

APPENDIX B - SECTION 4.15 EVALUATION REPORT.

Section 4.15 Evaluation Report

(a) the provisions of,

(i) any environmental planning instrument, and

- ***State Environmental Planning Policy No 55 - Remediation of Land***

This state policy stipulates that the consent authority must not consent to the carrying out of any development unless it has considered whether the land is contaminated. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state or will be remediated, so that is suitable, before the land is used for that purpose.

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

The Statement of Environmental Effects, prepared by de Groot & Benson Pty Ltd and dated 25 June 2020 provides a preliminary contamination investigation detailing previous activities that have occurred on the land, including the placement of fill. The report concludes that the land is unlikely to be contaminated.

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

The development is consistent with the state policy.

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

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

- ***State Environmental Planning Policy (Coastal Management) 2018***

This policy applies to land within the 'Coastal Zone'. The policy contains development controls that relate to the various lands that make up the 'Coastal Zone', being land identified on the following maps that accompanying the state policy:

- The Coastal Wetlands and Littoral Rainforests Area Map
- The Coastal Vulnerability Area Map
- The Coastal Environment Area Map
- The Coastal Use Area Map

The subject land is identified as being located within the 'Coastal Zone', as the land subject to the development is identified by the 'Coastal Use Area Map'. The following controls, therefore, apply to the development:

Division 4 – Coastal Use Area:

14 Development on land within the coastal use area:

This provision requires that development be designed and sited to avoid and minimise impacts to the coastal use area.

It is considered that the development is unlikely to cause adverse impacts on the following: access to the foreshore; overshadowing, wind funnelling and loss of views from public places to foreshores; visual amenity and scenic qualities of the coast; Aboriginal cultural heritage practices and places; and cultural and built environmental heritage.

It is considered that the development has been designed and sited to avoid and manage impacts and is considered to be consistent with the surrounding coastal and built environment in terms of bulk, scale and size.

It is considered that the development will not negatively affect the visual amenity of the locality or the scenic qualities of the adjoining coastline.

Division 5 – General:

15 Development in coastal zone generally—development not to increase risk of coastal hazards:

This provision requires that Council be satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

It is considered that the development, which involves a redevelopment of an existing building, satisfies the requirements of the Clause.

16 Development in coastal zone generally—coastal management programs to be considered:

This provision requires that Council take into account any relevant provisions of any certified coastal management program that applies to the land. No such program currently applies to the land.

The development satisfies the requirements of the Clause.

- ***State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2017***

23 Centre-based child care facility – matters for consideration by consent authorities

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

Chapter 3 – Development for seniors housing

Part 1 – General:

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

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

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

Clause 26 – Location and access to facilities:

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

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

The development complies with the requirements of the Clause.

Clause 28 – Water and Sewer:

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

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

The development complies with the requirements of the Clause.

Part 3 – Design Requirements:

Clause 30 – Site analysis:

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

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

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

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

Clause 32 – Design of Residential development:

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

Division 2 – Design Principles

Clause 33 – Neighbourhood amenity and streetscape:

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

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

The development retains reasonable neighbourhood amenity and appropriate residential character through the design and siting of

buildings on the site. The proposed setbacks are consistent and in some places larger than other residential development in the locality.

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

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

The development complies with the requirements of the Clause.

Clause 34 – Visual and acoustic privacy:

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

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

Buildings A and B are located to ensure that acceptable acoustic levels in bedrooms can be achieved in relation to proximity to driveways, parking areas and paths.

The development complies with the requirements of the Clause.

Clause 35 – Solar access and design for climate:

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

The application was accompanied by solar diagrams that demonstrate that the development does not impact on the solar access for the living areas of adjoining developments.

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

The development complies with the requirements of the Clause.

Clause 36 – Stormwater:

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

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

The development complies with the requirements of the Clause.

Clause 37 – Crime prevention:

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

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

The development complies with the requirements of the Clause.

Clause 38 – Accessibility:

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

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

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

The development complies with the requirements of the Clause.

Clause 39 – Waste Management:

The Clause requires that development maximise opportunities for waste recycling.

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

The development complies with the requirements of the Clause.

Part 4 – Development standards to be complied with:

Division 1 – General

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

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

The development complies with the requirements of the Clause.

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

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

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

The development complies with the requirements of the Clause.

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

Division 1 – General

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

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

Division 4 – Self-contained dwellings

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

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

The development exceeds 8 metres in height and provides for an FSR that is more than 0.5:1. The development provides for 15,800m² of landscaping, which includes soft and hard landscaping. The area available for 'deep soil zones' is approximately 27%. The development meets the requirements of solar access, as demonstrated on the submitted solar access diagrams. The development provides private open space that exceeds the minimum requirements. The development provides 164, including 9 accessible, secure under cover parking spaces at Building A, B and C/D communal parking areas.

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

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

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

of consent requires that the commitments outlined in the Certificate be implemented in the development.

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

Schedule 7 (2) of this policy includes 'General Development' with Capital Investment Value of over \$30 million. As the estimated cost of works is more than \$50 million the application is required to be determined by the Northern Regional Planning Panel and not Council.

