



Address: No. 24 Coronation Road, Congarinni North
Proposal: Seniors Living
FEBRUARY 2021

STATEMENT OF ENVIRONMENTAL EFFECTS

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CORONATION ROAD, CONGARINNI NORTH

PROJECT INFORMATION

The Proposal: This Statement of Environmental Effects accompanies a development application lodged with consent of the registered property owner. The proposal seeks approval for the construction of a senior housing development comprising self-contained dwellings, a residential care facility, ancillary recreation facilities, helipad and associated civil infrastructure.

Site: Lot 155 Deposited Plan 755537
Lot 188 Deposited Plan 755537
24 Coronation Road
CONGARINNI NORTH NSW 2447

Architect: 
Level 2, 12 - 16 Queen Street
CHIPPENDALE NSW 2080





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1 THE SITE & CONTEXT

The site is identified as Nos. 24 Coronation Road, Congarinni North (Lots 155 and 188 in Deposited Plan 755537), and has an area of 57.3 hectares.

The site is irregular in shape, with its frontage following the contour of Coronation Road and the adjoining Taylors Arm waterway beyond. The site comprises rolling hills and steep ridges adjacent its southern boundary, while the remainder of the site is comprised of a relatively flat floodplain, with significant changes (approximately 30 metres) in level across the site. The southern portion of the site has been cleared and maintained for grazing purposes, and supports only a small number of indigenous and introduced trees. The majority of the floodplain landscape in the northern parts of the site support remnant native vegetation dominated by various canopy species including Swamp Oak, Swamp Mahogany, Blackbutt and Tallowwood. A vast majority of the property will be retained in its natural vegetated state and will not be impacted by the proposed development.

Nambucca Valley Council is a local government area (LGA) in the mid north coast region of New South Wales, located approximately halfway between Sydney and Brisbane upon the M1 Pacific Motorway and the North Coast railway line. At the 2016 census, there were 19,212 people in the Nambucca Valley LGA. The median age of people in the Nambucca Valley LGA was 51 years, some 13 years higher than the national median. Children aged 0 – 14 years made up 16.6% of the population and people aged 65 years and over made up 27.6% of the population.

The Local Strategic Planning Statement of Nambucca Valley Council acknowledges the LGA's aging population and includes the following statements:

We need to consider an aging population, provide housing diversity and employment opportunities.

This graph [reproduced at Figure 1] shows the current dominance of the over 50 age groups and the loss of younger people, particularly in the 20-30 year age groups. The number of people aged 65 and over is estimated to increase from 5,200 in 2016 to 7,200 by 2041 a change of 2000 (NSW DPIE projections 2019). To accommodate these changes NSW DPIE projections, suggest an implied requirement of an estimated 1,000 dwellings, with an increase of dwellings to suit one and two persons households.

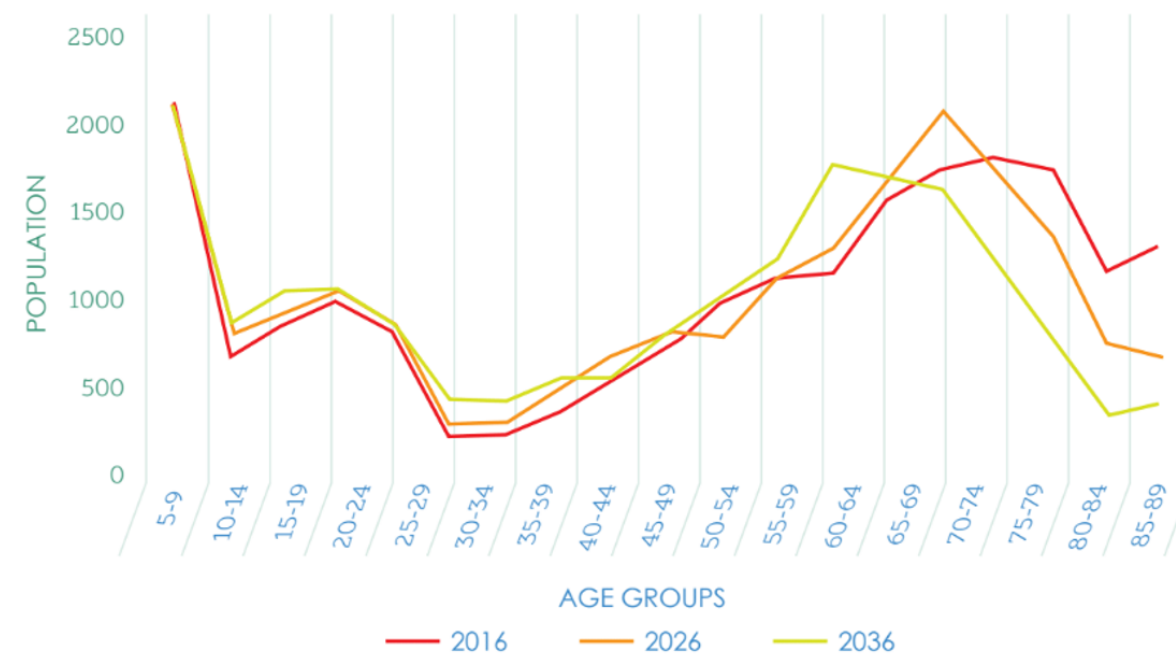


FIGURE 1

Nambucca Valley LGA age distribution (Source – Australian Bureau of Statistics, Census of Population and Housing, 2016).

1.1 SITE HISTORY

Council at its Ordinary Council Meeting Dated 24 April 2013 noted receipt of a Planning Proposal from Hampton Property Services to amend Schedule 1 of the Nambucca Local Environmental Plan to permit seniors housing on the site and endorsed preparation of the Planning Proposal, also noting a previous unsuccessful application for a Site Compatibility Certificate in 2009. The Department of Primary Industry in its review of the Planning Proposal noted:

[The] Planning Proposal is located on parcels of regionally significant farmland, as mapped in the Mid North Coast Farmland Mapping Project (2008).” This report recommends that regionally significant farmland should not be considered for development unless it has been previously identified within a rural residential strategy, regional strategy or previously zoned under an LEP.”

The Department contended that the strategic context of the Planning Proposal was questionable as it failed to satisfy these requirements, and noted the proposed development had the potential to fragment the existing landscape making it difficult for future agribusinesses to develop and could potentially spark land use conflict. These concerns were addressed through the submission of an Assessment of Agricultural Capability by RMCG, dated March 2013. This report noted the Mid North Coast Regional Strategy and Mid North Coast Farmland Mapping Project both identified land at the eastern end of No. 24 Coronation Road as agricultural land of regional significance, based primarily on the attributes of the soil. The Assessment concurred that the soil on the flat ground at the eastern end of Coronation Road is highly suitable for agriculture and production of a range of commodities including horticultural commodities, however, noted in comprised only 10% of the total land holding. The Assessment also noted the subject site, adjacent and surrounding properties were all being used for rural lifestyle or hobby farming purposes and concluded that poorer soils and undulating to steep slopes over the balance of the land meant that cropping was not suitable, further noting that grazing such as beef or dairy cattle and perennial horticulture was still suited. The report presented to Council’s Ordinary Meeting on 27 October 2016 concluded:

The area around the site is already fragmented and it is unlikely therefore that investors in commercial scale agribusinesses would be attracted to the site and surrounding area.

Following public exhibition, Council endorsed the Planning Proposal, and noted its support for the proposal through the appropriate management of risk:

- *Future development of the site will be fully above the PMF and therefore the risk to the property directly related to flood impact is considered low. Some damages and clean up would be required over the low lying portion of the site including the proposed access;*
- *The site will be isolated from Macksville in events equal to or greater than a 1 in 20 year event, the emergency response plan proposes to retain residents on site during a flood event;*
- *The plan includes helicopter facilities for evacuation in relation to medical emergencies not catered for on-site. During a major flood that isolates the site it is likely that the parts of the state will be having similar difficulties and helicopter access may be limited;*
- *Individuals on site are likely to experience heightened levels of stress during an emergency situation. The applicant indicates the facilities on site will be better equipped to deal with such situations than evacuation centres and the evacuation of patients would contribute to additional anxiety.*
- *Isolation is modelled at an estimated 16hrs for a 1% AEP event (1 in 100 year event) and 6hrs for a 2% AEP event (1 in 50 year). This would be subject to SES/ Council re-opening closed roads at Joffre St and/ or Wilson Road.*
- *Appropriate design of the access to the facility is essential to ensure no off site impacts would be encountered during a flood event.*

Amendments to Schedule 1 of the Nambucca Local Environmental Plan to permit seniors living were subsequently gazetted in 2017.

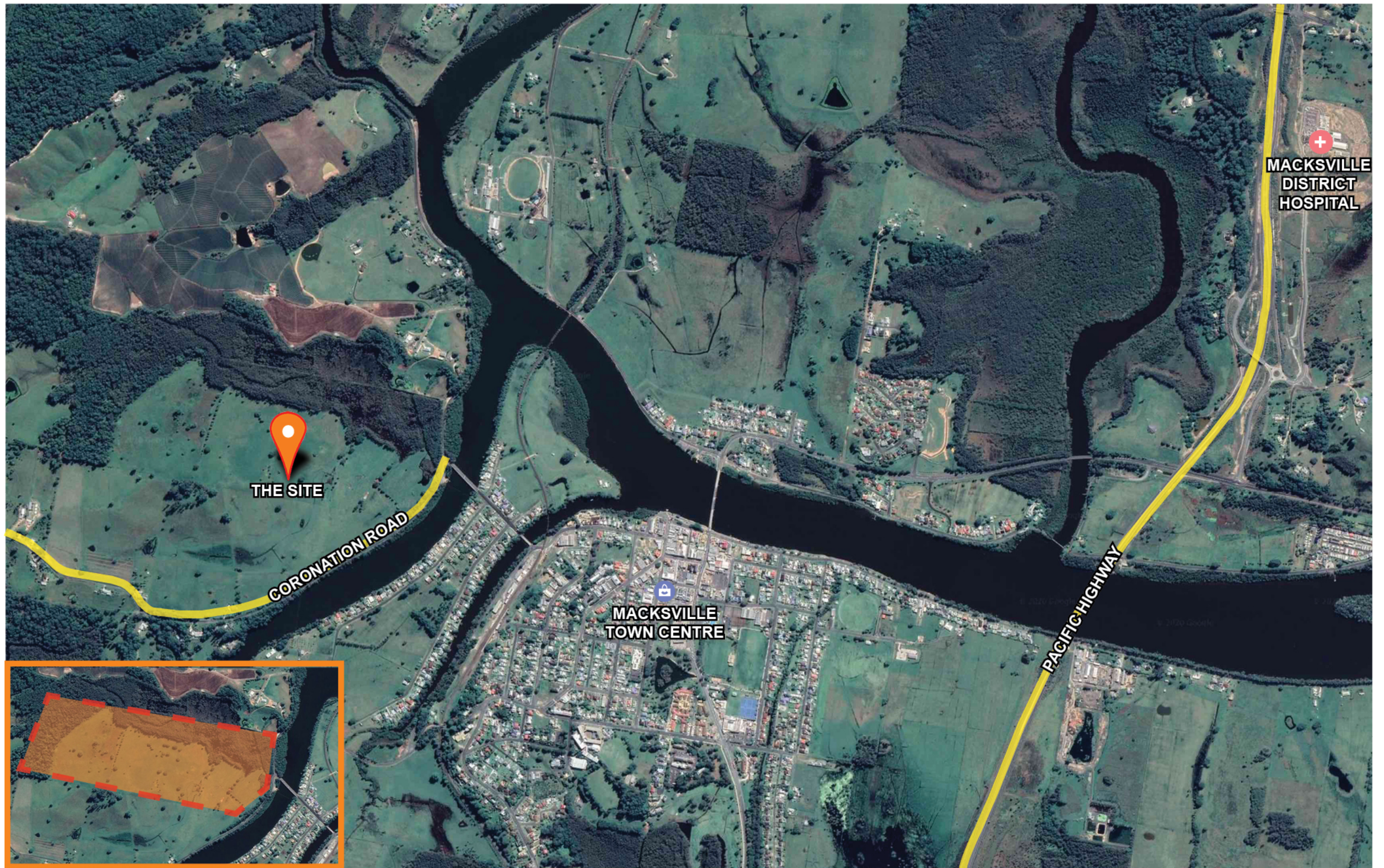


FIGURE 2

The site and its context (extract from Google Earth).



FIGURE 3

Aerial oblique photograph looking across the site's frontage to Coronation Road.



FIGURE 4

Aerial oblique photograph looking across the site's rear boundary to Taylors Arm and the Macksville town centre beyond.

2 THE PROPOSAL

It is the NSW Government's aim that all people in New South Wales, including older people, people with disabilities and those on low incomes have access to affordable and well-designed housing. Various policies are promoted by the government to encourage the provision of housing that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, make efficient use of existing infrastructure and services, and are of good design.

The application seeks approval for the construction of a seniors housing development accommodating 276 self-contained dwellings (in-fill self-care housing), a residential care facility containing 75 beds, ancillary recreation facilities, helipad and associated civil infrastructure.

Self-contained Dwellings

The development proposes a total 276 self-contained dwellings strategically sited along the contours of the site and accessed from the various main and collector roads proposed throughout the site including:

- 54 x 3 bedroom dwellings each containing a carport for two (2) car spaces, open plan kitchen, dining and living area; combined bathroom and laundry and separate WC;
- 222 x 2 bedroom dwellings. The two bedroom dwellings are divided into two typologies:
 - Type 1 - including a carport for two (2) car spaces, open plan kitchen, dining and living area; combined bathroom and laundry and separate WC
 - Type 2 – including a carport for one (1) car space, open plan kitchen, dining and living area; combined bathroom and laundry and separate WC

The development consists of 2 and 3 bed single storey houses. These houses are oriented both east west and north south. Different configurations ensure all dwellings enjoy solar amenity to living areas and yards. The houses are of a modular type. They contain central open plan living and dining areas with associated bedrooms. Each house has on- site parking in a car port for 1 or 2 cars depending on the type. They have direct street access and generous front and rear yards and verandahs.

Residential Care Facility

The development proposes a residential care facility near the entrance to the site and located between the proposed helipad and recreation facility. The facility proposes:

- 75 rooms/beds over two levels;
- Reception, library, salon and activities areas;
- Lounge / dining areas and associated kitchens on each level;
- Nursing stations and assisted bathrooms;
- Laundry, utilities, storage, garbage, plant and service areas;
- Management and operation by 15 staff.

The following extract is reproduced from the architect's Design Statement:

The aged care centre is located centrally in the development. It contains some 75 bedrooms. The plan is a 'U shaped' layout. This maximises the outlook for residents towards the landscape and the north. The loading and parking facilities are located in the centre of the U to minimize impacts and the gardens are located on the outside. Given the topography, the centre is located on

sloping land and is falling from south to north. As such the upper level is on ground to the south and the lower level to the north. The gardens are located at ground level. As such they are higher than the street to the north requiring a retaining wall.

The centre has been designed according to best practice along a central circulation corridor. Each floor is divided into 4 clusters of rooms around a central lounge/dining area which serves 2 clusters each. Each dining area has a remote food service area supplied by a central ground floor kitchen. Each node also contains a nurses/carers station, clean and dirty storage facilities and disabled toilet.

The entry is located on the ground floor. There are activities rooms, library and hair salon. The building is surrounded by gardens and outdoor areas associated with the lounge/dining areas. All rooms have balconies or terraces. The centre is served by 2 loading areas.

The centre is constructed of masonry with painted rendered walls. The glazing is shaded by balconies for residential areas and louvre screening for the public areas. The skillion roofs are consistent with the design of the housing.

Recreation Facilities

Ancillary recreation facilities are proposed, comprising the following components:

- Reception and café;
- Aerobics and weights room;
- Change facilities;
- Physiotherapist room;
- 25 metre indoor pool; and
- Bowling green

The following extract is reproduced from the architect's Design Statement:

The sports centre provides amenity for all the residents of the site. The central club house contains a reception lounge, changing rooms, café, gym and aerobics room. It also contains bike storage and physio room. It addresses the large pool area. The pool is surrounded by sun terraces with shade pergolas and seating. Below is the bowls green with associated pergolas and gardens. The facility is surrounded by gardens and trees. It has ample visitor parking and loading. The centre has a similar construction and aesthetic to the aged care centre.

