin sizes and configuration are consistent with DCP requirements.
Finance	Finance officer has provided relevant contributions.	Required contributions have been included in draft consent.

#### 4.3 Community Consultation

The development was notified in accordance with the CCCP from 3 May 2024 to 17 May 2024. The notification included the following:

- Notification letters sent to adjoining and adjacent properties (a rough estimate of the number of letters sent);
- Notification on the City's website.

the City received 14 submissions in response to the notification. All submissions are in objection to the development. An assessment of these submission is provided in **Table 8**:

**Table 8: Public Submissions**

Issue	Detail	Response
Character of area	• Proposed development will detrimentally impact the character of the area.	The built form is considered to complement the existing character of the area being modest in scale, incorporating materials such as brick and colorbond and pitched roofs.
Safety and security	<ul style="list-style-type: none"> <li>• Unwanted visitors</li> <li>• Security fencing</li> <li>• Increase in crime</li> <li>• Neighbouring properties needing to invest in security measures</li> </ul>	The applicant has submitted an in-depth assessment considering crime prevention through environmental design principles.

		<p>The proposal provides for appropriate levels of passive surveillance, technical supervision, such as CCTV, territorial reinforcement, environmental maintenance, activity and space management and access control. The development is considered to include sufficient design elements that aim to deter crime.</p> <p>It is also considered that the development will provide a form of security to future residents, and the community, in the form of appropriate accommodation for those in the need of transitional housing.</p>
Property values	<ul style="list-style-type: none"> <li>• Development will detrimentally impact other property values.</li> </ul>	<p>The development is permissible on the site and has considered likely impacts to the locality.</p> <p>The perceived impact to property value is not a relevant planning matter for consideration.</p>
View Impacts	<ul style="list-style-type: none"> <li>• Impact to quality of life</li> <li>• Impact to property value</li> </ul>	<p>A detailed view impact assessment is carried out below in Table 9.</p> <p>It is considered that the view impacts are reasonable. Existing views are due to modest development, are across side boundaries which are difficult to protect. The proposed development is compliant with built form controls and well below the maximum building height.</p> <p>The development is not likely to result in unacceptable view impacts.</p>
Stormwater impacts	<ul style="list-style-type: none"> <li>• Impact of stormwater to adjoining properties</li> <li>• Worsen stormwater impacts in area</li> </ul>	<p>A stormwater management strategy was provided with the development application which confirms that stormwater runoff can be managed on site and will not result in additional flows post development. The stormwater management proposal has been assessed by the City's Development Engineer and is considered to comply with the requirements of the City.</p>



		The proposed stormwater management includes management of stormwater from upstream sites, some of which is currently unmanaged, and will likely result in better stormwater management for certain properties.
Solar Access	<ul style="list-style-type: none"> <li>Concerns with sunlight access</li> </ul>	Shadow diagrams have been provided to support the application which demonstrate that adjoining properties still maintain at least 2 hours of solar access as required by DCP 2015.
Privacy	<ul style="list-style-type: none"> <li>Overlooking from windows and balcony</li> <li>Close proximity of development impacts privacy</li> </ul>	<p>All elevated balconies are orientated to look inwards on the site and do not overlook towards any adjoining properties.</p> <p>All elevated windows with outlooks towards adjoining properties include privacy screens. Additionally, setbacks for the two-storey building are compliant.</p> <p>The development is not likely to result in unacceptable privacy impacts.</p>
Construction impacts	<ul style="list-style-type: none"> <li>Noise</li> <li>Dust</li> <li>Sediment and erosion</li> <li>Stormwater</li> </ul>	The construction stage of the development will have impacts on adjoining properties and the environment for a period of time. Recommended conditions are included ensure construction activities do not unreasonably impact on the adjoining properties and the environment by way of noise, erosion, dust and the like.
Prohibited development	<ul style="list-style-type: none"> <li>Administration building is prohibited due to R2 zone</li> </ul>	The administration building is considered ancillary to the Group home. As outlined in Planning Circular PS 21-008 - <i>How to characterise development</i> , development is considered to be for a particular purpose if that purpose is the dominant purpose of the development. The administration building is considered to be part of the dominant group home development purpose. As the group home is permissible, the ancillary

