

DEVELOPMENT ASSESSMENT REPORT DEVELOPMENT APPLICATION 0918/20DA

SENIORS HOUSING (16 SELF-CONTAINED DWELLINGS IN BUILDING A AND 57 SELF-CONTAINED DWELLINGS IN BUILDING B AND ALTERATIONS AND ADDITIONS TO ENCLOSE BUILDING C/D CAR PARKING)

PURPOSE:

This report provides an assessment of Development Application 0918/20DA for Seniors Housing (16 self-contained dwellings in building A and 57 self-contained dwellings in building B and alterations and additions to enclose building C/D car parking.

Approval of the application subject to conditions is recommended.

This report includes the following appended documents:

- Appendix A – Site Plan and Streetscape Elevations of the proposed development
- Appendix B - Section 4.15 Evaluation Report.
- Appendix C - Schedule of Conditions.

THE PROPOSAL:

The proposal is for Seniors Housing (16 self-contained dwellings in building A and 57 self-contained dwellings in building B and alterations and additions to enclose building C/D car parking.

The development consists of

- 73 self-contained dwellings (Building A: 16 independent living units (ILU) within a three storey building and Building B: 57 ILU within an 11 storey building).
- Car parking
- Landscaping
- Alterations to Building C/D to enclose car park

All vehicles access to the development is proposed to be gained via one access point off York Street. Internal roads will provide vehicle access to the different parts of the development. Pedestrian access to the site is provided by way of internal pathways running throughout the site, including pathways linking the site to public transport routes and adjoining development.

The estimated cost of the overall development is \$50 million.

Plans of the proposed development are provided at Appendix A.

THE SITE:

The site is legally described as Lot 4 in DP 1263001, and comprises an area of approximately 32,850m². The property is bound by Arthur Street to the north, York Street to the east, San Francisco Avenue to the west and existing residential development fronting Pacific Avenue to the south.

The site immediately adjoins a Council owned playing field to the east and existing residential development to the north, south and west. The site is also located within close proximity to other services and facilities located within the Park Beach locality, including the Park Beach Plaza shopping complex, hotels, restaurants and various tourist land uses.

The site, which is relatively flat, is currently under development for an Aged Care Facility, approved under development consent 0902/17DA and subsequent modifications to that development consent.

Development application 0902/17DA (most recently modified by 0123/20DM) involves Seniors housing (120 bed residential care facility and 179 self-contained dwellings, including

community centre, landscaping, car parking, community pool, walking trail and other associated works.

Site preparation works have included landform modifications to prepare the land and to provide for compensatory flood storage, driveway access and site servicing. Construction has commenced on building C/D containing 72 ILU apartments, the 120 bed residential aged care facility, community center as well as ancillary development such as roads, parking, fencing, engineering works and landscaping.

The development seeks to replace Building A and B that was approved under 0902/17DA. Building A and B were approved under Development consent 0902/17DA as connected apartment buildings for ILU that together formed a boomerang shaped building generally orientated to Arthur Street and York Street in the north eastern corner of the site. Building B was 7 levels and Building A was 6 levels.

This development application seeks to separate Building A and B so that Building B will be a separate 11 storey apartment building containing 57 ILU apartments and Building A will be a separate 3 storey apartment building containing 16 ILU.

The development site is zoned R3 Medium Density Residential under the Coffs Harbour Local Environmental Plan 2013.

A plan of the development site and surrounding area is provided below.



CONSULTATION:

Statutory Advertising and Notification

The application was advertised and notified in accordance Council's Community Participation and Engagement Plan for a period of 14 days and 105 submissions were received during the

public exhibition period. Of these 104 submissions were in support of the development, with one submissions objecting to the development.

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

In support of the development:

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

Objections to the development:

- The sandstone wall displaying the Shoreline name impedes pedestrian and motorist's views when crossing the road to the Shopping Centre
- The current 60km/hr speed limit along Arthur Street needs to be reduced to 50km/h
- A pedestrian island refuge across Arthur Street is needed to complement the newly constructed York Street bus stop island refuge.

State Government Referrals

The application was referred to the NSW Transport for New South Wales for advice in relation to the relevant provisions of State Environmental Planning Policy (Infrastructure) 2007. Their advice has been incorporated into the evaluation process.

Council Departments

Council internal departments have provided comment on the development proposal and their recommended actions/conditions have been incorporated into the evaluation process. No comments were provided that prevent approval of the application.

