

Department of Planning, Housing and Infrastructure

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Coffs Harbour, Affordable Housing

State Significant Development Assessment Report (SSD 83294209)

April 2026





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The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Executive Summary

This report details the Department of Planning, Housing and Infrastructure's (the Department) assessment of the SSD application for the Coffs Harbour Affordable Housing Development (SSD-83294209).

Homes NSW (the Applicant) proposes the construction of a part 4, part 5 storey residential flat building providing 60 affordable housing units at 211A -215 Harbour Drive, Coffs Harbour.

The proposal has an estimated development cost (EDC) of \$46,911,372 and is expected to generate 167 construction jobs.

The project is classified as SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is development carried out by Land and Housing Corporation (operating as Homes NSW) with an EDC of greater than \$30 million in accordance with section 26 of Schedule 1 of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP).

Consequently, the Minister is the consent authority for the project under section 4.5A of the EP&A Act.

The Department exhibited the environmental impact statement (EIS) from 2 October 2025 until 15 October 2025. During the exhibition period, the Department received:

- 18 public submissions (1 support, 14 objections and 3 comments)
- advice from 5 Government agencies
- comments from Coffs Harbour City Council (Council).

Key issues raised during the exhibition period related to traffic generation, vehicle access and the relocation of the bus stop, the proposed use and management of social housing, amenity impacts and the flood emergency response plan. The Department has considered these issues as part of its assessment.

The Applicant submitted a combined Response to Submissions (RtS) report and additional information to address the issues raised by the Department, Council, Government agencies and public submissions (see **Appendix A**). Key refinements made to the proposal included repositioning the bus stop and replacing the associated non-compliant stairs with a ramp and handrails to maximise accessibility to the bus stop. The Department has considered the Applicant's application and response to the concerns raised in its assessment in **Section 5**.

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in the submissions, the Applicant's response and additional information.

The Department's assessment concludes that the proposal is acceptable as it:

- supports the NSW Government's priority to deliver affordable housing in accessible areas that are close to public transport, jobs and services
- delivers substantial public benefits by dedicating all apartments as affordable housing, addressing critical demand for affordable housing in the area
- is permissible with consent and is consistent with the objectives of the R3 Medium Density Residential zone under *Coffs Harbour Local Environmental Plan 2013* (CHLEP) and complies with key statutory controls for the site
- would not lead to unreasonable flood impacts or risks due to satisfactory mitigation and management measures
- achieves design excellence in its architectural expression, use of high-quality materials and public domain improvements
- provides a bulk and scale that is well resolved and presents an appropriate built-form relationship to adjoining development
- provides a high standard of residential amenity for future occupants, including well-sized units, good solar access and natural ventilation, and generous communal and private open space
- does not result in unreasonable impacts on neighbouring properties, including overshadowing, view loss, wind effects, privacy, or traffic impacts on the surrounding road network.

The Department has recommended conditions to appropriately manage any residual issues.

The Department considers the project to be in the public interest and recommends the proposal be approved, subject to conditions.

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1 Introduction

1.1 The proposal

Homes NSW (the Applicant) seeks approval for the construction of a part 4, part 5 storey residential flat building located at 211A -215 Harbour Drive, Coffs Harbour.

The project description and mitigation measures provided in Section 3 and Appendix D of the EIS are the subject of this report and will form part of the development consent if the project is approved.

An overview of the proposed development is provided in Section 2.

1.2 Project location

The site is located in the Coffs Harbour local government area (LGA), approximately 400 m southeast of the Coffs Harbour central business district (CBD).

The site is located on the north-eastern side of Harbour Drive and only contains minor structures (e.g., retaining walls) and existing vegetation and mature trees. The site has previously been cleared of existing dwellings. A bus stop, servicing the CBD and jetty, is located on the site's Harbour Drive frontage.

Further project location details are described in Table 1 and shown in Figure 1 and Figure 2.

Table 1 | Key aspect of the site

Aspect	Description
Address	211A -215 Harbour Drive, Coffs Harbour
LGA	Coffs Harbour
Legal description	Lot 14 in DP 516300, Lot 15 in DP 504105 and Lot 100 in DP 1041655
Site area	3,804 m ²
Existing development	The site is currently vacant with some minor structures including retaining walls and driveways associated with the former dwellings on-site.
Surrounding context	North Coffs Harbour Christian Community College and low density residential dwellings.
	South Coffs Harbour Public School and Brelsford Park to the south-west
	East Locally heritage listed Former Police Station and Courthouse and low density residential dwellings. Further west is TAFE Coffs Harbour.

Aspect	Description	
	West	Coffs Harbour Baptist Church. Further west is Coffs Harbour City Centre which includes supermarkets, shops and community facilities.
Topography	The site slopes from North Street to Harbour Drive with a level change of approximately 6.14 m.	
Existing access	The site has street frontage to Harbour Street and North Street.	
Public transport	A bus stop is located on the Harbour Drive frontage.	
Flooding	While the site is not subject to flooding during a 1% AEP flood event, it is subject to the probable maximum flood (PMF) event along the western boundary and southwest corner of the site with a maximum depth of 1.25 m.	
Biodiversity	A small portion of the site is mapped as land in proximity to coastal wetlands. A BDAR waiver was issued for the site as discussed in Appendix C.	
Heritage	<p>The site is not identified as a heritage item or within a heritage conservation area.</p> <p>The site is adjacent to local listed heritage items:</p> <ul style="list-style-type: none"> • Former Police Station and Courthouse at 215A Harbour Drive • Coffs Harbour Public School at Salamander Street. 	

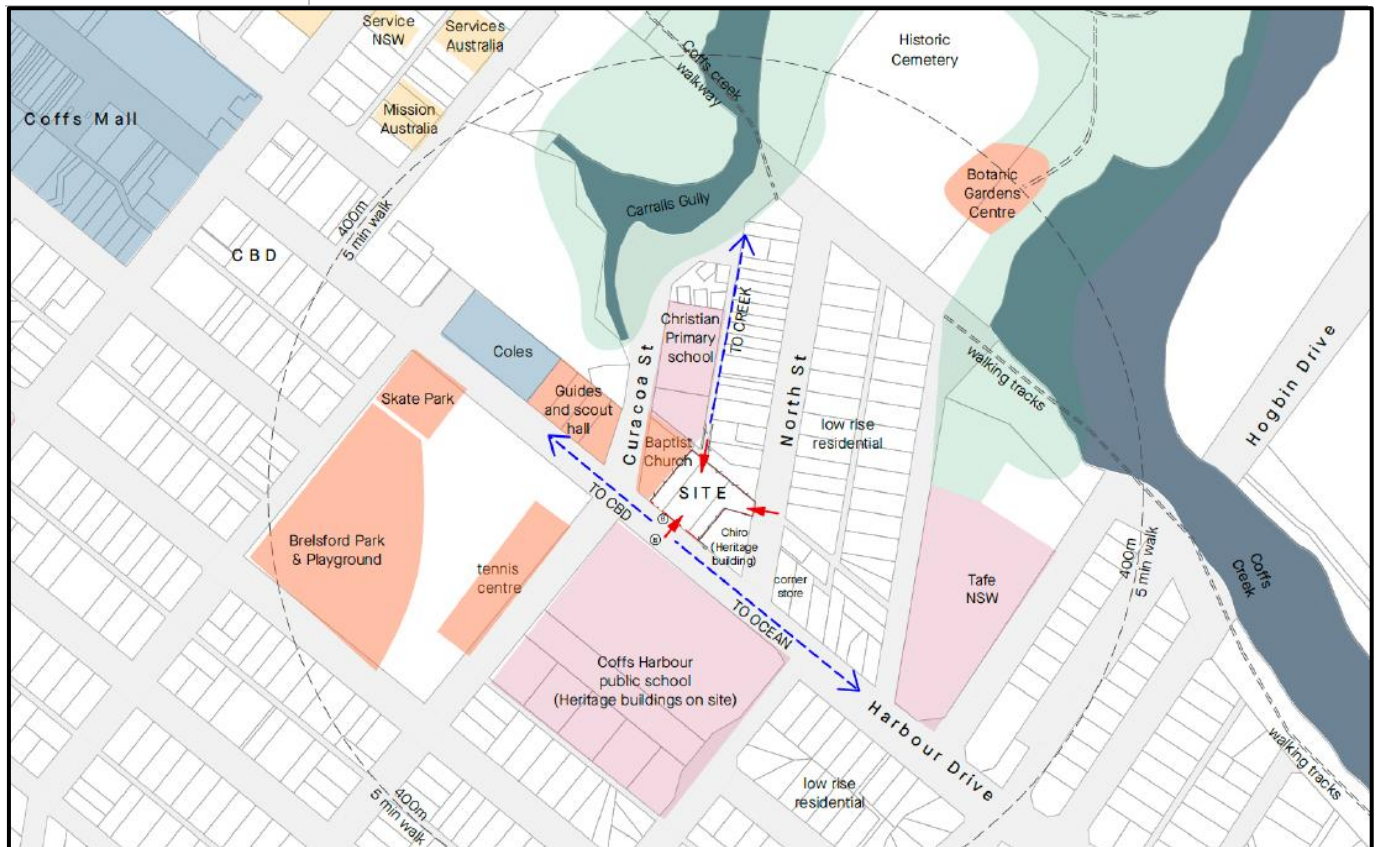


Figure 1 | Local Context Map (source: Applicant EIS)



Figure 2 | Subject site outlined in red (base source: NearMap)

2 Project

2.1 Project overview

The proposal seeks approval for the construction of a part 4, part 5 storey residential flat building comprising of 60 affordable housing units.

The key aspects of the proposal are provided in detail in the Project Description chapter of the EIS and outlined in Table 2 and shown in Figure 3 to Figure 4.

Table 2 | Key aspects of the project

Aspect	Description
Site preparation	<ul style="list-style-type: none">• Tree removal and basement excavation
Uses	<ul style="list-style-type: none">• Construction of a residential flat building with:<ul style="list-style-type: none">- 60 residential apartments for the purpose of affordable housing. The tenure mix for this development proposes 100% social housing.- one level of basement car parking- ancillary residential amenity space and communal open space
Building height	<ul style="list-style-type: none">• 16.7 m (part 4, part 5 storeys)
Gross floor area (GFA)	<ul style="list-style-type: none">• 4,755.9 m² and FSR: 1.25:1
Access and car parking	<ul style="list-style-type: none">• Vehicle access via Harbour Drive• 31 basement car parking spaces
Communal open space and landscaping	<ul style="list-style-type: none">• 1,238.6 m² (32.3%) of communal open space• 1,815.6 m² (47.7%) of landscaping
Employment	<ul style="list-style-type: none">• 167 construction jobs
Construction staging	<ul style="list-style-type: none">• Stage 1: Shoring wall, bulk excavation, and sewer diversion• Stage 2: Detailed excavation & building structure• Stage 3: Remainder of works