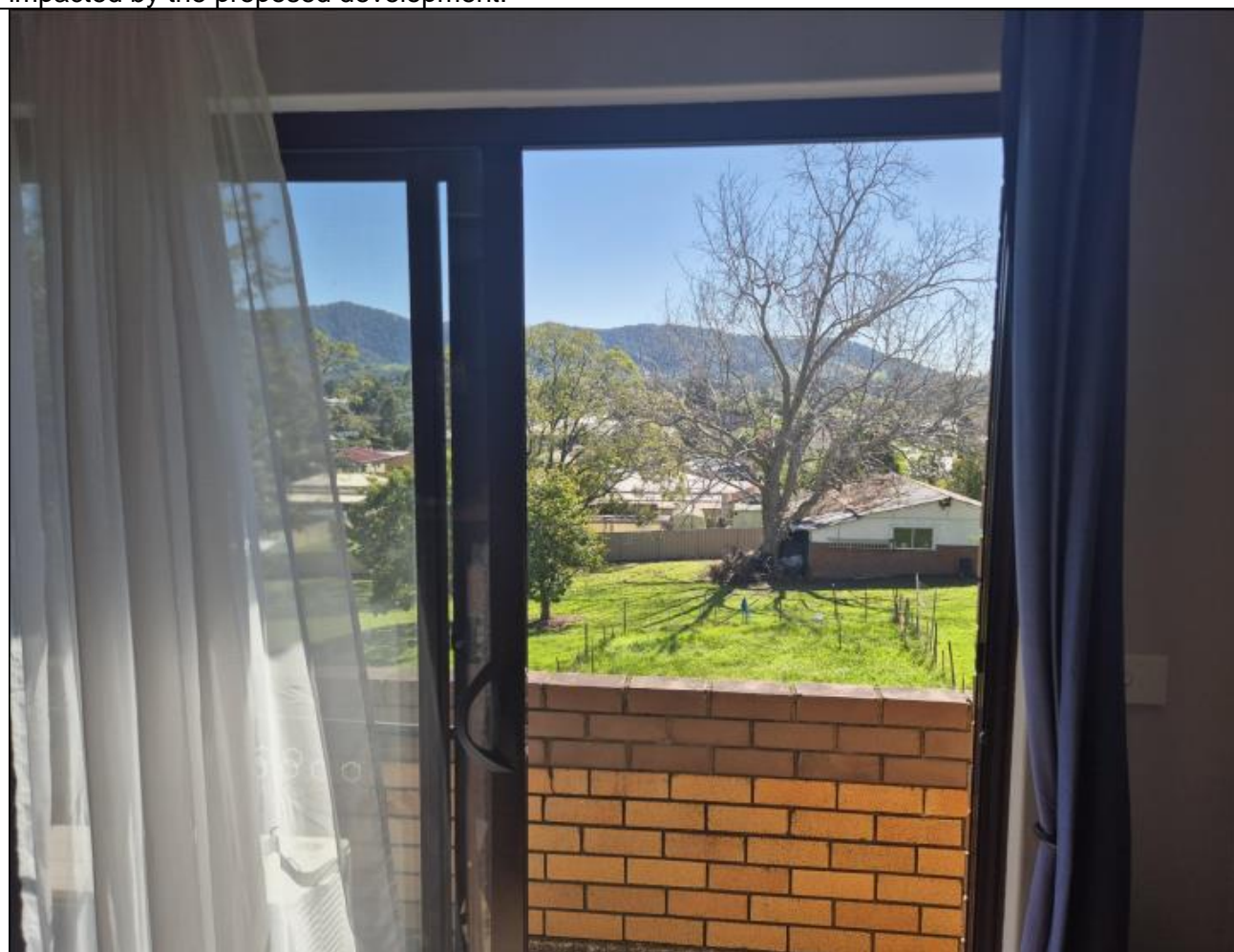
		administration building is also permissible.
Traffic	<ul style="list-style-type: none"> <li>Traffic safety impacts during construction and operation, particularly due to Pitt Sq not having footpaths.</li> <li>Pitt square is narrow</li> </ul>	<p>Construction traffic is temporary with conditions included that ensure the public way is not blocked by vehicle or materials.</p> <p>The operation of the development is not considered to result in significant traffic movements with the road network adequate to accommodate for the development.</p> <p>The development will result in a new footpaths at site frontages which will over time tie in to a larger footpath network.</p>
Earthworks	<ul style="list-style-type: none"> <li>Concern for the amount of fill near property boundary will impact amenity</li> <li>Increase height will allow overlooking</li> </ul>	<p>The highest areas of fill, and associated retaining works and fencing, having been positioned back from the boundary to allow for vegetation screening to be provided at existing ground level between the boundary and the new fencing detail.</p> <p>The fencing proposed at the edge of the fill is 1.8m in height and unlikely to result in overlooking.</p>
Odours	<ul style="list-style-type: none"> <li>Odours from bin storage area</li> </ul>	<p>The bin storage area is located greater than 2m from neighbouring boundaries in accordance with DCP requirements.</p> <p>Additionally, the application states that the bin area will be regularly maintained by the waste contractor to prevent odours.</p>

**Table 9: View Sharing Assessment**

10/61 Azalea Ave			
Views from property	Part of property views are obtained	Extent of impact	Reasonableness
Views towards distant hills. These views are considered desirable.	The unit currently enjoys views from a living area, balcony and bedroom. Views are also enjoyed from seated and standing positions.	View towards the base of the hills may be impacted. The majority of the views are unlikely to be impacts to the unit being elevated above the proposed development. Impacts are considered negligible.	<p>The views are across side boundaries and are enjoyed due to the modest existing development.</p> <p>The development complies with built for controls and is well</p>

			<p>below the building height limit.</p> <p>A more skilful design would do little to alleviate the view impacts.</p> <p>The impacts are considered reasonable.</p>
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Other property owners were contacted in relation to submissions received concerning view impacts. Either no response was received, or the unit had an outlook to the south and was not impacted by the proposed development.



