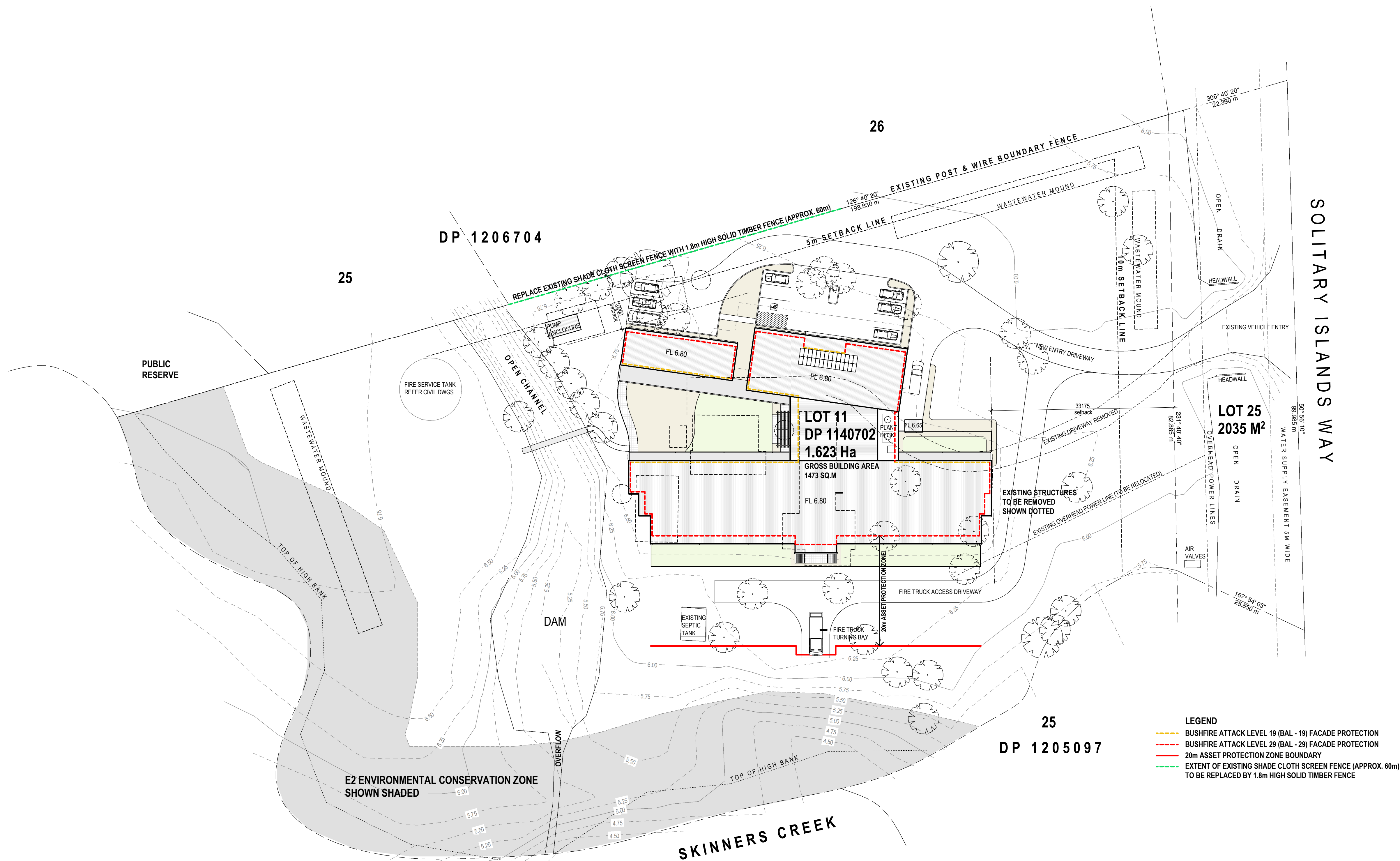


APPENDIX A – PLANS 0901/20DA

DRAWING LIST	
Sheet No.	Sheet Name
A00	Site Analysis
A01	Location Plan
A02	Site Plan
A03	Floor Plan
A04	Roof Plan
A05	Elevations
A06	Sections



1 Location Plan
1 : 400

No.	Description	Date
1	PRELIMINARY ISSUE FOR REVIEW	22.04.20
2	PRELIMINARY DA ISSUE FOR REVIEW	27.04.20
3	BUILDINGS RELOCATED	25.05.20
4	ISSUED FOR CONSULTANT COORDINATION	01.06.20
5	SITE ANALYSIS ADDED, BLOCK C ENLARGED	06.06.20
6	DEVELOPMENT APPLICATION ISSUE	19.06.20
7	SOLID TIMBER SCREEN FENCE ADDED TO NORTH BOUNDARY, EXTENT OF E2 ENVIRONMENTAL CONSERVATION ZONE INDICATED ON LOCATION PLAN	16.09.20

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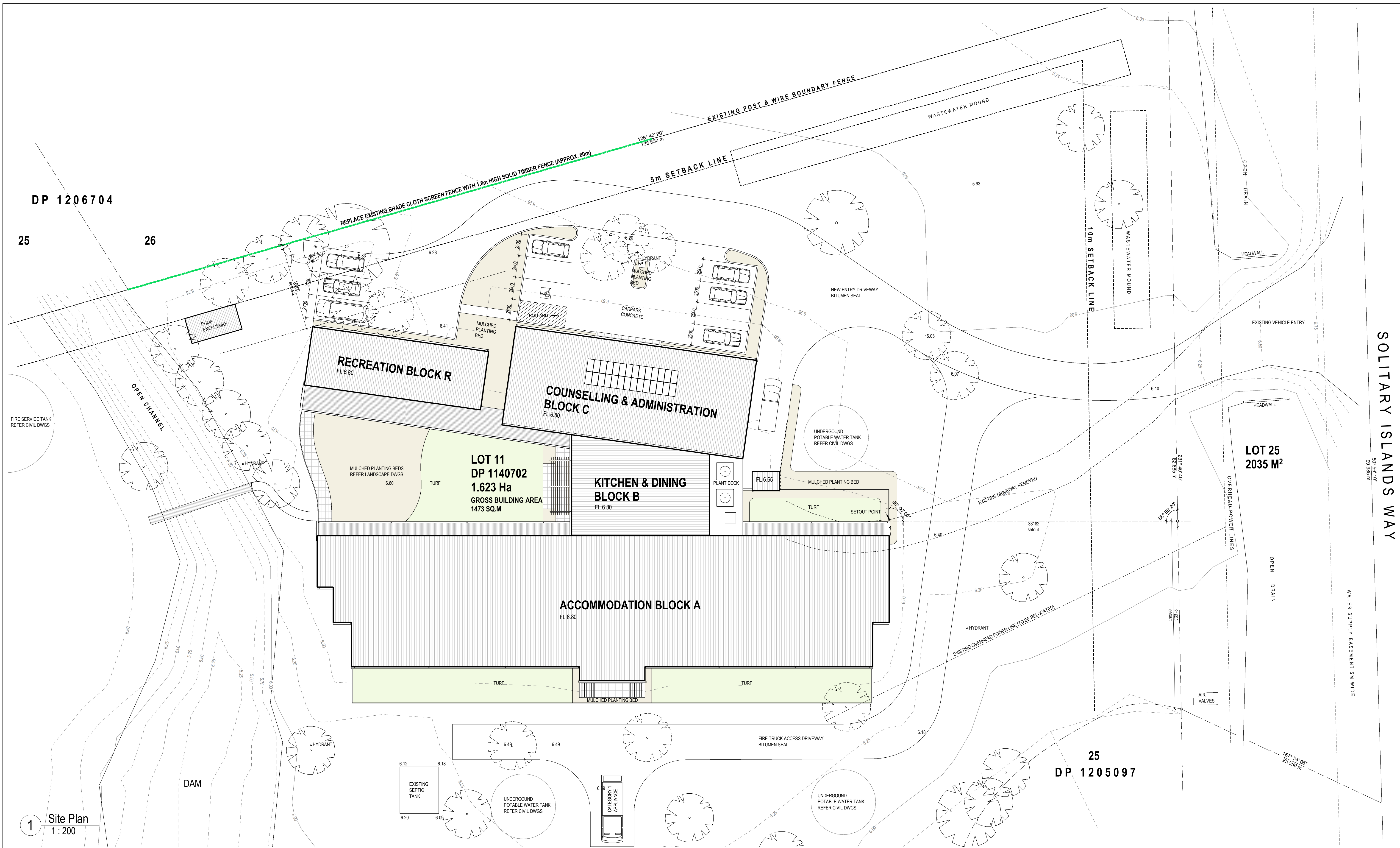
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16/09/2020 12:47:26 PM

ADELE WOMENS GROUP HOME
Lot 11 DP 1140702
735 Solitary Islands Way MOONEE
for
ADELE TRAINING FARM LTD
PO Box 9028 Moonee Beach NSW

Location Plan

Project No. 164	Drawing No. A01	Issue No. 7
Date Sept. 2020	Scale at A1 1 : 400	North
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DP 1206704