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

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

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

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

104 Traffic-generating development:

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

The application was referred to the NSW Transport for NSW as the overall development provides over 200 car parking spaces. Transport for NSW provided comments relating to the safety of turning traffic, connection to transport links and vehicle turning paths. These comments were considered as part of the assessment process and the recommended conditions of consent.

The development satisfies the relevant provisions of the Policy.

- ***Coffs Harbour Local Environmental Plan 2013***

2.2 Zoning of land to which Plan applies

Zoning of land for the purposes of this environmental planning instrument is stipulated in the Land Zoning Map. Under the Land Zoning Map, the site is zoned R3 Medium Density Residential.

2.3 Zone objectives and Land Use Table

This provision provides the Land Use Table of Local Environmental Plan 2013 which specifies for each zone:

- (a) the objectives for development, and
- (b) development that may be carried out without development consent, and
- (c) development that may be carried out only with development consent, and
- (d) development that is prohibited.

‘Seniors Housing’ is permitted with consent.

This provision also provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the R3 Medium Density Residential zone are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.

The development is consistent with the objectives of the zone.

4.3 Height of buildings

This provision stipulates that the height of a building on any land is not to exceed the maximum height shown on the Height of Buildings Map. The height shown on the Height of Buildings Map for the site is 15.5 metres.

The proposed height of the development (at its highest point) is summarised in the following table:

Building	Existing ground RL	Top of building RL	Building height (m)	Height exceedance (m)	Height exceedance (%)
A	5.55	17.76	12.3	No exceedance	No exceedance
B	5.75	44.56	38.81	23.31	150%

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



3D models of the proposed development showing the 15.5 metre height control represented by the white coloured plane in relation to proposed Building B and existing approved buildings represented by the two buildings shaded in grey.

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

4.6 Exceptions to development standards

This provision provides that development consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

The application includes a request made pursuant to this provision to vary the maximum building height development standard contained in Clause 4.3 of the LEP. The development standard under Clause 4.3 requires the height of a building on any land to not exceed the maximum height shown on the Height of Buildings Map. The table below provides a summary of the LEP provision proposed to be varied and the variation proposed.

LEP Provision	Standard	Proposed development (m)	Variation (m)	Variation (%)
Clause 4.3	15.5m	38.81	23.31	150%

Relevant sections of Clause 4.6 that must be considered are reproduced below.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,

These statutory provisions can be summarised into the following two matters that the consent authority must be satisfied on before consent can be granted.

1. The Applicants Written Request

That the applicant's written request seeking to justify the contravention has adequately addressed the following matters required by clause 4.6(3):

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- (b) That there are sufficient environmental planning grounds to justify contravening the development standards.*

Comment:

The proposed development seeks to vary the application of a development standard specified in Clause 4.3 – Height of Buildings of the LEP. Subsection (2) requires the height of a building on any land to not exceed the maximum height shown on the Height of Buildings Map, being 15.5 metres. Proposed Building B of the development has a maximum building height of 38.81 metres, which exceeds the maximum building height development standard by 23.31 metres or 150%.

A written request pursuant to this clause has been received from the applicant for consideration of a variation to the development standard for height of buildings.

In support of the proposed variation to the height of buildings, the applicant has provided the following matters to demonstrate the standard is unreasonable or unnecessarily in the circumstances of the case:

- i. The objectives of the R3 Medium Density Residential zone are achieved, which is as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*

The revised building height will provide for a taller, more compact building form that is more efficient for access for residents. The taller building will allow for a larger number of units to have improved views and outlook.

The taller, less bulky building form provides for better access to sunlight for the townhouses within the complex. The proposal maintains the number of beds and provides 4 x additional dwelling units to meet the 'ageing in place' needs of the community.

Considering the above, the proposal is better at meeting the housing needs of the community than the original proposal.

- *To provide a variety of housing types within a medium density residential environment.*

The proposal provides for two out of the three types of aged care housing described in SEPP (Seniors Living), in the form of residential care facility beds and self-contained dwellings.

Housing options for residents include various floor plans for 2 bed and 2 bed and study ILU apartments and different floor plans for single level living in the townhouses.

This revised proposal affords the opportunity to improve on the variety of living opportunities by providing a high-rise tower building (i.e. Building B) and a 3-storey apartment building (Building A) to add to the mix of dwelling types and densities.

This variety of housing and densities meets the zone objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal maintains the viability of the other day to day land uses associated with the complex, namely, café, community centre, pool, general recreation facilities and other ancillary services on site.

The proposal is not incompatible with the other land uses supported on site.

- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

The design of both Building A and Building B meet Council's design excellence standards and provide an opportunity to improve on the urban design setting of the originally approved development, with greater variation in scale, reduced mass, increased recreation space, improved streetscape activation for both Arthur Street and York Street and a reduced building footprint.

The proposal provides for a high visual quality in the presentation to the public realm.