Standing view from living area



Seated view from living area

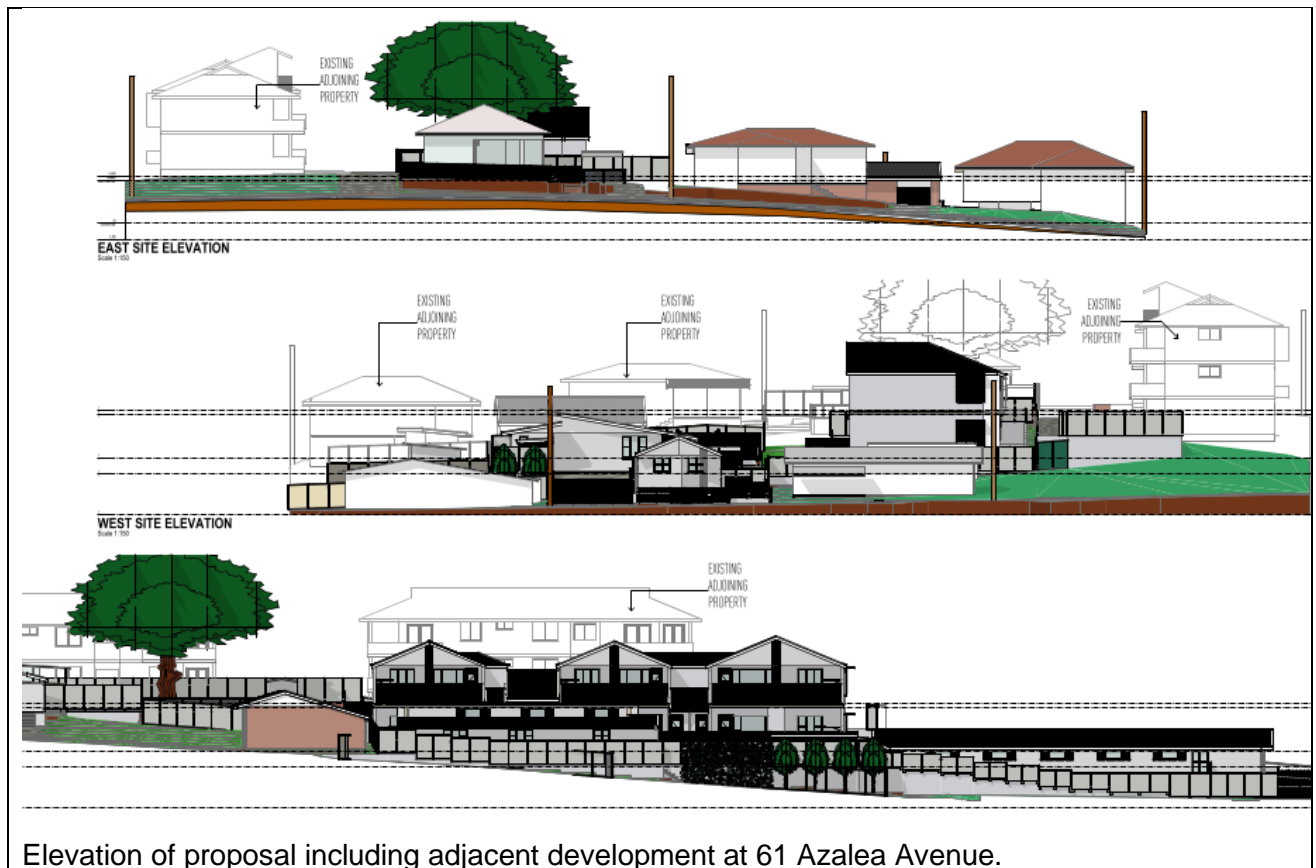


Seated view from balcony





Seated view from bedroom



## 5. CONCLUSION

The Applicant is seeking development consent for subdivision, demolition of two existing dwellings and associated outbuildings, and a mixed use development comprising a group home (transitional) and a dual occupancy (attached) with associated earthworks, vehicle access, stormwater management and landscaping.

The development is 'Regionally Significant Development' as defined by Section 2.19(1) and Clause 5 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as the development has an estimated development cost of more than \$5 million for a group home. The Northern Regional Planning Panel (NRPP) is the relevant determining authority.

This assessment found that the development generally satisfies the controls and requirements of these instruments with some variations to the Coffs Harbour DCP that do not warrant refusal and can be managed by way of conditions of consent.

The other relevant matters for consideration under Section 4.15 of the Act have also been considered and the development is considered suitable for the site and it will have an acceptable impact on the site, local area and neighbouring properties.

There are no significant public interest concerns resulting from the development.

The development is recommended for conditional approval. It is considered that the key issues as outlined in this report have been resolved satisfactorily through recommended draft conditions at **Attachment A**.

## 6. RECOMMENDATION



That the Development Application DA 0254/24DA for subdivision, demolition of two existing dwellings and associated outbuildings, and a mixed use development comprising a group home (transitional) and a dual occupancy (attached) with associated earthworks, vehicle access, stormwater management and landscaping at 3 Pitt Square, 57 & 59 Azalea Avenue, Coffs Harbour be APPROVED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft conditions of consent

## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

### General Conditions

1	<b>Approved plans and supporting documentation</b>			
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.			
	Plan Title	Revision number	Drawn by	Date of plan
	Proposed Plan of Easement & Subdivision	-	Applicant	11/12/2024 (Date Stamped)
	Units 1 to 8 Proposed Site Plan Level 0 & 1	C	T. Lonergan	9/10/2024
	Units 1 to 8 Proposed Site Elevation	C	T. Lonergan	9/10/2024
	Proposed Admin Core Dimension Plans	C	T. Lonergan	9/10/2024
	Proposed Communal Core Dimension Plan	C	T. Lonergan	9/10/2024
	Proposed Cluster Level 0 & 1 Floor Dimension Plans	C	T. Lonergan	9/10/2024
	Proposed Cluster Elevations & Section Plan	C	T. Lonergan	9/10/2024
	Driveway/Carpark Plan	C	T. Lonergan	9/10/2024
	Units Dimensioned Plans	C	T. Lonergan	9/10/2024
	Site Works	C	T. Lonergan	9/10/2024
	Landscape Concept	B	DA Landscape Plans	28/02/2024
Approved documents				

	Document title	Version number	Prepared by	Date of document
	Crime Prevention Through Environmental Design (CPTED) Report	B	Kristy Cianci	20.09.24
	Arboricultural Impact Assessment	1.2	Chad Shakeshaft	16.10.24
	<p>In the event of any inconsistency between the approved plans and documents, the approved Documents prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p><b>Condition reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>			
2	<b>Prescribed Conditions</b>			
	The proponent shall comply with the prescribed conditions of the development approval under Clauses 69-75 of the Environmental Planning and Assessment Regulation 2021 as are of relevance to this development.			
	<b>Condition reason:</b> To ensure compliance with the legislation.			
3	<b>Staging of Development</b>			
	<p>This development consent acknowledges that the construction of the project will be staged with the works comprised into the below stages:</p> <p>Stage one works:</p> <ul style="list-style-type: none"> <li>Consolidation and subdivision to create proposed Lot A and Proposed Lot B</li> </ul> <p>Stage two works:</p> <ul style="list-style-type: none"> <li>Demolition of Pitt Square dwelling</li> <li>Construciton of Group home and associated works</li> </ul> <p>Stage three works:</p> <ul style="list-style-type: none"> <li>Demolition of Azalea Avenue dwelling</li> <li>Construction of Dual occupancy and associated works</li> </ul>			
	<b>Condition reason:</b> To allow the development to be completed and certified in stages during works.			