25

26


SOLITARY ISLANDS WAY

LOT 25
2035 M²

25
DP 1205097

1 Site Plan
1:200

No.	Description	Date
1	PRELIMINARY ISSUE FOR REVIEW	22.04.20
2	PRELIMINARY DA ISSUE FOR REVIEW	27.04.20
3	BUILDINGS RELOCATED	25.05.20
4	ISSUED FOR CONSULTANT COORDINATION	01.06.20
5	SITE ANALYSIS ADDED, BLOCK C ENLARGED	06.06.20
6	DEVELOPMENT APPLICATION ISSUE	19.06.20
7	SOLID TIMBER SCREEN FENCE ADDED TO NORTH BOUNDARY, EXTENT OF E2 ENVIRONMENTAL CONSERVATION ZONE INDICATED ON LOCATION PLAN	16.09.20

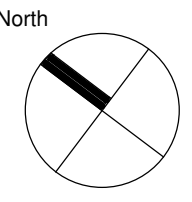


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16/09/2020 12:48:02 PM

ADELE WOMENS GROUP HOME
Lot 11 DP 1140702
735 Solitary Islands Way MOONEE
for
ADELE TRAINING FARM LTD
PO Box 9028 Moonee Beach NSW

Site Plan		
Project No. 164	Drawing No. A02	Issue No. 7
Date Sept. 2020	Scale at A1 1:200	North 
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1

Floor Plan
1 : 100

No.	Description	Date	ABBREVIATIONS	BASIX SPECIFICATION NOTES
1	PRELIMINARY ISSUE FOR REVIEW	22.04.20	AL ALUMINIUM	THERMAL COMFORT
2	PRELIMINARY DA ISSUE FOR REVIEW	27.04.20	BB BAGGED BRICKWORK PAINTED	WALL SARKING
3	ISSUED FOR CONSULTANT COORDINATION	01.06.20	CB CONCRETE BLOCKWORK RENDERED & PAINTED	R2.7 GOLD BATTS TO FRAMING INCLUDING BRICK VENEER
4	SITE ANALYSIS ADDED. BLOCK C ENLARGED	06.06.20	CJ CONTROL JOINT	60mm ANTI CON FOIL FACED INSULATION BLANKET
			CT CERAMIC TILES	R2.5 GOLD BATTS
			DP DOWNPIPE	CENTRAL INSTANTANEOUS GAS HOT WATER
			FAL FINISH AS Laid CONCRETE	HEATING & COOLING
			FC FIBRE CEMENT SHEET	BATHROOM VENTILATION
			FCB FIBRE CEMENT SHEET (CSR BARESTONE)	DUCTED FAN INTERLOCKED TO LIGHT
			FG FIXED GLASS	KITCHEN VENTILATION
			MLV POWDERCOATED ALUMINIUM LOUVRES	LAUNDRY VENTILATION
			MR1 COLORBOND METAL ROOF SHEETING TRIMDEK PROFILE	CLOTHES WASHERS
			MR2 COLORBOND METAL ROOF & WALL SHEETING CORRUGATED PROFILE	CENTRAL ENERGY
			OFC OFF-FORM CONCRETE	CLOTHES DRYING
			PALF POWDERCOATED ALUMINIUM FENCING & SCREENS	WATER
			PALW POWDERCOATED ALUMINIUM FRAMED WINDOWS & DOORS	SHOWERHEADS
			PB PLASTERBOARD SHEET	TOILETS
			SS STAINLESS STEEL	TAPS
			TG TOUGHENED GLASS	CLOTHES WASHERS
				RAINWATER TANKS

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ADELE WOMENS GROUP HOME
Lot 11 DP 1140702
735 Solitary Islands Way MOONEE
for
ADELE TRAINING FARM LTD
PO Box 9028 Moonee Beach NSW

Floor Plan

Project No.
164

Date
June 20

Drawn by
vb

Drawing No.
A03

Scale at A1
1 : 100

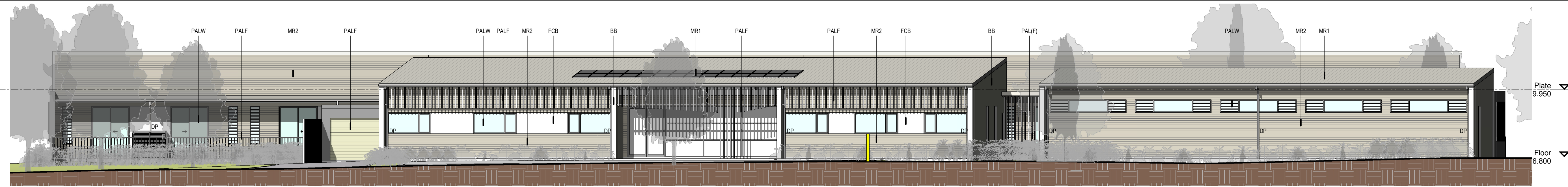
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Issue No.
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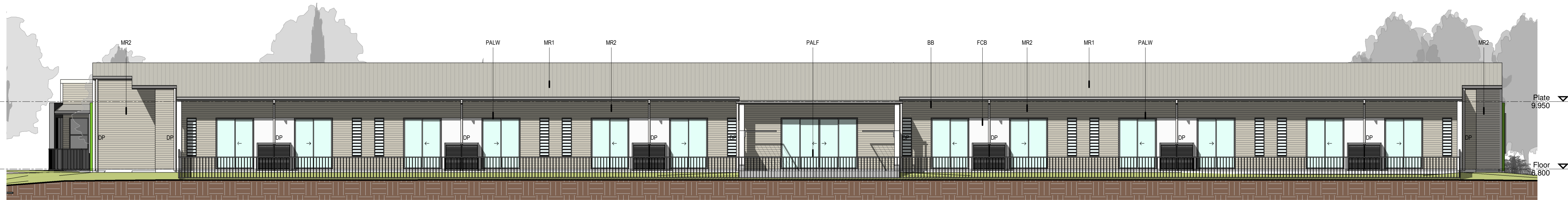
North

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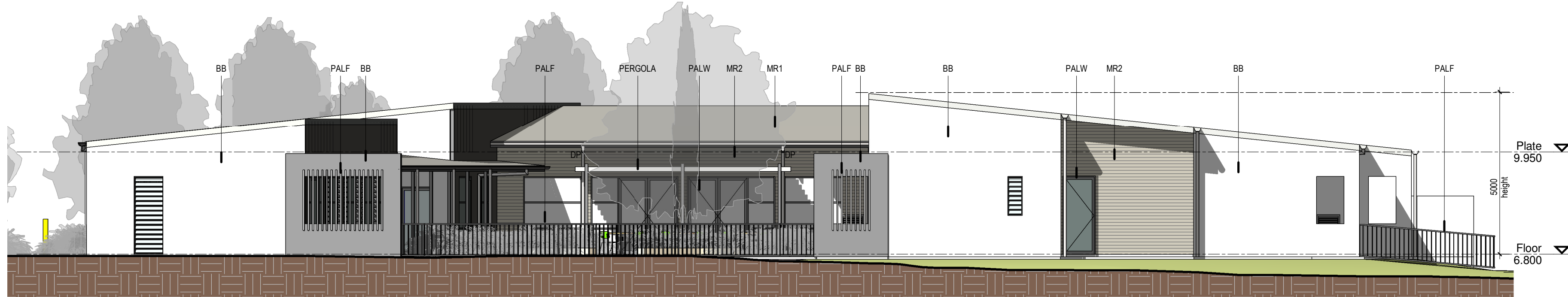
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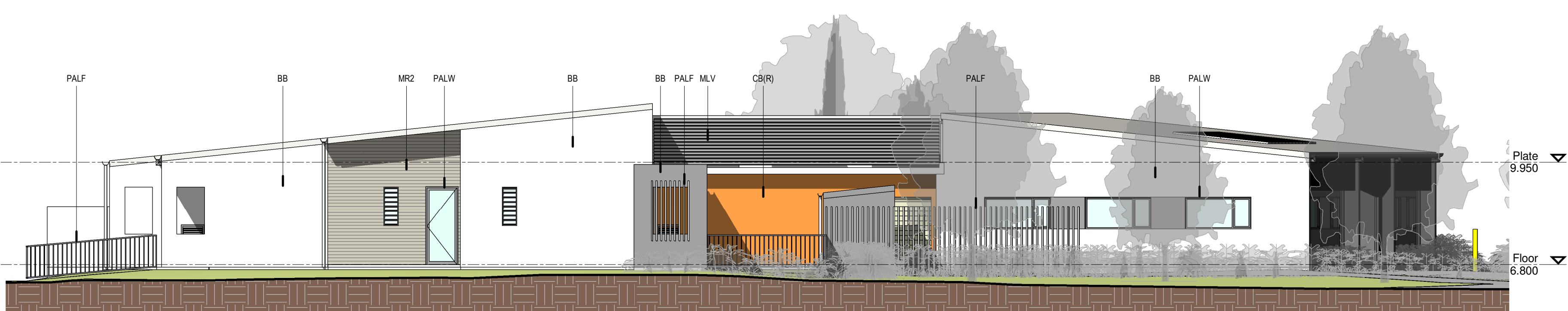
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1 : 100