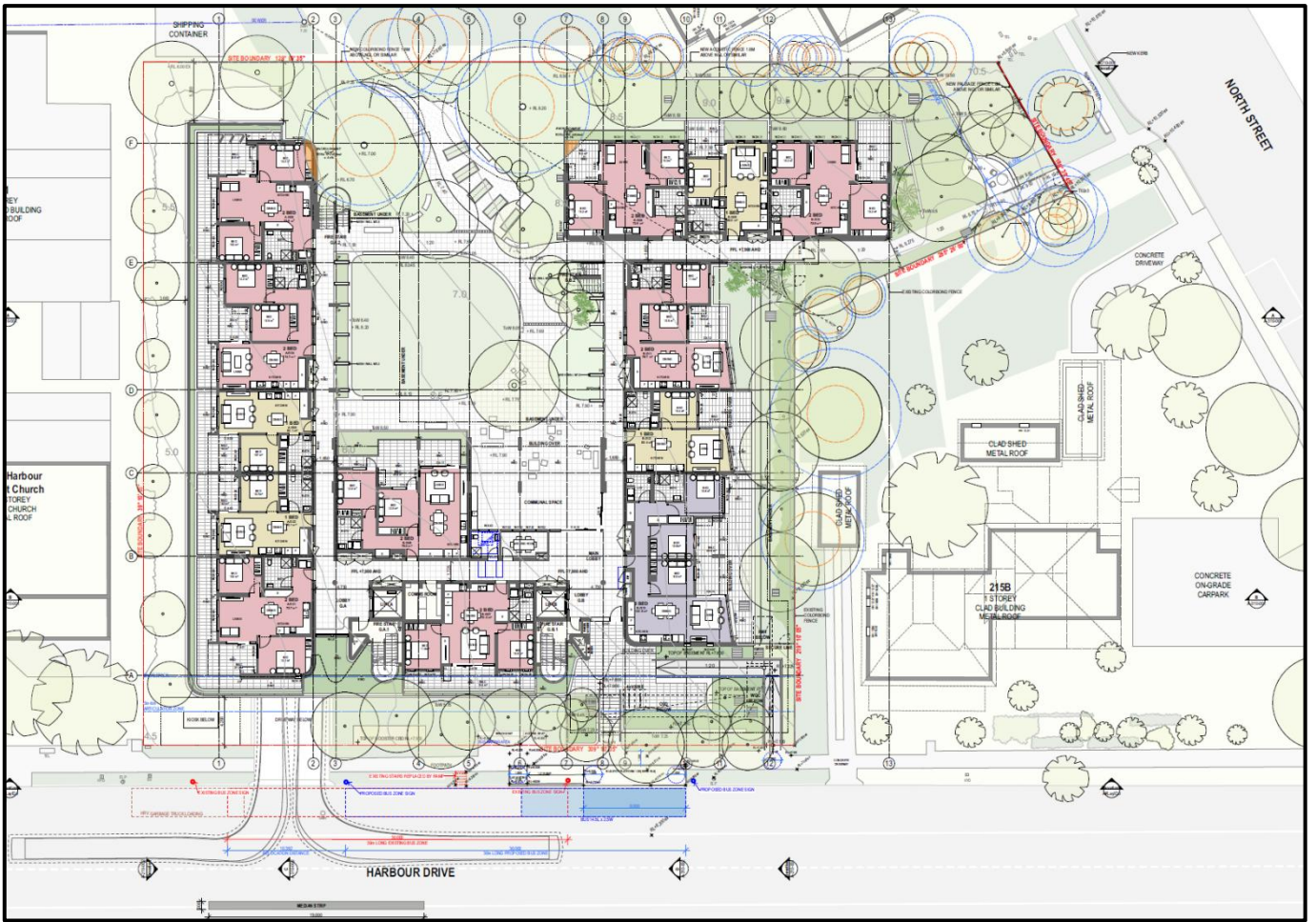


Figure 3 | Proposed ground floor plan (source: Applicant RtS)



Figure 4 | Perspective of the proposal as viewed from Harbour Drive (source: Applicant RtS)

3 Statutory context

3.1 Housing supply

The NSW Government has a target of 377,000 well-located homes by 2029. This policy supports the National Housing Accord that provides a national target of delivering 1.2 million new, well-located homes by 2029.

In December 2023, the Government introduced a new SSD pathway for developments undertaken by the NSW Land and Housing Corporation (operating as Homes NSW) and Aboriginal Housing Office to better facilitate the delivery of social and affordable housing with an EDC of over \$30 million, or where the development would deliver more than 75 new homes. This reform aims to support the delivery of social and affordable housing developments by these agencies.

This SSD application has been submitted pursuant to these initiatives that aim to support the delivery of affordable housing.

3.2 Permissibility and assessment pathway

Details of the legal pathway under which consent is sought, and the permissibility of the project are provided in Table 3 below.

Table 3 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	The project is declared SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) and section 26 of Schedule 1 of the Planning Systems SEPP, as it has an EDC greater than \$30 million and is a proposal being carried out by Land and Housing Corporation (operating as Homes NSW).
Consent authority	The Minister is the consent authority under section 4.5(a) of the EP&A Act.
Permissibility	The site is zoned R3 Medium Density Residential under the CHLEP. Residential flat buildings are permissible with consent in the zone.

3.3 Other approvals and authorisations

Under section 4.41 of the EP&A Act, certain authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.

Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD. These authorisations must be substantially consistent with any SSD development consent for the project.

The Department has consulted with and considered the advice of the relevant Government agencies responsible for these other authorisations in its assessment of the project (see [Section 4](#) and [Section 5](#)). Suitable conditions have been included in the recommended conditions of consent (see [Appendix D](#)).

3.4 Planning Secretary's environmental assessment requirements

The Department's review determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 2 May 2025 and is sufficient to enable an adequate consideration and assessment of the project for determination purposes.

3.5 Mandatory matters for consideration

3.5.1 Matters of consideration required by the EP&A Act

Mandatory matters for consideration include:

- matters of consideration required by the EP&A Act
- objects of the EP&A Act and ecologically sustainable development (ESD)
- biodiversity development assessment report
- matters of consideration required by the EP&A Regulation
- matters of consideration required by environmental planning instruments.

The Department's consideration of these matters is summarised in [Appendix C](#). As a result of this consideration, the Department is satisfied that the development meets statutory requirements.

4 Engagement

4.1 Exhibition of the EIS

4.1.1 Public exhibition of the EIS

After accepting the development application and EIS, the Department:

- publicly exhibited the project from 2 October 2025 until 15 October 2025 on the NSW Planning Portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition
- notified and invited comment from relevant Government agencies and Council
- undertook a site visit on 14 October 2025

The Department received 18 public submissions (1 support, 14 objections and 3 comments), advice from 5 Government agencies and comments from Council.

The Department requested the Applicant respond to the issues raised in submissions and the comments received from Government agencies and Council.

On 4 December 2025, the Applicant provided a RtS report (see **Appendix A**) which outlined refinements to the position of the bus stop and public domain works to maximise bus stop accessibility and the kerbside heavy rigid vehicle (HRV) loading zone for waste vehicles. No changes were made to the overall height, scale, or layout of the development.

The Department published the RtS report on the NSW Planning Portal and forwarded the submissions report to Council for comment on 21 December 2025.

4.1.2 Summary of advice received from government agencies

A summary of the public authority advice is provided in **Table 4**. A link to the full copy of the advice is provided in **Appendix A**.

Table 4 | Summary of agency advice

Agency	Advice summary
Department of Climate Change Energy, Environment and Water (DCCEEW) Conservation	Recommend the proposal be referred to NSW SES for comment on flood emergency response and evacuation.

Agency	Advice summary
Programs, Heritage and Regulation (CPHR)	
NSW State Emergency Services (NSW SES)	NSW SES reviewed the proposal and recommended: <ul style="list-style-type: none"> any basement openings are above the PMF or 1% Annual Exceedance Probability (AEP) plus freeboard, whichever is higher, or basement car parking should be reconsidered address the NSW Shelter in Place Guidelines criteria
NSW Rural Fire Service (RFS)	No concerns with the proposal subject to the implementation of the Bushfire Hazard Assessment submitted with the application.
DCCEEW Heritage NSW (HNSW)	<ul style="list-style-type: none"> The site has low-to-moderate potential for extant archaeological remains associated with the former Coffs Harbour Police Station and Courthouse. Recommend clarification on whether archaeological monitoring and archival recording is proposed as a mitigation measure. Where archaeological monitoring is recommended, an Archaeological Research Design and Excavation Methodology should be prepared.
Essential Energy	Essential Energy raised no concerns with the proposal and noted the following: <ul style="list-style-type: none"> further consultation if the development changes compliance with any existing encumbrances in favour of Essential Energy on the property title any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guidelines

4.1.3 Summary of council submissions

Council provided comments on the EIS and RtS. A link to Council’s submission is provided **Appendix A**. Issues raised by Council are summarised below:

- vehicle access from Harbour Drive is not supported and should be provided from North Street instead
- requested the following be provided as part of conditions of consent:
 - submit detailed design plans of the relocated bus stop for endorsement from the City’s Traffic Forum
 - relocation of the sewer manhole to be a minimum of 1.2 m from the site boundary
 - submit detailed design plans of the stormwater design

- update the Operational Waste Management Plan
- creation of positive covenants for site access for Council waste officers and bus stop seating use/access
- screening or landscaping of the substation on Harbour Drive
- requirement that the building is managed by an appointed manager who resides on-site and contactable at all times
- inclusion of a ramp from the footpath to the street to improve bin manoeuvrability.

4.1.4 Summary of public submissions

The Department received 18 submissions (1 support, 14 objections and 3 comments) during public exhibition of the EIS.

The submission in support of the project cited the addition of affordable housing.

The key issues raised in the public objections and comments are listed in Table 5 and a link to all submissions in full is provided in Appendix A.

Table 5 | Key issues raised in public objections on the EIS

Issue	% of objections
Traffic, access, parking and pedestrian safety	86%
The provision of housing, management of social housing, social cohesion, the potential for crime and antisocial behaviour	71%
Proximity to schools and associated safety concerns	64%
Bulk and scale and proposed density	43%
Amenity impacts to adjoining properties (solar, wind, visual)	36%
Social cohesion	29%
Increased infrastructure demand	29%
Inconsistent with surrounding context	21%
Requested no access to rear laneway	21%
Visual privacy to school	14%
Potential heritage impacts to 215A Harbour Drive	14%
Recommended alternative sites	14%
Procedural issues	7%
Lack of local knowledge of area	7%

Issue	% of objections
Not supportive of seniors in the location	7%
Concerns relating to HDA project nearby	7%
Construction impacts	7%
Issues with exhibition period	7%
Recommended conditions relating to uses of the site, balconies and windows.	7%

The three submissions providing comments cited similar concerns raised in the objections in addition to the following:

- stormwater and flooding concerns
- requested access from North Street
- requested tree retention.

5 Assessment

The Department has assessed the proposal, considering all documentation submitted by the Applicant, all issues raised in submissions and all advice provided by Government agencies.

The Department considers the key assessment issues associated with the proposal are:

- built form
- amenity impacts
- flooding
- vehicle access and bus stop relocation.

The Department's consideration of other issues is described in Section 5.5 and the appendices of this report.

5.1 Built form

The Department considers the following are the key aspects in determining built form and suitability:

- design excellence
- building bulk and scale.

5.1.1 Design Excellence

Clause 7.12 of CHLEP requires the development to exhibit design excellence.

Before lodgement, the proposal was reviewed by the State Design Review Panel (SDRP), who expressed support for the project's site planning, landscaping, high level of amenity and Harbour Drive façade. The SDRP also recommended building heights be redistributed and increased on Harbour Drive to 5 storeys and decreased to 3 storeys adjacent to low density residential areas to the north to improve the built form relationship to existing residential areas.

The Applicant proposed to retain the predominantly 4 storey building height (with part 5 storeys along the western boundary) to avoid dramatically changing the built form character of the locality by introducing a 5 storey building element along the site's Harbour Drive frontage. To improve the transition to adjoining low density residential properties, the Applicant increased the extent of landscaping and the setback to North Street.