## Building Work

### Before issue of a construction certificate

4	<p><b>Construction Site Management Plan</b></p> <p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to <b>the certifier</b>. The plan must include the following matters:</p> <ul style="list-style-type: none"> <li>a. The location and materials for protective fencing and hoardings on the perimeter of the site;</li> <li>b. Provisions for public safety;</li> <li>c. Pedestrian and vehicular site access points and construction activity zones;</li> <li>d. Details of construction traffic management including: <ul style="list-style-type: none"> <li>i. Proposed truck movements to and from the site;</li> <li>ii. Estimated frequency of truck movements; and</li> <li>iii. Measures to ensure pedestrian safety near the site;</li> </ul> </li> <li>e. Details of bulk earthworks to be carried out;</li> <li>f. The location of site storage areas and sheds;</li> <li>g. The equipment used to carry out works;</li> <li>h. The location of a garbage container with a tight-fitting lid;</li> <li>i. Dust, noise and vibration control measures;</li> <li>j. The location of temporary toilets;</li> </ul> <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p><b>Condition reason:</b> To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
5	<p><b>Erosion and sediment control plan</b></p> <p>Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Pprincipal Certifying Authority:</p> <ul style="list-style-type: none"> <li>1. Council's relevant development control plan,</li> <li>2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and</li> </ul> <p><b>Condition reason:</b> To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
6	<p><b>External lighting</b></p>

	<p>Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person.</p> <p>The lighting plan must be consistent with the approved plans and documents, including the Crime Prevention through Environmental Design Report, and the following requirements:</p> <ol style="list-style-type: none"> <li>1. comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting</li> <li>2. lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas;</li> <li>3. lighting must not interfere with traffic safety;</li> <li>4. lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and</li> </ol> <p>The lighting plan must be submitted to the certifier:</p> <p>Note – All above documents refer to the version in effect at the time the consent is granted</p> <p><b>Condition reason:</b> To ensure external lighting is provided for safety reasons and to protect the amenity of the local area</p>
7	<p><b>Construction Certificate</b></p> <p>No building work is to commence on site until a Construction Certificate has been issued for the work and Council has been notified that a Principal Certifying Authority has been appointed.</p> <p>Note: Separate Construction Certificates are to be obtained for the building works and any civil works.</p> <p>Note 2: Construction Certificates are required to be applied for through the NSW Planning Portal and may be subject to separate fees and charges.</p> <p><b>Condition reason:</b> To ensure construction is compliant with Australian Standards.</p>
8	<p><b>Construction Waste Management Plan</b></p> <p>Before issue of a construction certificate, a Construction Waste Management Plan must be prepared by a suitably qualified person in accordance with Council's waste policies and provided to the principal certifying authority. The plan must include the following matters:</p> <ul style="list-style-type: none"> <li>• Implementation of the Waste Hierarchy to promote waste avoidance and minimisation.</li> <li>• Type of Waste Generated e.g., concrete, glass, timber etc.</li> <li>• Estimate volume of each type</li> <li>• Method of disposal</li> <li>• Waste depot or recycling outlet to be used.</li> <li>• No burning of materials is permitted on site.</li> </ul>

	<p>The Principal Certifier is required to verify the development conforms for the duration of the construction phase.</p> <p><b>Condition reason:</b> To minimise and manage waste generation during construction stages of the development in compliance with relative controls.</p>
9	<p><b>Driveway Access</b></p> <p>Prior to the issue of a construction certificate for stages 2 &amp; 3, a separate application pursuant to the Road Act 1993 shall be made for works required within the road reserve. These works shall be in accordance with Council's standards and include:</p> <ol style="list-style-type: none"> <li>1. Sealed driveway access over the road reserve at right angle to the road with widths in accordance with Council's standards.</li> <li>2. The removal of existing driveways which are not required for the development and reinstatement of surrounding infrastructure.</li> </ol> <p><b>Condition reason:</b> To ensure that required works including vehicular access to and egress from the development site designed and constructed to Council's standards.</p>
10	<p><b>Waste Storage Plan</b></p> <p>Before issue of a construction certificate, a Waste Storage Area must be prepared by a suitably qualified person in accordance with Council's waste policies to the satisfaction of the principal certifying authority. The Waste Storage Area must include the following:</p> <ul style="list-style-type: none"> <li>• Enclosed by a roofed and screened enclosure.</li> <li>• Graded and drained to the sewer via a dry basket arrestor.</li> <li>• A hose cock is to be provided in the enclosure.</li> </ul> <p>The design and materials of the enclosure are to be compatible with the development.</p> <p><b>Condition reason:</b> To minimise and manage waste generation during construction stages of the development in compliance with NSW Waste Avoidance and Resource Recovery (WARR) Strategy 2014-21, the Coffs Coast Region Resource Recovery and Waste Management Strategy 2015-2027.</p>
11	<p><b>Water Management Act Certificate of Compliance (Building)</b></p> <p>A Certificate of Compliance pursuant to the Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 must be applied for through the City.</p> <p>When you apply for a Certificate of Compliance, your application must be accompanied by:</p> <ol style="list-style-type: none"> <li>1. Evidence that, <ol style="list-style-type: none"> <li>a. stormwater, water supply, sewerage, drainage and interallotment drainage has been supplied to the development; or</li> <li>b. arrangements satisfactory to the City have been made for the provision of all such services; and</li> </ol> </li> </ol>