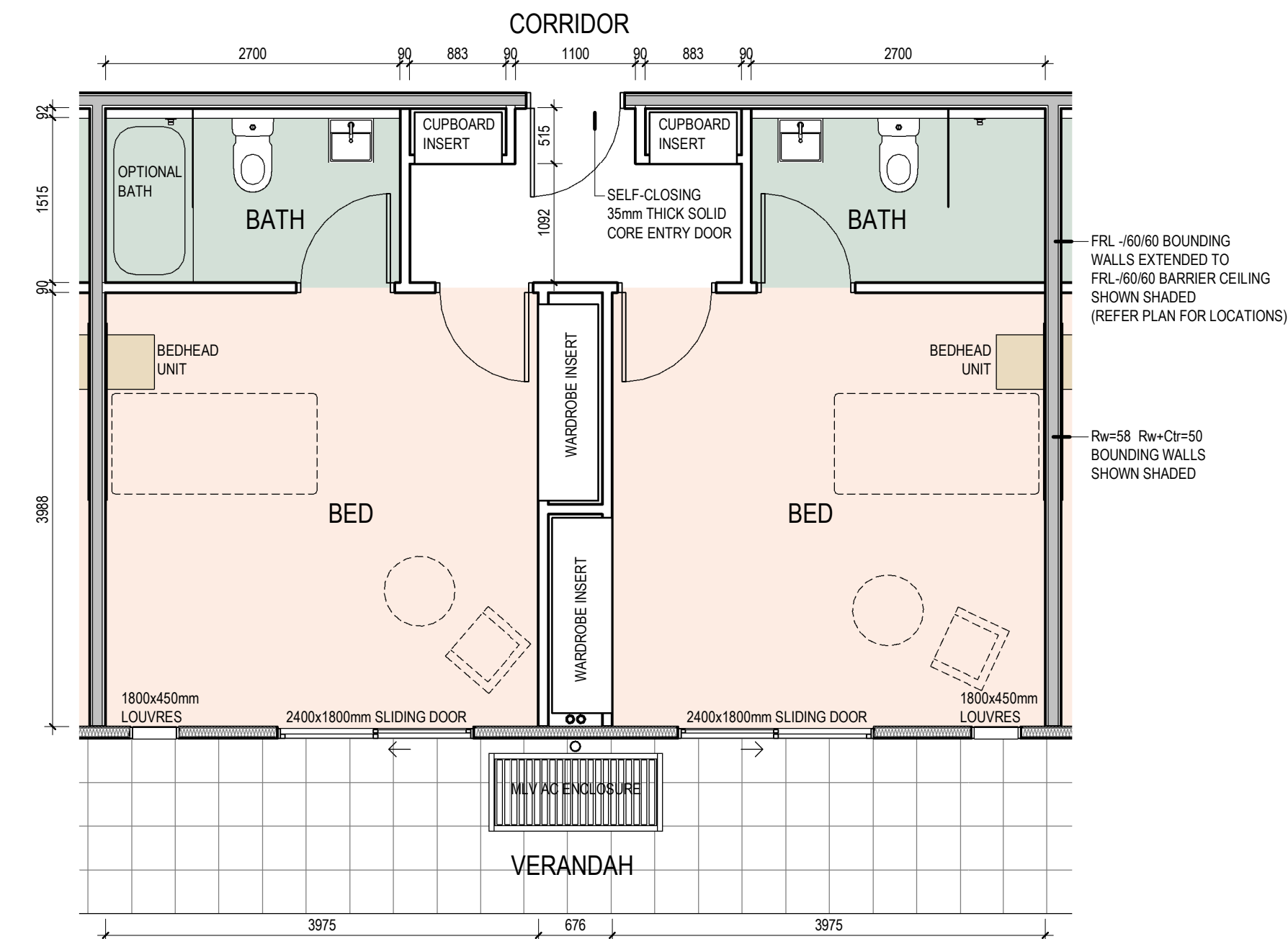
2 South West Elevation
1 : 100



3 North West Elevation
1 : 100



4 South East Elevation
1 : 100



5 Typical Bedroom Module
1 : 50

No.	Description	Date	ABBREVIATIONS
1	PRELIMINARY ISSUE FOR REVIEW	22.04.20	AL ALUMINIUM
2	PRELIMINARY DA ISSUE FOR REVIEW	27.04.20	BB BAGGED BRICKWORK PAINTED
3	ISSUED FOR CONSULTANT COORDINATION	01.06.20	CB CONCRETE BLOCKWORK
4	SITE ANALYSIS ADDED. BLOCK C ENLARGED	06.06.20	CB(R) CONCRETE BLOCKWORK RENDERED & PAINTED
			CJ CONTROL JOINT
			CPT CERAMIC TILES
			CT CERAMIC TILES
			DP DOWNPIPE
			FAL FINISH AS Laid CONCRETE
			FC FIBRE CEMENT SHEET
			FCB FIBRE CEMENT SHEET (CSR BARESTONE)
			FG FIXED GLASS
			MLV POWDERCOATED ALUMINIUM LOUVRES
			MR1 COLORBOND METAL ROOF SHEETING TRIMDEK PROFILE
			MR2 COLORBOND METAL ROOF & WALL SHEETING CORRUGATED PROFILE
			OFC OFF-FORM CONCRETE
			PALF POWDERCOATED ALUMINIUM FENCING & SCREENS
			PALW POWDERCOATED ALUMINIUM FRAMED WINDOWS & DOORS
			PB PLASTERBOARD SHEET
			SS STAINLESS STEEL
			TG TOUGHENED GLASS

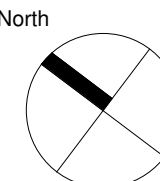
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ADELE WOMENS GROUP HOME
Lot 11 DP 1140702
735 Solitary Islands Way MOONEE
for
ADELE TRAINING FARM LTD
PO Box 9028 Moonee Beach NSW

Elevations

Project No. 164	Drawing No. A05	Issue No. 4
Date June 20	Scale at A1 As indicated	North 
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LEGEND

-  Tree to be retained
-  Tree to be removed

For additional tree survey information refer to the Biodiversity Assessment

Rev.	Description	Date	Des.	App.	Chk.
<i>Amendment</i>					

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quality solutions sustainable future

Project Title

735 Solitary Islands Way, Moonee

Client

Adele Training Farm LTD

Designed	RE	Drawn	RE	Checked MVE
Approved	RE	Date	17/06/2020	
XREFs				

Scale

metres 0 4 8 12 16 20

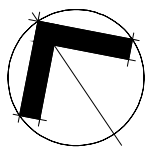
Drawing Title

Development Application
Tree Removal Plan

3575-1009

.....
Drawing Number *Revision*

3575/02



Medium height tree species such as *Backhousia citriodora* selected to provide natural shade with no shrubs planted under trees

Provide path through garden for direct access to building entry

Low succulent planting

Fire hydrant

Tree species such as *Harpulia pendula* selected to provide natural screen of building from entry road

Open area for informal seating or play

Soft fall and gardens to be sand to reduce bushfire flammability

Formal play structure set amongst robust plant species with elements for natural play such as logs and rocks

Logs and boulders allow for natural play to develop

Plants located to screen built form and screen service area from entry drive

Potable water tank

Low level plants allow views out from lounge area

Plants located to screen built form

Open turf area enables views to native boundary vegetation

LEGEND

- Garden edge
- Decorative gravel mulch
- Tea tree mulch
- Turf
- Sand
- Existing tree
- New tree

NOTE
Species locations and quantities are an indication only

Rev.	Description	Date	Des.	App.	Chk.
Amendments					

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quality solutions sustainable future

Project Title

735 Solitary Islands Way, Moonee

Client

Adele Training Farm LTD

Designed	RE	Drawn	RE	Checked	
Approved	RE	Date	17/06/2020	MVE	
XREFs					

Scale
metres Not To Scale

Drawing Title

Development Application
Landscape Plan

3575-1016

Drawing Number Revision

3575/03

APPENDIX B – 4.15 EVALUATION REPORT

ATT 1

Section 4.15 Evaluation Report

(a) the provisions of,

(i) any environmental planning instrument, and

- ***State Environmental Planning Policy (Affordable Rental Housing) 2009***

4 Interpretation-general

(2) A word or expression used in this Policy (other than Schedule 1 or 2) has the same meaning as it has in the standard instrument (as in force immediately before the commencement of the Standard Instrument (Local Environmental Plans) Amendment Order 2011) unless it is otherwise defined in this Policy.

Pursuant to clause 4 the definition for Group Home is defined as:

Transitional Group Home means a dwelling:

- (a) *that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and*
- (b) *that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people.*

A 'dwelling' means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile, whether or not used temporarily for display purposes.

8 Relationship with other environmental planning instruments

If there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

42 Definitions

In this Division:

"group home" means a permanent group home or a transitional group home.

"prescribed zone" means:

- (a) *any of the following land use zones or a land use zone that is equivalent to any of those zones:*

- (i) *Zone R1 General Residential,*
- (ii) *Zone R2 Low Density Residential,*
- (iii) *Zone R3 Medium Density Residential,*
- (iv) *Zone R4 High Density Residential,*
- (v) *Zone B4 Mixed Use,*
- (vi) *Zone SP1 Special Activities,*
- (vii) *Zone SP2 Infrastructure, and*

- (b) *any other zone in which development for the purpose of dwellings, dwelling houses or multi dwelling housing may be carried out with or without consent under an environmental planning instrument.*

43 Development in prescribed zones

- (1) *Development for the purpose of a permanent group home or a transitional group home on land in a prescribed zone may be carried out:*
 - (a) *without consent if the development does not result in more than 10 bedrooms being within one or more group homes on a site and the development is carried out by or on behalf of a public authority, or*
 - (b) *with consent in any other case.*
- (2) *Division 1 of Part 2 of State Environmental Planning Policy (Infrastructure) 2007 applies in respect of development carried out by or on behalf of a public authority under subclause (1) and, in the application of that Division, any reference in that Division to that Policy is taken to be a reference to this clause.*

Comment:

The combined effect of clause 4(2), 8, 42 and 43 of this state policy is to make transitional group homes (in this case with 20 bedrooms) permissible regardless of any other provision within an environmental planning instrument. The definition requires that the development constitutes a dwelling (or single household). It is considered that the development is a dwelling as it is a building that contains sleeping, cooking, laundry and living areas for a number of people.