- ii. The objectives of the height of building development standard in Clause 4.3 are achieved, which is as follows:

- (a) *to ensure that building height relates to the land's capability to provide and maintain an appropriate urban character and level of amenity,*

The stated objectives of the Arthur Street West Masterplan are:

- To ensure that development within the Arthur Street West Precinct accords with the Coffs Harbour Arthur Street West Precinct Masterplan.
- To improve pedestrian access and connectivity in the Park Beach locality.
- To maximise deep soil zones

This proposal delivers on the intent of the Masterplan in providing improved green space enabled by having a taller apartment building (i.e. Building B) and a means of activating the streets by having a lower apartment building (Building A) that addresses both York Street and Arthur Street by being closer to the street and providing improved street surveillance opportunities and pedestrian connectivity within the development complex when compared to the originally approved development.

This site planning and massing of buildings results in a better transition between the open space areas and the subject land compared to a complying development of all 3-4 storey apartments and the originally approved development. The provision of this taller building also allows for improved open space and space around the buildings.

The site is provided with a central road as envisaged in the Masterplan and this revised proposal adds visual emphasis and functional importance to this road's role in the street hierarchy.

The 15.5m height control in the R3 zone is aimed at achieving 4 storey residential buildings on top of a semi basement parking level. In the Park Beach R3 zone there are three residential flat buildings of 4 storeys; namely, Nos 10 and 18 San Francisco Ave (see image below) and 16 Arthur Street. There are numerous 2 storey flats and a few 3 storey flats as well.

Typical Urban Character within the precinct to the north

Residential lands elsewhere in Park Beach have height controls of 22m and 40m, and residential buildings ranging to 17 storeys. This proposal is consistent with the urban character being developed in the Park Beach locality in providing for a mix of two storey buildings and taller buildings over 4 storeys. The large size of the site (i.e. 3.2 hectares) allows for the site to have its own sense of place and building form; many of the impacts (i.e. overshadowing, privacy and building form) associated with taller buildings are generally able to be contained within the site.

With street frontages in the order of 200m and 170m and an area of 3.2hecatres , the land is one of two large land parcels in the Park Beach R3 zone capable of supporting the intent of the R3 zone and capable of supporting buildings taller than conventional 3-4 storey multi dwelling housing originally anticipated in the zone. The area of the land is equivalent to approximately 20-40 typical allotments in the residential subdivision pattern surrounding the land. Accordingly, the dimensions of the land allow for an efficient implementation of the appropriate urban character intended for the R3 zone.

The character of the locality is intended to be a medium density residential area; it being noted that this proposal will result in no changes to the approved density on the land. The proposal is of such character, albeit restricted to the types of people permitted to occupy the buildings under SEPP (Seniors Living). The proposal is sympathetic to the streetscape by limiting height to 3 storeys on the frontages. Having the taller buildings located away from the frontages reduces the potential adverse impacts in terms of privacy, solar access and streetscape scale upon the neighbouring area.

Coffs Harbour City Council has prepared an updated Growth Management Strategy to guide development within the Local Government Area to 2036. The Strategy adopts a Compact City model where an emphasis will be to reduce urban sprawl and focus growth on infill development and renewal of existing urban areas to take advantage of urban consolidation benefits; urban consolidation provides savings in infrastructure and reduced environmental costs with a smaller urban footprint. This Strategy will inevitably lead to taller buildings and higher densities and in this context the proposal for a taller building on the site can provide a catalyst and an example for the future growth and development of the City generally and Park Beach in particular. This proposal is in keeping with the urban character expected in a Compact City scenario.

The urban character is also derived from the broader regional visions which are outlined in the North Coast Regional Plan. This Plan identifies Coffs Harbour as a “Regional City” which is earmarked to accommodate most of the population growth expected to the year 2036. The Regional Plan sees the urban character of Park Beach Area as an urban area with mixed residential and tourist development serviced by regional and local connections. The Urban Character outlined in the plan is tolerable of taller buildings that meet the strategic objective of housing for aged persons in an area with established infrastructure.

The Plan has two key Directions that are relevant to this seniors housing proposal, namely:

- *Direction 22: Deliver greater housing supply*
- *Direction 23: Increase housing diversity and choice*

The Plan has a specific action that promotes the encouragement of ‘ageing in place’ by the development of liveable homes that are easy to enter and navigate; responsive to the changing needs of occupants; and relatively easy to adapt (for injured, disabled or elderly residents).

This seniors’ living proposal provides for people to be able to ‘age in location’ with residential options provided for ‘all of life’ care as required. This proposal helps fill a large gap in the supply of aged persons housing and housing for those with a disability. This taller apartment building is

critical to the viability of the development and will contribute to the diversity envisaged in the future urban character outlined in the Regional Plan. A complying development, consisting of a series of 'walk up flats' or four storey apartments, would not deliver the housing diversity enabled to be provided by this proposal. Moreover, the approved development will not deliver the improved views from the upper level areas; the proposal will significantly improve the quality of outlook for a number of units within Building B.

The proposal meets the first part of the height control objective of *ensuring that building height relate to the land's capability to provide and maintain an appropriate urban character*.

The second part of the first objective relates to amenity. Amenity is concerned with the human relationship with an area and in an urban context is measured by feelings about built space, open space, sunshine and shade, privacy, noise, and fresh air that directly relate to the quality of life. Amenity for a development proposal can be considered in terms of the compliance with the planning controls, that seek to create a level of amenity, and the potential environmental impacts in terms of amenity.