	<p>2. Payment (preferably by way of EFT) of the City's contributions applicable at the time of the application for the Certificate of Compliance.</p> <p>For your information the developer contributions applicable at the date of the development consent are:</p> <p><b>Stage 2</b></p> <p>The current contribution rate is \$68,488.75</p> <p><b>Stage 3</b></p> <p>The current contribution rate is \$19,725.19</p> <p>The rates will be adjusted in accordance with the Consumer Price Index for Sydney (All Groups). The applicant is advised to confirm the contribution rate applicable after 31 January 2025 as rates are revised quarterly.</p> <p>Prior to making your application for the Certificate of Compliance, you should ascertain the level of developer contributions payable from the City's Contributions team on telephone (02) 6648 4285.</p> <p>If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.</p> <p><b>Condition reason:</b> To ensure contributions are paid to address demand for water supply and wastewater infrastructure in the City of Coffs Harbour by a growing population.</p>
12	<p><b>Building in the Vicinity of Council Underground Assets</b></p> <p>Prior to issue of the Building Construction Certificate for Stage 2, piercing details and plans for structures within close proximity to Council sewer mains must be provided to Council for approval.</p> <p>Note: Close proximity to the sewer main is defined in accordance with Councils 'Construction in the Vicinity of and Protection of Council Underground Assets Policy.'</p> <p><b>Condition reason:</b> To ensure measures are in place to protect Council's underground assets.</p>
13	<p><b>Retaining Walls</b></p> <p>A Construction Certificate is required for retaining walls exceeding 600mm in height.</p> <p>Note:</p> <ol style="list-style-type: none"> <li>1. All retaining walls are to be within private property.</li> <li>2. The retaining wall shall have a minimum design life of 50 years and structural classification B in accordance with AS4678</li> </ol>



	3. The materials are to be of natural cut stone, masonry, concrete or galvanized structural steel.
	<b>Condition reason:</b> To ensure retaining walls are structurally sound.

**Before building work commences**

14	<b>Erosion and sediment controls in place</b>
	Before any site work commences, <b>the principal certifier</b> , must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).
	<b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
15	<b>Notice to be Given Before Commencement of Works</b>
	The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the works commencing on the site and a 24 hour telephone number to be operated for the duration of the construction works.
	The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.
	<b>Condition reason:</b> To ensure satisfaction of the notice requirements to council and PCA under EP&A Act s6.6 and s6.12.
16	<b>Sanitary Plumbing and Draining</b>
	Before the commencement of sanitary plumbing and drainage work, separate approval must be obtained under Section 68 of the Local Government Act 1993.
	All drainage works shall be carried out in accordance with the Plumbing and Drainage Act 2011 and Australian Standard AS/NZS 3500 except where otherwise provided in the Local Government Act 1993, or the Local Government (General) Regulation, 2021.
	<b>Condition reason:</b> For the provision of sanitary plumbing and draining for compliance with Plumbing and Drainage Act 2011, Australian Standard AS/NZS 3500 and Local Government Act 1993, or Local Government (General) Regulation, 2021.
17	<b>Site Notice</b>
	Before building work commences, a site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of the development details including but not limited to:

	<ol style="list-style-type: none"> <li>1. Details of the Principal Contractor and Principal Certifying Authority for all stages of the development;</li> <li>2. The approved hours of work;</li> <li>3. The name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction noise complaints are to be displayed on the site notice; and</li> <li>4. To state that unauthorised entry to the site is not permitted.</li> </ol> <p>The sign is to be maintained until the building work has been completed and must be erected prior to commencement of work.</p> <p><b>Condition reason:</b> To ensure site signage requirements under EP&amp;A (Development Certification &amp; Fires Safety) Regulation 2021 s75 are met.</p>
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### During building work

18	<p><b>Discovery of relics and Aboriginal objects</b></p> <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ol style="list-style-type: none"> <li>a. the work in the area of the discovery must cease immediately;</li> <li>b. the following must be notified <ol style="list-style-type: none"> <li>i. for a relic – the Heritage Council; or</li> <li>ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ol> </li> </ol> <p>Site work may recommence at a time confirmed in writing by:</p> <ol style="list-style-type: none"> <li>a. for a relic – the Heritage Council; or</li> <li>b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ol> <p><b>Condition reason:</b> To ensure the protection of objects of potential significance during works.</p>
19	<p><b>Soil management</b></p> <p>While site work is being carried out, <b>the principal certifier</b> must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ol style="list-style-type: none"> <li>a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the <b>principal certifier</b>.</li> </ol>

	<p>b. All fill material imported to the site must be:</p> <ol style="list-style-type: none"> <li>Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or</li> <li>a material identified as being subject to a resource recovery exemption by the NSW EPA; or</li> <li>a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.</li> </ol>
	<p><b>Condition reason:</b> To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.</p>
20	<p><b>Waste management</b></p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>all waste management must be undertaken in accordance with the waste management plan; and</li> <li>upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier, detailing the following: <ol style="list-style-type: none"> <li>The contact details of the person(s) who removed the waste;</li> <li>The waste carrier vehicle registration;</li> <li>The date and time of waste collection;</li> <li>A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill;</li> <li>The address of the disposal location(s) where the waste was taken;</li> <li>The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.</li> </ol> </li> </ol> <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.</p> <p><b>Condition reason:</b> To require records to be provided, during site work, documenting the lawful disposal of waste.</p>
21	<p><b>Approved Plans to be on site</b></p> <p>During Works, a copy of the approved and certified plans, specifications and documents incorporating the conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.</p> <p><b>Condition reason:</b> To ensure development and works are consistent with the approved plans and consent.</p>
22	<p><b>Arborist Works</b></p> <p>Approved arborist works are to be conducted as per Australian Standard AS 4373-2007 "Pruning of Amenity Trees" and the approved Arboricultural Impact Assessment</p>