It is considered that the dwelling is a transitional group home as it provides temporary accommodation in a single household to unrelated persons that is paid for, supervised and provides relief and rehabilitation from drugs or alcohol. The office, counselling, yoga components are of a scale that is commensurate with the scale of accommodation; and are integral to the temporary accommodation and rehabilitation definition of a group home.

The zoning of the site is R5 Large Lot Residential, under the Coffs Harbour Local Environmental Plan 2013. Under clause 42 (b) of the SEPP a group home is permissible in the R5 zone with consent. As it is a provision within a state environmental planning policy it also has the effect of overriding any provisions within any other environmental planning instrument if they currently make reference to group homes as this would constitute an inconsistency. Pursuant to clause 8 this policy will prevail to the extent of the inconsistency.

46 Determination of development applications

- (1) *A consent authority must not:*
 - (a) *refuse consent to development for the purpose of a group home unless the consent authority has made an assessment of the community need for the group home, or*
 - (b) *impose a condition on any consent granted for a group home only for the reason that the development is for the purpose of a group home.*
- (2) *This clause applies to development for the purpose of a group home that is permissible with consent under this or any other environmental planning instrument.*

Comment:

Conditions are recommended in accordance with this clause.

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

Pursuant to clause 20 of this state policy determination of development applications that is of a class or description included in *Schedule 7 of the Environmental Planning and Assessment Act* is declared to be 'regionally significant development'.

The proposed development fits the description of '5(b) Private Infrastructure and Community Facilities over \$5 million' under Schedule 7 '*that has a capital investment value of more than \$5 million for...a group home...*'.

A quantity surveyors report has been provided. This demonstrates that the capital investment value for the development is more than \$5 million.

Council consent functions are to be exercised by regional panels for developments described in Schedule 7 of the Policy. As a consequence, the application is to be determined by the Northern Regional Planning Panel.

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

Under Section 102 of the state policy, the land is within the Pacific Highway noise corridor. A report *Moonee Beach Noise Impacts Assessment Adele Training Farm Ltd*, dated 5 June 2020, prepared by Advitech Environmental was provided.

The report was prepared in accordance with both the Department of Planning *Development Near Rail Corridors and Busy Roads – Interim Guidelines 2008* and the considerations under the Infrastructure SEPP 2007. The acoustic modelling included calculated that proposed construction standards are appropriate to mitigate highway traffic noise within the proposed development and in accordance with specified noise criteria. Noise emission from the operation of the proposed development have also been considered and determined to comply with relevant noise criteria to nearest residential receivers. This was based on an assessment of proposed mechanical plant (air conditioning) with maximum sound power level of 75dBA SWL nominated for future plant procurement. An appropriate condition will be imposed regarding these matters.

- ***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. The site has been used in the past for residential purposes, including a group home.

A detailed investigation has been undertaken by North Coast Occupational Hygiene, dated 6 May 2020, to determine presence of asbestos containing material in the premises to assist with planned demolition of structures. The assessment identified asbestos containing material which must be handled in accordance with the asbestos removal recommendations contained within this report and the Code of Practice: How to safely remove asbestos (Safe Work Australia, 2016). An appropriate condition is recommended.

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

An application for a development consent in relation to certain kinds of residential development must be accompanied by BASIX Certificate. A BASIX certificate has been submitted for the development. A condition will be imposed requiring BASIX commitments to be fulfilled.

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

The Policy applies to land located within the 'Coastal Zone' and 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: 'Coastal Wetlands and Littoral Rainforests Area Map'; 'Coastal Vulnerability Area Map'; 'Coastal Environment Area Map'; and the 'Coastal Use Area Map'.

The subject site is located within the 'Coastal Zone' and 'Coastal Environment Area Map'.

Clauses 13 – 16 of the SEPP are applicable to the development. The SEPP requires Council to consider and be satisfied in regard to certain matters prior to issuing development consent. Council is satisfied that the proposed development will not contravene the specified matters; in particular, it will have no impact on drainage, coastal processes and marine biodiversity; it will have no direct impact on, loss of view or overshadowing to the foreshore; and the building form is in keeping with the future character of the area.

Aboriginal heritage has been identified in the riparian area and requires protection and management. This is discussed in Clause 5.10(8) of the report.

- ***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 R5 Large Lot Residential and E2 Environmental Conservation.

The development is within the area of the site zoned R5 Large Lot Residential. The use for a group home is permissible under *State Environmental Planning Policy (Affordable Rental Housing) 2009*. Due to the hierarchy of a state policy over a local environmental plan, the state policy is the appropriate planning instrument to consider for the permissibility of a group home. For all other proposed uses the Local Environmental Plan must be considered.

The riparian areas to the west of the site zoned E2 Environmental Conservation will be rehabilitated under a Vegetation Management Plan.

2.3 Zone objectives and Land Use Table

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 R5 Large Lot Residential zone are:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The objectives of the E2 Environmental Conservation zone are:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

The proposed development is considered to be consistent with the objectives of each zone as they apply to that part of the development and that part of the site. The group home provides residential accommodation and rehabilitation facilities that are self-contained and can co-exist with the rural-residential use of the surrounding areas. The State Forest to the west provides a buffer and Solitary Islands Way provides good access. The E2 riparian zone on the site will be environmentally rehabilitated.

4.3 Height of Buildings

The maximum height of buildings permitted under the LEP 2013 Height of Buildings Map for the site is 8.5m. This is not exceeded with the development being single storey with a height of 5m.

5.10 Heritage

5.10(8) Aboriginal places of heritage significance

The clause requires that *the consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—*

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

The Coffs Harbour and District Local Aboriginal Land Council made two submissions that alerted Council to the high likelihood that Aboriginal heritage exists on the site. They advised the site has importance to the community and likely to contain heritage items due to proximity to creek and limited soil disturbance on the site.

In response, the applicant commissioned a Due Diligence Aboriginal Heritage Assessment by Coast History and Heritage. This assessment identified a single isolated stone artefact located to the southwest of the existing dwelling house, in the riparian zone. This is outside the proposed construction footprint and will not be impacted by the proposed development. The report concludes that the likelihood of intact or extensive deposits are unlikely.

The report makes recommendations to protect the item and take a precautionary approach during construction, including that:

- The riparian buffer zone is identified by fencing and bunting.
- A 5m buffer around the artefact is fenced off using star pickets
- The Coffs Harbour and District Local Aboriginal Land Council representatives be allowed to walk over the site once existing structures are demolished to ground level to check the site for further artefacts.
- A condition is imposed that any unexpected finds are not disturbed or moved, all work cease and Heritage NSW is notified in accordance with the requirements of the National Parks and Wildlife Act.
- A copy of the Due Diligence report be forwarded to Coffs Harbour and District Local Aboriginal Land Council and Aboriginal Heritage Information Management System (AHIMS) register. The report was provided to the two submitters from the Land Council. No further response was received.

With the imposition of these conditions the identified item will be protected, and it is considered unlikely that the proposed development will result in unacceptable impacts on aboriginal cultural heritage values.

7.1 Acid sulfate soils

The proposed development is on land shown on the Acid Sulfate Soils Map as being Class 4. Clause 7.1 (3) of the Coffs Harbour LEP states that development consent must not be granted under this Clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

A preliminary Acid Sulfate Soils investigation has been undertaken by Whitehead and Associates dated 21 May 2020. No acid sulfate soils were present in upper 1.2m soil profile. Based on the proposed development, the consultant has determined that any excavations undertaken are unlikely to encounter and disturb acid sulfate soils, therefore no further investigation or plan of management is required in this instance.

7.2 Earthworks

The Clause specifies that development consent is required for earthworks unless such works are exempt development under another environmental

planning instrument or ancillary to development that is permitted without consent under the LEP or development to which consent has been given.

The development will involve minor earthworks including 500m³ of fill, with maximum height of 0.5m. The proposed development will not affect the natural environment, through either the filling or the excavation proposed by the development.

Appropriate conditions of approval can be applied, requiring implementation of typical sediment and erosion control provisions.

Aboriginal heritage has been identified in the riparian area and requires protection and management. This is discussed in Clause 5.10(8) of the report.

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.

A Group homes is considered a 'Sensitive Facility', and as such is required to meet the 0.2% AEP (1 in 500 year) flood event where possible.

Flood analysis of the site indicates that the site has an adopted peak 1% AEP flood level of 6.0mAHD. With a Climate Change scenario this increases to a level of approx. 6.2-6.3mAHD, which roughly resembles the 0.2% AEP (1 in 500 year) flood level, which is required for the development.

