

<b>DATE OF DETERMINATION</b>	30 November 2021
<b>DATE OF PANEL DECISION</b>	26 November 2021
<b>PANEL MEMBERS</b>	Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Graham Snow and Erin Fuller
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 17 November 2021.

#### **MATTER DETERMINED**

PPSNTH-80 – Nambucca Valley – DA 2021/056 at 24 Coronation Road, Congarinni North – seniors housing (as described in Schedule 1)

#### **PANEL CONSIDERATION AND DECISION**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### **Development application**

The panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The panel determined to refuse the application for the following reasons:

1. The panel is not satisfied that appropriate arrangements have been made for treatment and disposal of sewage. In particular the panel notes that essential hydrogeological and soils information has not been provided and there is uncertainty about the adequacy of the proposed effluent irrigation areas, as well as uncertainty about whether the irrigation areas are fully contained within the development site. The lack of certainty about the adequacy of the sewage treatment system is particularly problematic in this instance because of the site's proximity to important oyster growing areas and coastal wetlands.
2. Owner's consent to use part of Lot 1 DP 1096562 for sewage disposal and buffer purposes has not been obtained.
3. Insufficient detail has been provided about the location, design and works required to construct the proposed on-site water reservoir, meaning a properly informed assessment of this aspect of the proposal cannot be prepared.
4. The panel is not satisfied that appropriate evacuation procedures would be available during flood events. The option of shelter in place is not satisfactory primarily because emergency medical services would not be available at the facility during prolonged flood events.
5. The proposal is not consistent with relevant RU1 zone objectives, has undersized buffers to neighbouring agricultural properties and could conflict with nearby horticultural activities.
6. The site of the proposal is not suited to the intended development: it is isolated during flood events, lacks reliable water supply and sewerage services, contains some steep topography, is close to sensitive wetlands, and oyster growing and horticultural areas.
7. The maximum grades of some proposed roads are too steep for elderly residents to traverse on foot and so pedestrian circulation around the site would be unsatisfactory.

8. The design of the self-contained dwellings does not meet accepted standards for accessibility and usability.



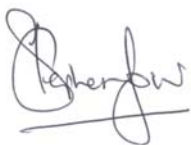


#### CONDITIONS

Not applicable.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- the site is inappropriate for the proposed development
- bushfire hazard
- flood hazard
- proximity to river
- environmental impact
- safety of future residents who may wish to walk to town
- increased traffic
- impact on roads and bridges by heavy vehicles associated with the development

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Penny Holloway
 Stephen Gow	 Erin Fuller
 Graham Snow	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-80 – Nambucca Valley – DA 2021/056
2	PROPOSED DEVELOPMENT	Seniors Housing (271 self-contained dwellings, 75 bed care facility and recreation facility)
3	STREET ADDRESS	24 Coronation Road, Congarinni North (Lots: 155 and 188 in DP: 755537 and Part Lot: 1 DP: 1000618 and Part Lot: 2 DP: 1265232)
4	APPLICANT/OWNER	Tony Owen Architects
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>○ State Environmental Planning Policy (Coastal Management) 2018</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (Primary Production and Rural Development) 2019</li> <li>○ State Environmental Planning Policy (Koala Habitat Protection) 2020</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy 55 - Remediation of Land</li> <li>○ Nambucca Local Environmental Plan 2010</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Nambucca Development Control Plan 2010</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92(1)(b)</li> <li>• Coastal zone management plan: <ul style="list-style-type: none"> <li>○ Coastal zone management plan for the Nambucca Valley Coastline</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 17 November 2021</li> <li>• Supplementary Council assessment report received: 23 November 2021</li> <li>• Written submissions during public exhibition: three (3)</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 23 September 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Graham Snow and Erin Fuller</li> <li>○ <u>Council assessment staff</u>: Brad Lane and Daniel Walsh</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 24 November 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Graham Snow and Erin Fuller</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Brad Lane and Daniel Walsh</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley</li> </ul> <ul style="list-style-type: none"> <li>• Applicant Briefing: 24 November 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Graham Snow and Erin Fuller</li> <li>○ <u>Council assessment staff</u>: Brad Lane and Daniel Walsh</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley</li> <li>○ <u>Applicant representatives</u>: Daniel McNamara, Johann Mouton, Juan Castro, Ron Pomeroy and Robert Murphy</li> </ul> </li> </ul> <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not provided