The appropriate documented standard for provision of these qualities are:

- State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004;
- State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development); and
- Coffs Harbour Development Control Plan 2015.

The Statement of Environmental Effects and the Architects SEPP 65 Design Statement adequately address these documents and these are not reiterated in this report; it is suffice to say that these documents demonstrate that the proposal is in compliance with the amenity considerations outlined in the State Policies and the DCP. These reports demonstrate that the particular proposed height of Building B achieves compliance with amenity provisions such as solar and daylight access, natural ventilation, distances between buildings, overshadowing, privacy, private open space, apartment sizes, circulation, parking, acoustic privacy, responding to streetscape, landscaping and the like outlined in these planning controls.

Leaving aside the specific planning controls, the main issues to consider in terms of the impact upon the level of amenity from that part of the proposed development that exceed the height limit relate to views, overshadowing, wind and urban design (as detailed further within Appendix F of the SEE).

Having regard for the main urban design issues, it is concluded that the proposal provides for a wider range of urban design benefits than both the approved development and a development that complied with the height control.

The subject land has the capability to accommodate the taller apartment building while maintaining an appropriate urban character and level of amenity.

- (b) *to ensure that taller development is located in more structured urbanised areas that are serviced by urban support facilities,*

Park Beach, and the subject land, is a locality within the larger urban district that is Coffs Harbour (the district also encompasses the City Centre, Jetty, Park Beach). Park Beach is a highly structured urban area well serviced by urban support facilities. Urban structure is evident by legible grid street patterns, flat easily walkable grades, clearly defined land use, increased density of development, available transport, infrastructure and the range of the built environments and expansive open space areas. In fact, some of the tallest development permitted in Coffs Harbour LGA is at Park Beach, across the York Street playing fields from the land.

Highly structured urbanised areas are characterised by densities greater than low density areas, and include other land uses to support the residential population (i.e. commercial, business, industrial, community and recreational land uses). These characteristics are evident in the Park Beach locality. Urban support facilities that support taller development on the land, in this case development in the form of aged care housing, include;

- transport network in the form of public bus and taxi;
- a road network that permits direct and easy movement and connection to the Pacific Highway, collector and distributor roads and local roads;
- connection to City Centre, railway, airport, public base hospital, university, emergency services and the wider community services within Coffs Harbour;
- adjoining and nearby regional and neighbourhood retail facilities such as 'Park Beach Plaza', 'Northside' on Park Beach Road, Park Beach 'Homebase' large bulky goods centre and medical and dental facilities at Park Beach Plaza;
- financial service providers at the retail centres and on Park Beach Road;
- active and passive recreational facilities and social spaces such as Park Beach Bowling Club, 'Park Beach Surf Club', beachfront reserve, 'Hoey Moey' Hotel;
- open space in the form of York Street playing fields, beach reserves and parks;
- employment lands to the south and west of the land;
- restaurants and cafes in the local streets and retail centres;

- a wide array of tourist accommodation for supporting distant families visiting aged care residents;
- all necessary services and daily needs are available;
- adequate utilities networks.

Aged care is a valid and highly appropriate use of the land and suitable for an area with urban support services such as Park Beach. Taller development accommodating aged care housing can be located on this large land parcel, not simply because the land is a large parcel, but because the land is adequately serviced by urban support facilities.

The desired future character of Park Beach, expressed by the LEP, envisages development generally taller than existing predominantly 1-2 storey, occasionally up to 4 storey, residential development through Park Beach, with height controls ranging from 15.5m to 40m. It is good planning practice to permit taller development closer to those urban support facilities, where the benefits of urban consolidation can be realised.

The particular height of this proposed development is not so high that the urban support facilities cannot support the height; taller development is permitted within 200m of the land.

The capacity limitations of the urban support services are not related to height of buildings but are related to population accommodated in buildings. There are sufficient urban support services for the proposed aged care residences (approximately 300) expected under the overall development for the land. This proposal will not increase the number of beds or dwellings previously approved and as such will have a neutral impact upon the capacity of urban support services. As outlined above the urban structure at Park Beach is tolerable of this proposal for an increase in height for Building B and a decrease in height for Building A.

The proposal is in keeping with this objective.

- (c) *to ensure that the height of future buildings has regard to heritage sites and their settings and their visual interconnections,*

There are no heritage sites in the vicinity of the land. The nearest heritage sites are 1.6-2km from the land. Other heritage sites are more distant and disconnected visually from the land. The quantity of treed vegetation throughout the urban area and the topography obscure the development from heritage sites, except perhaps from the upper floor of the Coffs Harbour Primary School, where the proposal's upper floors might be visible at a 2km distance.

The proposed height for Building B will not dominate any heritage sites or their settings, hence there is no adverse impact on heritage sites. The visual interconnections are of no consequence to the nearest potentially impacted site 2km away.

The objective of the development standard is achieved notwithstanding the non-compliance of height with the development standard. It is sufficient to say that the distance of the land from the listed heritage sites is sufficiently great that the underlying purpose of this objective is not relevant to the development; hence compliance with the height control is unnecessary for this particular development.

The absence of environmental impact from the proposed development onto heritage sites is sufficient to justify contravening the height of buildings development standard in this particular case.