In conclusion, the plans show that the proposed Finished Floor Level for the Group Home is to be at 6.8mAHD. This meets the required level. The development footprint is situated on land above the 1 in 100 year level, and therefore unlikely to have an adverse impact on flood behaviour. The development has adequate flood refuge in the form of shelter-in-place during the rarest of flood events. And as the whole driveway has been raised to 6.3mAHD emergency evacuation from the site is possible.

The development is considered unlikely to result in unsustainable social and economic costs to the community as flooding levels are considered unlikely to increase. The proposal satisfies all objectives and requirements of LEP 7.3 and DCP E4.1, E4.2, and E4.7.

7.4 Terrestrial Biodiversity

This provision applies as the site is identified as “Biodiversity” on the Terrestrial Biodiversity Map. Before determining a development application for development on land to which this clause applies, the consent authority must consider:

- (a) whether the development is likely to have:
 - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
 - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
 - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
 - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The consent authority must also be satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The development proposes the removal of 26 native and 17 exotic trees on the site, outside the riparian zone. The E2 zoned land along the western side and rear of the site is mapped as having Terrestrial Biodiversity values under the LEP. A Biodiversity assessment report was provided with the application which assesses all vegetation on site. This also included a targeted field search for the endangered plant Moonee quassia, none of which were found on site. A landscape plant is also provided which adequately landscapes the development.

The report includes a description of the replanting proposed in the E2 zone of the site adjoining the riparian area. Full details will be provided in a VMP, but the description has been provided to enable RFS to assess the development against the Planning for Bushfire Protection provisions. RFS comment is provided under ‘Submissions’.

It is noted that the site is not mapped as containing significant biodiversity and the Biodiversity Conservation Act is not applicable to the site. Council’s Biodiversity officer has assessed the Biodiversity assessment report and advised that:

It is accepted that there is on Endangered Ecological Community on site and that the endangered Moonee quassia is not present. It is further accepted that there is no significant impact on threatened species.

While the DCP states that Skinners creek is to have a riparian zone of 50m vegetated and stabilized it is recognised that the site is disturbed and that the existing development is already within, or close to, 50m of the creek. Additionally, developing and implementing a site specific VMP that rehabilitates the land zoned E2 along the creek will be an improved outcome from the current state. As such the development is supported and appropriate conditions are recommended.

A landscape plan has been prepared in conjunction with the biodiversity and bushfire report for the building and surrounds on the R5 zoned land. While requiring removal of existing trees, these are not considered significant and will be replaced by a suitable planting scheme specifically designed for the development.

7.6 Riparian land and Watercourses

This provision applies to all of the following—

- (a) land identified as “Watercourse” on the Riparian Lands and Watercourses Map,
- (b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as “Watercourse” on that map.

Before determining a development application for development on land to which this clause applies, the consent authority must consider—

- (a) whether or not the development is likely to have any adverse impact on the following—
 - (i) the water quality and flows within the watercourse,
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
 - (iii) the stability of the bed and banks of the watercourse,
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
 - (v) any future rehabilitation of the watercourse and riparian areas, and
- (b) whether or not the development is likely to increase water extraction from the watercourse, and
- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

A mapped watercourse straddles the western side and rear boundary of the site and is zoned E2.

The application was referred to the NSW Department of Primary Industries - Office of Water for comment on the development given its location near a watercourse. They advised that they consider the works to be of a minor nature and that they should not adversely impact on the watercourse subject to implementation of appropriate sediment and erosion controls.

The development will incorporate a Vegetation Management Plan that will rehabilitate the land zoned E2 along the creek will be an improved outcome from the current state. As such the development is supported and appropriate conditions are recommended.

The site contains a second minor mapped watercourse that appears to be a man-made swale channel that meets Heritage Drive in the rural-residential subdivision to the north and terminates in a dam on the site. The mapping does not indicate that it joins the Skinners Creek in Orara East State Forest to the west. The stormwater management plan submitted with the development application, which contains overflow from the dam to the creek, is considered acceptable in principle. Further details will be required a Construction Certificate stage.

7.11 Essential services

Development consent must not be granted unless the following services are available or can be made available when required water; electricity; disposal and management of sewage; stormwater drainage; and vehicle access.

Electricity and telecommunications are currently available; water, effluent disposal and stormwater will be provided as part of the development.

The proposed rainwater and bore water supply is classified as a 'private water supply' which is not regulated by Council. The proponent has an obligation to ensure that drinking water supplied on-site through rainwater or bore water meets the standards required under the Public Health Act 2010 and Australian Drinking Water Guidelines 2011. As part of this requirement, the proponent will need to prepare a quality assurance program (QAP) for the water supply and submit this to the local Public Health Unit.

Vehicle access is discussed in F1 of the DCP below.

7.13 Central Business District

The Clause specifies that development consent must not be granted to development on land to which this Plan applies unless it maintains the primacy of CBD as the principal business, office and retail hub of Coffs Harbour City. The development which is for a specific purpose and a semi-rural environment, has no effect on the primacy of Coffs Harbour CBD.

- (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 stipulates the public consultation requirements for applications.

The proposed development has been advertised and notified in accordance with the requirements of this component. Four submissions were received. The issues raised are discussed in the (d) any submissions made in accordance with this Act or the regulations section of this report.

Part D4 – Rural and Large Lot Residential Development

D4.1 Setback requirements

The development meets the setbacks requirements, with the provision of a 33m front setback (meeting the 10m minimum requirement) and a 5m side setback which is at the requirement.

D4.2 Design requirements - General

The building is single storey, of contemporary design and is broken into smaller components by wings and variations to wall and roof form. The setbacks and landscaping ensure privacy to adjoining property.

D4.4 Infrastructure requirements

The development has access to or provides the required infrastructure.

D4.5 Access and parking requirements

The clause is satisfied. Refer to comments in F1 of the DCP.

D4.6 Landscaping requirements

A landscape plan has been provided that provides suitable landscaping around the building. The E2 zoned land will be rehabilitated under a Vegetation Management Plan.

D4.7 Ancillary Development requirements

Proposed fencing is rural post and wire with a solid 1.8m high fence along the northern boundary to screen the car park area and provide privacy for the adjoining property. This was provided at the request of this property owner.

D4.8 Accessibility requirements

The plan specifies the requirements for equitable access to new developments. As the proposal is a new development, the buildings must

also comply with the Building Code of Australia and the Disability (Access to Premises - Buildings) Standards 2010.

D4.9 Safer by Design requirements

A crime prevention strategy has been submitted with the application. The application was referred to the NSW Police Service. They did not express any specific concerns with the proposal but provided general comments. These are discussed in in the (d) any submissions made in accordance with this Act or the regulations section of this report.

D4.10 Consolidation requirements

The site contains two lots in separate ownership. The front lot (lot 25 DP 1140702) is owned by NSW Transport for NSW. They have granted consent to the existing driveway that crosses this lot to provide access from the development to Solitary Islands Way. As no buildings cross the boundary there is no requirement for consolidation.

D4.13 Water management requirements

The stormwater management plan submitted with the development application is acceptable in principle. A condition will be imposed requiring details of scour protection at the outlets to ensure that there is no detrimental effect on the receiving environment prior, to Construction Certificate.

D4.14 Erosion and sediment control requirements

Appropriate conditions of approval can be applied, requiring implementation of typical sediment and erosion control provisions

D4.15 Environment requirements

The clause is satisfied. Refer to comments in E1 of the DCP.

D4.16 Flood requirements

The clause is satisfied. Refer to comments in E4 of the DCP.

D4.17 Coastal hazard requirements

The clause is satisfied. The issues are discussed under Coastal Management SEPP.

D4.18 Contaminated Land requirements

The clause is satisfied. The issues are discussed under SEPP Remediation of Land.

D4.19 Heritage requirements

The clause is satisfied. The issues are discussed under 5.10 of the LEP.

D4.20 Amenity requirements

The clause is satisfied. The issues are discussed under SEPP (Infrastructure).

D4.21 Rural Land Use Conflict

The development is not considered incompatible but can coexist with the Rural residential land use of the area.

Part E Environmental Controls

E1 Biodiversity

The clause is satisfied. See issues discussed under Clause 7.4 of LEP.

E3 Contaminated Land

The clause is satisfied. The issues are discussed under SEPP 55 - Remediation of Land.

E4 Flooding

The proposal can satisfy all the objectives and requirements of DCP E4.1, E4.2, and E4.7. The issues are discussed under Cl 7.3 of the LEP.

Part F General Development Controls

F1 Access and Parking

The development proposes a change in the nature of the use from a men's group home to a women's group home, with no change of capacity. As such, no changes to the traffic movements are expected. Nevertheless, the plans have been revised upgrading the dimensions of the existing driveway to provide a basic right turn treatment (BAR intersection) as requested by Council.

The existing driveway of the site to Solitary Islands Way crosses land owned by Transport for NSW (lot 25 DP 1140702). While they have granted consent for this and easement is required to formalise this arrangement.

The DCP does not specify a car parking rate for a development of the type proposed by this application. Eleven car parking spaces are proposed adjoining the group home. The site is large and car parking and maneuvering can be accommodated on the site.

F2 Heritage Conservation

The requirements of F2.1 have been satisfied and are discussed under 5.10 of the LEP.

F3 Landscaping

A landscape plan has been provided that provides suitable landscaping around the building.

F6 Waste Management

The site has sufficient access and capacity for management of waste.

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

The proposed development is not subject to a planning agreement entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.

