

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSNTH-49
DA Number	0901/20DA
LGA	Coffs Harbour City Council
Proposed Development	Demolition Of Existing Structures And Construction Of New Structures For A Transitional Home
Street Address	735 Solitary Islands Way, Moonee Beach (Lots 11 and 25 DP 1140702).
Applicant/Owner	Bennell and Associates / Adele Training Farm Ltd
Date of DA lodgement	23 June 2020
Number of Submissions	4
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	<p>The proposed development fits the description of '5(b) Private Infrastructure and Community Facilities over \$5 million' under Schedule 7 of the SEPP (State and Regional Development) 'that has a capital investment value of more than \$5 million for...a group home...".</p> <p>As such, the application is determined by the Northern Regional Planning Panel.</p>
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> • State Environmental Planning Policy (Affordable Rental Housing) 2009 • State Environmental Planning Policy (State & Regional Development) 2011. • State Environmental Planning Policy (Infrastructure) 2018. • State Environmental Planning Policy No 55 - Remediation of Land. • State Environmental Planning Policy - Coastal Management) 2018. • State Environmental Planning Policy (SEPP) Building Sustainability Index: BASIX 2004. • Coffs Harbour Local Environmental Plan 2013. • Development control plan: <ul style="list-style-type: none"> ○ Coffs Harbour Development Control Plan 2015. • The Environmental Planning and Assessment Regulation 2000: <ul style="list-style-type: none"> ○ Regulation 92 (b) – demolition has been conditioned to comply with AS2601. ○ Regulation 97A – development has been conditioned to comply with Basix Certificate.
List all documents submitted with this report for the Panel's consideration	<p>Development Assessment Report that includes the following appended documents:</p> <ul style="list-style-type: none"> ○ Appendix A - Plans of the Proposed Development. ○ Appendix B - Section 4.15 Evaluation Report. ○ Appendix C - Schedule of Conditions. ○ Public submissions provided separately.
Clause 4.6 requests	<ul style="list-style-type: none"> • Not Applicable
Summary of key submissions	<ul style="list-style-type: none"> • Aboriginal Heritage • Privacy, noise and concerns of runoff from wastewater treatment
Report prepared by	Lisa Howard, Development Assessment Officer
Report date	4 December 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Not Applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

DEVELOPMENT ASSESSMENT REPORT DEVELOPMENT APPLICATION 901/20DA

DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF NEW STRUCTURES FOR A TRANSITIONAL GROUP HOME

PURPOSE:

This report provides an assessment of Development Application 901/20DA for a Group Home at 735 Solitary Islands Way, Moonee Beach.

In accordance with State Environmental Planning Policy (State & Regional Development) 2011, as the proposed development is for private infrastructure (group home) with a capital investment value of more than \$5 million, the development is categorized as regional development. Determination of the application is to be made by the NSW Northern Regional Planning Panel. A quantity surveyor's report has been provided which demonstrates a capital investment value of more than \$5 million for the proposed development.

Approval of the application subject to conditions is recommended.

This report includes the following appended documents:

- Appendix A - Plans of the Proposed Development.
- Appendix B - Section 4.15 Evaluation Report.
- Appendix C - Schedule of Conditions.

THE SITE:

The site is known as 735 Solitary Islands Way, Moonee Beach (Lots 11 and 25 DP 1140702). The development site (Lot 11) has a total area of 1.6ha. Lot 25 is a narrow portion of land along the front owned by Transport for NSW. The existing driveway crosses this providing the site with access to Solitary Islands Way.

The subject land is located within Moonee Beach which is approximately 15 km from the Coffs Harbour City Centre. The land is situated on the western side of the Solitary Islands Way, which was the former Highway. The driveway entry to the site is located approximately 350m from the point where Solitary Islands Way joins the M1 Pacific Highway.

The land, which is currently used for an existing group home, is buffered by the Orara East State Forest to the south and west and the road reservations of the Solitary Islands Way and Pacific Highway to the east. The land adjoins Skinners Creek to the west and has riparian vegetation associated with this creek on part of the land. The site is well separated from the majority of housing in the semi-rural area to the north (i.e. Heritage Park Estate).

A locality map is provided in Figure 1.



Figure 1 - locality plan



Figure 2 – existing structures on site

THE PROPOSAL:

The development proposes demolition of all the existing structures on site, that have been used for a Group Home for men and have become outdated; and construction of new structures for use as a Group Home for women. The intent is that the existing 20 male clients will be relocated to the group home run by Adele House (the same company as this application) at 215 Randalls Rd, Bucca (approved by JRPP under 0259/12DA). (see Figure 2 for aerial of existing structures on site).

The proposed development is described as a 'transitional group home'. The development will be used for residential rehabilitation programs for women recovering from drug and alcohol problems. The philosophy of Adele House is to provide abstinence residential treatment engaging counselling and recovery. The onsite services to be provided at the group home include therapy, counselling, gardening, exercise, cooking, reading, and computer work.