The Department has considered the matters set out in clause 7.12 of CHLEP. This is provided in detail in **Appendix C**. In summary the Department concludes the proposal exhibits design excellence as:

- it achieves a high standard of architectural design through a well-considered built form and response to the local context
- the building massing, orientation, setbacks, and façade treatments minimise impacts on solar access (**Section 5.2.2**), privacy (**Section 5.2.1**), and acoustics (**Section 5.5**).
- it aligns with Apartment Design Guide (ADG) and Housing SEPP principles, incorporates ESD measures and BASIX compliance, and provides safe, well-connected access for pedestrians, cyclists, and vehicles.
- it would enhance the public domain through the relocation and enhancement of the existing bus stop and extensive landscaping (see **Section 5.4.2**)
- it would result in a high-quality landscape that minimises the dominance of the built form and support privacy outcomes between existing and future residents.

To ensure the building achieves the highest standard of design and appearance and maintains design integrity, the Department recommends conditions requiring the submission of a final schedule of materials.

5.1.2 **Building bulk and scale**

The site is subject to a maximum building height of 20.15 m under the Housing SEPP, which is comprised of:

- base maximum height of 15.5 m under the CHLEP
- an additional 4.65 m under section 18(2) of the Housing SEPP which includes a 30% bonus above the CHLEP to incentivise the delivery of affordable housing.

As detailed in **Figure 5**, the development proposes a maximum building height of 16.7 m, which complies with the maximum permissible building height.

CHLEP does not prescribe a maximum floor space ratio (FSR) for the site. The proposal seeks a maximum FSR of 1.25:1 (or 4,755.9 m² of GFA).

Public submissions raised concerns that the proposed density, bulk and scale do not align with the neighbourhood character, and the potential overshadowing, privacy and amenity impacts to the surroundings.

Council did not raise concerns relating to the proposed bulk and scale or density.

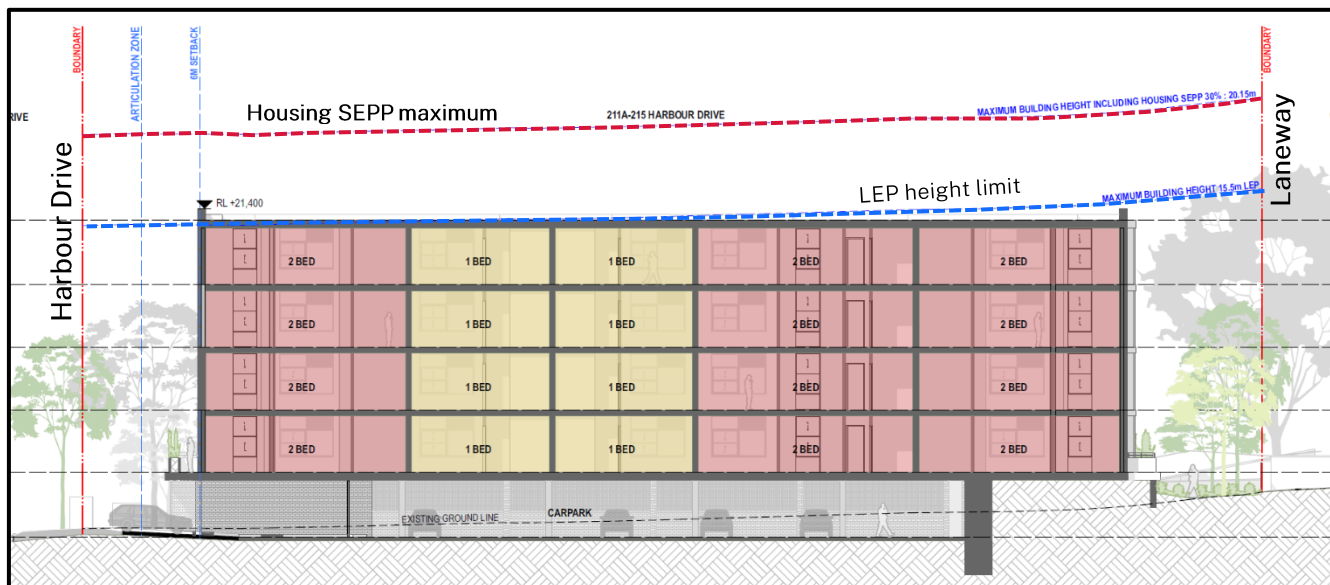


Figure 5 | Compliance with maximum height controls (base source: Applicant RtS – Revised Architectural Plans)

The Department acknowledges concerns raised in the submissions. However, considers the proposed density, bulk and scale to be acceptable for the following reasons:

- the building height complies and is substantially below the maximum permitted height under the Housing SEPP
- maintains acceptable amenity to the neighbouring properties in terms of solar access and privacy (refer to Section 5.2)
- allows for generous boundary setbacks, communal open space for residents and high-quality landscape and improvements to the Harbour Drive frontage and bus stop
- would not result in adverse traffic impacts on the surrounding road network and provides adequate on-site parking (refer to Section 5.4 and 5.5).

5.2 Amenity

The Department has undertaken a detailed assessment of the residential amenity of proposal against the ADG in **Appendix C** and is satisfied the proposal is generally consistent with the key ADG criteria and design guidance, including apartment size and layouts, ventilation, solar access and storage requirements.

Public submissions raised concerns with external amenity impacts from the proposal, including solar access and privacy impacts to the adjoining schools (Coffs Harbour Public School and Coffs Harbour Christian Community Primary School), surrounding dwellings and Coffs Harbour Baptist Church.

The Department has considered potential privacy and overshadowing impacts in detail below.

5.2.1 Building separation and visual privacy

Due to the topography of the site, the proposed built form presents as a 5 storey building along the western edge of the site's Harbour Drive frontage and along its western boundary, reducing to 4 storeys on the site's northern and eastern boundaries. To reduce visual privacy impacts from residential flat building development, the ADG recommends a minimum separation distance between habitable spaces to side boundaries of 6 m for up to 4 storeys, increasing to 9 m at 5 – 8 storeys in height.

The proposal is generally consistent with the recommended ADG building separation distances, except for the following points as outlined in Table 6.

Table 6 | Proposed building separation distances to neighbouring properties

Boundary	Level	ADG recommendation	Proposed
Boundary to Baptist Church)	Ground to Level 2	6 m	Ground – 4.7 m
	Level 3	9 m	Level 1- 3 – 5.8 m
Boundary to 2A North Street	Ground to Level 3	6 m	Ground – 5.2 m Level 1- 3 – 5.9 m
Boundary to 215B Harbour Drive	Ground to Level 3	6 m	Ground – 3.8 m Level 1- 3 – 5.3 -5.8 m

To address the reduced separation distances, the proposal incorporates landscaping (e.g., tree plantings, deep planters), a new 1.8 m acoustic fence adjoining the residential property 2A North Street and fixed blades on windows and balconies (where a reduced setback is sought) to minimise visual privacy impacts to neighbouring buildings (see Figure 6).

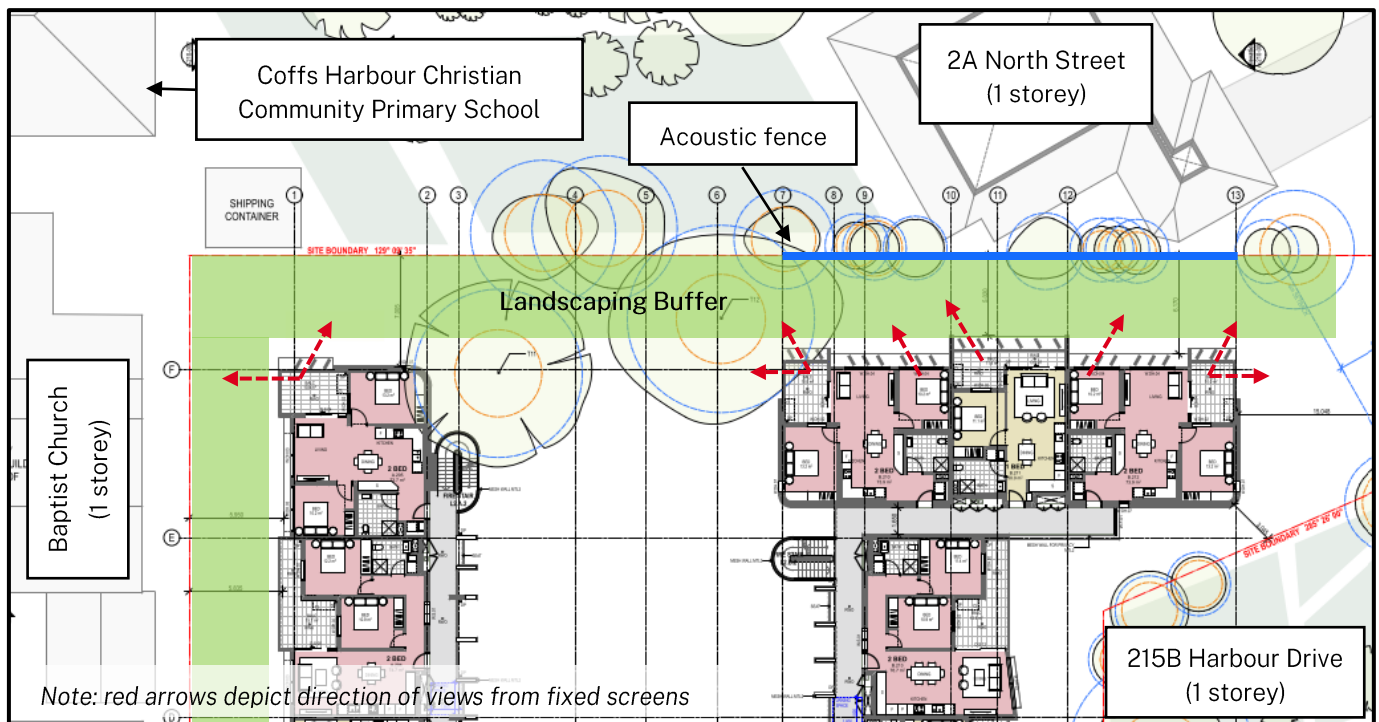


Figure 6 | Consideration of visual privacy impact (base source: Applicant RtS – Revised Architectural Plans)

The Department acknowledges the concerns raised in the submissions. However, considers the proposed variations in building separation and potential privacy impacts to be acceptable for the following reasons:

- the separation distances between habitable spaces and the shared boundary with 2A North Street up to 4 storeys are only marginally less than 6 m (i.e., 5.2 – 5.8 m) and any residual privacy impacts would be mitigated through the addition of acoustic fencing and landscaping with vegetation
- the finished floor level of the ground level courtyards is approximately 600 – 900 mm below the main open space of 215B Harbour Drive and unlikely to result any privacy impacts
- the proposal has been designed to minimise overlooking of adjoining properties by orientating the main living areas to face towards the Coffs Harbour CBD, the central courtyard or the street frontages
- any residual visual privacy impacts would be further managed through the incorporation of privacy blades, acoustic fencing to 2A North Street and landscaping, which would further minimise the potential for overlooking
- the building and site layout of the adjoining school to the north is orientated away from the subject site and the habitable spaces of the proposed development have been designed to face away from the school to the north of the site

- the orientation of the Baptist Church layout away from the subject site and the proposed landscaped setback (vegetation 10 to 20 m in height at maturity) will ensure no adverse privacy and overlooking impacts are generated by the proposal.