(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,

As existing structures will be demolished, there are no relevant fire safety upgrade requirements. A Condition has been imposed for demolition to ensure compliance with AS 2601.

(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,

In determining a development application, a consent authority must take into consideration the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Natural Environment

The development proposes rehabilitation and replating of the E2 zoned portion of the site that adjoin the riparian area and State Forest to the west through a Vegetation Management Plan.

The NSW Natural Resources Access Regulator was requested to provide comment on the development as integrated development. The department has provided their general terms of approval and these have been incorporated in the recommended conditions of consent.

Built Environment

The development is purpose built, positioned and at a scale to be in keeping with the large lot rural –residential surrounding uses.

Social and Economic Impacts

The group home is run by a charity and provides facilities and resources for people dealing with addiction and requiring rehabilitation. The charity provides programs and services to assist people to return to the community in full-time work and to live in private housing. NSW Police conclude that *the proposed development will minimally impact the natural environment and local services and positively impact the social needs and rehabilitation of potential female clients at the facility.*

The development provides employment of 6 staff and well as associated services and jobs during construction.

The facility operates in a self-sufficient manner, is well located and separated from existing residential properties. The social impact on the broader community is considered minimal.

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

The location and scale of building are suitable for the site and appropriate for the intended use and the surrounding area. The site has access to all necessary services and is not subject to any prohibiting constraints. The design of the group home is in keeping with the environmental capacity of the land and surrounding area. It is considered a suitable site for a group home.

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

In determining a development application, a consent authority must take into consideration any submissions made in accordance with this Act or the regulations. A total of four submissions were received. The matters raised in the submissions can be summarised into the following:

- **Additional screen requested by neighbour for privacy**

Comment – Fencing is rural post and wire with a solid 1.8m high fence along the northern boundary to screen the car park area and provide privacy for the adjoining property. This was provided at the request of this property owner.

- **Noise from fire-fighting pump in shed and gym classes**

Comment – Yoga by nature is not considered an activity that creates ‘offensive noise’. Additionally, the fire-fighting pump is equipment that is used intermittently much like garden maintenance equipment. An appropriate condition will be imposed, that: “Noise emanating from the proposed development shall at all times be in accordance with the provisions of the Protection of the Environment (Operations) Act 1997”.

- **Potential Overflow from effluent area**

Comment – A ‘Revised Wastewater Management Plan’ has been prepared for the development by Whitehead & Associates. As part of this the effluent disposal area is designed to direct overflow for dissipation within the site. It will not affect neighbouring property.

- **Cultural Heritage Assessment**

Two submissions alerted Council to the possibility of Aboriginal heritage being located on site. This was investigated in a further Due Diligence report. This is discussed under 5.10 of the LEP.

- **Response from NSW Rural Fire Service (to come)**

The application was referred to the NSW Rural Fire Service as an integrated development referral requesting general terms of approval. The Service has provided general terms of approval subject to a number of conditions.

The RFS have accepted the replanting of the riparian zone on the site, and have provided conditions covering maintenance of asset protection zones, building construction standards, internal roads, services and landscaping to ensure that the development is protected against bushfire risk.

- **Response from the NSW Police Service**

A crime prevention strategy has been submitted with the application. This and the application was referred to the NSW Police Service. They did not express any specific concerns with the proposal but provided the following general comments;

- The developer should ensure that light levels are appropriate for users of the development
- Surveillance equipment installed and cover car park and entry points.
- Landscaping should not contain entrapment areas
- Walls and landscaping to the north should be used to prevent any noise nuisance to neighbours.
- Furniture must not be able to be used as a weapon in communal areas.
- that consideration should be given to utilising alarms and pin codes in staff and resident areas
- that door locks and window reinforcements to be to Australian Standards
- that signage be provided to delineate staff areas from resident areas.
- Emergency evacuation plan proximately displayed.

These matters are provided as advice in the development consent.

- **Response from NSW Department of Planning, Industry and Environment – Natural Resources Access Regulator**

The application was referred to the NSW Department of Planning, Industry and Environment – Natural Resources Access Regulator for comment on the development given its location near a watercourse. They advised that they consider the works to be of a minor nature and that they should not adversely impact on the watercourse subject to implementation of appropriate sediment and erosion controls. An application for a Controlled Approval is required before commencement of works.

(e) the public interest:

In determining a development application, a consent authority must take into consideration the public interest.

As addressed elsewhere in this report, the development is considered suitable in its location given the features of the site and location relevant to other large lot residential development in the area. The development is not considered incompatible but can coexist with the area. The proposed development is not considered contrary to the public interest. The application has been notified in accordance with Council's controls and evaluated in accordance with statutory requirements.

APPENDIX C – CONDITIONS

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ADMINISTRATIVE CONDITIONS

Development Description:

1. Development consent is granted only to carrying out the development described in detail below:
 - ***Demolition of existing structures and construction of new structures for a Transitional Group Home***

Prescribed Conditions:

2. The proponent shall comply with the prescribed conditions of development approval under Clauses 97A, 98, 98A - E of Environmental Planning and Assessment Regulation 2000 as are of relevance to this development.

Development is to be in accordance with approved plans:

3. The development is to be implemented in accordance with the plans set out in the following table except where modified by any conditions of this consent (Development Consent No. 0901/20DA).

Plan No. / Supporting Document(s)	Version	Prepared by	Dated
Location Plan – A01	7	Vilbrickman Architects	16/09/2020
Site Plan – A02	7	Vilbrickman Architects	16/09/2020
Floor Plan – A03	4	Vilbrickman Architects	06/06/2020
Elevations – A05	4	Vilbrickman Architects	06/06/2020
Tree Removal Plan – 3575/02	-	Geolink	17/06/2020
Landscape Plan – 3575/03	-	Geolink	17/06/2020

In the event of any inconsistency between conditions of this development consent and the plans referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Development in Accordance with Documents:

4. The development shall be undertaken in accordance with the following documents:
 - *Statement of Environmental Effects*, prepared by Bennell & Associates and dated 17 June 2020.
 - *Biodiversity Assessment*, prepared by Geolink and dated 7 October 2020 (third issue).
 - *Due Diligence Aboriginal Heritage Assessment* prepared by Coast History and Heritage and dated 25 September 2020 (Final Report).
 - *Revised Wastewater Management Plan – Adele Woman's Group Home*, prepared by Whitehead & Associates dated 11 June 2020 (Version 3).
 - *Moonee Beach Noise Impacts Assessment - Adel Training Farm Ltd*, prepared by

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Advitech Environmental, dated 5 June 2020 (Rev 1 Final).

- *Adele House Asbestos Register and Management Plan*, prepared by North Coast Occupational Hygiene, dated 6 May 2020.
- *Preliminary Acid Sulphate Soil Assessment for Adele house* prepared by Whitehead & Associates dated 21 May 2020 (Version 2 - Final)

Inconsistency Between Documents:

5. In the event of any inconsistency between:
 - (1) The conditions of this approval and the drawings/documents referred to in conditions 3 and 4, the conditions of this approval prevail; and
 - (2) Any drawing/document listed in conditions 3 and 4 and any other drawing/document listed in conditions 3 and 4, the most recent document shall prevail to the extent of inconsistency.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Construction Certificate:

6. No building work is to commence on site until a Construction Certificate has been issued for the work and Council has been notified that a Principal Certifier has been appointed.

Note: Separate Certificates are to be obtained for the building works and any civil works.

Access over Lot 25 DP 1140702:

7. Easements shall be provided burdening Lot 25 DP 1140702 and benefiting Lot 11 DP 1140702, where applicable, for services, vehicular and pedestrian access. Alternatively, the applicant may negotiate with the TfNSW for the dedication of Lot 25 DP 1140702 as Public Road. Such easement or dedication or public road shall be in an acceptable form to Council with subsequent evidence of lodgment with the Land Titles Office prior to the issue of any Construction Certificate. All costs are to be borne by the applicant.

Vegetation Management Plan:

8. **Prior to issue of the Construction Certificate**, and prior to commencement of any works on the site, a detailed Vegetation Management Plan (VMP) in accordance with Council's '*Guideline for Preparing Vegetation Management Plans*' in Appendix 2 of the Coffs Harbour Development Control Plan being submitted and approved by Council.

The VMP shall be prepared by persons with professional qualifications and/or knowledge and experience in bush regeneration/stream rehabilitation practices and who is eligible for membership to the Australian Association of Bush Regenerators (AABR).

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Stormwater Management Plan:

9. A Stormwater Management Plan complying with the relevant controls of Council's Water Sensitive Urban Design Policy being submitted to and approved by Council **prior to issue of a Construction Certificate**.

Note: The stormwater management plan submitted with the development application is acceptable in principle. The plan needs to detail scour protection at the outlets to ensure no detrimental effect on the receiving environment.

Intersection Upgrade:

10. Access to the development from (*insert location*) being provided by the construction of an Austroads Type (*insert type*) intersection **prior to issue of the Subdivision Certificate**.

Plans and specifications of the works are to be submitted to and approved by Council (and Roads and Maritime Services) **prior to issue of a Construction Certificate**.

Erosion and Sedimentation Control Plan:

11. Erosion and sediment control measures, shall be prepared by a qualified environmental or engineering consultant in accordance with the document Managing Urban Stormwater - Soils & Construction Volume 1 (2004) by Landcom. Details being submitted and approved by the Certifying Authority **prior to issue of a Construction Certificate or Civil Works Certificate**.