Car Parking

It can be seen from Table 1 of the Traffic Impact Statement that the seniors housing component of the development is nominally required to provide a total of 404 spaces, comprising 297 spaces for residents, 56 spaces for visitors and 51 spaces for the aged care facility and ancillary recreation facilities (provision for staff and visitors). In response, the development proposes a total of 602 car parking spaces, comprising 495 spaces for residents, 48 dedicated visitor parking spaces in the form of parallel parking spaces throughout the internal road network, and 59 spaces for staff and visitors associated with the residential aged care facility and recreation facilities. The above car parking provisions are sufficient to comply with the requirements of the Nambucca Development Control Plan 2010 and will therefore ensure all parking demands of the development are met via on-site provision.

Signage

Signage is to be provided at the entrance to the site and throughout the site in various forms for directional and locational advice, and will be subject to a future development application. Indicative signage and wayfinding direction is provided within the architectural drawing set.



FIGURE 5
Master planning and site layout.



FIGURES 6 & 7

Perspective images of the residential aged care facility (above) and the self-contained dwellings (below).

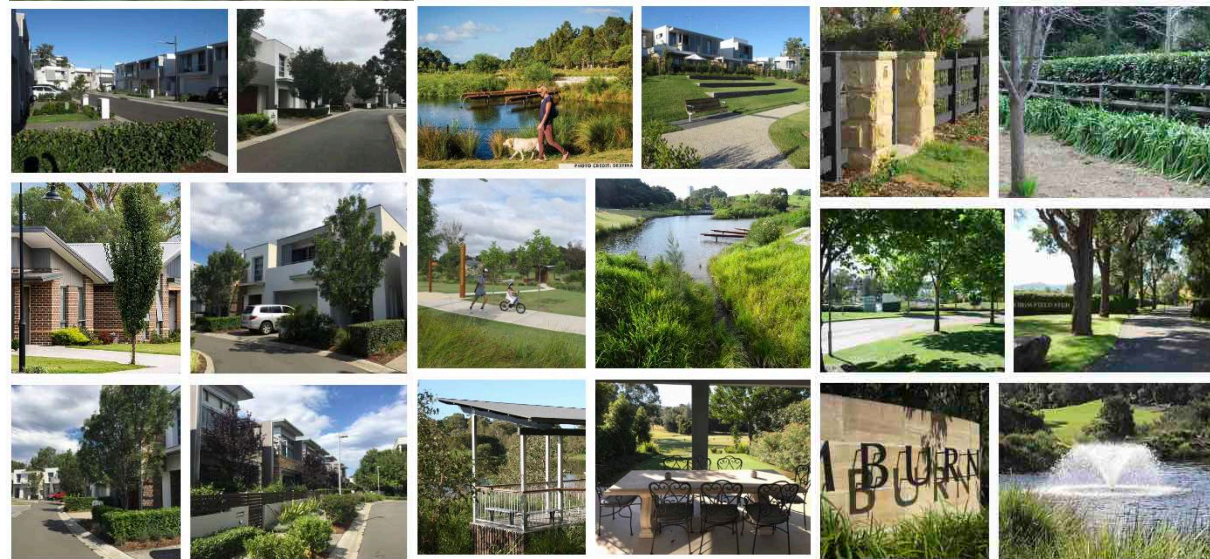


FIGURE 8

Extracts from the Landscape Masterplan.

3 STATUTORY PLANNING FRAMEWORK

3.1 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

In accordance with Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), as the proposal will have a CIV in excess of \$30 million, it is classified as Regionally Significant Development. Accordingly, the Proposal will be determined by the Regional Planning Panel.

3.2 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Clause 7(1)(a) of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. The Department of Planning publication “Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land” provides advice on the process of determination as to whether a site is contaminated. In this regard, Section 2.2 of the Guidelines states:

When carrying out planning functions under the EP & A Act, a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.

When an authority carries out a planning function, the history of the land use needs to be considered as an indicator of potential contamination. Where there is no reason to suspect contamination after acting substantially in accordance with these Guidelines, the proposal may be processed in the usual way.

The Guidelines continue at Section 3.2.1 by stating that:

The potential for contamination is often linked to past uses of land and a good early indicator of possible uses is land zoning. Contamination is more likely to have occurred if the land is currently, or was previously, zoned for industrial, agricultural or defence purposes.

A Detailed Site Investigation has been prepared in support of this application and concludes that the land can be made suitable for the proposed land use subject to the implementation of recommendations provided within the report.

Recognising the likely presence of acid sulphate soils present upon the site, an Acid Sulphate Soli Management Plan has been prepared.

As per the site Master Plan no development involving excavations into the potential PASS or ASS areas in the eastern or northern sections of the site will take place. Development with excavations to depth below 4m AHD will only take place to the west of the existing eastern creek (if required), which has not been identified as having potential for PASS or ASS in the Risk Map.

Excavations into the PASS material is not expected; however, if site conditions are not as expected or changes to the master plan result in infractions into these areas then the following plan should be implemented;

- *PASS materials should be kept separate from non-PASS materials at all times;*
- *Excavation works in PASS should be conducted during dry periods (where practical) to minimise the risk of overflow associated with sudden or heavy rain and to allow better control of treated waters for discharge;*

- In general, the PASS material is to be placed into an appropriately bunded treatment area (pads) and treated with a neutralising agent (eg. lime). The treatment pad design details are presented in Section 4.1; and
- Leachate water from the ASS material would also need to be managed and treated to ensure no acid is released to the environment.

3.3 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH DISABILITY) 2004

State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004 (Seniors SEPP) sets out the land use planning and assessment framework for seniors housing in NSW. However, the Seniors SEPP only applies to land zoned primarily for urban purposes or to land that adjoins land zoned for urban purposes. The subject site is zoned part E2 Environmental Conservation, part E3 Environmental Management and part RU1 Primary Production, with the proposed development confined to land zoned Primary Production. As such the Seniors SEPP is not strictly applicable. However, its relevant provisions are considered here as a reference to assist Council in the assessment of the proposal.

TABLE 1

SEPP (Housing for Seniors or People with a Disability) 2004 Assessment Criteria.

| SEPP SENIORS HOUSING – ASSESSMENT CRITERIA | | | |
|--|--|--|------------|
| CONTROL | REQUIREMENTS | PROPOSED | COMPLIANCE |
| Chapter 1 Preliminary | | | |
| 4 Land to which Policy applies | <p>(1) General <i>This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if—</i></p> <p><i>(a) development for the purpose of any of the following is permitted on the land—</i></p> <p><i>(i) dwelling-houses,</i></p> <p><i>(ii) residential flat buildings,</i></p> <p><i>(iii) hospitals,</i></p> <p><i>(iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or</i></p> <p><i>(b) the land is being used for the purposes of an existing registered club.</i></p> <p>(2) Land that is not zoned primarily for urban purposes <i>For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land that is within any of the following zones under another environmental planning instrument—</i></p> <p><i>(a) a zone that is identified as principally for rural uses,</i></p> <p><i>(b) a zone that is identified as principally for urban investigation,</i></p> <p><i>(c) a zone that is identified as principally for residential uses on large residential allotments (for example, Zones R5 Large Lot Residential and RU6 Transition referred to in the standard instrument for principal local environmental planning instruments prescribed by the Standard Instrument (Local Environmental Plans) Order 2006).</i></p> <p>(2A) <i>For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land to which Warringah Local Environmental Plan 2000 applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under that plan.</i></p> <p>(3) <i>Nothing in subclause (2) or (2A) operates to make any land not referred to in those subclauses land that is zoned primarily for urban purposes.</i></p> <p>(4) Land that adjoins land zoned primarily for urban purposes <i>For the purposes of this Policy, land that adjoins land that is zoned primarily for urban purposes includes (but is not limited to) land that would directly adjoin land that is zoned primarily for urban purposes but for the presence of a public road to which there is direct vehicular and pedestrian access from the adjoining land.</i></p> | The subject site is zoned as part E2 Environmental Conservation, part E3 Environmental Management and part RU1 Primary Production which are not zoned primarily for urban purposes. The SEPP is not therefore strictly applicable. | N/A |

| SEPP SENIORS HOUSING – ASSESSMENT CRITERIA | | | |
|--|---|---|------------|
| CONTROL | REQUIREMENTS | PROPOSED | COMPLIANCE |
| | <p>(5) Application of Policy to land zoned for special uses and existing registered clubs For the purposes of this Policy (and for the avoidance of doubt), a consent authority must not treat—</p> <p>(a) land on which development for the purposes of special uses is permitted, or</p> <p>(b) land that is being used for the purposes of an existing registered club, as being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes.</p> <p>(6) Land to which Policy does not apply This Policy does not apply to—</p> <p>(a) land described in Schedule 1 (Environmentally sensitive land), or</p> <p>(b) land (other than land to which <u>Warringah Local Environmental Plan 2000</u> applies) that is zoned for industrial purposes, or</p> <p>(c) (Repealed)</p> <p>(d) the land to which <u>Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)</u> applies, or</p> <p>(e) the land to which <u>State Environmental Planning Policy (Western Sydney Parklands) 2009</u> applies.</p> <p>(7) Nothing in subclause (6) (a) or Schedule 1 operates to preclude the application of this Policy to land only because—</p> <p>(a) the land is identified under <u>State Environmental Planning Policy (Coastal Management) 2018</u>, or</p> <p>(b) in the case of land that is used for the purposes of an existing registered club—the land is described in another environmental planning instrument as—</p> <p>(i) private open space, or</p> <p>(ii) open space where dwellings or dwelling-houses are permitted.</p> | | |
| Chapter 2 Key Concepts | | | |
| 8 – Seniors | <p>In this Policy, seniors are any of the following—</p> <p>(a) people aged 55 or more years,</p> <p>(b) people who are resident at a facility at which residential care (within the meaning of the <u>Aged Care Act 1997</u> of the Commonwealth) is provided,</p> <p>(c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.</p> | Noted. | |
| 10 – Seniors Housing | <p>In this Policy, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of</p> <p>(a) a residential care facility, or</p> <p>(b) a hostel, or</p> <p>(c) a group of self-contained dwellings, or</p> <p>(d) a combination of these, but does not include a hospital.</p> | The proposal includes self-contained dwellings and a residential care facility. | YES |
| 11 – Residential Care Facilities | <p>In this Policy, a residential care facility is residential accommodation for seniors or people with a disability that includes—</p> <p>(a) meals and cleaning services, and</p> <p>(b) personal care or nursing care, or both, and</p> <p>(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility.</p> | The residential care facility proposes to provide for the facilities noted in this clause as required. | YES |
| 13 – Self-contained dwellings | <p>(1) General term: “self-contained dwelling” In this Policy, a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the</p> | All proposed self-contained dwellings are provided with private facilities for cooking, washing and sleeping. | YES |

| SEPP SENIORS HOUSING – ASSESSMENT CRITERIA | | | |
|--|--|---|------------|
| CONTROL | REQUIREMENTS | PROPOSED | COMPLIANCE |
| | building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis. | | |
| Chapter 3 Development for seniors housing | | | |
| Part 1 General | | | |
| 14 – Objective of Chapter | The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age. | The proposal is consistent with the objectives of this chapter. | YES |
| 16 – Development consent required | Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent. | Noted. | |
| 18 – Restrictions on occupation of seniors housing allowed under this Chapter | (1) Development allowed by this Chapter may be carried out for the accommodation of the following only— (a) seniors or people who have a disability, (b) people who live within the same household with seniors or people who have a disability, (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy. | It is expected that Council will impose a condition on the development consent, ensuring that any future occupation of the seniors housing accommodation is consistent with these requirements. | YES |
| Part 1A Site compatibility certificates | | | |
| 24 Site compatibility certificates required for certain development applications | (1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if— (a) the development is proposed to be carried out on any of the following land to which this Policy applies— (i) land that adjoins land zoned primarily for urban purposes, (ii) land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted), (iii) land that is used for the purposes of an existing registered club, or (b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45. (1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument. (2) A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the relevant panel has certified in a current site compatibility certificate that, in the relevant panel’s opinion— (a) the site of the proposed development is suitable for more intensive development, and (b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b). | N/A | N/A |
| 25 – Application for site compatibility certificate | (1) An application for a site compatibility certificate for the purposes of clause 24 may be lodged with the Department— (a) by the owner of the land on which the development is proposed to be carried out, or (b) by any other person, with the consent of the owner of that land. | . | |

| SEPP SENIORS HOUSING – ASSESSMENT CRITERIA | | | |
|--|--|--|----------------------------------|
| CONTROL | REQUIREMENTS | PROPOSED | COMPLIANCE |
| | <p>(2) An application—</p> <p>(a) must be—</p> <p>(i) in writing, and</p> <p>(ii) in the form (if any) approved by the Planning Secretary from time to time, and</p> <p>(iii) accompanied by such documents and information as the Planning Secretary may require, and</p> <p>(b) specify, in the manner required by the Planning Secretary, whether any site compatibility certificates have previously been issued in respect of the land (or any part of the land) to which the application relates, and</p> <p>(c) for land that is next to proximate site land—must be accompanied by a cumulative impact study that has been prepared in accordance with any guidelines issued by the Planning Secretary from time to time.</p> | | |
| Part 2 Site-related requirements | | | |
| 26 – Location and access to facilities | <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to—</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p> <p>(2) Access complies with this clause if—</p> <p>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable—</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</p> <p>(c) in the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater Capital City Statistical Area)—there is a transport service available to the residents who will occupy the proposed development—</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).</p> | <p>A regular shuttle service is to be provided for staff and residents to the neighbouring Macksville town centre, providing access to these services.</p> <p>N/A</p> <p>The development will provide a regular, accessible transport service to the neighbouring Macksville town centre.</p> | <p>YES</p> <p>N/A</p> <p>YES</p> |
| 27 Bush fire prone land | <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 10.3 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2”, “Bush fire prone land—vegetation category 3” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled <i>Planning for Bush Fire Protection</i>, ISBN 978 0 646 99126 9, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, Industry and Environment, dated November 2019.</p> | <p>The land is identified as bushfire prone land and has been assessed with the requirements of the document titled <i>Planning for Bush Fire Protection</i>, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, Industry and Environment, dated November 2019. A Bushfire Impact Assessment and Evacuation Plan is appended.</p> | <p>YES</p> |

| SEPP SENIORS HOUSING – ASSESSMENT CRITERIA | | | |
|---|--|--|------------|
| CONTROL | REQUIREMENTS | PROPOSED | COMPLIANCE |
| | <p>(2) A consent authority, in determining a development application made pursuant to this Chapter to carry out development on land in the vicinity of land identified on a bush fire prone land map certified under section 10.3 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2”, “Bush fire prone land—vegetation category 3” or “Bush fire prone land—vegetation buffer”, must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters, including the following—</p> <ul style="list-style-type: none"> (a) the size of the existing population within the locality, (b) age groups within that population and the number of persons within those age groups, (c) the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities, (d) the number of schools within the locality and the number of students at those schools, (e) existing development within the locality that has been carried out under this Policy or State Environmental Planning Policy No 5—Housing for Older People or People with a Disability, (f) the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bush fire, (g) the adequacy of access to and from the site of the proposed development for emergency response vehicles, (h) the nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed development and its site, (i) the requirements of New South Wales Fire Brigades. <p>(3) In exercising its functions under subclause (1) or (2), a consent authority must consult with the NSW Rural Fire Service and have regard to its comments.</p> | See attached Bushfire Impact Assessment and Evacuation Plan. | YES |
| 28 Water and sewer | <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p> <p>(2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.</p> | It is expected that the development will be referred to the RFS for comment. | YES |
| 29 – Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply | <p>(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply.</p> <p>(2) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25(5)(b)(i), (iii) and (v).</p> <p>(3) Nothing in this clause limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.</p> | See attached Infrastructure Service Assessment. | YES |
| | | A development application is not made pursuant to this chapter, however, adequate consideration has been given to the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development; the impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be the future uses of that land; and the services and infrastructure that are or will be available to meet the demands arising from the proposed development. | N/A |