The application was referred to the following sections of Council:

- Development Assessment – Development Engineer (traffic, parking, servicing, stormwater management)
- Local Planning – Flooding
- Regulatory Enforcement (Health) – Noise
- Regulatory Enforcement (Health) – Acid sulfate soils
- Financial Planning – Development contributions
- Waste Services – Waste management

STATUTORY MATTERS:

The following environmental planning instruments are relevant to assessment of this application:

- State Environmental Planning Policy (State & Regional Development) 2011.
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy No 55 - Remediation of Land.
- State Environmental Planning Policy - Coastal Management) 2018.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy (Infrastructure) 2007
- Coffs Harbour Local Environmental Plan 2013.

Coffs Harbour Development Control Plan 2015 is also relevant to the assessment of this application.

Schedule 7 (2) of State Environmental Planning Policy (State and Regional Development) 2011 lists general development that has a capital investment value of more than \$30 million to be regionally significant development. The development proposed under Development Application 0918/20DA has a capital investment value of \$50 million.

Section 4.5 of the Environmental Planning and Assessment Act 1979 specifies that the regional planning panel for the area in which the development is to be carried out, being the northern Regional Planning Panel, is the consent authority in the case of development of a kind that is declared regionally significant development.

Section 4.15 of the Environmental Planning & Assessment Act 1979 (NSW) specifies the matters which a consent authority must consider when determining a development application. The consideration of matters is limited in so far as they must be of relevance to the particular application being examined. A Section 4.15 Evaluation Report is provided as Appendix B to this report.

ISSUES:

Building Height:

Coffs Harbour Local Environmental Plan 2013 specifies a maximum building height for the locality of 15.5 metres. The proposal includes two buildings, referred to as building A and Building B. Building A contains 16 ILU within a three storey building, 12.3 metres in height and is less than the 15.5 metre maximum building height requirement. Building B contains 57 ILU within an 11 storey building, 38.81 metres in height and seeks a variation to the maximum building height requirement.

The total height of Building A is 38.81 metres, this is 23.31 metres above the 15.5 metre height limit (this is a 150% variation).

The application includes a request made pursuant to Clause 4.6 to vary a development standard of LEP. It is considered that there are sufficient environmental planning grounds to justify contravention of the standard. Given that the proposed development is considered to be consistent with the objectives of the Height of Building development standard and the objectives for development in the R3 Zone, the development is considered to be in the public interest.

This is discussed in the Section 4.15 Evaluation Report and is provided as Appendix B to this report.

Views:

The application was accompanied by an assessment against the view sharing planning principles established within the rulings of the Land and Environment Court in the case of *Tenacity Consulting v Warringah Council* [NSW LEC 140].

The assessment indicates that the development is not expected to result in unacceptable impacts to views and allows for view sharing.

Solar Access:

The application was accompanied by solar diagrams (for the 21st of June) that demonstrate that the development does not impact on the solar access for the living areas of adjoining existing developments. The information submitted with the application sufficiently demonstrates that the development will retain an appropriate solar access for adjoining properties, the existing development approved on the site and will not result in any significant impacts.

Privacy:

The development site, being bound by existing public roads to the north, east and west, is afforded adequate separation to existing adjoining development in these directions. The development site adjoins existing residential development directly to the south. Given the separation distances between the proposed and existing development approved under Development Consent 0902/17DA, the development is not expected to result in privacy impacts.

Noise:

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

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

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

Construction Impacts:

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

Traffic Impacts:

The development, which will gain access from a single access point off York Street, will generate additional traffic movements in the locality that will impose an additional load on the surrounding public road network. The application was accompanied by the traffic impact assessment, which was prepared for the original development approved under development consent 0902/17DA. This traffic impact assessment considered the impact of the development on the public road network. The assessment is based on the RMS Guide to Traffic Generating Developments (2004 and as updated). To quantify the potential impacts of the completed development on the surrounding road network SIDRA modelling has been utilised.

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

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

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

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

Context and Setting - Building form/design impacts:

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

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

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

Socio-economic Impacts

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

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

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

SUMMARY:

The proposal forms part of a significant development in the Park Beach locality.

The main assessment issues for the development are amenity, maximum building height, traffic, and context and setting – building form/design. The application is considered suitable for approval subject to conditions.

RECOMMENDATION:

- 1. Support the request to vary a development standard made pursuant to Clause 4.6 of Coffs Harbour Local Environmental Plan 2013 for the variation to the maximum building height under Clause 4.3(2) of Coffs Harbour Local Environmental Plan 2013 in this particular case.**
- 2. Approve Development Application No. 0918/20DA for Seniors Housing (16 self-contained dwellings in building A and 57 self-contained dwellings in building B and alterations and additions to enclose building C/D car parking, subject to conditions as appended to this report.**

3. Advise persons who made a submission on Development Application No. 0918/20DA the outcome of the determination.