Fill:

12. Contour plans indicating the location of proposed fill areas in the subdivision being submitted and approved by Council **prior to issue of a Construction Certificate**.

Contour plans are to include a clear description of the impact of changes proposed on water movement both to and from the site on all adjacent land and to show stormwater discharge points.

On Site Sewage Management:

13. An application to install an on site sewage disposal system **and undertake sanitary plumbing and drainage work** is to be submitted and approved by Council **prior to issue of any Construction Certificate**. Such application shall include full details of the proposed system and the location of the drainfield area.

Section 7.11 (formerly sec 94) Monetary Contributions:

14. Payment to Council of contributions, at the rate current at the time of payment, towards the provision of the following public services or facilities:

Note 1 - The contributions are to be paid prior to release of any Construction Certificate unless other arrangements acceptable to Council are made.

Note 2 - The rates will be adjusted in accordance with the procedures set out in Council's Section 7.11 (formerly sec 94) Contributions Plans. The applicant is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.

Note 3 - If the development is to be staged, contributions are to be paid on a pro rata

Schedule of Conditions

basis in respect of each stage.

	\$ Per Bed
- Coordination and Administration	86.60
- Coffs Harbour Road Network	198.98
- Surf Rescue Facilities	50.23
- District Open Space	1,412.06

The Section 7.11 (formerly sec 94) contribution is currently \$31,711.37 for the 21 bed group home development. This includes a credit of \$4,993.90 for the existing dwelling

Contributions have been imposed under the following plans:

- Coffs Harbour Open Space 2017
- Coffs Harbour Road Network 2016
- Surf Rescue Facilities 2019
- Coffs Harbour Administration Levy 2019

The Contribution Plans may be inspected at the Council Administration Offices, 2 Castle Street, Coffs Harbour or on Council's web site, www.coffsharbour.nsw.gov.au.

Bushfire Hazard Construction Standards:

15. New construction shall comply with various specified outcomes for the following noted building areas:

- **The southern accommodation section of the building with walls facing north-west, south-west and south-east:**

Sections 3 and 7 (BAL-29) Australian Standard "AS3959-2018 Construction of buildings in bush fire-prone areas" or NASH Standard (1.7.14 updated) "National Standard Steel Framed Construction in Bushfire Areas – 2014", as appropriate, and Section 7.5 "Additional construction requirements" of PBP 2019.

- **The southern accommodation section of the building with walls facing north-east:**

Sections 3 and 6 (BAL-19) Australian Standard "AS3959-2018 Construction of buildings in bush fire-prone areas" or NASH Standard (1.7.14 updated) "National Standard Steel Framed Construction in Bushfire Areas – 2014", as appropriate, and Section 7.5 "Additional construction requirements" of PBP 2019.

- **The northern section of the building that generally includes; the yoga room, counselling rooms, centre management rooms, kitchen and dining areas:**

Sections 3 and 6 (BAL-19) Australian Standard "AS3959-2018 Construction of buildings in bush fire-prone areas" or NASH Standard (1.7.14 updated) "National Standard Steel Framed Construction in Bushfire Areas – 2014", as appropriate, and Section 7.5 "Additional construction requirements" of PBP 2019.

Retaining Works:

16. A construction certificate is required for retaining walls exceeding 600mm in height. Timber retaining walls exceeding 600mm in height are not to be permitted within 1 metre of the boundary.

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PRIOR TO COMMENCEMENT OF WORKS

Site Notice:

17. Prior to commencement of works a site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of the development details including but not limited to:
- (1) Details of the Principal Contractor and Principal Certifier for all stages of the development;
 - (2) The approved hours of work;
 - (3) The name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction noise complaints are to be displayed on the site notice; and
 - (4) To state that unauthorised entry to the site is not permitted.

Erosion and Sediment Control:

18. Prior to commencement of work on the site for each stage of the development, erosion and sedimentation control measures are to be installed and operational, including the provision of a “shake down” area, where required to the satisfaction of the Principal Certifier.

Demolition Works:

19. All works including (where relevant) the handling and disposal of materials containing asbestos, are to be undertaken in accordance with the relevant requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard AS 2601-2001 “The Demolition of Structures”.

Prior to demolition all services are to be disconnected and capped off. Council's Water Services Section is to be notified, two working days prior to demolition, of the intention to commence the works. Disconnection of any sewer drainage lines shall be sealed to prevent ingress of water and debris into the sewerage system.

Sanitary Plumbing and Draining:

20. A separate application is to be made to Council by the licensed plumber and drainer prior to the commencement of any sanitary plumbing and drainage work on site.

Tree Removal:

21. The trees listed as being removed in the Biodiversity Assessment by Geolink dated 17 October 2020; and as shown on the approved Tree Removal Plan are the only trees approved for removal.

DURING CONSTRUCTION

Approved Plans to be On-Site:

22. A copy of the approved and certified plans, specifications and documents incorporating the conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifier.

Schedule of Conditions

Waste and Contamination:

23. The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Office of Environment and Heritage "*Waste Classification Guidelines*".

Any new information that comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifier.

Fill:

24. All fill is to be placed in accordance with the requirements of Council's Development Design and Construction Specifications and the approved Sediment and Erosion Control Plan.

Importation of Fill:

25. The only fill material that may be received at the development is:
- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations (POEO) Act);
 - b) Any other waste-derived material the subject of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (*Waste*) Regulation 2005 that is permitted to be used as fill material, excluding waste tyres.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier on request.

Erosion and Sediment Control (Minor Works):

26. Where excavation works or removal of vegetation is to take place on the site, control measures in accordance with the document Managing Urban Stormwater - Soils & Construction Volume 1 (2004) by Landcom are to be undertaken at each appropriate construction stage to prevent erosion of soil.

Dust Control Measures:

27. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
- (1) All materials shall be stored or stockpiled at the best locations;
 - (2) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs;
 - (3) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;
 - (4) Cleaning of footpaths and roadways shall be carried out regularly; and
 - (5) Rumble grids being installed at access points to the site.

Schedule of Conditions

Hours of Work:

28. Construction works are to be limited to the following hours:

Monday to Friday	7.00 am - 6.00 pm
Saturday	7.00 am - 1.00 pm if inaudible from adjoining residential properties otherwise 8.00 am - 1.00 pm

No construction work is to take place on Sunday and Public Holidays.

Public Way to be Unobstructed:

29. The road reserve must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances unless approved by Council's Road and Open Spaces section.

Cultural Heritage:

30. In the event that future works during any stage of the development disturb Aboriginal Cultural materials, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the area and the material must be identified by an independent and appropriately qualified archaeological consultant. The Office of Environment and Heritage (OEH), Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups must be informed. These groups are to advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the OEH and Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups.

Stormwater:

31. No new paving, excavation, filling or other work on the site is to interfere with the existing drainage system so as to pond or divert water onto adjoining properties.

Asbestos:

32. All works associated with the handling and disposal of asbestos containing materials are to be undertaken in accordance with North Coast Occupational Hygiene's report, dated 6 May 2020 and the Code of Practice: How to Safely Remove Asbestos (Safe Work NSW, 2019).

Finished Floor Level (New Building):

33. The finished floor level of the ground floor of the building is to be a minimum of 6.8mAHD (Estimated 1 in 500 year level + 500mm freeboard). The detailed design of the driveway is to achieve a minimum finished level of 6.3mAHD to provide adequate flood-free access in/out of the development.

An accredited surveyor's certificate certifying such level is to be submitted to the Principal Certifying Authority prior to works proceeding above finished floor level.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

Occupation Certificate:

34. A person must not commence occupation or use of the new building **prior to obtaining an Occupation Certificate** from the Principal Certifier.

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Stormwater Drainage:

35. All stormwater is to be conveyed to a legal point of discharge by means of an approved drainage system prior to the issue of an Occupation Certificate. The plumber shall issue a certificate to the Principal Certifying Authority and Council to the effect that the stormwater system has been installed and complies with the approved design.

BASIX:

36. All of the commitments listed in each relevant BASIX Certificate for the development being fulfilled **prior to the issue of an Occupation Certificate**.

Private supply of drinking water:

37. The private supply of drinking water to the premises must meet the requirements contained within the Public Health Act 2010 and the Australian Drinking Water Guidelines 2011 and any subsequent amendments to the Guidelines.

Car Parking Spaces:

38. All car parking spaces as shown on the approved plans being provided on the development site **prior to the issue of an Occupation Certificate**.

All car parking and manoeuvring areas being constructed in accordance with the provisions of Australian Standard AS 2890. Parking Spaces 9 and 10 shall be marked as designated parking spaces for the facilities minibuses

Noise attenuation to building:

39. Noise attenuation methods specified in the acoustic report prepared by Advitech Environmental (Moonee Beach Noise Impacts Assessment Adel Training Farm Ltd (dated 5 June 2020) being implemented in the proposed development and the completed works subsequently certified by a suitably qualified person prior to the issue of an Occupation Certificate. A copy of the certification being referred to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

Vegetation Management Plan:

40. The works (other than maintenance works) prescribed in the approved Vegetation Management Plan (VMP) being completed **prior to issue of the Occupation Certificate**. A report from the consultant who prepared the VMP or other suitably qualified consultant being submitted to the Principal Certifier with the Subdivision Certificate application to the effect that all works except for maintenance works have been completed in accordance with the approved VMP.