| SEPP SENIORS HOUSING – ASSESSMENT CRITERIA | | | |
|--|--|--|------------|
| CONTROL | REQUIREMENTS | PROPOSED | COMPLIANCE |
| Part 3 Design requirements | | | |
| Division 1 - General | | | |
| 30 – Site analysis | <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.</p> <p>(2) A site analysis must—</p> <ul style="list-style-type: none">(a) contain information about the site and its surrounds as described in subclauses (3) and (4), and(b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on land adjoining land zoned primarily for urban purposes, an aerial photograph of the site)—<ul style="list-style-type: none">(i) explaining how the design of the proposed development has regard to the site analysis, and(ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2. <p>(3) The following information about a site is to be identified in a site analysis—</p> <ul style="list-style-type: none">(a) Site dimensions: length, width(b) Topography: spot levels and/or contour, north point, natural drainage, any contaminated soils or filled areas(c) Services: easements, connections for drainage and utility services(d) Existing vegetation: location, height, spread of established trees, species(e) Micro climates: orientation, prevailing winds(f) Location of: buildings and other structures, heritage features and items including archaeology, fences, property boundaries, pedestrian and vehicle access(g) Views to and from the site(h) Overshadowing by neighbouring structures <p>(4) The following information about the surrounds of a site is to be identified in a site analysis—</p> <ul style="list-style-type: none">(a) Neighbouring buildings: location, height, use, balconies on adjacent properties(b) Privacy: adjoining private open spaces, living room windows overlooking site(c) Walls built to the site’s boundary: location, height, materials(d) Difference in levels between the site and adjacent properties at their boundaries(e) Views and solar access enjoyed by neighbouring properties(f) Major trees on adjacent properties(g) Street frontage features: poles, trees, kerb crossovers, bus stops, other services(h) The built form and character of adjacent development (including buildings opposite on both sides of the street(s) fronted)— architectural character, front fencing, garden styles(i) Heritage features of surrounding locality and landscape(j) Direction and distance to local facilities: local shops, schools, public transport, recreation and community facilities(k) Public open space: location, use(l) Adjoining bushland or environmentally sensitive land(m) Sources of nuisance: flight paths, noisy roads or significant noise sources polluting operations(n) Adjoining land uses and activities (such as agricultural activities) | Refer to Site Analysis provided prepared as part of the Architectural Plans. | YES |
| 32 Design of residential development | <p>A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.</p> | Complies. Refer to Assessment against Division 2 below. | YES |

| SEPP SENIORS HOUSING – ASSESSMENT CRITERIA | | | |
|--|---|---|------------|
| CONTROL | REQUIREMENTS | PROPOSED | COMPLIANCE |
| Division 2 -Design Principles | | | |
| 33 – Neighbourhood amenity and streetscape | <p>The proposed development should—</p> <ul style="list-style-type: none"> (a) recognise the desirable elements of the location’s current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and (c) maintain reasonable neighbourhood amenity and appropriate residential character by— <ul style="list-style-type: none"> (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and siting that relates to the site’s land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and (f) retain, wherever reasonable, major existing trees, and (g) be designed so that no building is constructed in a riparian zone. | <p>The proposed development is located on a greenfield site with no established residential character. The proposal is designed as a low density development. Suitable buffers are provided with surrounding agricultural land to ensure long term viability of agricultural land uses and consistency with the provisions of the Coastal Management SEPP.</p> <p>The proposed built character of the development is comparable with any contemporary residential development that offers housing choices with modern active and passive recreation facilities, and is therefore considered consistent with the desired future character of the locality.</p> | YES |
| 34 – Visual and acoustic privacy | <p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by—</p> <ul style="list-style-type: none"> (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths. | The self contained dwellings are designed as free standing single storey dwellings, each with their own private open space and entries that address the street frontages consistent with a low density residential development. | YES |
| 35 – Solar access and design for climate | <p>The proposed development should—</p> <ul style="list-style-type: none"> (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction. | The self contained dwellings are designed and oriented to maximise access to sunlight. | YES |
| 36 – Stormwater | <p>The proposed development should—</p> <ul style="list-style-type: none"> (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and (b) include, where practical, on-site stormwater detention or re-use for second quality water uses. | Refer to Concept Design Report. | YES |
| 37 – Crime prevention | <p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by—</p> <ul style="list-style-type: none"> (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door. | The development has been designed to be consistent with the principles of Crime Prevention Through Environmental Design. | YES |
| 38 – Accessibility | <p>The proposed development should—</p> <ul style="list-style-type: none"> (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and | Satisfied via provision of a private bus service. | YES |

| SEPP SENIORS HOUSING – ASSESSMENT CRITERIA | | | |
|---|---|--|------------|
| CONTROL | REQUIREMENTS | PROPOSED | COMPLIANCE |
| | (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors. | | |
| 39 – Waste management | The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities. | Refer to Waste Management Plan. | YES |
| Part 4 Development standards to be complied with | | | |
| Division 1 - General | | | |
| 40 – Development standards—minimum sizes and building height | <p>(1) General A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.</p> <p>(2) Site size The size of the site must be at least 1,000 square metres.</p> <p>(3) Site frontage The site frontage must be at least 20 metres wide measured at the building line.</p> <p>(4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted— (a) the height of all buildings in the proposed development must be 8 metres or less, and (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</p> <p>(5) Development applications to which clause does not apply Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following— (a) the Department of Housing, (b) any other social housing provider.</p> | The proposal complies with the minimum lot size, frontage and height requirements. | YES |
| Division 2 Residential care facilities—standards concerning accessibility and useability | | | |
| Division 2 Residential care facilities—standards concerning accessibility and useability | Note— Development standards concerning accessibility and useability for residential care facilities are not specified in this Policy. For relevant standards, see the Commonwealth aged care accreditation standards and the Building Code of Australia. | Refer Access Compliance Assessment Report. | YES |
| Division 3 Hostels and self-contained dwellings—standards concerning accessibility and useability | | | |
| 41 – Standards for hostels and self-contained dwellings | <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.</p> <p>(2) Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.</p> | Able to comply. | YES |

| SEPP SENIORS HOUSING – ASSESSMENT CRITERIA | | | |
|--|---|--|------------|
| CONTROL | REQUIREMENTS | PROPOSED | COMPLIANCE |
| Part 5 Development on land adjoining land zoned primarily for urban purposes | | | |
| 42 Serviced self-care housing | <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to—</p> <ul style="list-style-type: none"> (a) home delivered meals, and (b) personal care and home nursing, and (c) assistance with housework. <p>(2) For the purposes of subclause (1), residents of a proposed development do not have reasonable access to the services referred to in subclause (1) if those services will be limited to services provided to residents under Government provided or funded community based care programs (such as the Home and Community Care Program administered by the Commonwealth and the State and the Community Aged Care and Extended Aged Care at Home programs administered by the Commonwealth).</p> | Serviced self-care housing is not proposed as part of this application, but could be made available subject to demand. | N/A |
| 43 Transport services to local centres | <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that a bus capable of carrying at least 10 passengers will be provided to the residents of the proposed development—</p> <ul style="list-style-type: none"> (a) that will drop off and pick up passengers at a local centre that provides residents with access to the following— <ul style="list-style-type: none"> (i) shops, bank service providers and other retail and commercial services that residents may reasonably require, (ii) community services and recreation facilities, (iii) the practice of a general medical practitioner, and (b) that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day. <p>(2) Subclause (1) does not apply to a development application to carry out development for the purposes of the accommodation of people with dementia.</p> <p>(3) In this clause, bank service provider has the same meaning as in clause 26.</p> | The development will provide a regular, accessible transport service to the neighbouring Macksville town centre. | YES |
| 44 Availability of facilities and services | A consent authority must be satisfied that any facility or service provided as a part of a proposed development to be carried out on land that adjoins land zoned primarily for urban purposes will be available to residents when the housing is ready for occupation. In the case of a staged development, the facilities or services may be provided proportionately according to the number of residents in each stage. | Noted. | YES |
| Part 7 Development standards that cannot be used as grounds to refuse consent | | | |
| Division 2 Residential care facilities | | | |
| 48 Standards that cannot be used to refuse development consent for residential care facilities | <p>A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds—</p> <ul style="list-style-type: none"> (a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or (b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less, (c) landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided, (d) parking for residents and visitors: if at least the following is provided— | The proposal is consistent with these prescribed requirements for maximum building height in storeys, density and scale, landscaped area and parking for residents and visitors. | YES |

| SEPP SENIORS HOUSING – ASSESSMENT CRITERIA | | | |
|---|---|---|------------|
| CONTROL | REQUIREMENTS | PROPOSED | COMPLIANCE |
| | (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and (iii) 1 parking space suitable for an ambulance. | | |
| Division 4 Self-contained dwellings | | | |
| 50 – Standards that cannot be used to refuse development consent for self-contained dwellings | <p>A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds—</p> <p>(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),</p> <p>(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</p> <p>(c) landscaped area: if—</p> <p>(i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or</p> <p>(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,</p> <p>(d) Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,</p> <p>(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p> <p>(f) private open space for in-fill self-care housing: if—</p> <p>(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and</p> <p>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,</p> <p>(g) (Repealed)</p> <p>(h) parking: if at least the following is provided—</p> <p>(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or</p> <p>(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.</p> | The proposal complies with the maximum building height, density and scale, landscaped area, deep soil area, solar access, private open space, and parking for residents and visitors. | YES |
| 55 – Residential care facilities for seniors required to have fire sprinkler systems | <p>A consent authority must not grant consent to carry out development for the purpose of a residential care facility for seniors unless the proposed development includes a fire sprinkler system.</p> | Refer to Capability Statement for DA Submission. | YES |

3.4 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX – BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 was gazetted on 1 July 2004 and created the requirement for a state wide building sustainability index, which seeks to encourage sustainable residential development. This policy aims to ensure consistency in the implementation of the BASIX scheme throughout the State.

In accordance with the requirements of this SEPP, each application for residential development must be accompanied by a list of commitments made by the applicant as to the manner in which the development will be carried out, to become conditional upon the development consent. A BASIX Certificate accompanies this application and has been prepared in accordance with the legislation.

3.5 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) aims to facilitate the effective delivery of infrastructure across the state. Clause 45 of SEPP Infrastructure has been considered in preparing this application as the subject site contains a transmission line towards the front of the site, in this regard the clause states:

- (1) *This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—*
- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
 - (b) development carried out—*
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) immediately adjacent to an electricity substation, or*
 - (iii) within 5m of an exposed overhead electricity power line,*
 - (c) installation of a swimming pool any part of which is—*
 - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
 - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*
 - (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*

The proposal is not considered to impact on the transmission lines on the site ensuring compliance with the requirements of Clause 45 of the SEPP.

Clause 104 of SEPP Infrastructure has also been considered due to potential of the development as a traffic generating development, in this regard the clause states:

- (1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves—*
- (a) new premises of the relevant size or capacity, or*
 - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) *In this clause, relevant size or capacity means—*
- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
 - (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

- (2A) *A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies that this Policy provides may be carried out without consent unless the authority or person has—*

- (a) given written notice of the intention to carry out the development to RMS in relation to the development, and
- (b) taken into consideration any response to the notice that is received from RMS within 21 days after the notice is given.

The proposed residential development is for less than 300 dwellings, and does not have access to a classified road.

The attached Traffic Impact Statement concludes:

TRAFFIX has been commissioned to assess the parking and internal design aspects in support of a Development Application (DA) relating to a master planning scheme for seniors living at 24 Coronation Road, Congarinni North. The subject site is located within the Nambucca Valley Council Local Government Area and has been assessed under that Council's controls.

The proposed parking and internal road design aspects of the proposed development at 24 Coronation Road, Congarinni North in our view is considered supportable.

No external improvements to the road network are required to facilitate the development with respect to intersection performance.

3.6 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The aim of this SEPP is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area. The SEPP covers the following 4 areas:

Division 1 - Coastal Wetlands and Littoral Rainforest Area

Division 2 - Coastal Vulnerability Area

Division 3 - Coastal Environment Area

Division 4 – Coastal Use Area

Parts of the subject site falls under Division 1, 3 and 4 and therefore this SEPP applies to the proposed development.

Division 1 - Coastal Wetlands and Littoral Rainforest Area

Under Clause 10(1) development consent is required for development within the area identified under Coastal Wetlands and Littoral Rainforest Map. Under Clause 10(2) such works are declared as 'Designated Development'. The proposed development has been considered against Clause 10(4). Through careful design, low key profile of all structures and adequate buffers from environmentally significant areas; the proposed development is considered to have sufficient measures in place to enhance the biophysical, hydrological and ecological integrity of the affected areas. Further measures, if necessary, can be introduced through conditions of development consent.

Division 2 - Coastal Vulnerability Area

The subject site does not have any area identified as Coastal Vulnerability Area.

Division 3 - Coastal Environment Area

Clause 13(1) of the SEPP provides assessment criteria that must be considered by the consent authority prior to granting a development consent ensuring the following environmental factors will not be impacted:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
- (b) coastal environmental values and natural coastal processes,
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (f) Aboriginal cultural heritage, practices and places,
- (g) the use of the surf zone.

The proposed development is considered against the above provisions and as stated above under Division 1 commentary, it is not considered to significantly impact on any of the above provisions. It is also important to note that the subject site is well separated from the foreshore area and the town of Macksville act as a buffer. Further Clause 13(2) provides additional safety measures that can be enforced through conditions of consent as under:

(2) 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 an adverse impact referred to in subclause (1), 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.

Division 4 - Coastal Use Area

Clause 14(1) provides assessment criteria for accessibility and useability of coastal areas as under:

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and

The proposed development is considered against the above provisions and is not considered to significantly impact on any of the above provisions. Further Clause 14(b) provides additional safety measures that can be enforced through conditions of consent as under:

- (b) is satisfied that
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

Clause 14(c) requires consideration of proposed built character against the foreshore and built character of surrounding areas. The proposed development is predominately single storey and is not considered incompatible with the built character of Macksville which act as a buffer between the subject site and coastal use area.

The subject site is affected by multiple layers of this SEPP and as such Clause 18 is applicable which provides a hierarchy in the order of priority as under:

18. Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency—

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

As noted above, the parcel of land is identified as being within more than one coastal management area. The development is consistent with the controls for each part of the SEPP and therefore does not require a hierarchy of assessment.

The attached Biodiversity Assessment Report references the requirements of the SEPP and concludes that:

This development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetlands to the north of the development. None of these areas will be removed or impacted during development. There will be hydrological controls that will ensure that the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland will not be affected or impacted.

3.7 STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON RURAL AREAS) 2017

The aims of this Policy are to protect the biodiversity values of trees and other vegetation and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Clause 7 of the SEPP states that approval is required for clearing of vegetation within the identified areas. In this regard Clause 9 requires such areas to be identified under a development control plan as under:

9. Vegetation to which Part applies

- (1) This Part applies to vegetation in any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part applies.*
- (2) A development control plan may make the declaration in any manner, including by reference to any of the following—*
 - (a) the species of vegetation,*
 - (b) the size of vegetation,*
 - (c) the location of vegetation (including by reference to any vegetation in an area shown on a map or in any specified zone),*
 - (d) the presence of vegetation in an ecological community or in the habitat of a threatened species.*

Council's DCP does not identify any such areas requiring approval for removal of vegetation within the subject site. The attached Biodiversity Assessment Report notes that:

The proposed development would occupy approximately 13.5 hectares with around little or no areas requiring vegetation removal. Most of the proposed developmental area is exotic pasture grasslands with dispersed trees of Camphor Laurel, Cinnamomum camphora (Lauraceae). A few native Eucalyptus (Myrtaceae) and Ficus (Moraceae) trees are dispersed within and just outside the proposed developmental area. There are also some area of low lying sedgeland with Juncus sp. (Juncaceae) which are also weed infested.