5.2.2 Overshadowing

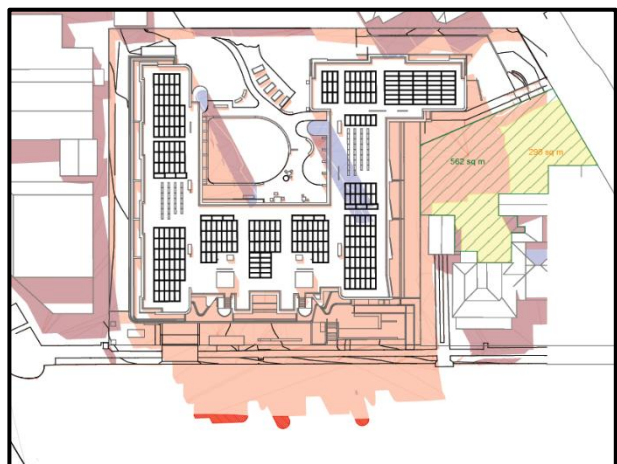
Clause 7.20 of CHLEP requires that development consent must not be granted where any part of the building causes additional overshadowing on 21 June to Brelsford Park (located southwest of the site) and the footpath on the southern side of Harbour Street between 12 pm and 2 pm on 21 June.

Public submissions raised concerns with the potential for overshadowing impacts on surrounding residential properties.

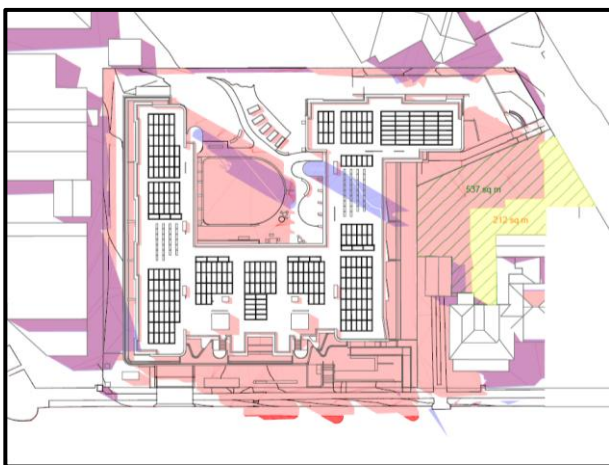
The Applicant provided shadow diagrams at mid-winter (Figure 7) that demonstrates the proposed development would not overshadow the southern side of Harbour Street or Brelsford Park during this time.



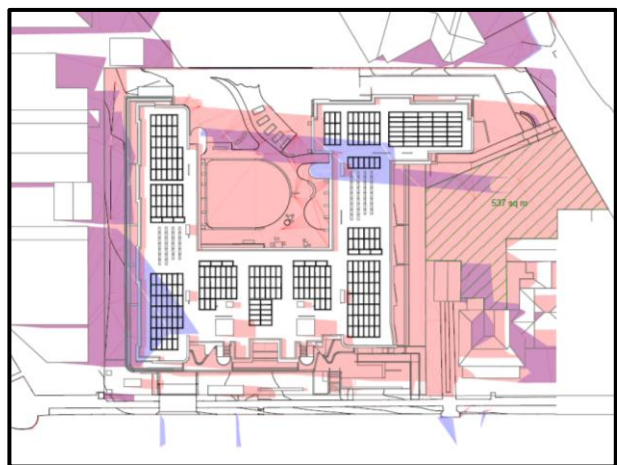
21 June, 9 am: solar access to 57% of 215A Harbour Drive private open space (POS). Minor overshadowing to southern side of Harbour Drive.



21 June, 11 am: solar access to 53% of 215A Harbour Drive POS.



21 June, 2 pm: solar access to 39% of 215A Harbour Drive POS



21 June, 3 pm: No solar access to 215A Harbour Drive POS.

Figure 7 | Overshadowing diagrams with shadow produced from Housing SEPP height bonus shown in dark red (source: Applicant RtS – Revised Architectural Plans)

The Department has reviewed the shadow diagrams and considered the concerns raised and is satisfied the extent of overshadowing to be acceptable as:

- the principal usable part of the outdoor area of 215A Harbour Drive would receive a minimum of 50% direct sunlight for a minimum of 2 hours between 9 am and 3 pm midwinter and ensure a suitable level of amenity would be maintained should it convert to a residential use in the future
- the extent of overshadowing would be limited to the road reserve and would not overshadow the area identified in clause 7.20 during the specified time (as noted above)
- the development would not impact properties to the north or west of the site in achieving 2 hours of solar access between 9am-3pm at mid-winter.

5.3 Flooding

5.3.1 Flood impacts

The site is not affected by the 1% Annual Exceedance Probability (AEP) flood event.

However, land to the west of the site would be subject to 1% AEP flood event with flood depths of up to 300 mm and a flood hazard of H1 (generally safe for people, vehicles and buildings).

During a worst-case climate change scenario (with rainfall and sea level rise), the site would remain largely free of inundation during a 1% AEP flood event with only the western boundary impacted at a depth of less than 200 mm.

The western portion of the site and proposed basement car park would become inundated during a Probable Maximum Flood (PMF) event with flood depths reaching 1.25 m (see Figure 8) and a flood hazard ranging from H1 to H3 (unsafe for vehicles, children and the elderly). During a PMF event, Harbour Drive, west of Curacoa Street and east Hardacre Street, would be subject to high flood hazards that present an unacceptable risk to people.

The Flood Impact and Risk Assessment (FIRA) submitted with the application established flood planning levels based on flood modelling and advised the:

- ground floor (habitable floors and communal courtyard) would be 2.05 m above the PMF flood level with a finished floor level of 7.90 m AHD
- lower ground floor/basement (car park) finished floor levels are 4.60 m AHD which are below the PMF flood level
- the site is not affected by a 1% AEP flood event, and the basement would achieve Council's requirement for protection from the 1 in 100-year Average Recurrence Interval (equivalent to the 1%AEP) (4.59 m AHD) + 100 mm freeboard with a finished floor level of 4.60 m AHD

- fire stair locations would allow pedestrian access from habitable floors to Harbour Drive at a location that is above the PMF water level.

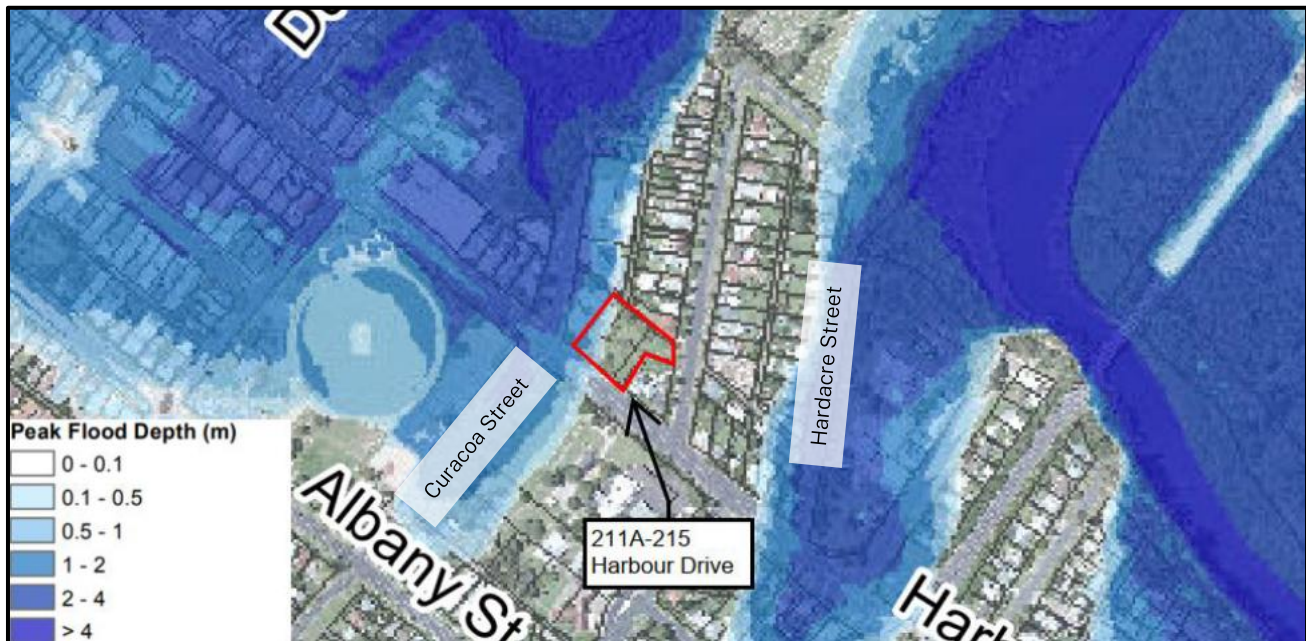


Figure 8 | PMF Design Storm Flood Depth and Extent (source: Applicant EIS – Flood Impact and Risk Assessment)

Neither Council nor CPHR raised concerns relating to flooding.

NSW SES recommended either all basement openings are above the PMF level or 1% AEP plus freeboard, whichever is higher, or basement car parking should be reconsidered.

In response, the Applicant submitted a Flood Advice letter that advised the basement has been designed to comply with Council’s controls. The Applicant also confirmed the structural integrity of the building has been designed to withstand flood waters up to the PMF level.

5.3.2 Flood Emergency Response Plan

The FIRA included a Flood Emergency Management Plan for the site in the circumstance of a PMF event, which recommended:

- prior to the arrival of a storm, evacuation from the east of the site towards North Street or Salamander Street
- a shelter-in-place strategy during or after storm events as surrounding roads are partially at risk of flash flooding.

The Flood Emergency Management strategy also included measures to further minimise risks, such as communicating directions and safety messages through the PA system, appointing a flood warden to enact the emergency strategy and signage in the basement to assist evacuation.

Council raised no concerns with the Flood Emergency Management strategy.

NSW SES recommended the Applicant address the NSW Shelter in Place Guidelines criteria.

As part of the RtS, the Applicant submitted a Flood Advice letter that advised:

- the development of a Flood Emergency Response Plan (FERP) at the detailed design stage would manage any operational risks of the building and ensure the building complies with the requirements of the NSW Shelter in Place Guidelines
- a secondary egress route from the car park to a flood free location on Harbour Drive (and the building above) has been provided via the fire stairs, which would allow evacuation from the basement during a PMF event.

5.3.3 Department's conclusion

The Department has carefully considered the FIRA and Flood Emergency Management strategy, the NSW SES's concerns and issues raised in submissions and is satisfied that the design response of the proposed development is acceptable and that a shelter-in-place strategy is the most appropriate emergency management approach, as:

- a PMF event is extremely rare (i.e., probability of occurring between 1 in 100,000 and 1 in 10,000,000 in any year) and would occur with limited warning and only last for a short duration (less than 6 hours)
- relocation/redesign of the basement vehicle access to above the PMF level is unfeasible and unnecessary in this circumstance as:
 - the building design, including the crest level of the basement vehicle access, meets Council's local flood controls (i.e. 1% AEP flood event plus 500 mm freeboard)
 - the lower ground level/basement car park design accommodates unrestricted egress for pedestrians to areas above the PMF level (i.e. ground level)
- all habitable floor levels (ground level and above, communal courtyard) and pedestrian egresses from the site would be protected from all flood events, including the PMF
- the building has been designed to be structurally capable of withstanding inundation up to a PMF event
- shelter-in-place is the preferred response during a PMF event as the site would experience a short flood warning time and duration, and the surrounding road network has not been designed to be free from flooding in extreme storms
- would incorporate appropriate mitigation measure to further manage risk, including the preparation and implementation of a detailed Flood Emergency Response Plan (FERP)

- would not lead to unreasonable flood impacts or risks, and a range of conditions are recommended to effectively mitigate and manage flood impacts.