Vegetation Management - Positive Covenant Title:

41. The registered proprietor of the land must enter into positive covenants with Council to maintain the works as effected on the lot in accordance with the Vegetation Management Plan as it affects that lot. The positive covenants shall be in, or to the effect of covenants approved by Council from time to time and be created pursuant to Section 88E of the Conveyancing Act 1919, generally in accordance with the attached draft covenant "A" and must be registered on the title.

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Intersection Upgrade:

42. Access to the development from Solitary Island Way being provided by the construction of an Austroads Type BAR intersection. Prior to the issue of an Occupation Certificate, a Letter of Completion for Civil Works is required to be obtained from Council confirming that the access works have been completed to Councils satisfaction.

Maintenance Bond:

43. Prior to issue of an Occupation Certificate and acceptance of 'On Maintenance' period, a maintenance bond for the constructed civil engineering works must be paid to Council. The bond may be in cash or by financial institution guarantee.

The bond required is the larger sum of:

- 10% of the contract sum for works associated with water and sewer plus 5% of the contract sum for all other works where the total value is more than \$50,000 or
- \$5,000

All work to be dedicated to Council is subject to a maintenance period of six (6) months from the date of the Occupation Certificate issued by Council or accredited private certifier. The maintenance period may be extended by Council due to material or construction work compliance reasons or if a Occupation Certificate approval is delayed beyond the maintenance period.

At the end of the Maintenance Period an 'Off Maintenance' inspection must be held with Council or accredited private certifier to confirm the compliance and performance of the constructed works, in accordance with Councils Standards.

Note: If a financial institute guarantee is proposed to be used, please contact Council to determine whether this institute is acceptable to Council as well as to ascertain specific requirements of the guarantee.

Flood Management:

44. A Floodsafe Plan in accordance with the NSW State Emergency Service Guidelines (FloodSafe Toolkit) is to be prepared prior to Occupation Certificate. For further details, visit the SES website at www.ses.nsw.gov.au

Flood Management (Change of Use/Minor Additions):

45. All new electrical infrastructure and equipment (wiring, power outlets, switches etc.), and the storage of oil's or hazardous materials on site is to be located at minimum level of 6.8mAHD, or suitably waterproofed prior to Occupation Certificate.

OPERATIONAL MATTERS

Loading and Unloading:

46. All loading and unloading activities associated with the use of the premises being carried out wholly within the site at all times.

Schedule of Conditions

Unobstructed Driveways and Parking Areas:

47. All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for parking of vehicles associated with the use of the premises.

Car Parking Areas:

48. Car Parking areas are to be maintained in a serviceable condition at all times.

Permissible Vehicles On-Site:

49. The site is not to be accessed by a vehicle larger than that represented by the 8.8m service vehicle as defined in AS2890.2, with the exception of the Emergency Services.

Noise (Operational):

50. Noise emanating from the proposed development shall at all times be in accordance with the provisions of the Protection of the Environment (Operations) Act 1997.

INTEGRATED TERMS OF APPROVAL CONDITIONS

Bushfire Hazard – Asset Protection Zones:

51. From the commencement of building works, and then in perpetuity (to ensure ongoing protection from the impact of bush fires), the property around the proposed alterations and additions to an existing Group Home shall be managed in accordance with the plan prepared by Geolink, titled "Proposed Asset Protection Zones - Illustration 3.3" and dated 01/07/2020. This plan identifies both: inner protection areas (IPAs) and outer protection areas (OPAs). Management of these areas shall be in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

Bushfire Hazard – Landscaping:

52. Landscaping of the development shall comply with the requirements of Table 7.4a of '*Planning for Bush Fire Protection 2019*'.

Access – Internal Roads:

53. Access roads for special fire protection purpose (SFPP) developments shall comply with the following requirements of Table 6.8b of Planning for Bush Fire Protection 2019:
- SFPP access roads are two-wheel drive, all-weather roads;
 - access is provided to all structures;
 - traffic management devices are constructed to not prohibit access by emergency services vehicles;
 - access roads must provide suitable turning areas in accordance with Appendix 3;
 - hydrants are to be located clear of parking areas;
 - where kerb and guttering is provided on the proposed roads, roll top kerbing should be used to the hazard side of the road;
 - the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
 - the road crossfall does not exceed 3 degrees;
 - curves of roads have a minimum inner radius of 6m;

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- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

Water and Utility Services Intent of measures:

54. The provision of water, electricity and gas shall comply the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - a) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - b) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer sheathed flexible gas supply lines are not used; and -
- above-ground gas service pipes are metal, including and up to any outlets.

Emergency and Evacuation Planning Assessment:

55. A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: "A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan". The plan must include, but not be limited to, the following:

- that the Group Home is not to be occupied on days with an 'extreme' or 'catastrophic' fire danger rating;
- a mechanism for the relocation of occupants on days with an 'extreme' or 'catastrophic' fire danger rating or days declared as a total fire ban;
- contact details for the local Rural Fire Service office;
- procedures for co-ordinated evacuation of the site in consultation with local emergency

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services. A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

General Terms of Approval:

56. The General Terms of Approval (GTA) listed below apply to the controlled activities described in the plans and associated documentation relating to Development Application No. 0901/20DA and provided by Council.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Water (DPI) must be notified to determine if any variations to these GTA will be required.

Controlled Activity Approval:

57. Before commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act 2000 from the Natural Resources Access Regulator. The application for a controlled activity approval must include the following plans:

- *Work Schedule*
- *Vegetation Management Plan.*
- *Soil and water management plan.*
- *Erosion and Sediment Control Plan.*

58. Any proposed controlled activity must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by the Natural Resources Access Regulator.

The plans must be prepared in accordance with Natural Resources Access Regulator guidelines located on the website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>

Note: a copy of the CAA being submitted to Council prior to the issue of Construction Certificate.

59. The consent holder must ensure that any proposed materials or cleared vegetation which may obstruct water flow or, wash into the waterbody or, cause damage to river banks; are not stored on the waterfront land unless in accordance with a plan held by Natural Resources Access Regulator or as part of a controlled activity approval.

When the carrying out of the controlled activity has been completed, surplus materials must be removed from the waterfront land.

60. Where excavation works or removal of vegetation is to take place on the site, control measures in accordance with the document Managing Urban Stormwater - Soils & Construction Volume 1 (2004) by Landcom are to be undertaken at each appropriate construction stage to prevent erosion of soil.

61. The erosion and sedimentation control work must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilized.

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ADVISORY NOTES

Public Road Reserves:

62. No work is to be undertaken within a public road reserve without prior written approval from Council. Applications for such approval are to be accompanied by the necessary security deposit and must satisfy Council that adequate Public Liability Insurance has been obtained, with Council being nominated as co-insured.

Civil Works Certificate:

63. A Civil Works Certificate means a:
- Section 138 & 139 Roads Act 1993 (road opening) approval issued by Council and/or Transport for NSW (TfNSW);
 - Section 68 Local Government Act (drainage, water & sewer) approval;

Issuing of Civil Works Certificates:

64. A Civil Works Certificate may be issued by Council and/or accredited private certifier subject to the applicable NSW legislation.

A private certifier accredited for Civil Construction may be engaged for all or part of the civil engineering works, noting the following;

- A private certifier accredited for Civil Construction under the NSW Building Professionals Act 2005 (Categories B and/or C), may be engaged for all or part of civil works (subdivision and/or on private property) other than public infrastructure, water and sewer reticulation works;
- Accreditation of private certifiers for public sewer and water reticulation works is not offered under the Building Professionals Act 2005
- Connection to Council drainage, water and sewer systems require the approval of Council under the NSW Local Government Act.
- Works within public road reserves require the approval of the Road Authority as defined in the NSW Roads Act.

A private certifier who issues a Civil Works Certificate must forward a copy of the Certificate along with a copy of the approved plans and ITP to Council two days before work commences on the development. Council attendance at any required inspections will be charged in accordance with the adopted 'Fees & Charges' current at the time of the inspections. Payment is required prior to any inspections.

Bushfire Hazard General Advice;

65. The proposed large 291000 litre firefighting water supply is noted to be primarily for structural firefighting and will be used to supply hydrants (a BCA outcome). This tank appears to be located in a remote area of the site that may not be easily accessible. Three other water tanks are noted to be proposed on site and these may be able to be accessed (with the correct fittings provided) by the NSW RFS for firefighting purposes. The connection point needs to be a 65mm storz fitting that is located within 4m of a hard stand point (e.g. an access road surface). The location of such a connection also needs to be within the IPA and away from the hazard to the south-west or provided with shielding for the protection of fire fighters.

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Safer By Design - NSW Police advice:

66. The following matters raised by the NW police Service should be considered for implementation into the development:
- The developer should ensure that light levels are appropriate for users of the development
 - Surveillance equipment installed and cover car park and entry points.
 - Landscaping should not contain entrapment areas
 - Walls and landscaping to the north should be used to prevent any noise nuisance to neighbours.
 - Furniture must not be able to be used as a weapon in communal areas.
 - that consideration should be given to utilising alarms and pin codes in staff and resident areas
 - that door locks and window reinforcements to be to Australian Standards
 - that signage be provided to delineate staff areas from resident areas.
 - Emergency evacuation plan proximately displayed.