3.8 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2020

The aims of this Policy are to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. Before Council can grant consent to a development application for consent to carry out development on land to which this Part applies, it must be satisfied as to whether or not the land is a potential koala habitat. The attached Biodiversity Assessment Report notes that:

No koalas were detected within the developmental footprint and no koala habitat was noted apart from one old Eucalyptus microcorys tree. This tree was closely inspected during the surveys and there was no evidence of any koala living in or utilising this tree. No koala scats were detected. The tree was isolated amongst grassland. The scientific conclusion is that the developmental area is not core koala habitat.

3.9 STATE ENVIRONMENTAL PLANNING POLICY (RURAL LANDS) 2008

The SEPP (Rural Lands) provides that the Minister for Planning may list lands that are of agricultural significance to the State to provide the opportunity to protect important land that has State or regional significance and is likely to be utilised in exceptional and limited circumstances. Land that may be included in this schedule is agricultural land of State or regional significance, which may be under pressure for uses not compatible with the current agricultural use and where its protection will result in a public benefit.

The attached Assessment of Agricultural Capability by RMCG, dated March 2013 has previously addressed these concerns when Council considered the Planning Proposal to permit this form of development upon the site. This report noted the Mid North Coast Regional Strategy and Mid North Coast Farmland Mapping Project both identified land at the eastern end of 24 Coronation Road as agricultural land of regional significance, based primarily on the attributes of the soil. The Assessment concurred that the soil on the flat ground at the eastern end of Coronation Road is highly suitable for agriculture and production of a range of commodities including horticultural commodities, however, noted in comprised only 10% of the total land holding. The Assessment also noted the site, adjacent and surrounding properties were being used for rural lifestyle or hobby farming purposes and concluded that poorer soils and undulating to steep slopes of the balance of the land meant that cropping is not suitable, but suggested that grazing such as beef or dairy cattle and perennial horticulture was still suited. The report presented to Council's Ordinary Meeting on 27 October 2016 concluded:

The area around the site is already fragmented and it is unlikely therefore that investors in commercial scale agribusinesses would be attracted to the site and surrounding area.

3.10 NAMBUCCA LOCAL ENVIRONMENTAL PLAN 2010

The Nambucca Local Environmental Plan 2010 (LEP) is the primary environmental planning instrument that applies to the site. The aims of the LEP are to:

- (a) to promote development that is ecologically sustainable,
- (b) to encourage growth in a planned and co-ordinated manner which will be economically and ecologically sustainable,
- (c) to protect, manage and enhance areas of high quality landscape, natural and scenic resources and environmental values, including water resources, wildlife habitat and corridors,
- (d) to protect and promote the use of rural resources for agricultural and primary production and related processing service and value adding industries,
- (e) to provide opportunities for rural, residential and hobby farm lifestyles on suitable land that is accessible and provided with adequate infrastructure,
- (f) to protect places and buildings of archaeological or heritage significance, including Aboriginal relics and places.

Land Use Zone

The Site is zoned part E2 Environmental Conservation, part E3 Environmental Management and part RU1 Primary Production.

Clause 2.5 – Additional permitted uses for particular land

Clause 2.5 of the LEP prescribes that development on particular land that is described or referred to in Schedule 1 may be carried out with development consent. The site is identified as having an additional permitted use in Schedule 1 as follows:

3 Use of certain land at Coronation Road, Congarinni North

(1) This clause applies to Lots 155 and 188, DP 755537, 24 Coronation Road, Congarinni North.

(2) Development for the purpose of seniors housing is permitted with development consent.

Seniors housing is defined by the LEP as:

Seniors housing means a building or place that is—

- (a) a residential care facility, or*
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),*
and that is, or is intended to be, used permanently for—
 - (e) seniors or people who have a disability, or*
 - (f) people who live in the same household with seniors or people who have a disability, or*
 - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,*
but does not include a hospital.

The proposed development seeks approval for a ‘residential care facility’ and ‘self-contained dwellings’ (and ancillary infrastructure), consistent with this definition, and is therefore permissible with development consent.

Clause 4.1 – Minimum subdivision lot size

Clause 4.1 of the LEP prescribes a minimum lot size of 40 hectares for the site. Subdivision is not proposed as part of this application.

Clause 4.1A – Minimum subdivision lot size for community title schemes

Subdivision is not proposed as part of this application.

Clause 4.2 – Strata subdivisions in certain residential, rural, environmental protection or waterways zones

Subdivision is not proposed as part of this application.

Clause 4.3 – Building height

N/A.

Clause 4.4 – Floor space ratio

N/A.

Clause 5.10 – Heritage conservation

Clause 5.10 of the LEP relates to heritage conservation. The site does not contain a heritage item, nor does it adjoin an item of heritage significance. The site is not located within a heritage conservation area. The attached Aboriginal Heritage Due Diligence Assessment of the study area has been conducted in accordance with the Due Diligence Code of Practice for the protection of Aboriginal Objects in New South Wales (DECCW 2010a). The desktop assessment of the study area determined that there were no previously registered Aboriginal site/places nor any registered historic items within nor adjacent to the study area.

Clause 5.11 – Bushfire hazard reduction

The Rural Fires Act 1997 makes provisions relating to the carrying out of development on bush fire prone land. The subject site is depicted on Nambucca Valley Council's Bushfire Prone Land Map as containing Category 1 and 2 Vegetation and their associated buffer zones and therefore the subject site is considered 'bushfire prone'.

Seniors living development is a listed Special Fire Protection Purpose (SFPP) under Section 100b of the Rural Fires Act 1997.

The proposal is classified as integrated development under Section 4.46 of the Environmental Planning and Assessment Act 1979 and subsequently requires a Bushfire Safety Authority from the Commissioner of the NSW Rural Fire Service.

The appended Bush Fire Assessment Report addresses the various requirements of the legislation and concludes in this instance that the proposed building footprints achieve the required minimum Asset Protection Zones for development. The APZs consist of maintained grounds entirely within the subject property. The proposal satisfies all relevant specifications and requirements of Planning for Bush Fire Protection 2019.

Clause 5.16 – Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

Clause 5.16 applies to Zone E2 Environmental Conservation and Zone E3 Environmental Management to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses). The development will propose strata and community title subdivision under the provisions of Clause 4.1 & Clause 4.1A.

Clause 7.1 – Acid sulfate soils

Clause 7.1 of the LEP ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The appended Acid Sulphate Soil Management Plan addresses these various concerns, noting that no development involving excavations into the potential PASS or ASS areas in the eastern or northern sections of the site will take place. Development with excavations to depth below 4m AHD will only take place to the west of the existing eastern creek (if required), which has not been identified as having potential for PASS or ASS in the Risk Map. However, any excavation below this depth is required to be managed as per Section 3.1 to 3.4 of the Acid Sulphate Soil Management Plan.

Clause 7.3 – Flood planning

Clause 7.3 of the LEP relates to flood behaviours and flood compatible uses, evacuation, the impact of floods and the impacts of flooding. The site is identified as being affected by flood. A Summary of Flood Impact Assessment and a Flood Emergency Warning Plan have been prepared to support the application.

Clause 7.4 – Public utility infrastructure

Clause 7.4 of the LEP relates to the provision of suitable public utility infrastructure. The objective of this clause is to ensure that sufficient infrastructure is available to service development. The attached Infrastructure Service Assessment notes

It is anticipated that an upgrade of existing sewerage infrastructure external to the site will be required, however no on-site sewage treatment will be required.

the site is located in a rural / primary production area to the west of Macksville and therefore is expected to be outside of the existing water supply service area associated with the township of Macksville. The upgrade of existing water infrastructure external to the site will be required.

Clause 7.6 – Earthworks

Clause 7.6 of the LEP ensures that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposed earthworks are to be undertaken using standard engineering practices. See below extract from the Infrastructure Service Assessment and Concept Design Report:

*The main concept of this development was to follow the rolling terrain as much as possible, in following the terrain creates steep grades therefore in order to flatten this out a 12% maximum grade was used. Following the existing landform allowed the site to reduce the amount of cut and or fill across the site. There are two areas where this is not the case, the northern boundary of the lots where the fill was increased to ensure that the lots were above both the Q100 and PMF for the site. The other area where there are significant cuts and fills is in the Helipad, Aged Care Centre and the Sports Centre. These large cuts and fills are to allow for flat areas in this area, however in creating flat lots in the terrain, significantly increases heights of walls in both cut and fill. Please refer sketches **SK7413 to SK7417** in **Appendix A** which show cut fill plan, earthworks layouts including spot levels, and typical earthworks cross sections. Typical retaining wall sections are also shown on sketch **SK7440** in **Appendix A**.*

4 SECTION 4.15 OF THE EPAA

4.1 ENVIRONMENTAL PLANNING INSTRUMENTS – SECTION 4.15(1)(a)(i)

The proposal is permissible subject to the provisions of the LEP. The impacts of other environmental planning instruments including SEPP 55, SEPP 64, SEPP (BASIX), SEPP Infrastructure, SEPP Coastal Management and SEPP Koala Management have also been considered in the preparation of this development application. The provisions of these relevant environmental planning instruments have been satisfactorily addressed within Section 3 of the Statement of Environmental Effects.

4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS – SECTION 4.15(1)(a)(ii)

Nil.

4.3 DEVELOPMENT CONTROL PLANS – SECTION 4.15(1)(a)(iii)

The Nambucca Development Control Plan 2010 (DCP) applies to all land within the LGA.

The following are the key aims of this plan:

- *To achieve a quality design standard for development which is sympathetic with the environment;*
- *To achieve a high level of environmental and social performance for all development; and*
- *To provide a framework of guidelines and controls against which development proposals can be consistently measured.*

The objectives of this plan are to:

- *Ensure development responds to the character and qualities of the surrounding environment;*
- *Ensure appropriate community consultation is provided to development;*
- *Ensure development responds to the features and qualities of the subject site;*
- *Maximize the environmental performance of the development;*
- *Minimize the negative impacts on the amenity of the adjoining properties;*
- *Ensure developments respond to the future desirable character of the locality;*
- *Encourage quality, innovative and sustainable design;*
- *Ensure adaptability of developments by maximising access and mobility; and*
- *To encourage development that will contribute towards increased levels of physical activity and healthy living patterns.*

It is noted there are no specific building or envelope controls applicable to seniors housing development contained within the DCP.

Part A - Introduction, Context and Site Analysis

A3.0 NOTIFICATION AND PUBLIC PARTICIPATION, A3.6 CONSIDERATION OF SUBMISSIONS & A3.7 ADVICE OF DETERMINATION

It is expected that the development will be notified in accordance with the requirements of the DCP and the Regulations. It is expected that any submissions received be resolved before a favourable determination is issued by the consent authority.

A4.0 CONTRIBUTIONS

Contributions will be levied as appropriate.

TABLE 2

Nambucca Development Control Plan (extracted components)

| CONTROL | REQUIREMENTS | PROPOSED | COMPLIES |
|----------------------------|--|---|----------|
| A5.0 ENVIRONMENTAL CONTEXT | | | |
| A5.1 ACID SULFATE SOILS | <p>Clause 7.1 of NLEP 2010 provides the statutory provisions for development on land containing potential acid sulfate soils.</p> <p>In areas comprising acid sulfate soils or potential acid sulfate soils, and where significant disturbance to soils will likely result from a proposed development, Council will require a preliminary soils assessment and/or a soils management plan to be submitted with the Development Application (DA).</p> | See attached Acid Sulphate Soil Management Plan. | YES |
| A5.2 BUSHFIRE PRONE LAND | <p>In areas classified as ‘Bushfire Prone Land’ identified on Council’s Bushfire Prone Land Map, a DA for subdivision or special purpose development constitutes Integrated Development under Section 91 of the EP&A Act. Applicants will need to provide a bushfire hazard assessment in accordance with Planning for Bushfire Protection 2006 or any other document prepared by the NSW Rural Fire Service that supersedes Planning for Bushfire Protection 2006. A Bushfire Risk Management Plan may also be required to be submitted with the DA for subdivision.</p> | See attached Bush Fire Assessment Report. | YES |
| A5.3 FLOOD PRONE LAND | <p>Clause 7.3 of NLEP 2010 outlines the restrictions that apply to any development of flood prone land.</p> <p>The development of flood prone land must be in accordance with Council’s Floodplain Risk Management Plan. Plans are required to show the 1% Annual Exceedance Probability (AEP) flood level affecting any proposed development. The proposed building envelopes, vehicle access and stock refuge areas are to avoid flood prone areas. Subdivision layout should provide a strategy for surface water drainage that will minimise the incidence of nuisance flooding.</p> | See attached Summary of Flood Impact Assessment and Flood Emergency Warning Plan. | YES |
| A5.4 SITE CONTAMINATION | <p>In accordance with Clause 7 of State Environmental Planning Policy No 55 – Remediation of Land (SEPP No 55), Council will not consent to the carrying out of any development on land unless:</p> <ul style="list-style-type: none">a it has considered whether the land is contaminated, andb if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, andc if the land requires remediation to be made suitable for any purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. <p>If the initial evaluation indicates that there may be contamination, or there is insufficient information available, the proponent will be required to carry out a preliminary investigation, which may involve soil sampling. If the preliminary investigation indicates that contamination is</p> | See attached Detailed Site Investigation. | YES |

| CONTROL | REQUIREMENTS | PROPOSED | COMPLIES |
|-----------------------------------|--|---|----------|
| | present or likely to be present, and the probable future land use(s) would increase the risk of exposure, Council will require a detailed investigation and a plan of management for remediation works. | | |
| A5.5 GEOTECHNICAL CONSTRAINTS | Steep slopes are generally not suited to intensive development. Where land with medium to steep slopes is to be developed, appropriate measures are required to avoid soil erosion and sedimentation. In this regard, the development layouts should be designed to minimise the need for cut and fill. | See attached Geotechnical Investigation. | YES |
| | In areas likely to be susceptible to subsidence, landslip or any other potentially hazardous ground conditions, Council will require a geotechnical assessment to be submitted with the DA. | | |
| A5.6 ABORIGINAL CULTURAL HERITAGE | Clause 5.10 of NLEP 2010 outlines the restrictions that apply to development that may impact on Aboriginal heritage conservation. | See attached Aboriginal Due Diligence Assessment. | YES |
| | Any proposal on land that has, or has the potential to contain Aboriginal cultural heritage values or heritage items will be referred to the Department of Environment Climate Change and Water (DECCW) and the relevant Local Aboriginal Land Council (LALC) for comment. | | |
| | An archaeological survey, prepared by a suitably qualified person, may be required if it is considered that that there may be an impact on potential Aboriginal Cultural Heritage values. | | |
| | Applicants are encouraged to consult with the LALC and/or submit a copy of the archaeological survey for their consideration. Details of any such consultation should be provided with the DA. | | |
| A5.7 EUROPEAN HERITAGE | Clause 5.10 of the NLEP 2010 identifies European Heritage listed land/items and any requirements of development on that land. In some instances a heritage assessment by a qualified person may be required to be submitted with the DA. | N/A | N/A |
| | Part I of this DCP identifies controls that apply to development in the Bowraville Conservation area. | | |
| A5.8 FLORA AND FAUNA | Pursuant to Section 5A of the EP&A Act, Council will need to be satisfied that the proposed development will not have a significant effect on threatened species, populations or ecological communities, or their habitats. A flora and fauna assessment, prepared by a qualified person, may be required to be submitted with a Development Application. A Species Impact Statement (SIS) will be required if there is likely to be a significant effect on threatened species. | See attached Biodiversity Assessment Report. | YES |
| | In general, existing trees and riparian vegetation are to be retained and preserved wherever practicable. Land clearing should not be undertaken prior to development approval. Details of proposed land clearing to accommodate future building construction should be provided with the Development Application. In this regard any proposed clearing of vegetation should have regard to the following principles: <ul style="list-style-type: none"> · prevent land degradation and minimise soil erosion and siltation of waterways; · retain mature trees, native vegetation and hollow bearing trees; · retain a variety of native species on the site; · minimise impact on threatened species and their habitat; · maintain the scenic and visual quality of the locality; · retain trees on prominent ridgelines and knolls; · retain trees and other vegetation in gullies and steeper slopes to prevent erosion; · retain a variety of forest tree species that are representative of the area; · conserve and maintain stands of remnant mature forests and significant individual trees such as large fig trees and flooded gums, and stands of remnant forest species; and · maximise use of native and locally occurring native species within new developments. Applicants are advised to refer to any other relevant State or Commonwealth legislation | | |