The Department recommends conditions of consent requiring the preparation of a detailed FERP prior to construction, inclusion of flood awareness signage within the basement and for the ongoing implementation of the FERP for the life of the development.

5.4 Vehicle access and bus stop relocation

5.4.1 Vehicle access

The proposal seeks to construct a new 6 m wide driveway on the site's Harbour Drive frontage to provide vehicle access the proposed basement car park (see Figure 9). To accommodate this, the proposal also seeks to:

- relocate the existing bus stop in front of the site on Harbour Drive 18 m east of the current location (maintaining the existing bus zone length of 33 m)
- construct a concrete median strip on Harbour Drive to restrict resident vehicle movements to left-in left-out and reconfigure lane markings to accommodate the new median.

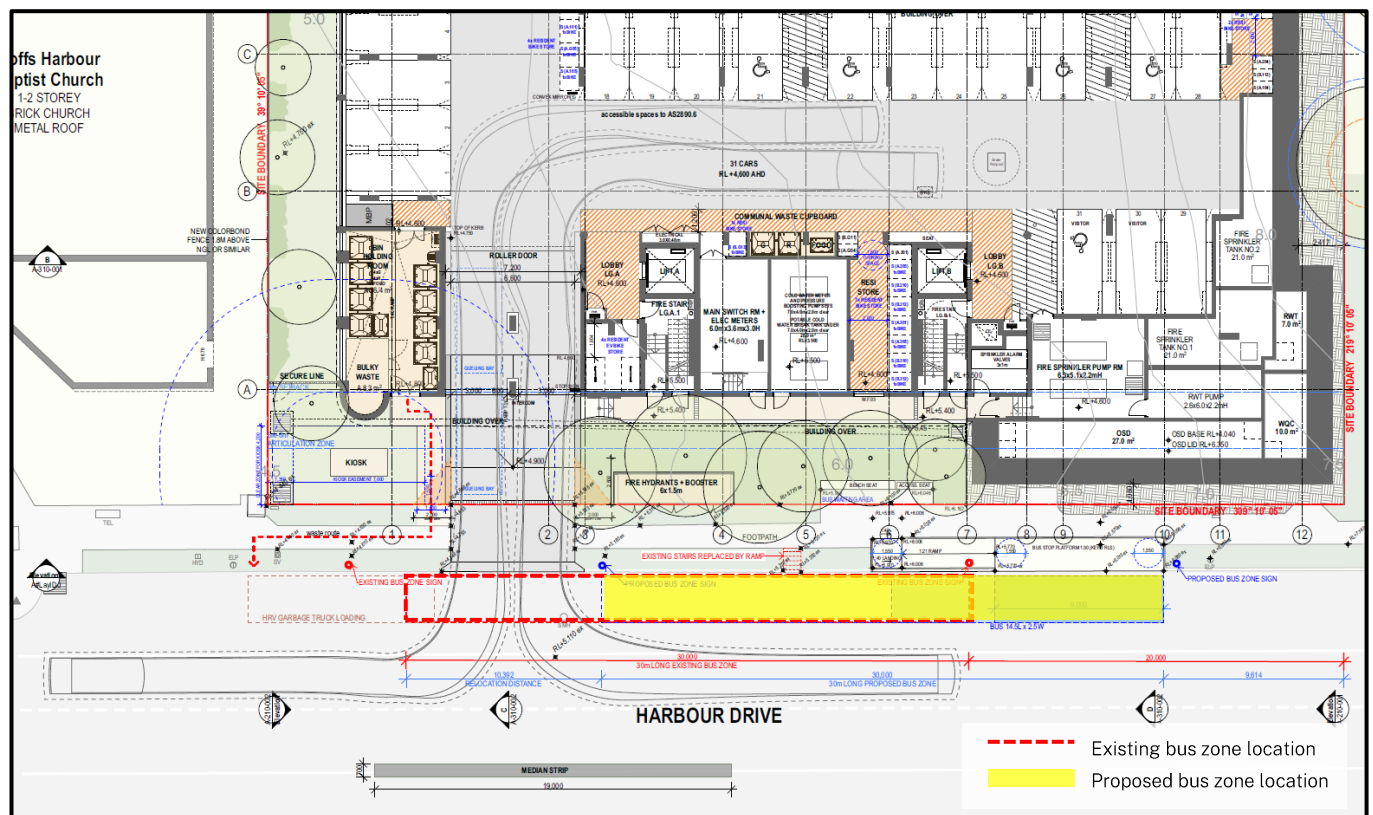


Figure 9 | Vehicle access and bus stop arrangement (source: Applicant RtS – Revised Architectural Plans)

Council does not support vehicle access from Harbour Drive and recommended vehicle access be via the site's secondary North Street frontage instead, due to the likely impact on Harbour Drive and the surrounding road network.

In contrast, public submissions requested no vehicle access from North Street and that no pedestrian access be provided from a laneway at the rear, northern boundary of the site.

The Applicant has demonstrated that surrounding local streets would not be impacted by any resident vehicle movements due to left-in/left-out restrictions (as discussed in the traffic generation assessment in Section 5.5). The Applicant further advised that positioning vehicle access to North Street did not present a feasible option on the basis that:

- the design of the development, including the location of the proposed vehicle access on Harbour Drive, was informed by pre-DA consultation with Council, who at the time noted that while North Street is the preferred vehicle access point, Harbour Drive may also be considered provided appropriate measures (such as a concrete median) are implemented to restrict right-turn movements into and out of the site
- the Harbour Drive site access benefits from safer and more efficient vehicle movements provided by the nearby Harbour Drive/Curacoa Street signalised intersection
- it would result in a poor streetscape outcome for North Street as it would require a substantial excavation and a driveway width approximately half the 13 m width of the secondary frontage
- it would result in the creation of a four-way intersection with North Street and Millward Lane which would introduce new safety concerns
- the proposed concrete medium on Harbour Drive would restrict right turn movements and resolve any potential traffic concerns.

The Department has carefully considered the submissions from Council and the public and considers the proposed access from Harbour Drive to be acceptable as:

- the site is located within proximity to existing traffic signals at the Harbour Drive and Curacoa Street intersection, which would create gaps in traffic flow, facilitating safer and more efficient exit movements from the site
- traffic impacts would be managed through the proposed construction of a concrete median on Harbour Drive that would limit access to left-in/left-out and restrict right turn movements into and out of the site
- the anticipated number of vehicle movements redirected onto local roads as a result of concrete median strip would be low and capable of being accommodated within the

surrounding local roads and existing roundabouts to the east and west without any adverse impacts on the road network

- the design of the development has responded to early engagement and feedback from Council to address potential traffic impacts
- the additional traffic generated by the proposal is negligible and would not result in adverse impacts to the operation of the surrounding road network or intersections (see Section 5.5)
- vehicle access from North Street would result in a poor amenity for neighbouring dwellings, would be contrary to concerns raised in public submissions, require substantial excavation on a narrow frontage and safety conflicts associated with the creation of a four-way intersection.

The Department recommends conditions requiring:

- detailed design plans of the proposed bus stop (see Section 5.4.2), loading zone (waste vehicle) and concrete median being prepared to the satisfaction of Council (Traffic Forum) prior to the certification of Crown Building works
- construction of a concrete median to prevent right turn movements to and from the site prior to the occupation of the development.

5.4.2 Bus stop relocation

To facilitate the proposed basement driveway access, the proposal seeks to reposition the existing bus stop 18 m east of the current location (maintaining the total length of 33 m) as shown in Figure 9. The proposal would also provide a recessed seating area within the development site to accommodate users of the bus stop and improve footpath circulation.

Public submissions raised concerns with potential safety impacts associated with school children using the bus stop. The Department has considered this matter below in Table 5 under Social Impacts.

Council advised the proposed relocation works would require approval from the City's Traffic Forum and must demonstrate compliance with the *Disability Discrimination Act 1992* (DDA) and other relevant legislation or standards.

In response, the Applicant advised:

- the design has been amended to incorporate a 9 m long accessible ramp to accommodate the bus stop to replace the existing non-compliant stairs
- while the proposed path is unable to comply with the Bus Stop Urban Design Guideline due to the exiting slope along the site's frontage, it will achieve the Australian Standard for Design for Access and Mobility (AS 1428.1-2009).

- the proposed design would provide a substantial improvement to the existing noncompliant access arrangement in a location constrained by steep topography and narrow width.

Council reviewed the updated proposal and requested a condition of consent be imposed requiring detail design plans of the relocated bus stop be provided for endorsement from the City’s Traffic Forum and that a positive covenant be created on title via a section 88b instrument to facilitate public use of the integrated bus stop seating.

The Department considers the proposed bus stop arrangement to be acceptable as:

- it would maximise accessibility for passengers in wheelchairs and/or with prams, and would comply with Australian Standard for Design for access and mobility
- it would accommodate for the high usage of the bus stop with an extended waiting area, additional seating and improved footpath circulation
- will deliver an upgraded streetscape and public domain interface with the new bus stop and integrated seating.

The Department also considers Council’s recommended conditions appropriate and proposes the following conditions requiring:

- the Applicant obtain approval from Council’s Traffic Forum prior to any bus stop works
- a positive covenant be created on title via a section 88b instrument to facilitate public use of the integrated bus stop seating.

5.5 Other issues

The Department’s consideration of other issues is summarised in Table 7 below.

Table 7 | Assessment of other issues

Consideration	Recommended conditions
<p>Traffic generation</p> <p>Public submissions raised concern about increased traffic congestion resulting from the proposal. Council did not raise any concerns about traffic generation.</p> <p>The Applicant’s Transport Impact Assessment (TIA) included SIDRA modelling of nearby intersections. The TIA concluded:</p> <ul style="list-style-type: none"> • the proposal would generate 29 vehicle trips in the morning peak and 23 vehicle trips in the evening peak periods, with 169 daily trips. • all intersections would continue to operate at the same level of service (LoS) (ranging from LoS A to C) 	<p>No recommended conditions.</p>

Consideration	Recommended conditions
<ul style="list-style-type: none"> future LoS conditions would see some improvements due to the future Coff Harbour bypass, which is anticipated to open in late 2026. <p>The Department considers the additional traffic generated by the proposal is negligible and would not cause any adverse impacts to the operation of the surrounding road network.</p>	
<p>Parking</p> <p>Under the Housing SEPP car parking non-discretionary development standard for affordable housing, a minimum 29 parking spaces are required.</p> <p>The proposal exceeds the NDDS as 31 car parking spaces are provided (including 2 visitor parking spaces). In addition, 2 motorcycle parking spaces and 26 residential bicycle parking spaces are also provided.</p> <p>Public submissions raised concerns with the lack of on-site car parking.</p> <p>While Council encouraged the provision of additional car parking on-site, it acknowledged the proposal is consistent with the Housing SEPP.</p> <p>The Department is satisfied the proposal would provide sufficient parking for future residents and is consistent with the car parking rate outlined in the Housing SEPP.</p>	<p>The Department recommends the following condition:</p> <ul style="list-style-type: none"> allocation of minimum parking spaces compliance with relevant Australian Standards.
<p>Servicing and waste management</p> <p>The Applicant’s Operational Waste Management Plan (OWMP) and TIA outlines waste collection is proposed on Harbour Drive and would occur before school hours to minimise conflict with pedestrians and children. Residents would transfer waste to the bin holding room located on the lower ground floor/basement and Council would be responsible for transporting bins to and from the kerbside collection point. Bulky goods waste collection is proposed to be managed by the building manager in conjunction with Council.</p> <p>Council requested amendments to the waste collection area and access arrangements. In response, the Applicant updated the proposed kerbside waste collection area to the west of the proposed driveway clear of the bus zone (Figure 9) and included a path connecting the bin holding room and waste collection area.</p> <p>The Applicant also stated that Council’s request for a positive covenant (section 88b restriction) to facilitate access for Council’s waste collection vehicles was unnecessary and that they would provide Council with keys to facilitate access to the bin holding room.</p>	<p>The Department recommends the following conditions:</p> <ul style="list-style-type: none"> preparation and implementation of a detailed Operational Waste Management Plan implementation of positive covenant via section 88b instrument