A description of the operation provided by Adele House in a letter provided to adjoining neighbours states the following:

Adele House is a registered charity that was established in 1984 and is one of the oldest drug and alcohol rehabilitation services in NSW. It has been assisting clients recover from the effects of substance abuse, and the associated damage to their lives and health.

Adele House operates an accredited abstinence-based residential treatment program where the clients reside for 3-12 months undergoing intensive counselling and recovery sessions. The program focuses on health and wellbeing, living and work skills, providing the clients with a pathway back to mainstream life.

For the past 10 years, at any one time, the Moonee Beach facility has assisted up to 20 men who are recovering from drug and alcohol addiction. Adele House has recently completed the construction of a new Group Home facility in nearby Bucca. As our male clients move to the new Bucca facility, Adele House will be expanding its service to cater for women.

Adele House is proposing to demolish the existing Moonee Beach facility and build a new facility exclusively for women. The new facility will replicate the existing building footprint and cater for the same number of clients currently using the facility. The facility will include:

- 20 Bedrooms • Kitchen/Dining Facilities • Small Gymnasium for residents • Ancillary Office and Counselling Rooms.

Just like the current facility, it will be staffed 24/7 and no client will be able to drive or have a vehicle while they are at Adele House.

The new building is single storey, of contemporary design. It has two wings centered around a kitchen dining and garden. The residential wing provides 20 single occupant bedrooms with ensuites, an overnight staff bedroom, lounge, laundry and group/commuter room. The eastern wing includes the administration section, individual and group counselling rooms, visitor lounge and dedicated yoga room. Six staff will be employed as part of the business.

The surrounds are landscaped and includes 10 car parking spaces and circulation areas as well as separate access for fire fighting vehicles to the riparian area and Orara East State Forest to the west. Effluent disposal areas are to the north. The E2 zoned portion of the site, which incorporates the riparian zone, is proposed to be revegetated as part of the development in accordance with a Vegetation Management Plan.

Plans of the proposed development are provided at Appendix A.

CONSULTATION:

Advertising and Notification

The development was notified and advertised from 9 August 2020 and 6 September 2020 for 28 days as required for Integrated Development under Water Management Act. At the conclusion, four submissions were received. One was in support, two related to Aboriginal heritage on the site and one related to fence and effluent management details of the development. None were against the development.

The matters raised in submissions are summarised in Appendix B - Section 4.15 Evaluation Report in the 'any submissions made in accordance with this Act or the regulations' section of that report.

State Government Referrals

The development requires a 'Bushfire Safety Authority' under the Rural Fires Act 1997 (NSW). The application was referred to the NSW Rural Fire Service as integrated development for their general terms of approval.

The development requires a 'Controlled Activity' approval under the Water Management Act 2000 (NSW). The application was referred to the NSW Natural Resources Regulator as integrated development for their general terms of approval.

The NSW Police reviewed the application and the accompanying Crime Presentation Strategy against Crime Prevention Through Environmental Design (CPTED) provisions. They have made detailed recommendations for the fit out and operation of the development.

The content of government department responses is considered in the Section 4.15 Evaluation as appended to this report. These government departments have not raised any objections to the proposed development. The general terms of approval have been incorporated in the recommended conditions of consent.

Council Departments

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

STATUTORY MATTERS:

Section 4.15 - Evaluation - Environmental Planning and Assessment Act 1979

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

Relevant Statutory Instruments

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

- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (State & Regional Development) 2011.
- State Environmental Planning Policy (Infrastructure) 2018.
- State Environmental Planning Policy No 55 - Remediation of Land.
- State Environmental Planning Policy - Coastal Management) 2018.

- State Environmental Planning Policy (SEPP) Building Sustainability Index: BASIX 2004.
- Coffs Harbour Local Environmental Plan 2013.

The application is identified as 'Regional Development' under State Environmental Planning Policy (State and Regional Development) 2011 and as a consequence the application is to be determined by the Northern Regional Planning Panel.

Coffs Harbour Development Control Plans 2015 is also relevant for assessment of the application.

A full assessment of each of these plans is considered in the Section 4.15 assessment appended to this report.

ISSUES:

Permissibility:

The zoning of the site is R5 Large Lot Residential and E2 – Environmental Conservation adjoining the riparian area on the southern lot, under the Coffs Harbour Local Environmental Plan 2013. The group home structures are fully within the R5 zoning (see Figure 5).

The proposed development is considered to constitute a 'transitional group home'. Under clause 42 (b) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 a group home is permissible in the R5 zone with consent.