| CONTROL | REQUIREMENTS | | | PROPOSED | COMPLIES |
|---------------------------|--|--|--|--|----------|
| | that may impact on land clearing, such as the Native Vegetation Act 2003, Threatened Species Conservation Act 1995 and the Environmental Protection and Biodiversity Conservation Act 1999. | | | | |
| A5.9 WATERCOURSES | Natural watercourses, drainage channels and riparian zones are to be retained and preserved in their natural state wherever possible, to ensure that their ecological function is not compromised. Recommended buffer zones are stipulated in Part F of this DCP. | | | See attached Biodiversity Assessment Report. | YES |
| | Where access is proposed across or through a watercourse or drainage channel, approval for Integrated Development may also be required from the DECCW (Office of Energy and Water) and/or the Department of Industry and Investment (Fisheries Division). | | | | |
| A5.10 NOISE | Council will require a noise assessment report by a qualified acoustical engineer where development adjoins the state railway line, the Pacific Highway or the designated route of the Pacific Highway by-pass. Appropriate design standards and setbacks to these corridors will be required to satisfy any requirements of the Roads and Maritime Services and State Rail. Council may require a noise impact assessment for new residential or large lot residential development located in the vicinity of existing or planned Employment Lands (Industrial Areas). Applicants may be required to include covenants or restrictions on allotments based on the results of any such noise assessment. Other Parts of this DCP may also require an acoustic assessment to be undertaken. | | | See attached Acoustic DA Assessment. | YES |
| A5.11 ADJOINING LAND USES | The compatibility of a proposed subdivision with adjoining land uses must be considered at the design stage. Where appropriate, land use buffers may be required to reduce the likelihood of land use conflict occurring. Recommended buffer distances between residential development and a variety of rural land uses are provided in Part F. | | | See attached Assessment of Agricultural Capability & Land Use Conflict Risk Analysis. | YES |
| A5.12 CLIMATE CHANGE | N/A | | | N/A | N/A |
| A5.13 COASTAL PROCESSES | The Nambucca Shire Coastal Hazard Study (SMEC 2009) is Stage 1 of Council's Coastal Zone Management Plan which has been prepared in accordance with NSW Government Coastal Policy 1997. The SMEC Study provides a number of recommendations for development located in areas likely to be affected by Coastal Processes. These recommendations have been incorporated into Part K of this DCP. Any proposed development located within 250m of the Nambucca Shire Council coastline should refer to Part K to determine if the provisions of that Part apply to a proposed development. | | | Refer to assessment Against 3.4 State Environmental Planning Policy (Coastal Management) 2018 and coastal wetland constraints diagram within the attached Architectural Plans. | YES |
| A6.0 SITE ANALYSIS | A site analysis, particularly for larger subdivisions and residential flat buildings, is required to ensure that the development is of high quality, minimises environmental impacts to its environment and positively contributes to the context and existing character of the locality. A thorough site analysis will ensure that the subdivision layout or building design addresses existing and possible future opportunities and constraints on both the principal site and its surrounds | | | See attached comprehensive Site Analysis within the Architectural Plans. | YES |

Part C - Car Parking and Traffic

| CONTROL | | REQUIREMENTS | | PROPOSED | COMPLIES |
|-------------------------------|---|--------------------------|---|-----------|----------|
| C2.0 PARKING PROVISION | | | | | |
| 2.1 PRIMARY PARKING STANDARDS | Land Use | Resident/employee spaces | Visitor/customer spaces | Complies. | YES |
| | Seniors Housing Self contained units | | Applicants should refer to relevant SEPP. | | |

| CONTROL | REQUIREMENTS | PROPOSED | COMPLIES |
|--|--|---|-----------------------|
| | <div><55m2 GFA</div> <div>0.50 per dwelling</div> <div>}</div> | | |
| | <div>55 – 85m2 GFA</div> <div>0.85 per dwelling</div> <div>} 1 per 5 units</div> | | |
| | <div>>85m2 GFA</div> <div>1.00 per dwelling +</div> <div>1 for caretaker</div> <div>}</div> | | |
| | <div>Hostel, Nursing,</div> <div>1 per 2 employees +</div> <div>1 per 10 beds</div> | | |
| | <div>Convalescent Home</div> <div>1 ambulance bay</div> | | |
| C2.4 REQUIREMENTS FOR PEOPLE WITH DISABILITIES | <p>Residential development: 1 space per dwelling designed for disabled access.</p> <p>Passenger Transport facility, Community facilities, and the like, Recreational facilities, Health Services facilities (other than hospitals): 3 % of total car spaces.</p> <p>NB: These figures are adopted from AS 2890.1 – 1993 (Table C1). Additional disabled spaces may be required where Council considers the development will generate a higher volume of disabled traffic.</p> | Complies. | YES |
| C2.5 BICYCLE PARKING REQUIREMENTS | <p>Residential: Equal to 20% of visitor car spaces</p> <p>Community and Recreation facilities and areas: Equal to 20% of all car spaces</p> | Able to comply. | YES |
| C2.6 LAND USE SPECIFIC REQUIREMENTS | <p>Seniors Housing: In accordance with SEPP (Housing for Seniors or People with a Disability) 2004</p> <p>Recreation Facilities: Additional spaces may be required for spectators if regular spectator attractions are to be promoted.</p> <p>Other recreational facilities not listed in Table 2.1 are to be determined on merit. These could include Billiard Saloon (including pool tables), Table Tennis Centre, Swimming Pool, Health Studio and any similar or like purpose. Applications for such uses should be accompanied by an independent Traffic/Parking study, which will be reviewed by Council's Department of Engineering Services.</p> | Extensive facilities are proposed. | YES |
| C2.7 DESIGN REQUIREMENTS | <p>All design should be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off-street Car Parking", Australian Standard AS 2890.2 -1993 "Off-street Parking – Commercial Vehicle Facilities" and the Roads and Maritime Services of New South Wales "Guide to Traffic Generating Developments" – December 1993. The following, however, provides a guide to Council's minimum acceptable standards and these may vary from the recommendations of the above documents.</p> <p>C2.7.1 Design Principles</p> <ul style="list-style-type: none"> · All parking required under this Plan shall be provided off street. Council will consider the provision off-site, on nearby land in the same ownership. · Parking areas shall be suitably signposted. · Parking areas shall be designed in such a way so as to ensure that vehicles enter and leave the area in a forward direction. · Parking areas (including driveways & manoeuvring areas) shall be linemarked and have an all weather surface. Ordinarily, the minimum standard for car park surfacing is to be asphaltic concrete. Any reduction in this standard, eg. spray seal or all weather gravel, will be at Council's discretion based upon the merit of each application. · Development that will generate heavy vehicles shall provide adequate space on site for the manoeuvring of such vehicles. · All parking areas shall be designed so as to minimise the potential for vehicular/pedestrian conflict. <p>Consideration is to be given to including specific pedestrian facilities during the design stage of the car park, eg marked lanes, unobstructed access points, kerb ramps and constructed footways.</p> | <p>See Traffic Impact Assessment.</p> <p>Parking for the self-contained dwellings is to be provided off street. Parking for the residential care facility and recreation facility are provided adjacent to the facilities. All vehicles are able to enter and exit car parking spaces in a normal vehicle turn.</p> <p>All parking areas will be line marked and constructed with an all weather surface and designed as to not create potential for vehicle or pedestrian conflicts.</p> | <p>YES</p> <p>YES</p> |

| CONTROL | REQUIREMENTS | PROPOSED | COMPLIES | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | <p>C2.7.2 Urban Design</p> <p>Every effort should be made in the layout and detailing of proposed developments to preserve and improve upon the visual quality of the area, especially in regard to sites located in areas which are distinctive in terms of townscape quality. This applies to the location of parking relative to buildings, to the architecture and treatment of car parking structures, and to screening and landscaping of structures and ground level parking areas.</p> <p>All retail and commercial development should be designed so that car parking does not dominate the streetscape. Off-street car parking areas are to be located behind the front building line and preferably behind buildings when viewed from the primary street frontage. Nonetheless, Council will consider exceptions for automotive uses (ie drive-in takeaway food outlets, drive-in bottle shops, service stations, motor vehicle repair stations and the like).</p> <p>C2.7.3 Parking Area Dimensions</p> <p>a Parking Spaces</p> <p>Parking bays are to comply with the dimensions contained in Table 9. For the purposes of this table, obstructions are columns, walls and the like, located outside but immediately adjacent to the parking space. Such obstructions will prevent either:</p> <ul style="list-style-type: none">· free opening of vehicle side doors; or· free access or egress from parallel parking spaces. <table><tr><th colspan="4">PARKING SPACE DIMENSIONS</th></tr><tr><th>Type</th><th>Width</th><th>Length</th><th>Note</th></tr><tr><td rowspan="3">Angled parking</td><td>2.6 m</td><td>5.4 m</td><td>When unobstructed</td></tr><tr><td>2.9 m</td><td>5.4 m</td><td>When obstructed on one side</td></tr><tr><td>3.2 m</td><td>5.4 m</td><td>When obstructed on both sides</td></tr><tr><td rowspan="4">Parallel parking</td><td>2.3 m</td><td>5.4 m</td><td>Unobstructed end bays (ie adjacent to aisle intersections)</td></tr><tr><td>2.3 m</td><td>6.4 m</td><td>End bay obstructed at one end</td></tr><tr><td>2.3 m</td><td>6.7 m</td><td>Bay obstructed at both ends</td></tr><tr><td>2.3 m</td><td>6.1 m</td><td>Other bays</td></tr><tr><td>Disabled parking: Angled parking</td><td>2.4 m</td><td>5.4 m</td><td>Shared zones must be incorporated.</td></tr><tr><td>Parallel parking</td><td>2.4 m</td><td>5.4 m</td><td>All dimensions must comply with AS2890.6</td></tr><tr><td>Turning bay</td><td>3.0 m</td><td>4.6 m</td><td>With no obstructions permitted</td></tr></table> <p>· Council will not allow columns that impair manoeuvrability into or out of spaces. Dimensions shown above are clear widths ie clear of columns and other structures;</p> <ul style="list-style-type: none">· No columns are to be located in aisles;· All parking spaces are to remain accessible and available for car parking at all times. <p>b Aisle Width</p> <p>Circulation aisles within car parks are to comply with the widths indicated in the following Table.</p> <table><tr><th colspan="6">PARKING SPACE DIMENSIONS</th></tr><tr><th>Parking Bays</th><th>Parallel</th><th>30o</th><th>45o</th><th>60o</th><th>90o</th></tr><tr><td>One-way traffic</td><td>3.3m</td><td>3.1m</td><td>3.9m</td><td>4.9m</td><td>6.2m</td></tr><tr><td>Two-way traffic</td><td>6.3m</td><td>6.3m</td><td>-</td><td>-</td><td>6.5m</td></tr></table> <p>c Minimum Height</p> <p>All parking spaces, aisles and other manoeuvring areas are to have a minimum clear height of 2.2 metres.</p> | PARKING SPACE DIMENSIONS | | | | Type | Width | Length | Note | Angled parking | 2.6 m | 5.4 m | When unobstructed | 2.9 m | 5.4 m | When obstructed on one side | 3.2 m | 5.4 m | When obstructed on both sides | Parallel parking | 2.3 m | 5.4 m | Unobstructed end bays (ie adjacent to aisle intersections) | 2.3 m | 6.4 m | End bay obstructed at one end | 2.3 m | 6.7 m | Bay obstructed at both ends | 2.3 m | 6.1 m | Other bays | Disabled parking: Angled parking | 2.4 m | 5.4 m | Shared zones must be incorporated. | Parallel parking | 2.4 m | 5.4 m | All dimensions must comply with AS2890.6 | Turning bay | 3.0 m | 4.6 m | With no obstructions permitted | PARKING SPACE DIMENSIONS | | | | | | Parking Bays | Parallel | 30o | 45o | 60o | 90o | One-way traffic | 3.3m | 3.1m | 3.9m | 4.9m | 6.2m | Two-way traffic | 6.3m | 6.3m | - | - | 6.5m | <p>Car parking for the self-contained dwellings is provided off street in attached carports. Parking for the residential care facility and recreation facility are provided adjacent to the facilities surrounded by suitable landscaping.</p> <p>See Traffic Impact Assessment.</p> | <p>YES</p> <p>YES</p> |
| PARKING SPACE DIMENSIONS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Type | Width | Length | Note | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Angled parking | 2.6 m | 5.4 m | When unobstructed | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 2.9 m | 5.4 m | When obstructed on one side | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3.2 m | 5.4 m | When obstructed on both sides | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Parallel parking | 2.3 m | 5.4 m | Unobstructed end bays (ie adjacent to aisle intersections) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 2.3 m | 6.4 m | End bay obstructed at one end | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 2.3 m | 6.7 m | Bay obstructed at both ends | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 2.3 m | 6.1 m | Other bays | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Disabled parking: Angled parking | 2.4 m | 5.4 m | Shared zones must be incorporated. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Parallel parking | 2.4 m | 5.4 m | All dimensions must comply with AS2890.6 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Turning bay | 3.0 m | 4.6 m | With no obstructions permitted | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PARKING SPACE DIMENSIONS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Parking Bays | Parallel | 30o | 45o | 60o | 90o | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| One-way traffic | 3.3m | 3.1m | 3.9m | 4.9m | 6.2m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Two-way traffic | 6.3m | 6.3m | - | - | 6.5m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| CONTROL | REQUIREMENTS | PROPOSED | COMPLIES |
|---------|--|---------------------------------------|------------|
| | <p>No encroachments below this height by pipes, ducts, conduits, beams or structural elements of the building will be permitted. Where no more than the 2.2m minimum height is provided, satisfactory signing and height boards are to be installed and high vehicles must be able to enter and leave without reversing.</p> <p>Disabled parking spaces and access to and from them are to have a minimum clear height of 2.5m, to allow the rooftop carriage of wheelchairs.</p> <p>Commercial loading bays are to have a minimum clear height of 2.5 metres.</p> | | |
| | <p>C2.7.4 Landscaping</p> <p>In uncovered parking areas, a minimum landscaped area of 2.5m² per car space is required. This requirement is in addition to any perimeter landscaping of the site that may be required. Plant species are to be selected so that, at maturity, 50% of the area of parking spaces is shaded at midday on 22 December (ie the summer solstice).</p> <p>Plant species should be selected and located so as to provide screening and shade without blocking signs or reducing driver visibility at key points. Berry or seeding trees should be avoided. Tree species should be selected in accordance with Council's Street Trees Guidelines or the Nambucca Valley Vegetation and Planting Guide.</p> <p>Car parking plans are to include a plant species schedule, which will need to be approved by Council prior to any construction works beginning. Plantings should be protected from vehicular movement by the use of kerbs and wheel stops.</p> <p>Noise mitigation measures such as fencing or mounding should be incorporated in landscaped areas and illuminated areas or driveways should be screened to minimise loss of amenity to adjacent residential areas.</p> <p>Car parks can contribute to stormwater pollution and flooding. The increase in impermeable area from concreted and asphalted surfaces increases the stormwater generation and pollution and subsequently the volumes of water requiring drainage and water treatment works. Given this, the amount of impermeable area is to be reduced wherever possible, such as light vehicle and pedestrian access areas, through the use of modular, porous pavers and landscaped areas. Landscaping is to be used as part of treatment of stormwater. Grassed strips and infiltration areas should be used to treat and reduce stormwater flows.</p> <p>Areas set aside for landscaping shall not be used for car parking, loading and unloading. Where landscaping is provided along the street alignment, a physical edge, no higher than 0.75m, shall be erected.</p> | <p>Able to comply.</p> | <p>YES</p> |
| | <p>C2.7.5 Driveways and Access Corridors</p> <p>Provisions for movement and access of vehicles to and within the development site shall generally conform to the requirements of the sections of the Roads and Maritime Services of New South Wales "Guide to Traffic Generating Developments " – December 1993, relating to the following:</p> <ul style="list-style-type: none">· Access from Arterial/Sub - Arterial Roads· General Design Criteria· Internal Ramps and Roadways· Other Design Aspects· Service Vehicle Areas· Access Requirements <p>In assessing manoeuvring areas in development proposals, Council uses the vehicle path design templates provided within Australian Standards SAA HB72-1995 "Design Vehicles and Turning Path Templates".</p> <p>Vehicular crossing (driveway) widths shall comply with the dimensions stipulated in the Roads and Maritime Services of New South Wales' guidelines, with the exception that the absolute minimum width shall be 3.7m for residential development. The number of crossings permitted shall be one in residential, commercial and medium density housing</p> | <p>See Traffic Impact Assessment.</p> | <p>YES</p> |