(d) to enable a transition in building heights between urban areas having different characteristics,

Park Beach is an urban area with differing characteristics of land use, height and density. Within Park Beach the height controls are 8.5m, 11m, 15.5m, 22m and 40m. A 15.5m height control broadly applies to most of the residential and business land east of the Highway, with a strip of taller height controls applying along the beachfront. Lower height controls of 8.5m apply to the open space and low-density residential land to the north of the subject land beyond Arthur Street.

It is clear from the height of buildings map that there is a gradation of height along Ocean Parade (the beachfront) from 40m to 22m to 15.5m to 8.5m running from north to south along the beach. The height controls in the north-south direction further west from the beach reveal a much flatter profile with a constant height control of 15.5m flanked by an 8.5m height limit to the north and south of the 15.5m height control.

There is a gradation of height controls both east-west and north-south on axes passing through the land. An east-west axis has a height control of 40m at the beachside strip, dropping to 8.5m at York Street playing fields and stepping to 15.5m between York Street and the Pacific Highway then 11m west of the Pacific Highway until the railway line, then 8.5m in low density residential areas west of the railway. West of the railway is sufficiently far away to have no impact from the proposed development.

A north-south axis through the land reveals 8.5m height control for low density residential land north of properties along Arthur Street, stepping up to 15.5m along Arthur Street and extending south for the full extent of the urban areas, until the step back down to 8.5m at the Park Beach

Caravan Park approximately 1 km south of the land. South of the York Street playing fields there is a pocket of land with a 22m height standard.

As stated above, the development provides for the maintenance of a low-medium density ambiance along York Street and part of Arthur Street with the townhouses fronting these streets and the taller buildings forming a backdrop to these. A careful transition from the townhouses near the corner of Arthur Street and San Francisco Avenue to the taller Buildings B and C towards York Street where large open space areas are provided to transition to the York Street playing fields.

The overall building form provides for a sensitive stepping of the buildings to create a foreground, mid ground and background view to the playing fields and a transitional view on the approach from the east towards the site which adds to the legibility of the area and site. The proposal is superior to the approved development in this respect with a better transitioning with the reduced height for Building A allowing for a stepping up to Building B.

The urban areas west of the subject land support commercial uses and a regional retail centre. The additional height of Building B has no adverse impact on the function and use of the commercial land. The character of land immediately east of the site is open space used as playing fields. Shadow diagrams demonstrate minimal impact from the particular height of the proposed development on the open space land. Immediately east of the playing fields are taller residential buildings with a 40m height control. Good urban design practice would allow a transition in height from the 40m beachside strip to the 15.5m commercial lands to create a sense of arrival and departure within the precinct.

The objective of the development standard is achieved notwithstanding the non-compliance of height with the development standard.

- (e) *to limit the impact of the height of a building on the existing natural and built environment,*

The impacts of the proposed development on the natural and built environment in relation to those parts of Building B that exceed the 15.5m height control are assessed in the SEE. This assessment demonstrates that the impacts are manageable within the controls and requirements in the various relevant planning documents. The content of those assessments is not repeated here but is found through the SEPP Seniors Living, Seniors Living Policy, SEPP 65, Apartments Design Guide, LEP 2013, DCP 2015 assessments in the SEE.

All relevant planning controls and guidelines can be met. It is concluded that the particular height of these buildings has an impact that can be managed or that meets the

controls and requirements expressed in the relevant Environmental Planning Instruments and DCP 2015.

The objective of the development standard is achieved notwithstanding the non-compliance of height with the development standard.

- (f) *to encourage walking and decreased dependency on motor vehicles by promoting greater population density in urban areas.*

The land is ideally located within the urban area of Park Beach which is flat and readily walkable, the streets are legible in a grid pattern, and daily shopping needs are 'right across the road' from the site, at the Park Beach Plaza shopping centre. The land is ideal for aged care housing due to the urban character of the location and access to services and facilities.

Walking around the land is directly encouraged, as the proposed development includes an internal walking 'trail' with appropriate fitness features for the aged resident population. By proposing taller development, with a smaller footprint upon the land, there is a greater open space component on the site. Residents can feel safer walking within the site as an option to walking in the public streets. One of the principal drivers for this proposal is to provide for better access for residents within the development site.

The proximity of the land to transport, medical, retail, financial and social services encourages walking rather than motor vehicle use. The development is close to the maximum permitted density providing a population that can enjoy such proximity benefits.

A height compliant design would result in a larger building footprint upon the land, thus impacting on open space, deep soil zones and recreation opportunities. Although there is room for pathways, there is a greater feeling of intrusion and reduction in amenity if buildings are more densely packed upon land, thus the incentive for walking would be diminished relative to the provision of a lower building form on the land.

The proposal will not alter the approved density of the development. In approving the original proposal it was determined that the development promoted greater population density.

The resident population will have health benefits from a more active lifestyle with the land gradients providing an easy walk to facilities. This provides for better social connection and longer-term sense of belonging that may not be achieved in a more remote area located away from facilities or on undulating topography. The non-compliance of height does not prevent these outcomes.