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

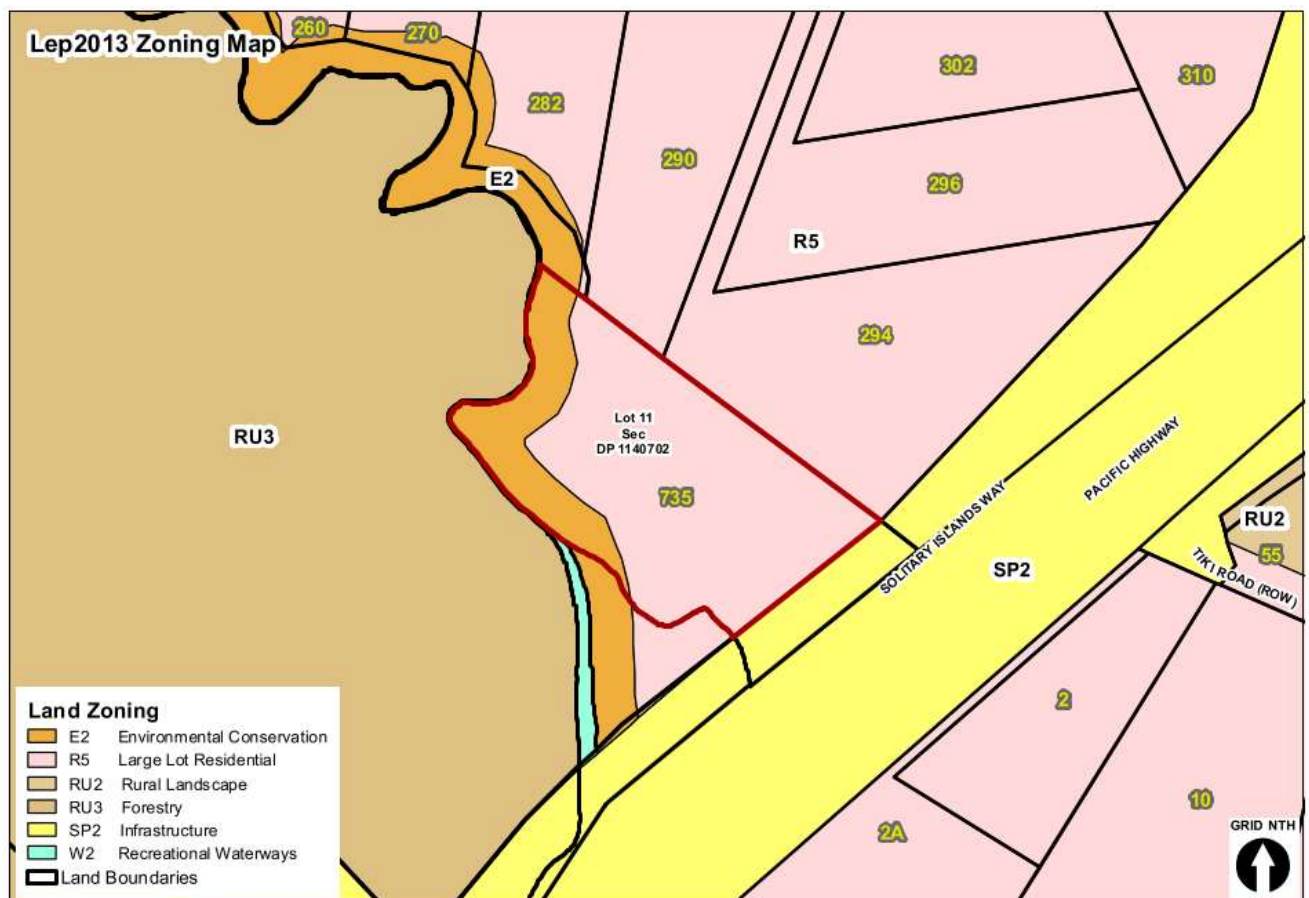


Figure 5 - Zoning map – the site contains zones R5 and E2 (W2- Recreational waterway on adjoining site)

Aboriginal Heritage:

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.

To address this matter, a Due Diligence Aboriginal Heritage Assessment by Coast History and Heritage was prepared. 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 it will not be impacted by the proposed development. The report concludes that the likelihood of intact or extensive deposits are unlikely. Appropriate conditions are imposed for protection and precaution for unexpected finds during works.

The report was provided to the Local Aboriginal Land Council who made no further comment.

It is considered that provided the development is carried out in accordance with this report, the identified item will be protected and the development will not impact on aboriginal cultural heritage values.

Biodiversity improvements:

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 these issues. This included a targeted field search for the endangered plant Moonee quassia, none of which were found on site. A landscape plan is also provided which adequately landscapes the development.

A site specific Vegetation Management Plan that rehabilitates the land zoned E2 in proximity to Skinners Creek will be an improved outcome from the current state of the riparian area.

The Biodiversity report was revised to include 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 planting description has been provided to enable the NSW Rural Fire Service to assess the development against the Planning for Bushfire Protection provisions.

It is considered that there will not be a significant impact on threatened species, communities and/or populations.

Bushfire Protection:

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.

SUMMARY:

The proposed development is generally consistent with the current planning controls, including relevant SEPPs, LEP and DCP. The application is considered suitable for approval subject to conditions.

RECOMMENDATION:

1. That Development Application 901/20DA for a Transitional Group Home at 735 Solitary Islands Way, Moonee Beach be approved, subject to conditions as appended to this report.
2. That persons who have made submissions on the application be informed of the determination.