Consideration	Recommended conditions
<p>The Department has considered Council’s advice and the Applicant’s response, and is satisfied that the proposed waste management arrangements are appropriate, as:</p> <ul style="list-style-type: none"> the waste loading zone on Harbour Drive and bin holding room path have been designed to accommodate safe waste collection in accordance with Council’s requirements the waste loading zone on Harbour Drive has been designed to be clear of the bus stop zone Council will be provided access to the bin holding room the Applicant’s proposed OWMP outlines satisfactory procedures to ensure safe and efficient waste collection. <p>Regarding Council’s request for a positive covenant to be imposed, the Department considers the request reasonable noting that Council’s waste officers will be entering private property and the section 88b instrument will ensure the appropriate legal measures are in place to allow waste management to occur as proposed.</p> <p>The Department has recommended appropriate conditions of consent to ensure that operational waste management is appropriately carried out in accordance with the OWMP.</p>	
<p>Noise and vibration (operational)</p> <p>The Applicant’s Noise and Vibration Impact Assessment (NVIA) confirmed the proposal would be capable of achieving compliance with applicable operational noise criteria (internally and externally) subject to the implementation of recommended acoustic treatments, such as glazing, a sealed façade and the design and layout of mechanical services.</p> <p>The Department is satisfied potential operational noise impacts would not adversely impact the amenity of existing and future residents, subject to implementation of the recommendations of the Noise Impact Assessment.</p>	<p>The Department recommends the following conditions:</p> <ul style="list-style-type: none"> implementation of recommendations outlined in Noise Impact Assessment.
<p>Landscaping and tree removal</p> <p>While Council did not raise any concerns regarding tree removal, it recommended additional landscaping be proposed to screen the substation located on Harbour Drive.</p> <p>Public submissions raised concerns with the extent of tree removal and feasibility of planting.</p>	<p>The Department recommends:</p> <ul style="list-style-type: none"> implementation of landscape plans tree protection measures.

Consideration	Recommended conditions
<p>The proposal was accompanied by a Landscape Plans and an Arboricultural Impact Assessment Report. The proposal includes 16.9% of deep soil area (with a width of greater than 6 m) and 47.6% of landscaped areas.</p> <p>While the proposal seeks approval to remove 37 trees, 24 trees would be retained at the rear boundary and a further 65 additional trees (approximately) are proposed to be planted that would increase the tree canopy coverage from approximately 25% to 28% of the site area.</p> <p>The Applicant advised Essential Energy requires unimpeded access to the substation from a public road and screening or landscaping is not permitted.</p> <p>The Department considers the proposal would result in a high-quality landscape outcome that would support privacy outcomes between existing and future residents while positively contributing to the character of the site and surrounding streetscape without adversely impacting biodiversity.</p>	
<p>Bushfire risk</p> <p>The site is classified as bushfire prone land and is located in an area of mapped Vegetation Buffer limited to the northwest corner of the site. The mapped Vegetation Buffer surrounds Category 1 Vegetation, which is located approximately 95 m from the site.</p> <p>The application was accompanied by a Bushfire Hazard Assessment that recommended the following:</p> <ul style="list-style-type: none"> landscaping be undertaken in accordance with the Landscape Plans submitted and maintain pedestrian access around the perimeter of the building for fire fighter access any new fencing within 6 m of the building is to be constructed of non-combustible materials any connection to the electricity supply network is underground. <p>RFS raised no concerns with the proposal subject to the implementation of all recommendations outlined in the Bushfire Hazard Assessment.</p> <p>Council did not raise any concerns relating to bushfire risk.</p> <p>The Department is therefore satisfied that bushfire hazards would be appropriately managed, subject to the recommended conditions.</p>	<p>The Department recommends:</p> <ul style="list-style-type: none"> implementation of all recommendations outlined in the Bushfire Hazard Assessment landscaping in accordance with submitted landscape plans
<p>Social impact and crime prevention</p>	<p>The Department recommends:</p>

Consideration**Recommended conditions**

The Applicant submitted a Social Impact Assessment (SIA) and an assessment against Crime Prevention Through Environmental Design (CPTED) principles, which found that the development would:

- help to address unmet demand for affordable housing in Coffs Harbour
- promote social interaction and inclusion
- be designed to manage potential anti-social behaviour.

Public submissions raised concerns about the proposed housing tenure, including safety concerns relating to the proximity to the school and bus stop. Concerns were also raised relating to the strain on existing public services and schools.

Council recommended the preparation and implementation of an operational management plan and that an on-site manager residence be provided.

The Department has reviewed the Applicant's SIA and CPTED assessments and carefully considered the issues raised in submissions and is satisfied the proposal would deliver a range of positive social outcomes, particularly through the provision of additional affordable housing.

Overall, the Department is satisfied that the proposal is acceptable, as:

- the Applicant has advised the housing will be managed by a local community housing provider (CHP) (office located 1.5 km from the site) and would include a 24/7 contact
- an Operational Plan of Management would be prepared in accordance with the CHPs' procedures
- the proposal aligns with government policy to develop affordable housing through CHP partnerships
- it will provide 100% affordable housing in a well located area that contribute to housing supply in the Coffs Harbour area.

The Department recommends a condition requiring the preparation and implementation of an Operational Plan of Management that must be prepared in consultation with Council and outline ongoing management requirements and measures to manage and minimise any operational impacts on the surrounding community.

- preparation and implementation of a Plan of Management

Consideration	Recommended conditions
<p>Stormwater, water quality and sewer</p> <p>Stormwater would be collected in an underground on-site detention (OSD) system that would discharge to the existing pit at Curacoa Street and Harbour Drive via a dedicated outlet. Modelling of the proposed stormwater measures demonstrate that Council’s stormwater quality targets would be achieved.</p> <p>Council advised the existing stormwater network on Harbour Drive would need to be extended to facilitate a discharge point and requested the proposal’s stormwater strategy comply with Council’s requirements. Council also requested conditions of consent requiring:</p> <ul style="list-style-type: none"> • the sewer manhole be relocated a minimum of 1.2 m from the property boundary • all stormwater management works, including the extension be provided in compliance with clause 7.11 of the CHLEP. <p>Public submissions raised concerns relating to the runoff of stormwater onto the adjacent church.</p> <p>The Department has reviewed the information provided throughout the assessment and the submissions received on the proposal and is satisfied the development can appropriately manage stormwater, as:</p> <ul style="list-style-type: none"> • the Integrated Water Management Plan (IWMP) has been designed to comply with Council’s Water Management Requirements, Water Sensitive Urban Design Guidelines within the City’s Technical Specification for Infrastructure Design and clause 7.11 of the CHLEP. • all stormwater, including overland flows, will be directed to collection points within the development, and then reticulated to the stormwater connection at the western corner of the site on Harbour Drive. • appropriate conditions of consent would be imposed to ensure the final sewer design is confirmed through design development to ensure compliance with Councils technical guideline. <p>Accordingly, the Department has recommended conditions in to manage any potential impacts and address Council’s comments relating to the sewer location and stormwater works.</p>	<p>The Department recommends the following conditions:</p> <ul style="list-style-type: none"> • the detailed design of the stormwater management system • preparation and implementation of a Stormwater Operational and Maintenance Plan • the detailed design of the sewer layout in accordance with Council’s Technical Specification for Infrastructure Design
<p>Construction impacts</p>	<p>The Department recommends the following conditions:</p>

Consideration	Recommended conditions
<p>Construction impacts on the amenity of surrounding residents and school were raised in public submissions.</p> <p>Council raised no concerns with construction impacts.</p> <p>The application included a:</p> <ul style="list-style-type: none"> • TIA which included a preliminary consideration of construction traffic, parking and access. The report includes details on the potential truck routes, pedestrian control and considers the relocation of the bus stop and construction of the median strip. • Noise and Vibration Impact Assessment (NVIA) with a preliminary construction noise assessment, which determined construction noise is predicted to exceed ‘highly noise affected’ levels at sensitive receivers in some instances and provided mitigation measures to minimise impacts during construction. The assessment recommended the preparation of a detailed Construction Noise and Vibration Management Plan prior to construction. <p>The Department notes the proposed hours of construction are in accordance with the NSW Department of Environment and Climate Change NSW’s “Interim Construction Noise Guideline” (ICNG).</p> <p>The Department has recommended conditions to ensure the construction does not cause unreasonable impact to the amenity of adjoining properties or result in damage to adjoining heritage buildings and public domain.</p> <p>The Department is satisfied that construction impacts associated with the proposal can be appropriately managed, subject to conditions of consent.</p>	<ul style="list-style-type: none"> • preparation of a Construction Environmental Management Plan, including: <ul style="list-style-type: none"> – Construction Traffic and Pedestrian Management Sub-Plan – Construction Noise and Vibration Management Sub-Plan – Air Quality Management Sub-Plan – Construction Waste Management Sub-Plan – Construction Soil and Water Management Sub-Plan • standard construction conditions, including ICNG hours of construction.
<p>Heritage</p> <p><u>Aboriginal Cultural Heritage</u></p> <p>An Aboriginal Due Diligence report was submitted with the application, which concluded the site does not contain and is not likely to contain any Aboriginal objects. To mitigate harm to any unknown Aboriginal objects within the subject area, the report recommended a stop-work procedure be developed to manage any unexpected Aboriginal items.</p> <p>The Department concludes the proposal would not result in any significant Aboriginal cultural heritage impacts, subject to the implementation of an unexpected finds protocol.</p>	<p>The Department recommends:</p> <ul style="list-style-type: none"> • implementation of an unexpected finds protocol. • preparation and implementation of a Construction Noise and Vibration Management Plan that considers impacts on heritage buildings.

Consideration	Recommended conditions
<p><u>Built Heritage</u></p> <p>The site does not contain any heritage items and is not located within a Heritage Conservation Area. However, the site is located within proximity of two locally significant heritage places, being Coffs Harbour Public School and the adjacent Former Police Station and Courthouse (Figure 2).</p> <p>A Statement of Heritage Impact (SoHI) was submitted with the application, which determined:</p> <ul style="list-style-type: none"> the site has low- moderate potential for works that reaches local significance and nil-low potential for relics the proposal would not result in any physical impact to the two nearby heritage places but would result in minor visual impacts of each heritage item. <p>To minimise heritage impacts the SoHI recommends the incorporation of heritage interpretation that outlines the history of the area, consideration of vibration on built heritage items during construction and the implementation of heritage induction during construction.</p> <p>No concerns were raised by Council.</p> <p>Heritage NSW requested clarification on whether archaeological monitoring and archival recording would be undertaken. The Applicant provided a Heritage Statement advising:</p> <ul style="list-style-type: none"> monitoring has currently been deemed unnecessary based on the generally low potential for archaeological resources to be present in the event significant archaeological resources associated with the Coffs Harbour Police Station and Courthouse are identified, monitoring and archival recording may be required as appropriate mitigation measures prior to the removal of any such resources. <p>The Department is satisfied the proposed design would not result in any unacceptable impacts on the identified local heritage items, as the landscaped setbacks to both street frontages would preserve views from the public domain to the heritage items.</p> <p>Therefore, Department considers the proposed development is acceptable in terms of potential heritage impacts, subject to the recommended conditions, including consideration of vibration impacts on heritage buildings within the Construction Noise and Vibration</p>	<ul style="list-style-type: none"> preparation and implementation of a heritage induction for construction workers.