The proposal addresses this objective in a positive way. Proximity to facilities and walkable grades will reduce the dependency on motor vehicle use. Taller development as proposed with improved open space on the land will encourage greater walking and less motor vehicle use, thus achieving the objective of the height control. The proposal adds to the creation of a more compact city which fosters walking and decreased dependency on motor vehicles.

The objective of the development standard is achieved notwithstanding the non-compliance of height with the development standard. In light of the above, the proposal meets all the height of buildings objectives.

The applicant contends that there are sufficient environmental planning grounds for contravening the development standard and has provided the following reasons:

- The subject land is a unique, large parcel of land that can tolerate a different planning approach to the surrounding lands which generally support conventional sized allotments. The subject land is large enough to contain impacts associated with overshadowing and privacy and is in a unique setting with a large expanse of green space to the east (i.e York Street playing fields), a major shopping complex to the west (i.e Park Beach Shopping Centre) and is enriched by roads on three boundaries. This setting provides the circumstances for a flexible approach to building heights.

The past approvals demonstrate that the height standard is generally irrelevant to this contained site and that the height of buildings in the development site are more appropriately considered on merit rather than a generic fixed height control; the height control applying to the site has become irrelevant due to past approvals.

- This proposal delivers several specific benefits that would not be achievable with strict compliance with the 15.5m height standard. The main specific benefits include:
 - A signature building statement that adds to the identity of the site and urban form of the Park Beach locality by creating a sense of arrival and point of difference at this unique location;
 - An improvement in open space area within the changes in the building footprint;
 - Improved streetscape outcomes with better transitioning of building form;
 - A high quality designed contemporary development on one of the few large sites in the Local Government area that can deliver a development of this scale;

- A development that provides an increased number of dwelling units with broad views of the hinterland and coastal zone from the new upper levels of the building (Building B); and
 - A reduced travel distance for residents and visitors accessing on-site services and facilities within the complex.
- The proposal also provides several broad environmental planning benefits including;
- Improved streetscape outcomes with better transitioning of building form with a stepping of Buildings A and B;
 - Positive urban design outcomes through modern building design excellence and improved public amenity;
 - Improvement to the regional attractiveness of Coffs Harbour; and
 - an opportunity for people to age in place/locality with all life care and support.

2. The Public Interest; Objectives of the Standard and Objectives for the Zone.

That the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed.

The objectives of Clause 4.3 have been reproduced below.

- (a) to ensure that building height relates to the land's capability to provide and maintain an appropriate urban character and level of amenity,*
- (b) to ensure that taller development is located in more structured urbanised areas that are serviced by urban support facilities,*
- (c) to ensure that the height of future buildings has regard to heritage sites and their settings and their visual interconnections,*
- (d) to enable a transition in building heights between urban areas having different characteristics,*
- (e) to limit the impact of the height of a building on the existing natural and built environment,*
- (f) to encourage walking and decreased dependency on motor vehicles by promoting greater population density in urban areas.*

The objectives of R3 Medium Density Residential zone have been reproduced below.

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

Comment

It is considered that the applicants written submission has satisfactorily demonstrated that compliance with the development standards is unreasonable or unnecessary in the circumstances of the case. In this regard, the applicant has demonstrated how the development achieved the objectives of the maximum building height, despite the height of proposed Building B not satisfying the prescribed maximum building height. The applicant has also satisfactorily demonstrated in their written submission that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed development is considered to be in the public interest because it is consistent with the objectives of the development standard, as outlined above, and consistent with the objectives of the R3 medium Density Residential zone.

In this regard, it is considered that the proposed development has an acceptable building height and will not result in unacceptable impacts for adjoining residential land uses for reasons discussed elsewhere in this evaluation report.

The development satisfies the requirements of the Clause.

7.1 Acid sulfate soils

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

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

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

The development satisfies the requirements of the Clause.

7.2 Earthworks

This provision specifies a number of matters that must be considered for development proposals that involve earthworks including the following:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The development will incorporate appropriate sediment and erosion control measures during construction. It is considered unlikely that there will be any unacceptable impact on the amenity of adjoining properties.

The development satisfies the requirements of the Clause.

7.3 Flood planning

This provision applies to land at or below the flood planning level and stipulates that development consent must not be granted (to development on land to which this clause applies) unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

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

Part of the subject site is mapped as flood prone land, with the southern portion of the site being affected by the 1 in 100 year ARI and 1 in 500 year flood event. The application was accompanied by a Flood Management Report, which addresses the requirements of the Clause. The proposed development is not expected to result in any flooding impacts, subject to a minimum finished floor level for the proposed buildings being achieved and compensatory excavation to compensate the filling to achieve negligible loss of floodplain storage. Appropriate minimum finished floor levels have been proposed and are shown on the submitted plans. Details of the compensatory excavation are detailed within the submitted plans.

A recommended condition of consent requires that these minimum floor levels be implemented throughout the development and the compensatory excavation be undertaken.

The development satisfies the requirements of the Clause.

7.9 – Airspace Operations

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

The land is located between the 60 and 80 contour on Obstacle Limitations Map. Given that the proposed development is less than 40 metres in height, it does not penetrate the Obstacle Limitations Surface. Consultation with the Commonwealth is, therefore, unnecessary.