	<p>prepared by Chad Shakeshaft, dated 16 October 2024. Works are to be done by a minimum AQF Level 3 qualified arborist, except for root pruning which must be done by a minimum AQF Level 4 arborist.</p> <p><b>Condition reason:</b> To eliminate or mitigate environmental impacts.</p>
23	<p><b>Hours of Work</b></p> <p>Construction works are to be limited to the following hours:</p> <p>Monday to Friday                      7.00 am - 6.00 pm</p> <p>Saturday                                  7.00 am - 1.00 pm if inaudible from adjoining residential properties otherwise 8.00 am - 1.00 pm</p> <p>No construction work is to take place on Sunday and Public Holidays.</p> <p><b>Condition reason:</b> To protect the amenity of the surrounding area.</p>
24	<p><b>Public way to be Unobstructed</b></p> <p>The road reserve must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances unless approved by Council's Transport and Open Spaces section.</p> <p><b>Condition reason:</b> For the provision of public safety in compliance with Local Government Act 1993 and property accessibility in compliance with NSW Roads Act 1993.</p>
25	<p><b>Stormwater</b></p> <p>No new paving, excavation, filling, or other work on the site is to interfere with the existing drainage system so as to pond or divert water onto structures and adjoining properties.</p> <p>The land surrounding any structure must be graded to divert surface water to the legal point of adequate discharge and clear any structures and adjoining premises.</p> <p><b>Condition reason:</b> For the provision of public amenity and management of stormwater runoff in compliance with Local Government Act 1993.</p>
26	<p><b>Fill</b></p> <p>All fill is to be placed with Level 1 Inspection and Testing in accordance with AS3798 and in accordance with the requirements of Council's Development Design and Construction Specifications and the approved Sediment and Erosion Control Plan.</p> <p><b>Condition reason:</b> To minimise the effects of erosion, land slip and run-off resulting from excavation or fill.</p>
27	<p><b>Dust Control Measures</b></p>

	<p>Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:</p> <p>(1) All materials shall be stored or stockpiled at the best locations;</p> <p>(2) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs;</p> <p>(3) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;</p> <p>(4) Cleaning of footpaths and roadways shall be carried out regularly;</p> <p>(5) Rumble grids being installed at access points to the site.</p> <p><b>Condition reason:</b> To ensure measures are in place to mitigate dust impacts.</p>
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**Before issue of an occupation certificate**

28	<p><b>Access Works</b></p> <p><b>Prior to the issue of an Occupation Certificate</b> for Stages 2 and 3, the driveway access works the subject of the Roads Act Consent (required by this consent) must be satisfactorily completed.</p> <p><b>Condition reason:</b> To ensure compliance with Australian Standards and the legislation.</p>
29	<p><b>BASIX</b></p> <p>Before issue of an Occupation Certificate, all commitments listed in BASIX Certificate no. 1737751M are to be fulfilled.</p> <p><b>Condition reason:</b> To ensure the development is sustainable.</p>
30	<p><b>Fill</b></p> <p>All filling is to be placed in accordance with the requirements of Council's Development Design and Construction Specifications, the approved Sediment and Erosion Control Plan and shall be compacted to not less than 95% Standard Compaction.</p> <p>The Principal Certifying Authority is required to verify the develop conforms <b>before the issue of an Occupation Certificate</b>.</p> <p><b>Condition reason:</b> To properly manage soil erosion, water pollution or the discharge of sediment onto surrounding land for the protection of the environment Pursuant to the Section 8 of the Local Government Act 1993.</p>

31	<b>Fire Safety Certificate</b>
	Submission of a Fire Safety Certificate to the Principal Certifier prior to the issue of an Occupation Certificate.
	A copy of the Fire Safety Certificate shall be provided to the Commissioner of the NSW Fire Brigades by the owner of the building and to Council where the Council is not the Principal Certifier.
	The Fire Safety Certificate is also to be prominently displayed in the building. <b>Condition reason:</b> To ensure fire safety obligations under the EP&A Act 1979 are met.
32	<b>Individual Council Water Meters</b>
	Before issue of an Occupation Certificate, individual Council water meters are to be provided to all units and common areas.
	<b>Condition reason:</b> For compliance with Council's metering requirements.
33	<b>Occupation Certificate</b>
	A person must not commence occupation or use of the new building before obtaining an Occupation Certificate from the Principal Certifying Authority.
	Note: Occupation Certificates are required to be applied for through the NSW Planning Portal and may be subject to separate fees and charges.
	<b>Condition reason:</b> To ensure the building is compliant with Australian Standards and the Building Code of Australia and certified by the principal certifying authority.
34	<b>Rainwater Tanks</b>
	A separate application is to be submitted to Council for assessment and registration of the proposed rainwater tank(s) and associated plumbing works, prior to their installation. Evidence of registration is to be confirmed by the Principal Certifying Authority before issue of an Occupation Certificate.
	Note 1: A testable backflow prevention device is required with underground water storage tanks.
	Note 2: Applications can be made on Council's web site <a href="http://www.coffsharbour.nsw.gov.au">www.coffsharbour.nsw.gov.au</a>
	<b>Condition reason:</b> To ensure rainwater tanks are approved and installed in accordance with Council requirements.
35	<b>Stormwater Management Certification (Building)</b>
	Before issue of the relevant Occupation Certificate, the design engineer/hydraulic consultant shall issue a certificate to the Principal Certifying Authority to the effect that the stormwater treatment system has been installed and complies with the approved design.

	<p>As the development is to be staged, a certificate is to be provided to the the Principal Certifying Authority prior to issue of an Occupation Certificate for stage 2 and stage 3.</p> <p><b>Condition reason:</b> To ensure the design has been constructed and certified in accordance with the approved Construction Certificate plans.</p>
36	<p><b>Car Parking Spaces</b></p> <p>Car parking spaces as shown on the approved plans being provided on the development site <b>prior to the issue of an Occupation Certificate</b>.</p> <p>All car parking and manoeuvring areas being constructed in accordance with the provisions of Australian Standard AS 2890 and be constructed with Concrete.</p> <p><b>Condition reason:</b> To ensure adequate car parking is in place to service the development.</p>
37	<p><b>Operational Management Plan</b></p> <p>Before issue of an Occupation Certificate, an Operational Management Plan must be prepared for the operation of the group home. The plan must include, but is not limited to, the following matters:</p> <ul style="list-style-type: none"> <li>• Details of access and security arrangements.</li> <li>• Complaints management and record keeping procedure.</li> <li>• Notification to adjoining properties of site contact and after hour contact details.</li> <li>• Arrangements for the keeping of pets on site.</li> </ul> <p><b>Condition reason:</b> To ensure the development has appropriate measures and procedures in place for operation.</p>
38	<p><b>Waste Management Plan</b></p> <p>Before issue of an Occupation Certificate, an Operational Waste Management Plan must be prepared by a suitably qualified person in accordance with Council's waste policies and provided to the principal certifying authority. The plan must include the following matters:</p> <ul style="list-style-type: none"> <li>• Implementation of the Waste Hierarchy to promote waste avoidance and minimisation.</li> <li>• Three stream waste system - separation of both recyclables and all organics (including food) wastes from the mixed waste stream.</li> <li>• Provision being made on the site for the storage of garbage/recycling and green waste bins as per the approved plans.</li> <li>• Details on maintenance of any bin storage area.</li> </ul> <p>The waste management practices of the premises should provide for the continued separation of recycling and organic waste from the general waste stream.</p> <p><b>Condition reason:</b> To minimise and manage waste generation during operation of the development.</p>