| CONTROL | REQUIREMENTS | PROPOSED | COMPLIES | | | | | | | | | | | | | | | | | | |
|-------------------------------|---|-------------------------------------|----------|--|-------------------------------|--------------------------------------|-------------------------------------|----|-----|----|----|-----|----|----|-----|----|-----|-----|-----|---|----------------------------------|
| | <p>zones with frontages up to 18m, and two where these frontages exceed 18m.</p> <p>Sight distance requirements for driveways are shown in the following Table.</p> <table><tr><th colspan="3">SIGHT DISTANCES</th></tr><tr><th>Traffic Approach Speed (km/h)</th><th>Desirable Minimum Sight Distance (m)</th><th>Absolute Minimum Sight Distance (m)</th></tr><tr><td>60</td><td>105</td><td>55</td></tr><tr><td>70</td><td>130</td><td>70</td></tr><tr><td>80</td><td>165</td><td>95</td></tr><tr><td>>80</td><td>200</td><td>115</td></tr></table> <p>All car spaces shall have unrestricted access to a road by way of a corridor provided within the allotment boundaries. Where considered necessary for adequate access, this corridor shall have a minimum width of 6 m.</p> <p>Access corridors for medium density housing parking areas shall be sufficient in width and curvature to provide access to garbage storage areas for garbage collection vehicles. Council will provide details on request.</p> <p>C2.7.6 Car Parking for People with Disabilities</p> <p>The rate of provision of car parking for people with disabilities is shown in Table C2. Other considerations for access for people with disabilities include:</p> <ul style="list-style-type: none">· Pavement shall be a firm, non-slip surface with a fall not exceeding 1:40 generally or 1:33 if bitumen and outdoors. Kerb ramps adjacent to each disabled car park in accordance with Australian Standards requirements need to be provided where appropriate.· Spaces are to be located close to an accessible entrance to the building.· A continuous, unobstructed path to the building is to be provided.· Signage is to be clearly visible, using the international symbol of access for people with disabilities. <p>C2.7.9 Pavement Design and Drainage</p> <p>Pavement sub-surface and surface drainage shall be properly designed in accordance with the requirements of Council. All parking and manoeuvring spaces shall be designed to avoid concentrations of water runoff on the surface. Council will not permit the discharge of water directly into kerb and guttering or table drains for any development other than that of a minor nature eg dwelling house, dual occupancy.</p> <p>Where vehicle-washing facilities are provided for developments (residential, commercial or industrial), grates and sumps shall be provided to achieve satisfactory disposal of surface water. Treatment of pollutants as a result of the washing procedure will also need to be considered and discussed with the appropriate Council officer. Consideration should be given to locating vehicle-washing facilities on lawns or grass – concrete matrixes, to allow soil absorption of waste water and pollutants.</p> <p>All parking and manoeuvring areas shall be constructed with a coarse base of sufficient depth to suit the amount and type of traffic generated by the development, as determined by Council but not less than 250 mm. It shall be sealed with asphaltic concrete or other Council approved wearing surface. Preliminary details of construction materials for access and car parking areas shall be submitted with the Development Application. A practising qualified Civil Engineer or Surveyor shall prepare detailed plans for the Construction Certificate. The designer will be required to certify the design and subsequently the adequacy of the pavement construction in writing.</p> <p>C2.7.10 Vehicular Crossing Levels</p> <p>Vehicular crossing levels shall be obtained from Council’s Department of Engineering Services. The levels are to be shown in the building plans submitted for approval. Driveways crossing the footpath and for the first 6m of parking area shall have a maximum grade of 5% (1 in 20). For residential development a maximum grade of 20% (1 in 5) shall apply within the property.</p> | SIGHT DISTANCES | | | Traffic Approach Speed (km/h) | Desirable Minimum Sight Distance (m) | Absolute Minimum Sight Distance (m) | 60 | 105 | 55 | 70 | 130 | 70 | 80 | 165 | 95 | >80 | 200 | 115 | <p>See Traffic Impact Assessment.</p> <p>Able to comply.</p> <p>Able to comply.</p> | <p>YES</p> <p>YES</p> <p>YES</p> |
| SIGHT DISTANCES | | | | | | | | | | | | | | | | | | | | | |
| Traffic Approach Speed (km/h) | Desirable Minimum Sight Distance (m) | Absolute Minimum Sight Distance (m) | | | | | | | | | | | | | | | | | | | |
| 60 | 105 | 55 | | | | | | | | | | | | | | | | | | | |
| 70 | 130 | 70 | | | | | | | | | | | | | | | | | | | |
| 80 | 165 | 95 | | | | | | | | | | | | | | | | | | | |
| >80 | 200 | 115 | | | | | | | | | | | | | | | | | | | |

| CONTROL | REQUIREMENTS | PROPOSED | COMPLIES |
|---------|--|---|----------|
| | To ensure vehicle undersides do not scrape at changes of driveway grade, transition curves with a minimum length of 2m are required. | | |
| | C2.7.12 Motorcycle Parking | | |
| | Motorcycle parking should be considered for major developments, especially commercial. Motorcycle parking spaces shall be 1.2m wide x 2.5m long. A standard car parking space with side access can therefore accommodate up to 5 motorcycles. | N/A (able to comply if deemed necessary). | N/A |
| | Council will accept the limited substitution of motorcycle parking spaces for car parking spaces. Such substitution shall reflect the proportion that motorcycles represent of private passenger vehicles registered in NSW. Any provision of motorcycle parking in excess of this level shall be additional to the car parking requirements set out in Table 5. | | |
| | C2.7.13 Bicycle Parking | | |
| | Bicycle parking areas shall be designed generally in accordance with the principles set down in AS 2890.3-1993. This standard provides aisle widths, signage, lighting, weather protection and support designs for different locations (stand alone or wall brackets). The number of bicycle spaces provided shall be in accordance with Table C3. | N/A (able to comply if deemed necessary). | N/A |

Part H - Residential Development

This Part applies to new residential accommodation in all areas of the Nambucca Valley LGA zoned R1, R2, R3, R4, B1, B2, B3, B4 and RU5. It is however considered appropriate for the proposed development to consider its consistency with these controls.

| CONTROL | REQUIREMENTS | PROPOSED | COMPLIES |
|---|---|---|----------|
| H2.0 PLACE BASED DESIGN CONSIDERATIONS | | | |
| H2.2 MACKSVILLE | H2.2.2 Character | | |
| | The desired future character of any development for Macksville should: <ul style="list-style-type: none">· be more ‘urban’ in character to support the town’s role as an administrative centre for the Shire and region;· encourage more high quality environmentally sensitive residential and tourist development along the riverfront connecting to the town centre, that is designed to protect the existing riverbank vegetation;· make provision for mixed use residential/commercial/tourist development in and around the commercial areas to support the development of a more vibrant, prosperous and enduring town centre; and· encourage housing styles with pitched roofs that reflect the existing character of housing in Macksville. | The proposed development is consistent with these objectives. | YES |
| | H2.2.3 Objectives | | |
| | The general objectives for development in Macksville are to: <ul style="list-style-type: none">· promote residential development, including mixed use housing that is of a high design standard and reflects the ‘rural townscape’ character of Macksville; and· encourage greater recognition of the river and district views from the town in new residential development. | Noted. | YES |

| CONTROL | REQUIREMENTS | PROPOSED | COMPLIES | | | | | | | | | | | | |
|--|---|--|---|---|---|--|----|---|------|----|----------------------------|----|----|--|--|
| | H2.2.4 Building styles <i>‘Rural town’</i> style residential development should be encouraged, and where possible, the use of the natural timbers from the areas around the town should be used, similar to many of the older dwellings in the town. Mixed use residential/commercial/tourist development is encouraged, as are innovative residential flat buildings. | The configuration of the development and proposed built form of the self-contained dwellings and residential aged care facility are consistent with these objectives. | YES | | | | | | | | | | | | |
| H4.0 DEVELOPMENT CONTROLS AND GUIDELINES BASED ON DWELLING TYPES | | | | | | | | | | | | | | | |
| H4.1 PRIMARY DEVELOPMENT CONTROLS | H4.1.1 Density and site configuration General 1 All residential development shall comply with the maximum floor space ratios provided on the Nambucca LEP 2010 Floor Space Ratio Map; except as specified for integrated housing developments. Integrated Housing 7 Individual allotments created via a community title subdivision require a minimum lot size of 232m2. 8 Individual dwellings on allotments created as part of Integrated Housing applications shall not exceed a FSR of 0.5:1. | The LEP does not specify an FSR for the site however the individual dwellings on the allotments created as part of the development do not exceed a FSR of 0.5:1. N/A. N/A. | YES N/A N/A | | | | | | | | | | | | |
| | H4.1.2 Height General 1 All residential development shall comply with the Height of Buildings Map identified the NLEP 2010. | N/A. | N/A | | | | | | | | | | | | |
| | H4.1.3 Setbacks General 1 All building line setbacks shall comply with the provisions provided in the following table unless otherwise specified within specific dwelling type controls: | N/A (front setbacks are to internal private roads only). | N/A | | | | | | | | | | | | |
| | <table><tr><th>DEVELOPMENT CONTEXT</th><th>SETBACK (MIN) TO PRIMARY STREET FRONTAGE</th><th>SETBACK (MIN) TO SECONDARY STREET (CORNER ALLOTMENTS)</th></tr><tr><td>WHERE EXISTING NEIGHBOURING DWELLINGS ARE LOCATED WITHIN 40M.</td><td>An Average of the Front Setbacks of the Nearest Two Neighbouring Dwellings Or 4.5m</td><td>2m</td></tr><tr><td>WHERE THERE ARE NO NEIGHBOURING DWELLINGS LOCATED WITHIN 40M.</td><td>4.5m</td><td>2m</td></tr><tr><td>FRONTING A CLASSIFIED ROAD</td><td>9m</td><td>2m</td></tr></table> | DEVELOPMENT CONTEXT | SETBACK (MIN) TO PRIMARY STREET FRONTAGE | SETBACK (MIN) TO SECONDARY STREET (CORNER ALLOTMENTS) | WHERE EXISTING NEIGHBOURING DWELLINGS ARE LOCATED WITHIN 40M. | An Average of the Front Setbacks of the Nearest Two Neighbouring Dwellings Or 4.5m | 2m | WHERE THERE ARE NO NEIGHBOURING DWELLINGS LOCATED WITHIN 40M. | 4.5m | 2m | FRONTING A CLASSIFIED ROAD | 9m | 2m | | |
| | DEVELOPMENT CONTEXT | SETBACK (MIN) TO PRIMARY STREET FRONTAGE | SETBACK (MIN) TO SECONDARY STREET (CORNER ALLOTMENTS) | | | | | | | | | | | | |
| | WHERE EXISTING NEIGHBOURING DWELLINGS ARE LOCATED WITHIN 40M. | An Average of the Front Setbacks of the Nearest Two Neighbouring Dwellings Or 4.5m | 2m | | | | | | | | | | | | |
| | WHERE THERE ARE NO NEIGHBOURING DWELLINGS LOCATED WITHIN 40M. | 4.5m | 2m | | | | | | | | | | | | |
| | FRONTING A CLASSIFIED ROAD | 9m | 2m | | | | | | | | | | | | |
| | Dwelling-houses and Dual Occupancies 3 A dwelling or building with a building height up to 3.8m must have setback from a side boundary of at least 900mm. 4 A dwelling or building with a building height more than 3.8m must have setback from a side boundary of at least the sum of 900mm and an amount that is equal to one-quarter of the additional building height above 3.8m. Side Setback = 900mm + (Building Height* – 3.8/4) 5 Minimum side setbacks apply to buildings whether or not they are attached to a dwelling. | Complies. Each of the individual dwellings will have a setback of a minimum 900mm. N/A. the individual dwellings do not have a height of more than 3.8m at the side boundaries. Noted. | YES N/A | | | | | | | | | | | | |
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| CONTROL | REQUIREMENTS | PROPOSED | COMPLIES |
|--|--|--|----------|
| H4.1.5 Building Separation | | | |
| Dwelling-houses, Dual Occupancy, Attached Dwellings & Multi-Dwelling Housing | | | |
| 1 | a A wall containing a window to a habitable room located within 5m of a window on an adjoining dwelling shall be offset by a minimum of 0.5m; or b Must have a sill height not less than 1.7m above the floor level; or c Must have obscure glazing 1.7m above the floor level. | Ground floor windows have a 1800mm fence to ensure privacy between neighbouring dwellings. | YES |
| 2 | The outlook from within a development shall be obscured or screened when a direct view is available into the private open space of an existing dwelling. | N/A. | N/A |
| 3 | Developments of three (3) or more storeys and not defined as a Residential Flat shall comply with the following separation distances: a 12m between habitable rooms and balconies. b 9m between habitable rooms and non-habitable rooms. c 6m between non-habitable rooms. | N/A. | N/A |
| H4.1.6 Streetscape and Façade Articulation | | | |
| General | | | |
| 1 | A mix of articulation, architectural elements and exterior finishes is encouraged to reduce the visual scale and bulk of the building. | A mix of articulation, architectural elements and exterior finishes and colours has been developed to reduce the visual scale and bulk of the buildings, which are not able to be viewed from the public domain. | YES |
| 2 | Heritage conservation areas and items shall be developed in an appropriate manner which retains existing character of the building and/or streetscape. Such developments may be subject to controls contained within other Council policies. Applicants should consult with Council prior to lodging applications on such sites. | N/A. | N/A |
| Dwelling-houses, Dual Occupancies, Attached Dwellings, Multi-Dwelling Housing and Residential Flats | | | |
| 3 | Front fences have a maximum height of 1.2m if solid materials are used. Applicants are advised to check the requirements of SEPP (Exempt and Complying Development Codes) 2008 to ascertain whether proposed fences are exempt development or will require development consent. | Complies. | YES |
| 4 | Front fences may be 1.8m high if at least a minimum of 50% of the materials are transparent. | N/A. | N/A |
| 5 | The front and side façades shall not exceed 7.5m in length without a change in articulation. | Complies. The front and side facades are articulated through the use of indentations or changes in materials. | YES |
| 6 | To assist façade articulation, building elements may be placed forward of the building line by a maximum of 1.5m (articulation zone), except where the secondary street of corner allotments has a reduced building line of 2m or the primary street frontage setback is less than 3m. | N/A. No feature elements are proposed within the articulation zone. | N/A |
| 7 | Up to 25% of the articulation zone, when viewed from above, may include building elements. For the purpose of Clauses 6 and 7, building elements include entry feature or portico, awnings or other feature windows; eaves and sun shading, window treatment box, bay windows, balconies, verandas, pergolas and the like. | N/A. | N/A |
| 8 | Garages or small carports shall be setback a minimum of 5.5m from the street. | N/A. Setbacks are to private roads only and not public streets. | N/A |
| 9 | Garages or carports shall not comprise greater than 50% of the dwelling width. | N/A. Frontage is to private roads only and not public streets. However, it is noted the intruding elements are open car port structures that do not dominate the streetscape. | N/A |