The development satisfies the requirements of the Clause.

7.10 – Development in Areas Subject to aircraft Noise

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

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

7.11 – Essential Services

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

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

The development satisfies the requirements of the Clause.

7.12 - Design Excellence

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

In considering these requirements the following comments are made:

- The proposed buildings will be modern in form and appearance. It is considered that the development will improve the quality and amenity of the public domain.
- The development is considered unlikely to impact on existing view corridors. View impacts have been adequately addressed in Appendix F of the SEE.
- The development is consistent with the relevant requirements of the Coffs harbour Development Control Plan 2015.
- The land is considered suitable for the development.
- The development is not expected to result in environmental impacts such as overshadowing, wind and reflectivity.
- The bulk and mass of the development is considered appropriate for the development site and locality. The main bulk of the development consists of a larger taller buildings contained to the centre of the site.
- The development provides for appropriate vehicle, pedestrian and cycle access.

The development satisfies the requirements of the Clause.

7.13 Central business district

This provision stipulates that development consent must not be granted to development on any land unless the consent authority has considered whether the development maintains the primacy of the CBD as the principal business, office and retail hub of the Coffs Harbour City.

It is considered that the development does not compromise the primacy of the CBD as the principal business, office and retail hub of the city centre. The development is not expected to conflict with the hierarchy of the commercial centre.

The development satisfies the requirements of this provision.

- (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**

There are no draft environmental planning instruments that are applicable to the development or the subject land.

- (iii) any development control plan, and**

- ***Coffs Harbour Development Control Plan 2015***

Part B Public Consultation

B1 - Public Consultation

This control refers to Councils Community Participation and Engagement Plan.

In accordance with the provisions of Councils Community Participation and Engagement Plan, the application was publicly advertised and notified to nearby and adjoining landowners with an opportunity to provide a submission for a period of 14 days. There were 105 submissions received during the public exhibition period. Of the 105 submissions received in total, one submission was objecting to the development and 104 submissions were supporting the proposed development. A summary of the issues raised in the objection and how these issues are addressed is outlined within this report.

A full copy of all of the submissions is a confidential attachment to this report (Attachment 4) as the submissions may contain personal or private information or other considerations against disclosure as prescribed under the Government Information (Public Access) Act 2009.

Part D3 – Residential Development

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

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

D3.1 – Density requirements:

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

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

The development satisfies the requirements of the Plan.

D3.2 Front Setback Requirement

This control requires that development maintain the minimum setback requirements, which for the development site is 6 metres for building less than 8.5 metres in height and 9 metres for building more than 8.5 metres in height, with 3 metres to a secondary road frontage.

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

Boundary	Setback requirement	Compliance	Nature of encroachment
Arthur Street – Primary	<ul style="list-style-type: none"> - 6m for buildings < 8.5m in height; or - 9m for buildings > 8.5m in height. 	No	Less than 15 metres of the 190 metre frontage to Arthur Street is setback less than 9 metres.
York Street – Secondary	<ul style="list-style-type: none"> - 3m 	Yes	n/a

The development is generally consistent with this control, with Building A fronting Arthur and York streets being set back 6 metres, with the exception of a minor encroachment to the 9 metres front setback for approximately 15 metres of the 190 metre frontage. Given that the encroachment is minor in nature and is considered unlikely to result in any impacts to the streetscape or adjoining properties, the proposed variation is considered appropriate in the circumstances.

The development is consistent with the requirements of the control.

D3.3 Side and rear setback requirements

This control requires that development meet the minimum setback requirements, which for the development site requires 3 metres for buildings less than 8.5 metres in height (down to 900mm for single storey components) and 6 metres for buildings more than 8.5 metres in height.

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

Boundary	Setback requirement	Compliance	Nature of encroachment
San Francisco Av	<ul style="list-style-type: none"> - 3m for buildings < 8.5m in height; or - 6m for buildings > 8.5m in height; or - 900mm for single storey building components. 	Yes	n/a
Southern boundary	<ul style="list-style-type: none"> - 3m 	Yes	n/a

The development is consistent with the requirements of the control.

D3.14 Infrastructure Requirements

This control requires that adequate infrastructure and utility services are provided to development on residential land.

Reticulated water, sewer and electricity are available to the land. These services can be readily connected to the proposed development.

The proposed method for stormwater drainage is considered satisfactory.

Waste storage and management is adequate.

The development is considered to be generally consistent with the requirements of the control.

D3.11 Access and parking requirements

See Part F1 below.

D3.12 Landscaping requirements

See Part F3 below.

D3.13 Ancillary Development Requirements

This control requires fencing to be designed so that:

- (a) views are not unreasonably obscured from a dwelling to the primary road frontage or vice versa; and
- (b) side fences which project forward of the front building line step down to the height of the adjoining front fence; and
- (c) it is compatible with existing fencing in the immediate locality; and
- (d) it does not comprise sheet metal (including colour bond) as the dominant feature of a front fence; and
- (e) it does not comprise expansive flat and blank surfaces along street frontages

Fencing is proposed at building A ground floor apartments is proposed to be articulated along boundaries, set on top of retaining wall and softened by landscaping.