Consideration	Recommended conditions
<p>Management Sub-Plan and implementing a heritage induction for construction workers.</p>	
<p>Developer Contributions</p> <p>Council recommended a condition of consent relating to the payment of development contributions under Council’s Section 7.11 Contributions Plan.</p> <p>The Department notes the relevant Section 7.11 Contributions Plans include exemptions for both social and affordable housing where the Applicant is a ‘social housing provider’ as defined by the Housing SEPP.</p> <p>Under the Housing SEPP, the NSW Land and Housing Corporation (operating as Homes NSW) is a social housing provider. Therefore, the proposal is exempt from local infrastructure contributions.</p> <p>Additionally, the proposal is exempt from the payment of any state housing and infrastructure contribution including the Housing and Productivity Contribution.</p>	<p>No recommended conditions.</p>

6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development (**Appendix C**), advice from Government agencies, local councils and public submissions (**Section 4**), and strategic Government policies and plans (**Section 3**).

The Department's assessment concludes the proposal is acceptable as it:

- supports the NSW Government's priority to deliver social and affordable housing in accessible areas that are close to public transport, jobs and services
- delivers substantial public benefits by dedicating all apartments as affordable housing, addressing critical demand for affordable housing in the area
- is permissible with consent and complies with key statutory controls for the site
- would not lead to unreasonable flood impacts or risks, and a range of conditions are recommended to effectively mitigate and manage flood impacts
- provides a high standard of residential amenity for future occupants, including well-sized units, good solar access and natural ventilation, and generous communal and private open space
- does not result in unreasonable impacts on neighbouring properties, including overshadowing, view loss, privacy, or traffic impacts on the surrounding road network.

The Department has recommended a range of conditions to manage any residual environmental impacts. Refer to the recommended conditions at **Appendix D**.

The Department considers the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of the recommended conditions of consent.

Consequently, the Department considers the proposal is in the public interest and should be approved, subject to conditions.

7 Recommendation

It is recommended that the Minister for Planning and Public Spaces:

- considers the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of Coffs Harbour, Affordable Housing (SSD 83294209), subject to the conditions in the attached development consent
- **signs** the attached development consent (**Appendix D**).

Recommended by:



Peter Mcmanus
Team Leader
Social and Diverse Housing

Recommended by:



Paulina Wythes
Director
Social and Diverse Housing

Recommended by:



Ben Lusher
Executive Director
Housing and Key Sites Assessments

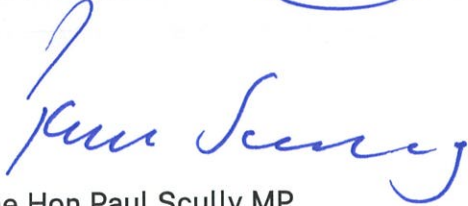
Recommended by:



Steve Hartley
A/Deputy Secretary
Development Assessment and Sustainability

8 Determination

The recommendation is adopted/not adopted by:

A handwritten signature in blue ink, appearing to read "Paul Scully".

The Hon Paul Scully MP

Minister for Planning and Public Spaces

Dated: 16/4/2016

Glossary

Abbreviation	Definition
Council	Coffs Harbour City Council
Department	Department of Planning, Housing and Infrastructure
EIS	Environmental impact statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental planning instrument
ESD	Ecologically sustainable development
FRNSW	Fire and Rescue NSW
Heritage	Heritage NSW, within the NSW Department of Climate Change, Energy, the Environment and Water
LEP	Local environmental plan
Minister	Minister for Planning and Public Spaces
NCC	National Construction Code
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State environmental planning policy
SSD	State significant development

Appendices

Appendix A – List of referenced documents

The following documents can be accessed at <https://www.planningportal.nsw.gov.au/major-projects/projects/coffs-harbour-affordable-housing>

- Environmental Impact Statement
- Response to submission report
- Applicant's additional information
- Submissions (public and Council)
- Government agency advice.

Appendix B – Community views for draft Notice of Decision

Table 8 | Key issues and how they have been considered

Issue	Consideration
<p>Traffic, access, servicing parking including waste collection, pedestrian safety, construction of kerb and gutter.</p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The development complies with the minimum car parking rate outlined in the Housing SEPP and is in a highly accessible area, being approximately 400 m from the Coffs Harbour CBD. Traffic modelling confirms the additional traffic generated by the proposal is negligible and would not cause any adverse impacts to the operation of the surrounding road network. The development’s waste servicing and loading needs can be appropriately managed within the designated on-street loading area. The Department considers the proposed access from Harbour Drive to be acceptable as traffic movements would be limited to left-in/left-out. Any right turn movements would be managed and restricted through the construction of a median strip on Harbour Drive. The Department is also satisfied the proposal would result in an improved pedestrian safety outcome as it would include streetscape and bus stop upgrades and impacts during construction would be managed through the preparation of a Construction Traffic and Pedestrian Management Sub-Plan. <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> Allocation of minimum parking spaces compliant with relevant Australian Standards. Requirements and specifications for detailed plans of the waste storage and management facilities. Preparation and implementation of a detailed Operational Waste Management Plan. Preparation of detailed design plans for the bus stop, waste loading zone and concrete median strip to Council’s satisfaction and approval. Construction of a concrete median strip on Harbour Drive and reinstating kerb and gutter on North Street and Harbour Drive. Preparation of a Construction Traffic and Pedestrian Management Sub-Plan.
<p>Relocation of bus stop</p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the proposed bus stop arrangement to be acceptable as it would provide additional seating and improved footpath circulation and maximise accessibility for passengers in wheelchairs and/or with prams. <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> The Applicant obtain approval from Council’s Traffic Forum and completion of relevant works prior to occupation of the development.
<p>The provision of housing and the future</p>	<p><i>Assessment</i></p>

Issue	Consideration
management of social housing, including on site manager	<ul style="list-style-type: none"> The Department is satisfied that the proposal is acceptable, as it aligns with government policy to develop affordable housing through CHP partnerships. It will provide 100% affordable housing, helping to address the housing crisis in this Coffs Harbour regional area. While a permanent on-site manager is not proposed, the development would be appropriately managed by a local registered CHP that is contactable 24/7. The Department recommends a condition requiring the preparation and implementation of a Plan of Management in consultation with Council. <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> The preparation and implementation of a Plan of Management.
Social impacts including proximity to school, social cohesion, the potential for crime and antisocial behaviour and requests for an alternative location	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has reviewed the Applicant's SIA and CPTED assessment and considers the development has been designed to manage potential anti-social behaviour. The Department is satisfied the built form (balconies and units) has been designed to face away from the school to the north of the site and would include privacy blades and landscaping to further mitigate any potential for overlooking. The Department also notes the layout of the adjoining school faces away from the subject site. The proposal would provide a public benefit through streetscape improvements on Harbour Drive, including providing for the high usage of the bus stop with an extended waiting area, additional seating and improved footpath circulation <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> The detailed construction drawings incorporate the recommendations of the CPTED assessment. The preparation and implementation of a Plan of Management.
Bulk and scale and proposed density (including consistency with surrounding context)	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the proposed density, bulk and scale to be acceptable as: <ul style="list-style-type: none"> the building height complies and is substantially below the maximum permitted height under the Housing SEPP maintains acceptable amenity to the neighbouring properties in terms of solar access and privacy allows for generous boundary setbacks, communal open space for residents and high-quality landscape and improvements to the Harbour Drive frontage and bus stop. <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> No conditions are recommended.
Potential amenity impacts to adjoining properties	<p><i>Assessment</i></p>

Issue	Consideration
	<ul style="list-style-type: none"> The Department's assessment concludes the development will not adversely impact the amenity of surrounding areas, including with consideration of solar access, privacy, noise and views. The Applicant's modelling further confirms that the development would comply with the detailed overshadowing controls specified CHLEP. <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> No conditions are recommended.
Construction impacts	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department acknowledges that some construction impacts are unavoidable due to the transformative nature of construction and the proximity of neighbouring properties in this established urban area. However, the impacts associated with the proposal can be appropriately minimised and managed by conditions of consent. <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> The Applicant must prepared detailed management plans including a Construction and Environmental Management plan, a Construction Pedestrian and Traffic Management Plan, a Construction Noise and Vibration Management Plan, and other sub plans. The detailed management plans must coordinate with any construction projects in the surrounding area to mitigate the duration and annoyance of noise impacts on surrounding receivers. Standard construction conditions, including ICNG hours of construction.
Stormwater	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department is satisfied the development would appropriately manage stormwater, including overland flows, in accordance with Council's requirements. The Department has recommended conditions in to manage any potential impacts and address Council's comments relating to the sewer location and stormwater works. <p><i>Recommended conditions/response:</i></p> <ul style="list-style-type: none"> The detailed design of the stormwater management system Preparation and implementation of a Stormwater Operational and Maintenance Plan Preparation and submission of detailed stormwater plans The detailed design of the sewer layout in accordance with Council's Technical Specification for Infrastructure Design
Increased infrastructure demand	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has undertaken consultation with Council and relevant stakeholders and is satisfied the proposal would not adversely impact existing infrastructure including social infrastructure, water, energy or the road network. <p><i>Recommended conditions:</i></p>

Issue	Consideration
	<ul style="list-style-type: none"> No conditions are recommended.
Substation	<p>Assessment</p> <ul style="list-style-type: none"> The Department accepts that landscaping and screening of the substation would conflict with Essential Energy requirements for permanent and unimpeded access. The Department is satisfied the location of the substation is most appropriate as it avoids amenity impacts to residential properties on North Street, is co-located with other services and minimises impacts to the provision of deep soil. <p>Recommended conditions:</p> <ul style="list-style-type: none"> No conditions are recommended.
Requested no access to rear laneway	<p>Assessment</p> <ul style="list-style-type: none"> The proposal does not seek pedestrian or vehicle access onto the laneway. <p>Recommended conditions:</p> <ul style="list-style-type: none"> No conditions are recommended.
Potential heritage impacts to 215A Harbour Drive	<p>Assessment</p> <ul style="list-style-type: none"> The Department is satisfied the proposed design would not result in any unacceptable heritage impacts on 215A Harbour Drive, as the landscaped setbacks to both street frontages would preserve views from the public domain to the heritage items. Any potential impacts during construction would be managed through the preparation of an unexpected finds protocol and a Construction Noise and Vibration Management Plan. <p>Recommended conditions:</p> <ul style="list-style-type: none"> Implementation of an unexpected finds protocol. Preparation and implementation of a Construction Noise and Vibration Management Plan that considers impacts on heritage buildings. Preparation and implementation of a heritage induction for construction workers.
Procedural issues including quality of information, lack of local knowledge of area	<p>Assessment</p> <ul style="list-style-type: none"> The Department is satisfied the proposal has provided information in accordance with the SEARs, the EP&A Act and the EP&A Regulation. During the assessment of the Application, the Department has undertaken consultation with Council, notified surrounding residents and attended the site. <p>Recommended conditions:</p> <ul style="list-style-type: none"> No conditions are recommended.
Not supportive of seniors in the location	<p>Assessment</p> <ul style="list-style-type: none"> Noted. The proposal does not seek approval for a seniors housing development. <p>Recommended conditions:</p> <ul style="list-style-type: none"> No conditions are recommended.