| CONTROL | REQUIREMENTS | PROPOSED | COMPLIES |
|---------------------|--|---|----------|
| | H4.1.7 Open Space and Landscape | | |
| | General 1 Private open space per dwelling at ground level shall: <ul style="list-style-type: none"> · have a minimum area of 24m²; · a minimum width of 4m; · not be unreasonably steep; · have direct access from a living area of the dwelling; · be screened where necessary to provide privacy from adjoining residences. | Complies. | YES |
| | 2 Private open space per dwelling above ground level shall: <ul style="list-style-type: none"> · have direct access from the main living area; · be a minimum area of 10m²; and · have a minimum dimension of 2m. | N/A | N/A |
| | 3 All applications for Attached Dwellings, Multi-Dwelling Housing, Mixed Use Developments and Residential Flats shall be accompanied by detailed Landscape Plan, which shall at a minimum: <ul style="list-style-type: none"> · identify existing trees to be retained and/or removed; · identify a planting schedule; · identify a maintenance schedule; · site trees to shade from sun on the western sides of buildings and open space areas; · ensure trees do not cast a shadow over solar collectors; · locate evergreen trees away from buildings to permit maximum winter sun access. · provide legible and accessible pedestrian routes; · relate landscape design to the desired proportions and character of the adjacent streetscape; and · visually soften the bulk of large developments as viewed from the street. | Complies. See attached Landscape Masterplan Report. | YES |
| | H4.1.8 Deep Soil Zone | | |
| | General 1 All developments except mixed use developments shall have two (2) deep soil zones, one (1) to the front and one (1) to the rear of the property. | Complies. | YES |
| | 2 Deep soil zones are to comprise soft landscaping, (vegetation and trees) and shall not be covered by impervious surfaces. | Complies. | YES |
| | Dwelling-houses, Dual Occupancy, Attached Dwellings & Multi-Dwelling Housing 3 The deep soil zone shall comprise a minimum 30% of the site area, however a greater deep soil zone is encouraged. | Complies. | YES |
| | H4.1.9 Topography (Cut and Fill) | | |
| | General 1 Excavations and excavated material shall not occur or be placed over easements, sewer mains or stormwater drainage pipes. | Cut and fill is proposed as part of the integrated development with the building platforms to be created during the civil work stage. See attached Concept Design Report. | YES |
| | 2 The maximum depth of cut and fill shall be 1.2m. | | |
| | 3 Cut greater than 1.2m may be permitted within the confines of the building, driveway or underground parking areas, providing the areas are appropriately designed in accordance with engineering details. | | |
| | 4 Filled areas shall not impact on the privacy of adjoining properties. | | |
| | 5 Alternative designs to concrete slab on ground are encouraged on steep sites (>7 degrees) where a slope requires excavation or filling. | | |
| H4.2 AMENITY | H4.2.1 View Sharing | | |
| | General 1 The site analysis shall demonstrate how proposed residential development will impact | See attached Architectural Plans. | YES |

| CONTROL | REQUIREMENTS | PROPOSED | COMPLIES |
|---------|---|--|---|
| | <p>on views to and from the waterfront, public domain areas and from neighbouring properties.</p> <p>Where a negative impact is identified the applicant shall provide a visual impact assessment, which addresses view loss.</p> <p>Such an assessment shall take into consideration the planning principle for view sharing assessment and attempt to quantify the extent of view loss from adjoining properties.</p> <p>The applicant shall identify who prepared the assessment.</p> | | |
| | <p>H4.2.2 Visual privacy</p> <p>1 New developments shall be located and oriented to maximize visual privacy between residential buildings on site and adjacent buildings by:</p> <ul style="list-style-type: none"> · providing adequate building separation in accordance with Section 4.1.5 Building Separation; · employing appropriate rear and side boundary setbacks; and · utilising the site layout to increase building separation by orienting buildings on narrow sites to the front and rear of the lot, thereby utilising the street width and rear garden depth to increase the separation distance. <p>2 Building layouts shall be designed such that direct overlooking of rooms and private open spaces is minimised by:</p> <ul style="list-style-type: none"> · locating and orienting balconies to screen other balconies and not look directly into adjoining or adjacent ground level principal private open space; · separating communal open space, common areas and access routes from the windows of rooms, particularly habitable rooms; and · providing level differences between ground floor dwelling units and associated private open space, and the public domain or communal open space. <p>3 Building and site design shall increase privacy without compromising access to light and air through:</p> <ul style="list-style-type: none"> · offsetting windows of dwellings in new development and adjacent development windows; · recessing balconies and/or vertical fins between adjacent balconies; · using solid or semi-solid balustrades to balconies; · using louvres or screen panels to windows and/or balconies; and · providing appropriate fencing. | <p>Visual privacy measures proposed (ground level dwellings, appropriate side setbacks and off set windows) have been employed for the development consistent with a low density residential type development.</p> | <p>YES</p> |
| | <p>H4.2.3 Daylight Access</p> <p>General</p> <p>1 Shadow diagrams showing the impact of a proposal on adjacent residential developments and their private open space are required to be submitted with applications for Residential Flats, Attached Dwellings, Multi-dwelling Housing and all other dwellings greater than 8.5m in height.</p> <p>2 Living rooms and principal ground level private open spaces shall have at least 2 hours sunlight between 9.00 am and 3.00 pm in mid-winter.</p> <p>3 No more than 50% of the adjacent public domain (excluding streets) and communal space areas shall be overshadowed between 10.00 am and 2.00 pm between 21st April and 21st August.</p> <p>4 Limit residential plan depth to 18m glass line to glass line to support daylight access.</p> <p>5 For 3 or more storey developments, provide at least 75% of dwellings with at least 2 hours of sunlight of living rooms and private open spaces between 9:00am and 3:00pm in mid-winter.</p> | <p>N/A. The dwellings are not of this type and not more than 4.5m in height.</p> <p>A minimum 70% of dwellings have a northern facing living room and/or POS that will receive at least 2 hours sunlight between 9.00 am and 3.00 pm in mid-winter.</p> <p>Complies.</p> <p>Complies.</p> <p>N/A</p> | <p>N/A</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>N/A</p> |

| CONTROL | REQUIREMENTS | PROPOSED | COMPLIES |
|---------------------------|--|--|----------|
| | 6 Single aspect dwelling facing south-west to south-east shall be limited to a maximum of 10% of the total number of dwellings proposed. | Complies. | YES |
| | H4.2.4 Natural Ventilation | | |
| | 1 Plan the site to promote and guide natural breezes by: <ul style="list-style-type: none"> - orientating buildings to maximise the use of prevailing winds; - locating vegetation to direct breezes and cool air as it flows across the site; and - selecting planting and trees that do not inhibit airflow. | Complies. | YES |
| | 2 Design the internal dwelling layout to promote natural ventilation by: <ul style="list-style-type: none"> - minimising interruptions in air flow throughout the dwelling (the more corners or rooms airflow must negotiate, the less effective the natural ventilation); - grouping rooms with similar usage together, for example, keeping living spaces together and sleeping spaces together (this allows the dwelling to be compartmentalised for efficient summer cooling or winter heating); and - selecting doors and windows to maximise natural ventilation opportunities established by the dwelling layout. | Natural ventilation measures proposed (ground level dwellings, appropriate side setbacks, suitable internal dwelling arrangement and off set windows) have been employed for the development consistent with a low density residential type development. | YES |
| | H4.2.5 Acoustic Privacy <ul style="list-style-type: none"> · As a general principle it is preferable to have noise attenuation measures applied to the source rather than the sensitive receptors. · Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings. · Arrange dwellings within a development to minimize noise transition between living areas by: <ul style="list-style-type: none"> - locating busy, noisy areas next to each other and quieter areas next to other quiet areas, for example, living rooms with living rooms, bedrooms with bedrooms; - using storage or circulation zones within a dwelling to buffer noise from adjacent dwellings, mechanical services or corridors and lobby areas; and - minimising the amount of party (shared) walls with other dwellings. · Reduce noise transmission from common corridors or outside the building by providing seals at entry doors. | The proposed development is consistent with these requirements. | YES |
| | H4.2.7 Floor to Ceiling Height | | |
| | General | | |
| | 1 Minimum floor to ceiling height of 2.4m. | Complies. | YES |
| | H4.2.8 Storage | | |
| | 1 A minimum storage space of 8m ³ of space per dwelling shall be provided. This space may form part of a carport or garage. | Able to comply. | YES |
| H4.3 SITE ACCESS | H4.3.1 Vehicular Access and Parking | | |
| | Dwelling-house | | |
| | 2 Minimum 2 spaces per dwelling. | Complies (with requirements for seniors housing). | YES |
| | 3 Council may consider waiving a requirement of one space where site constraints such as steep topography or a narrow frontage prevent the provision of two spaces. | | |
| H4.4 BUILDING PERFORMANCE | H4.4.1 Energy Efficiency | | |
| | General | | |
| | 1 All residential accommodation is to comply with the BASIX (Building and Sustainability Index) requirements; and | See attached BASIX Certificate. | YES |
| | 2 Light coloured non-reflective roofing materials are preferred. | See attached Schedule of Colours and Materials. | YES |

| CONTROL | REQUIREMENTS | PROPOSED | COMPLIES |
|---------|---|---|----------|
| | H4.4.2 Water Conservation | | |
| | 1 Development applications for new buildings and alterations and additions to existing buildings must comply with the SEPP (Building Sustainability Index: BASIX) 2004. | See attached BASIX Certificate. | YES |
| | 2 Stormwater runoff is to be retained and reused on site wherever possible. | See attached Concept Design Report. | YES |
| | 3 Stormwater quality is to be protected by providing sediment filters, traps or basins for hard surfaces. | See attached Concept Design Report. | YES |
| | 4 Erosion and sediment controls are to be implemented and maintained during construction. | Able to comply. | YES |
| | H4.4.4 Site Facilities | | |
| | 1 Adequate open air clothes drying facilities which are accessible to all residents, are to be provided and screened from public view. | Complies. Each dwelling will be provided with an open air clothes drying facility, screened from public view. | YES |
| | 2 Only one telecommunications/TV antenna for each building is provided. | Able to comply. | YES |
| | 3 Mail boxes are to be located close to the major pedestrian entry to the site. | Complies. | YES |

Part N - Waste Minimisation and Management

This Part aims to facilitate sustainable waste management within the LGA. The attached Operational Waste Management Plan outlines measures to minimise and manage waste generated during the operational phase of the development:

- Volume and type of waste/ recyclables to be generated;
- Storage treatment of waste and recyclables on the site;
- Disposal of residual waste and recyclables;
- Operational procedures for ongoing waste management once the development is complete.

4.4 IMPACTS OF THE DEVELOPMENT – SECTION 4.15(1)(b)

The impacts of the proposal are considered acceptable in the circumstances of the case. Environmental, economic and social impacts, along with quantitative controls have been addressed throughout this report. Specific impacts of the development are addressed in the subsections below.

4.4.1 Acid Sulfate Soils

An Acid Sulphate Soil Management Plan has been prepared by Hamptons Property Services to be utilised as part of the planning and development activities. Previous work conducted by others (Planning Proposal) indicated the presence of potential and actual acid sulphate soils (PASS and AASS, respectively) at the site. If impacted as part of construction and development works, these PASS and AASS soils will require appropriate treatment/management in accordance with regulatory requirements. This ASSMP provides the control measures for management of PASS and AASS during the proposed earthworks that give rise to potential disturbance of acid sulphate soils, including deep foundation excavation (up to 12 m below ground surface), trenching for installation of services, and cut and fill activity. The assessment recommends:

As per the site master plan, excavations into the PASS material is not expected; however, if site conditions are not as expected or changes to the master plan result in infractions into these areas then the following plan should be implemented;

- *PASS materials should be kept separate from non-PASS materials at all times;*
- *Excavation works in PASS should be conducted during dry periods (where practical) to minimise the risk of overflow associated with sudden or heavy rain and to allow better control of treated waters for discharge;*
- *In general, the PASS material is to be placed into an appropriately bunded treatment area (pads) and treated with a neutralising agent (eg. lime). The treatment pad design details are presented in Section 4.1; and*
- *Leachate water from the ASS material would also need to be managed and treated to ensure no acid is released to the environment.*

It is expected these recommendations will be incorporated into the conditions of development consent.

4.4.2 Bushfire Prone Land

A Bush Fire Assessment Report has been prepared by Building Code & Bushfire Hazard Solutions Pty Limited. Seniors living development is a listed Special Fire Protection Purpose (SFPP) under section 100b of the Rural Fires Act 1997. This report has been prepared to address the relevant specifications and requirements of Planning for Bush Fire Protection - 2019 (PBP) for Special Fire Protection Purpose (SFPP) development and as the proposal involves a listed SFPP development on bushfire prone land it is classified as integrated development under section 4.46 of the Environmental Planning and Assessment Act 1979. The Development Application subsequently requires a Bushfire Safety Authority from the Commissioner of the NSW Rural Fire Service.

The assessment concludes:

The proposal satisfies all relevant specifications and requirements of PBP. In accordance with the bushfire safety measures contained in this report, and consideration of the site specific bushfire risk assessment it is our opinion that when combined, they will provide a reasonable and satisfactory level of bushfire protection to the subject development.

It is expected these recommendations will be incorporated into the conditions of development consent.

4.4.3 Flood Prone Land

A Summary of Flood Impact Assessment and Flood Emergency Warning Plan has been prepared by Meinhardt to assess the impacts the new development will have on flooding on surrounding properties, particularly Kings Point. Earthworks will be required to facilitate the development which may result in removal of existing flood storage. The Flood Impact Assessment was carried out to ascertain the effects of this development and incorporated the proposed land form changes for the development into the existing Nambucca Council Flood model. The model was then run for the 100 year ARI river dominated event to determine changes to flood behaviour.

The assessment concludes:

5.1 The proposed seniors living and aged care facility at 24 Coronation Drive, Congarinni North NSW has been considered in respect of flooding issues and the potential impact on adjacent land uses.

5.2 Extensive modelling has been undertaken to determine the potential effects of the development, and any results should show that the development proposals should not have any adverse effects on surrounding land uses over and above the current situation. Therefore the proposals are to keep the proposed access road at the levels previously agreed with Council, and to provide sufficient pathways beneath the road to allow flood waters to pass (340m³/s in a 100yr ARI).

5.3 It is proposed to introduce a series of culverts beneath the road with sufficient cross-sectional area to allow flows of 340m³/s to pass unhindered. This situation will not adversely affect the current situation with respect to overland flood levels for the area both upstream and downstream of the subject site.

5.4 The proposed culverts would consist of a series of box culverts, nominally with opening sizes of 2.10m height x 3.60m length for a total length of 86.04m, with the IL of the box culverts set at 0.25m. The culverts should be set with a minimum fall of 1% in the direction of flow. This would ensure an available road construction depth from top of culvert to finished road level of at least 1.5m which is considered acceptable.

It is expected these recommendations will be incorporated into the conditions of development consent.

4.4.4 Contamination

Based on the findings from the attached Detailed Site Investigation, it was concluded that the site has previously been occupied by agricultural land with a residential dwelling from at least 1930 until present, with a new dwelling erected in approximately 1967. The conceptual site model identified the following potential sources of on-site contamination:

- Fill soils of unknown origin including potential waste buried in excavation pit;
- Potential on-site use of pesticides across the agricultural portions of the site;
- Potential storage of chemicals associated with dipping / dredging livestock and vehicle oils;
- Migration of contaminants onsite from adjacent roads or infrastructure, such as high voltage powerlines; and
- Exposure of Acid Sulfate Soils.

Analytical results for the representative soil samples collected from across the site were generally below the adopted acceptance criteria relevant for the proposed residential land use.

Based on the findings and with due regard for the Statement of Limitations (Section 13), it was determined that minor localised contamination was present at the site, but that the land can be made suitable for the proposed land use subject to the implementation of the recommendations provided in Section 12 of the Assessment.