The development is considered to be generally consistent with the requirements of the control.

C3.14 Safer by design

This control requires that 'Crime Prevention through Environmental Design' principles be considered in the design of residential development.

It is considered that the proposed design incorporates the key principles of 'Crime Prevention through Environmental Design', being territorial re-enforcement, surveillance, access control and space/activity management.

In this regard, it is considered that the development satisfactorily delineates private space from public space; that it provides for an appropriate level of passive surveillance; and that access control is achieved through the limiting of entry points.

The development is considered to be consistent with the requirements of the control.

C3.19 Water management requirements

The development requires that developments implement best practice stormwater management techniques; incorporate the use of water sensitive urban design techniques to reduce negative impacts on the natural water cycle and aquatic ecosystems; and manage water as a valuable and finite regional resource on a total water cycle basis.

The proposed method for stormwater drainage is considered satisfactory.

C3.20 Sediment and erosion control requirements

This control requires that erosion and sediment control measures are to be provided in accordance with the document 'Managing Urban Stormwater – Soils & Construction Volume 1 (Landcom 2004) for development comprising earthworks'.

The application was accompanied by details in relation to sediment and erosion. Recommended conditions of consent require the implementation of appropriate sediment and erosion measures during construction of the development.

The development is considered to be capable of being consistent with the requirements of the control.

C3.22 Flood requirements

See Part E4 below.

C3.24 Contaminated land

This part of the DCP requires that land be suitable for its intended purpose, with potentially contaminated land being identified and remediated where necessary. This is considered under *State Environmental Planning Policy No. 55 – Remediation of Land*. See discussion above.

D3.26 Amenity requirement

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

Part E Environmental Controls

E4 Flood planning requirements generally

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

The application was accompanied by a Flood Management Report. The proposed development is not expected to result in any flooding impacts, subject to a minimum finished floor level for the proposed buildings being achieved and compensatory excavation to compensate the filling to achieve negligible loss of floodplain storage. Appropriate minimum finished floor levels have been proposed and are shown on the submitted plans. Details of the compensatory excavation are detailed within the submitted plans.

A recommended condition of consent requires that these minimum floor levels be implemented throughout the development and the compensatory excavation be undertaken. A recommended condition of

consent also requires that a flood safe plan, prepared in accordance with state emergency services guidelines be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The development satisfies the requirements of the Plan.

Part F General Development Controls

F1 Parking and Access:

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

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

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

The development satisfies the requirements of the Plan.

Part F3 – Landscaping:

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

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

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

The development satisfies the requirements of the Plan.

Part F6 – Waste Management

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

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

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

The development satisfies the requirements of the Plan.

Part G2 – Coffs Harbour Arthur Street Precinct

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

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

A variation to the controls contained within this part of the DCP was supported under Development Consent 0902/17DA. In support of this variation the applicant contended that the controls contained within this part of the DCP did not anticipate the site being developed for the purposes of a seniors living development and maintained in a single ownership. Rather, the controls anticipate that the site will be subdivided and developed for typical residential purposes, with the resulting controls relating to such development. Regardless, the applicant argued that the development still achieves the objectives of the DCP, which include improved pedestrian connectivity in the Park Beach locality; and maximising deep soil zones.

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

- (iia) 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**

The are no planning agreements of relevance.

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

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

- (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,**

Impacts on Natural Environment

The development site is located within an established urban area and is considered highly disturbed.

It is considered that sufficient information is available to demonstrate that the proposed development will not be contrary to the matters for consideration outlined

in Section 1.7 – Application of Part 7 of Biodiversity Act and Part 7A of Fisheries Management Act 1994, subject to the recommended conditions of consent.

It is not expected that the development will have any significant effects on threatened species, populations, communities or their habitats.

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

Amenity impacts:

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.

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, 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.

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

(c) the suitability of the site for the development,

There are aspects of the development site that necessitate detailed consideration of particular matters, which are discussed in detail above in the various sections of this report.

On balance, the site is considered suitable for the proposed development.

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

In accordance with the provisions of Councils Community Participation and Engagement Plan, the application was publicly advertised and notified to nearby and adjoining landowners with an opportunity to provide a submission for a period of 14 days.

A total of 105 submissions were received during the public exhibition period. Of the 105 submissions received in total, one submission was objecting to the development and 104 submissions were supporting the proposed development. A summary of the issues raised and how the objections are addressed is outlined within this report.

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.

The application was referred to the NSW Roads & Maritime Service in relation to Clause 102 and 104 of *State Environmental Planning Policy (Infrastructure) 2007*, their advice has been incorporated into the assessment process.

Comments:

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

- The signage being referred to was approved under a separate development application and does not form part of the considerations of this assessment report.
- The development, which will gain access from a single access point off York Street, will generate additional traffic movements in the locality that will impose an additional load on the surrounding public road network. The application was accompanied by a traffic impact assessment, which considered the impact of the development on the public road network. The assessment concludes that surrounding road network can satisfactorily accommodate the additional traffic movements without causing unacceptable impacts in the locality.
- There is no nexus for this development to improve access for residents on the north side of Arthur Street to the York St bus stop. There is an existing refuge on Arthur Street to cater for this.

(e) the public interest:

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