## Occupation and ongoing use

39	<b>External lighting during ongoing use</b>
	During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent.
	<b>Condition reason:</b> To ensure the safe operation of the premises and protect the amenity of the local area
40	<b>Landscaping Works</b>
	Landscaping is to be maintained in accordance with the approved landscape plans at all times.
	<b>Condition reason:</b> To uphold execution of works within the terms of consent and approved plan set.
41	<b>Operational Management Plan</b>
	The group home is to be operated in accordance with the Operational Management Plan required by this Consent.
	<b>Condition reason:</b> To ensure the development has appropriate measures and procedures in place for operation.
42	<b>Stormwater</b>
	All stormwater management systems must be maintained in accordance with the approved stormwater plans.
	<b>Condition reason:</b> To ensure the stormwater management system operates as designed.
43	<b>Unobstructed Driveways and Parking Areas</b>
	All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for parking of vehicles associated with the use of the premises.
	<b>Condition reason:</b> To ensure car parking spaces are maintained to service the development.

## Subdivision Work

### Before issue of a subdivision works certificate

44	<b>Civil Works Required</b>
	<p>The following works:</p> <ol style="list-style-type: none"> <li>1. Interallotment Drainage</li> <li>2. Footpaths</li> <li>3. Sewer decommissioning</li> <li>4. Street Trees</li> </ol> <p>shall be provided to serve the development with the works conforming with the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies (Water Sensitive Urban Design).</p> <p>Note:</p> <ol style="list-style-type: none"> <li>1. Footpaths 1.5m wide are to be constructed on the Pitt Square and Azalea Ave Frontages</li> <li>2. The sewer main is to be decommission to the northern side of 57 Azalea Ave with a manhole and sewer junction installed at the end of the line.</li> </ol> <p>Plans and specifications are to be submitted to Council and/or accredited private certifier and approved prior to issue of a Subdivision (Civil) Works Certificate. Plan submissions are to be accompanied by payment of prescribed fee.</p> <p>Plans and specifications submitted later than six (6) months from the date of development consent shall comply with The City's current specifications at a date six (6) months prior to submission.</p> <p>All work is to be at the developer's cost.</p> <p><b>Condition reason:</b> To ensure appropriate detail is provided for works required to be undertaken as part of the development.</p>

**Before subdivision work commences**

45	<b>Erosion and Sediment Control Devices</b>
	<p>Erosion and sediment control devices in accordance with the document Managing Urban Stormwater - Soils &amp; Construction Volume 1 (2004) by Landcom are to be installed <b>before the commencement of work</b>. These devices are to be maintained for the full period of construction and beyond this period where necessary.</p> <p><b>Condition reason:</b> To properly manage soil erosion, water pollution or the discharge of sediment onto surrounding land for the protection of the environment Pursuant to the Section 8 of the Local Government Act 1993.</p>
46	<b>Prestart Meeting</b>

	<p>Arrange a prestart meeting with Council officers from Development Engineering Section not less than 7 days prior to commencing any site works associated with the Subdivision Works Certificate.</p> <p>The following people will be required to attend the prestart meeting:</p> <ul style="list-style-type: none"> <li>• Developer's Superintendent</li> <li>• Contractor's Engineer/Project Manager</li> <li>• Contractor's Site Supervisor</li> </ul>
	<p><b>Condition reason:</b> To ensure requirements and documentation for construction are understood and maintained by all parties.</p>

### During subdivision work

47	<p><b>Dust Minimisation</b></p> <p>Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:</p> <ol style="list-style-type: none"> <li>1. All materials shall be stored or stockpiled at the best locations;</li> <li>2. The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs;</li> <li>3. All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;</li> <li>4. Cleaning of footpaths and roadways shall be carried out regularly; and</li> <li>5. Rumble grids being installed at access points to the site.</li> </ol> <p><b>Condition reason:</b> To minimise and control erosion and sedimentation.</p>				
48	<p><b>Hours of Work</b></p> <p>Construction works are to be limited to the following hours:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Monday to Friday</td><td style="width: 50%;">7.00 am - 6.00 pm</td></tr> <tr> <td>Saturday</td><td>7.00 am - 1.00 pm if inaudible from adjoining residential properties otherwise 8.00 am - 1.00 pm</td></tr> </table> <p>No construction work is to take place on Sunday and Public Holidays.</p>	Monday to Friday	7.00 am - 6.00 pm	Saturday	7.00 am - 1.00 pm if inaudible from adjoining residential properties otherwise 8.00 am - 1.00 pm
Monday to Friday	7.00 am - 6.00 pm				
Saturday	7.00 am - 1.00 pm if inaudible from adjoining residential properties otherwise 8.00 am - 1.00 pm				

	<b>Condition reason:</b> To protect the amenity of the surrounding area.
49	<b>Public Way to be Unobstructed</b>
	The road reserve must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances unless approved by Council's Transport and Open Spaces section.
	<b>Condition reason:</b> For the provision of public safety in compliance with Local Government Act 1993 and property accessibility in compliance with NSW Roads Act 1993.