4.4.5 Geotechnical Impacts

Based on the results of the attached Geotechnical Investigation which identify variable subsurface conditions, the reactivity of the underlying natural clays and the foundation design for building loads are considered the main geotechnical issues for the proposed development. Various recommendations are therefore provided in relation to site preparation, site classification, excavation methodology, earthworks, foundations and pavement design. It is further recommended that geotechnical engineering advice be sought once the initial structural design has been completed to confirm that these recommendations have been correctly interpreted. It is finally recommended that advice be sought prior to the commencement of construction to discuss the primary geotechnical issues and implementation of an appropriate inspection regime.

4.4.6 Aboriginal Heritage

An Aboriginal Due Diligence Assessment has been prepared by Eco Logical Australia in accordance with the Due Diligence Code of Practice for the protection of Aboriginal Objects in New South Wales (DECCW 2010a). The assessment recommends:

Recommendations 1 – General Measures

Aboriginal objects are protected under the NPW Act regardless if they are registered on AHIMS or not. If suspected Aboriginal objects, such as stone artefacts are located during future works, works must cease in the affected area and an archaeologist called in to assess the finds. If the finds are found to be Aboriginal objects, Heritage NSW must be notified under section 89A of the NPW Act. Appropriate management and avoidance or approval under a section 90 AHIP should then be sought if Aboriginal objects are to be moved or harmed. In the extremely unlikely event that human remains are found, works should immediately cease, and the NSW Police should be contacted. If the remains are suspected to be Aboriginal, Heritage NSW may also be contacted at this time to assist in determining appropriate management.

Recommendation 2 – Impact avoidance

Based on the presence of areas containing moderate to high archaeological potential, if impacts can't be avoided to these areas, an Aboriginal Cultural Heritage Assessment (ACHA) should be prepared which would include an impact assessment of the proposed development. The ACHA would entail Aboriginal community consultation following the 'Aboriginal cultural heritage consultation requirements for proponents 2010' (DECCW 2010) to identify Aboriginal cultural heritage values through consultation with Aboriginal stakeholders. Further archaeological assessment including detailed field survey with Aboriginal stakeholders and archaeological test excavation should be undertaken to inform archaeological values across the developable area. The ACHA can be prepared in advance of any DA and inform areas of opportunity and constraint for development.

Those areas identified as being of moderate potential identified upon the site have been avoided, negating the need for an Aboriginal Cultural Heritage Assessment.

4.4.7 Flora and Fauna

A Biodiversity Assessment Report (BDAR) has been prepared for the site, and considers the potential impacts of development. The primary objective of this report is to utilise the Biodiversity Assessment Methodology (BAM) to describe and assess the ecological values within the subject site, and to determine how the project is likely to have an impact on threatened biodiversity listed under the NSW Biodiversity Conservation Act 2016 and Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

The development will not cause any plant, ecological community or animal species to be impacted such that their survival and existence is threatened. No habitat of any endangered species or ecological community will be removed or impacted in any way by the development.

The development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetlands to the north of the development footprint. None of these areas will be removed or impacted during development. There will be hydrological controls that will ensure that the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland will not be affected or impacted.

4.4.8 Acoustic Impacts

An Acoustic DA Assessment has been prepared to investigate the potential for noise impacts from internal noise sources and traffic noise generation in accordance with the requirements of Nambucca Valley Council DCP and Australian Standards. The assessment has confirmed that providing the recommendations in the report are implemented, the noise from the proposed development is predicted to comply with acoustic requirements of the Nambucca Valley Council DCP, BCA Part F5 and Australian Standard.

4.4.9 Access and Traffic Impacts

A Traffic Impact Assessment has been prepared to assess the parking and internal design aspects of the proposal, including an analysis of car parking demand and supply. Based on the assessment undertaken, the following conclusions are made:

- *The development application seeks approval for a senior living development at 24 Coronation Road, Congarinni North. The development comprises 276 ILUs, an aged care centre and sports facility, with associated parking and internal road network.*
- *The development proposes a total of 602 car parking spaces, including 495 spaces for ILUs, 48 visitor spaces throughout the internal road network and 59 spaces for the aged care and sports facilities. These parking provisions are sufficient to comply with the DCP and will ensure all parking demands are contained within the development.*
- *The proposed development has been assessed to generate 125 vehicle trips during the evening peak period. For the purposes of a conservative assessment, 140 vehicle trips during the morning and evening peak periods were adopted and analysed with SIDRA Intersection 9 at the key intersection of Coronation Road, Wilson Road and Joffre Street.*
- *The results indicate no change to the Los A throughout all scenarios, with minor increases to delay. As such, no external improvements to the road network are required to facilitate the development, with respect to intersection performance.*

- Nevertheless, in accordance with the AGTM06, BAL and BAR treatments are required for Joffre Street and Wilson Road, respectively, based on safety grounds and having regard for the semi-rural character in the vicinity of the subject intersection.
- The internal configuration of the development has generally been designed in accordance with AS2890.1 (2004), AS2890.2 (2018) and AS2890.6 (2009). It is however envisaged that a condition of consent would be imposed requiring compliance with these standards and as such any minor amendments considered necessary (if any) can be dealt with prior to the release of a Construction Certificate.

Although the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are not strictly applicable, it is considered appropriate that residents of the proposed development are provided access to shops, banks, recreational facilities, general medical practitioners and other retail/commercial services. In response, the development proposes a shuttle bus service that will operate to Macksville town centre and originate from the residential aged care facility. Accordingly, the aged care facility has been provided a pick-up and drop-off area that is able to accommodate a 6.9 metre long Toyota Coaster (or similar).

This Traffic Impact Assessment demonstrates the proposed development is supportable on transport planning grounds.

4.4.10 Demolition, Construction Management & Waste Management

Prior to the commencement of demolition and/or excavation work on site, the following details will be submitted to and be approved by the Principal Certifying Authority:

- (i) Plans and elevations showing distances of the subject building from the site boundaries, the location of adjoining and common/party walls, and the proposed method of facade retention.
- (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
- (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
- (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.

These statements will, where applicable, be in compliance with AS2601-1991 *Demolition of Structures*, the *Construction Safety Act 1912* and *Demolitions Regulations*; the *Occupational Health and Safety Act 2000 and Regulation*; *Council's Policy for Waste Minimisation in New Developments 2005*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations, and will include provisions for:

- (i) A Waste Management Plan for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
- (ii) The name and address of the company/contractor undertaking demolition/excavation works.
- (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
- (iv) The name and address of the transport contractor.
- (v) The type and quantity of material to be removed from site.
- (vi) Location and method of waste disposal and recycling.
- (vii) Proposed truck routes, in accordance with this development consent.
- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
- (ix) Measures to control noise emissions from the site.
- (x) Measures to suppress odours.

- (xi) Enclosing and making the site safe.
- (xii) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (xiii) Induction training for on-site personnel.
- (xiv) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
- (xv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
- (xvi) Disconnection of utilities.
- (xvii) Fire Fighting. (Firefighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
- (xviii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- (xix) Waterproofing of any exposed surfaces of adjoining buildings.
- (xx) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
- (xxi) Working hours, in accordance with this development consent.
- (xxii) Any Work Cover Authority requirements.

Demolition and construction works include temporary fencing, hoarding and warning notices required to conduct the works and protect the general public. All demolition, construction and building work will be adequately managed so as to minimise disruption to the local community and the environment. Noise generated by construction activities will comply with Council's standard construction times. A plan of demolition can be found in Architectural Plans appended at **Attachment 5**.

An Operational Waste Management Plan had been prepared by Elephants Foot to assess the operational waste management of the seniors housing development.

4.4.11 Land Use Conflict

A Land Use Conflict Risk Assessment has been prepared by RMCG focussing on the potential impact on the existing adjacent agricultural use (cattle grazing) to the south on two adjacent properties. The assessment of Rural Land Use Conflict follows the approach detailed in the Land Use Conflict Risk Assessment Guide¹ prepared by the NSW Department of Primary Industry. Land Use Conflict Risk Assessment (LUCRA) is a system to identify and assess the potential for land use conflict to occur between neighbouring land uses. Based on the findings of the assessment, RMCG concludes:

There is a risk of land use conflict occurring between the proposed Senior Living development at 24 Coronation Rd and the two adjacent properties to the south, where cattle grazing occurs. However, the existing agricultural land use appears to be of relatively low intensity so it would be technically feasible to put in place measures that could reduce the potential for conflict and therefore reduce the setback distance needed.

The risk assessment process identified 13 potential high-risk land use conflicts arising from the development. After adopting the recommended mitigation measures there were only three remaining high risks. These risks could be minimised by attention to maintenance of the recommended screening infrastructure and keeping communication channels open between the facilities management and adjacent landholders.

With the installation of screening (including a 1.8m fence and dense single row tree windbreak/shelter belt) the potential for conflict would be reduced. If these measures were put in place, it is concluded that a 40-50m setback between grazing land along the southern boundary and the proposed dwellings and amenities associated with the senior living development would be appropriate.

It is expected that these recommendations will be incorporated into the conditions of consent.

4.4.12 Agricultural Capability

An Assessment of Agricultural Capability has been prepared by RMCG to undertake an assessment of the agricultural capability of land. The Department of Primary Industry (DPI) in its review of the original proposal to accommodate the permissibility of seniors housing noted the “planning proposal is located on parcels of regionally significant farmland, as mapped in the Mid North Coast Farmland Mapping Project (2008).” This report recommended that regionally significant farmland should not be considered for development unless it has been previously identified within a rural residential strategy, regional strategy or previously zoned under an LEP.” DPI contends that the strategic context of the planning proposal is questionable as it failed to satisfy these requirements. DPI also noted that the proposed development has the potential to:

- Fragment the existing landscape making it difficult for future agribusinesses to develop
- Spark land use conflict.

The site is also identified as regionally significant agricultural land in the Mid North Coast Regional Strategy and Biophysical Strategic Agricultural Land in the Strategic Agricultural land Map – Sheet STA_053 (SEPP Mining, Petroleum Production and Extractive Industries) 2007. However, based on the findings of the Assessment of Agricultural Capability, RMCG concluded that:

- *The land at 24 Coronation Road:*
 - *Has moderate to high productive potential and is capable of being used for grazing (e.g. beef cattle and dairy) or perennial horticulture (e.g. orchards and vines).*
 - *Is not regionally significant agricultural land.*
 - *Is part of a fragmented agricultural landscape and not attractive for future investment in commercial-scale agri-business.*
- *The density and scale of the development at 24 Coronation Road has the potential to spark land use conflict with the adjoining agricultural use, however, there are opportunities to mitigate against some potential conflicts.*
- *The potential for the development at 24 Coronation Road to spark land use conflict with agricultural uses in the surrounding vicinity is low.*

4.4.13 Crime Prevention Through Environmental Design

The application of Crime Prevention Through Environmental Design (CPTED) principles as developed in the USA in the early 1960s helps improve and maintain safe living and working environments. CPTED is considered in the literature as an environmental design science, but may also be considered as a risk management strategy, since there is likely to be risk and uncertainty created in terms of human behavioural outcomes resulting from, or being affected by, environmental and social conditions encountered in the community design process. CPTED is a crime prevention strategy that focuses on the design, planning and structure of cities and neighbourhoods. It aims to reduce opportunities for crime by employing design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space. The CPTED principles applied in the proposed development as follows.

Surveillance: There are three levels of surveillance which has been implemented within the development and includes natural, technical and formal guardians/organised surveillance. The natural forms of surveillance include habitable spaces with windows that overlook the entries of the site. Technical surveillance will be provided in the form of CCTV and appropriate lighting throughout the development. Organised surveillance of the site will be provided by the occupants of the self contained dwellings, who act as formal guardians of the site. The development provides the opportunity for a mix of uses to create formal guardians and users of the space at various times of the day which will provide a form of opportunity surveillance to watch an area.

Surveillance can also be achieved on site by providing safe paths of travel into a building, providing signage, mirrors and educating occupants about the building.

Access Control: There are three types of access control, including natural access control, technical access control and organised access control, which has been implemented within the design of the development. The aim of access control is to attract, channel, encourage and restrict people into, throughout and out of an area. The environment should provide cues about who belongs there, when they can be there, what they should be doing and how long they can stay. Access control can be either real or symbolic barrier. A single access point is proposed on Coronation Road which will be signposted to guide entry to the site.

Territorial Reinforcement: The aim of territorial reinforcement is about ownership, who owns the space, who manages the space and who cares for the space. The hierarchy of spaces is allocated into three categories; private space, semi public/semi private and public spaces. This is further reinforced by the design, definition and designation of a space. This is demonstrated within the design by the differentiation between the public and private domains being unambiguous. In addition to access control, which clearly delineates public and private spaces, additional visual cues such as paving materials will be used to distinguish between public and private spaces.

Space and Activity Management: The publicly accessible areas of the site will be controlled and monitored by CCTV. Some of the most common criminal activities include malicious damage to property, assault, theft, break and enter to dwellings and commercial premises, and theft from a motor vehicle. These forms of incidents would be sensitive to the introduction of security hardware and personnel within the complex. CCTV will be of a quality high enough to enable intruder identification.

In addition to the CPTED principles applied in the proposed development the following recommendations will be incorporated into the proposed development:

- *External lighting quality to meet ANZ standards;*
- *Lighting maintenance policy be established for this development;*
- *Sufficient security measures be put into place in relation to preventing possible theft during construction;*
- *Traffic control and safety messages be incorporated throughout the construction process to increase safety to motorists and minimise risk and theft.*

4.4.14 Building Code of Australia and Accessibility

A Building Code of Australia Compliance Report has been prepared by Technical Inner Sight to assess if the proposed development complies with Building Code of Australia 2019 (BCA) and the Disability Access to Premises (Buildings) Standard 2010. The proposed development will consist of Class 1a dwelling houses, Class 9c aged care facility, Class 9b community use building and Class 10b swimming pool. Following an assessment of the proposed works, it is suggested that all structures and facilities could achieve compliance with the provisions of BCA, without alterations that would necessitate an amendment to the development consent.

4.5 SUITABILITY OF THE SITE – SECTION 4.15(1)(c)

The site is not affected by any known natural or technological constraints that would prevent development in accordance with the zone objectives.

TABLE 3

Does the proposal fit the locality?

| CONSIDERATION | OUTCOME |
|--|---------|
| Are the constraints posed by adjacent developments prohibitive? | No |
| Would development lead to unmanageable transport demands? | No |
| Are there adequate transport facilities in the area? | No* |
| Will the locality contain adequate recreational opportunities and public spaces for new occupants? | Yes |
| Are utilities and services available to the site and adequate for the development? | Yes |
| Is the air quality and microclimate appropriate for the development? | Yes |
| Are there hazardous land uses or activities nearby? | No |
| Are ambient noise levels suitable for the development | Yes |
| How critical is the site to the water cycle in the catchment? | N/A |

* Suitable arrangements have been made for on site transport facilities to be available to residents, providing shuttle services to Macksville on a regular basis.

TABLE 4
Are the site attributes conducive to development?

| CONSIDERATION | OUTCOME |
|--|---------|
| Is the site subject to natural hazards including floodplain, tidal inundation, subsidence, slip, mass movement, and bushfires? | Yes** |
| Is the proposal compatible with conserving the heritage significance of the site? | Yes |
| Are the soil characteristics on the site appropriate for development? | Yes |
| Is development compatible with protecting any critical habitats or threatened species, populations, ecological communities and habitats on the site? | Yes |
| Is the site prime agricultural land and will development prejudice future agricultural production? | No |
| Will development prejudice the future use of the site for mineral and extractive resources? | No |

** Each of these natural hazards have been identified and addressed, ensuring the site’s attributes are conducive to the scale of the intended development.

4.5 PUBLIC INTEREST – SECTION 4.15(1)(e)

The proposed development is considered to be in the public interest, providing a range of housing types for seniors in the locality. The proposal is consistent with the Masterplan that accompanied the original Planning Proposal submission, identifying how the land could be developed in a manner that is consistent with the identified opportunities and constraints.

5 CONCLUSION

Having taken into account the relevant heads of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposal is considered an appropriate development of the site, sensitively considering natural hazards the site's rural context, whilst promoting low density, low impact housing, as a suitable precedent for seniors housing development in the LGA.



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