**Before issue of a subdivision certificate**

50	<b>Civil Works Executed</b>
	<p>The following works:</p> <ol style="list-style-type: none"> <li>1. Interallotment Drainage</li> <li>2. Footpaths</li> <li>3. Sewer decommissioning</li> <li>4. Street trees</li> </ol> <p>being constructed in accordance with the approved plans and specifications are to be completed prior to issue of the Subdivision Certificate.</p> <p><b>Condition reason:</b> To ensure accurate records of completed works can be verified and maintained.</p>
51	<b>Maintenance Bond</b>
	<p>Prior to issue of a Subdivision Certificate and acceptance of 'On Maintenance' period, a maintenance bond for the constructed civil engineering works required to be dedicated to Council must be paid to Council, unless other suitable arrangements are made with Council. The bond may be in cash or by financial institution guarantee.</p> <p>The bond required is the larger sum of:</p> <ul style="list-style-type: none"> <li>• 10% of the contract sum for works associated with water and sewer plus 5% of the contract sum for all other works where the total value is more than \$50,000 or;</li> <li>• \$5,000</li> </ul> <p>All work to be dedicated to Council is subject to a maintenance period of six (6) months from the date of release of the Subdivision Certificate. The maintenance period may be extended by Council due to material or construction work compliance reasons.</p>

	<p>At the end of the Maintenance Period an 'Off Maintenance' inspection must be held with Council or accredited private certifier to confirm the compliance and performance of the constructed works, in accordance with Councils Standards.</p> <p><b>Note:</b> If a financial institution guarantee is proposed to be used, please contact Council to determine whether this institute is acceptable to Council as well as to ascertain specific requirements of the guarantee.</p> <p><b>Condition reason:</b> To ensure any defects with subdivision works are rectified and ensure any damage to public infrastructure is rectified and public works can be completed.</p>
52	<p><b>Restriction on Title</b></p> <p>An easement for drainage 2m wide shall be registered over the stormwater interallotment drainage infrastructure. A restriction on title under Section 88B of the Conveyancing Act 1919, being registered on the title of the proposed lot B, to the effect that drainage lines installed in the development being maintained by the benefiting property owners.</p> <p>The 88B shall contain a provision enabling such restrictions, easements to be revoked, varied or modified only with the consent from Council.</p> <p>Details of the Restriction(s) are to accompany the application for Subdivision Certificate.</p> <p><b>Condition reason:</b> To enable the creation and release of affecting interests upon registration of the plan.</p>
53	<p><b>Surveyor Certification</b></p> <p><b>Before issue of a Subdivision Certificate</b>, certification is to be provided to Council by a registered surveyor confirming that all infrastructure (including services, stormwater infrastructure and drainage paths, access) are contained within the respective lots or easements for the lands to be subdivided.</p> <p><b>Condition reason:</b> To ensure the development is in accordance with the approved consent.</p>
54	<p><b>Works as Executed Plan</b></p> <p><b>Before the issue of a Subdivision Certificate</b>, the following must be submitted to the satisfaction of Council:</p> <ul style="list-style-type: none"> <li>• works-as-executed plans endorsed by a registered surveyor,</li> <li>• quality testing required for compliance with Council's standards and conditions of this consent,</li> <li>• a compliance certificate prepared by superintendent certifying they inspected the works with sufficient frequency to ensure materials and workmanship conform to the requirements of the approved plans and specifications,</li> <li>• any other required evidence confirming completion with approved plans and specifications,</li> </ul>

	<ul style="list-style-type: none"> <li>certification from a registered surveyor that all relevant structures are wholly contained within the relevant easement.</li> </ul>
	<b>Condition reason:</b> For the intention of unique identification to facilitate access, delivery of emergency services or maintenance of records Pursuant to the Section 124 (order No.8) of the Local Government Act 1993.
55	<b>Street Tree Planting (Subdivision)</b>
	<p>Street trees being planted along the road frontage of the site in accordance with the approved plans.</p> <p>The planting is to be maintained for a period of twelve (12) months in accordance with the City's requirements to ensure successful establishment.</p> <p>A bond per tree is to be paid to Council before the issue of a Subdivision Certificate. The bond is to be returned at the end of the twelve-month maintenance period only where plantings have been successfully established. Note, the current street tree bond as at 1 July 2024 is \$1,700 per tree and is subject to indexation at the CP/Sydney Index rate.</p>
	<b>Condition reason:</b> To ensure the successful establishment of street trees in contribution to the amenity of the area.

#### Ongoing use for subdivision work

No additional conditions have been applied to this stage of development.

#### Demolition Work

##### Before demolition work commences

56	<b>Demolition management plan</b>
	<p>Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.</p> <p>The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures and the Code of Practice – Demolition Work.</p>
	<b>Condition reason:</b> To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site
57	<b>Disconnection of services before demolition work</b>

	Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.
	<b>Condition reason:</b> To protect life, infrastructure and services
58	<b>Notice of commencement for demolition</b>
	At least one week before demolition work commences, written notice must be provided to Council and the occupiers of neighbouring premises of the work commencing. The notice must include: <ul style="list-style-type: none"> <li>1. name</li> <li>2. address,</li> <li>3. contact telephone number,</li> <li>4. licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and</li> <li>5. the contact telephone number of council and</li> <li>6. the contact telephone number of SafeWork NSW (4921 2900).</li> </ul>
	<b>Condition reason:</b> To advise neighbours about the commencement of demolition work and provide contact details for enquiries

#### During demolition work

59	<b>Handling of asbestos during demolition</b>
	While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements: <ul style="list-style-type: none"> <li>1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;</li> <li>2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and</li> <li>3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.</li> </ul>
	<b>Condition reason:</b> To ensure that the removal of asbestos is undertaken safely and professionally

#### On completion of demolition work

60	<b>Waste disposal verification statement</b>
	On completion of demolition work, a signed statement must be submitted to the certifier verifying that demolition work was undertaken in accordance with the

	demolition management plan approved under this consent, and if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the certifier within 14 days of completion of the demolition work.
	<b>Condition reason:</b> To provide for the submission of a statement verifying that demolition waste management has been undertaken in accordance with the approved demolition management plan.

## General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.



## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means COFFS HARBOUR CITY COUNCIL.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

**Subdivision work certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Northern Regional Planning Panel.