Issue	Consideration
Concerns relating to HDA project nearby	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Noted. The proposal does not relate to nearby HDA projects. <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> • No conditions are recommended.
Tree removal and the loss of habitat on the site	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department notes that DCCEEW - CPHR granted a waiver from the need to prepare a Biodiversity Development Assessment Report for this application, noting that the potential impacts to biodiversity were not significant. • The Department accepts that the redevelopment of the site would necessitate removing existing trees but notes that the development will retain existing mature vegetation as well as plant new trees that will increase the tree canopy coverage from approximately 25% to 28%. <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> • Implementation of landscape plans • Tree protection measures.

Appendix C – Statutory considerations

Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department’s consideration of these matters is shown in Table 9 below.

Table 9 | Matters for consideration

Matter for consideration	Department’s assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix C
EP&A Regulation	Appendix C
Likely impacts	Section 5
Suitability of the site	Section 3 and Section 5
Public submissions	Section 4 and Section 5
Public interest	Section 4, Section 5 and Section 6

Objects of the EP&A Act

In determining an application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act (section 1.3), including the principles of ecologically sustainable development (ESD). Consideration of those factors is described in Table 9 below.

As a result of the analysis, the Department is satisfied the development is consistent with the objectives of the EP&A Act and the principles of ESD.

Table 10 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,	<p>The proposal promotes the social and economic welfare of the community by providing affordable housing in an area well serviced by good access to transport and urban services, and, in doing so, contributes to the achievement of State, regional and local planning objectives.</p> <p>The proposal would not impact any natural or artificial resources, agricultural land, or natural areas.</p>

Object	Consideration
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes ESD initiatives and sustainability measures, which would allow the proposal to meet the BASIX requirements and achieve an average 7.6 NatHERS rating.
(c) to promote the orderly and economic use and development of land,	<p>The proposal involves the orderly and economic use of land through the efficient development of an underutilised urban site that within walking distance of Coffs Harbour City Business District.</p> <p>Residential development on the site is permissible with consent, and the form of the development has regard to the character of the locality.</p>
(d) to promote the delivery and maintenance of affordable housing,	The proposal would provide 60 units for the purposes of affordable housing.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal will not adversely affect the protection of the environment. Also see the consideration of the Biodiversity Development Assessment Report below.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The Department is satisfied the proposed development is acceptable in terms of potential heritage impact to built and cultural heritage (including Aboriginal cultural heritage).</p> <p>Appropriate conditions are recommended relating to unexpected finds.</p> <p>This matter is further discussed in Section 5.5.</p>
(g) to promote good design and amenity of the built environment,	<p>The proposal has been designed to minimise amenity impacts to neighbours and the surrounding environment and to provide good levels of internal amenity.</p> <p>Other amenity impacts would be managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the construction and operational phase of the development.</p>
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<p>The proposal demonstrates that construction work will be undertaken with national construction standards, relevant regulation and a site-specific construction management plan. Any impacts during this phase will be monitored and managed in keeping with the conditions of consent set out to mitigate any impacts.</p> <p>The conditions of consent will ensure the development is accessible and capable of complying with the requirements of the relevant sections of the National Construction Code. Ongoing management and maintenance of the development shall be undertaken by the building management.</p>

Object	Consideration
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposed development as outlined in Section 4 , which included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<p>The Department publicly exhibited the application which included notifying adjoining landowners and displaying the application on the Department's website.</p> <p>The Applicant's RtS and additional information was made available on the Department's website. Engagement activities carried out by the Department are detailed in Section 4.</p>

Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Applicant has committed to achieving the following minimum sustainability targets:

- achieve average of 7.6 star NatHERS rating
- meets or exceeds BASIX minimum Energy and Water requirements
- meet the BASIX thermal performance requirements.

The development also provides for good sustainable design through the provision of adequate cross-ventilation and solar access.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. The conservation principle has been applied through the provision of new landscaping around, on and within the development and the valuation principle has been applied through the efficient use of the site, application of sustainability measures and creation of new employment opportunities during construction of the development.

The Department has recommended conditions requiring the implementation of ESD measures and minimum sustainability targets.

Subject to the above conditions, the proposed development would be consistent with ESD principles, and the Department is satisfied the future detailed development is capable of encouraging ESD, in accordance with the objects of the EP&A Act.

Biodiversity development assessment report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

A BDAR waiver request was submitted to the Department on 6 March 2025. The Environment Agency Head and the Team Leader, Social and Affordable Assessments, as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. A BDAR waiver was granted on 21 August 2025.

EP&A Regulation

The EP&A Regulation requires the applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the applicant to have regard to the following:

- *Social Impact Assessment Guideline for State Significant Projects*
- *Undertaking Engagement Guidelines for State Significant Projects.*

The Department considers the requirements of the EP&A Regulations have been complied with.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's environmental assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Infrastructure SEPP)*
- *State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards SEPP)*

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity SEPP)*
- *State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 (BASIX)*
- *State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainability SEPP)*
- *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*
- *Coffs Harbour Local Environmental Plan 2013 (CHLEP 2013)*
- other relevant plans, policies or guidance.

Planning Systems SEPP

The proposal is SSD under section 2.6(1) and section 26 of Schedule 2 of the Planning Systems SEPP, being development carried out by Land and Housing Corporation (operating as Homes NSW) with an EDC of more than \$30 million.

Housing SEPP

A summary of the Department’s consideration of the relevant standards contained in the Housing SEPP is provided in Table 11 below.

Table 11 | Housing SEPP compliance table

Housing SEPP standard	Consideration
Chapter 2, Part 2 – In-fill affordable housing	
<p>15A Objective of division The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.</p>	Complies. The proposal would provide affordable housing for very low- and low-income households.
<p>15C Development to which division applies (1) This division applies to development that includes residential development if— (a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and (b) the affordable housing component is at least 10%, and (c) all or part of the development is carried out— (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local</p>	<p>(1) (a) Consistent. Residential flat buildings are permitted with consent within the R3 medium density residential zone in the CHLEP. (b) Consistent. The proposal will deliver 100% affordable housing on the basis housing delivered by Homes NSW is taken to be used for the purposes of affordable housing pursuant to section 15B(2) of the Housing SEPP. (c) Consistent. The site is located within 200 m walking distance of zoned E2 Commercial Centre, which is a relevant zone for the purposes of this section.</p>

Housing SEPP standard	Consideration
<p>government area – in an accessible area, or</p> <p>(ii) for development on other land – within 800m walking distance of land in a relevant zone or an equivalent land use zone.</p>	
<p>16 Affordable housing requirements for additional floor space ratio</p>	<p>N/A. The site does not have a maximum permissible floor space ratio.</p>
<p>18 Affordable housing requirements for additional building height</p> <p>(1) This section applies to development that includes residential development to which this division applies if the development –</p> <p>(a) includes residential flat buildings or shop top housing, and</p> <p>(b) does not use the additional floor space ratio permitted under section 16.</p> <p>(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).</p> <p>(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows –</p> $\text{affordable housing component} = \frac{\text{additional building height} \times 2}{(\text{as a percentage})}$	<p>(1)</p> <p>(a) the proposal is for a residential flat building</p> <p>(b) the proposal does not use additional FSR under section 16.</p> <p>(2) The maximum building height permitted under the CHLEP is 15.5 m. As 100% of the proposal is affordable housing, a 30% bonus increases the maximum permissible height to 20.15 m. The proposal complies with a maximum height of 16.7 m.</p>
<p>19 Non-discretionary development standards – the Act, s 4.15</p> <p>(2) The following are non-discretionary development standards in relation to the residential development to which this division applies –</p> <p>(a) a minimum site area of 450m²,</p> <p>(b) a minimum landscaped area that is the lesser of –</p> <p>(i) 35m² per dwelling, or</p> <p>(ii) 30% of the site area,</p> <p>(c) N/A,</p> <p>(d) N/A,</p> <p>(e) the following number of parking spaces for dwellings used for affordable housing –</p>	<p>(2)</p> <p>(a) Consistent. The site has an area of 3,804 m².</p> <p>(b) Consistent. The proposal would provide a total of 1,815.6 m² (47.7%) of landscaped areas.</p> <p>(c) N/A. Chapter 4 applies.</p> <p>(d) N/A. Chapter 4 applies.</p> <p>(e) Consistent.</p> <p>(f) N/A.</p> <p>(g) Consistent. Refer to consideration of ADG in Table 13.</p> <p>(h) N/A.</p>

Housing SEPP standard	Consideration
<p>(i) for each dwelling containing 1 bedroom— at least 0.4 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms— at least 0.5 parking spaces,</p> <p>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</p> <p>(f) N/A,</p> <p>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</p> <p>(h) N/A,</p> <p>(i) N/A,</p> <p>(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.</p>	

Chapter 4, Part 4 – Design of residential apartment development

<p>144 Application of chapter</p> <p>(2) This chapter applies to the following—</p> <p>(a) development for the purposes of residential flat buildings,</p> <p>(b) development for the purposes of shop top housing,</p> <p>(c) mixed use development with a residential accommodation component</p> <p>(3) This chapter applies to development only if—</p> <p>(a) the development consists of—</p> <p>(i) the erection of a new building, or</p> <p>(ii) the substantial redevelopment or substantial refurbishment of an existing building, or</p> <p>(iii) the conversion of an existing building, and</p> <p>(b) the building is at least 3 storeys, not including underground car parking storeys, and</p> <p>(c) the building contains at least 4 dwellings.</p>	<p>(2) The proposed development is for the purposes of a residential flat building.</p> <p>(3) The proposal relates to the erection of a new building that is greater than 3 storeys with more than 4 dwellings.</p>
<p>147 Determination of development applications and modification applications for residential apartment development</p> <p>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</p>	<p>The Department has considered Schedule 9 in Table 12 and the ADG in Table 13.</p>

Housing SEPP standard	Consideration
(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide, (c) Not Applicable	
148 Non-discretionary development standards for residential apartment development – the Act, s 4.15 (2) The following are non-discretionary development standards— (a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide, (b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide, (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	(a) The proposal has been considered against the car parking requirements under Chapter 2, Part 2. (b) and (c) Complies. The ADG has been considered in further detail in Table 13.

Table 12 | Department’s consideration of the Schedule 9 of the Housing SEPP

Design Quality Principles	Departments Response
1. Context and Neighbourhood Character	The Department has considered the height, scale and design of the development at Section 5 and concludes the proposal responds to the site and surrounding area and maintains adequate levels of amenity for existing neighbouring properties.
2. Built Form and Scale	The height and scale of the development is appropriate in this location and context and the development is considered to achieve a high standard of layout, design and appearance (Section 5.1).
3. Density	The Department considered the proposed density of the site in Section 5.1.2 and determines it to be appropriate for the site.
4. Sustainability	The development has been designed in accordance with ESD principles and satisfies BASIX requirements in relation to energy efficiency, water conservation and thermal comfort.
5. Landscape	The proposal would provide an appropriate balance between the built form and landscaping through the provision of a landscaped communal area and would increase the extent of tree canopy coverage from approximately 25% to 28% of the site area.
6. Amenity	The proposal is generally consistent with the key ADG criteria and would achieve a high level of residential amenity for future residents (see Section 5.2 and Table 13)

Design Quality Principles	Departments Response
7. Safety	The proposal incorporates CPTED principles, including increasing opportunities for natural surveillance, implementation of adequate lighting and technical supervision (i.e. CCTV), and incorporating access control and territorial reinforcement measures. This is discussed further in Section 5.
8. Housing Diversity and Social Interaction	The development will improve affordable housing supply and provide for a mix of apartment types and opportunities for social interaction in communal areas.
9. Aesthetics	The proposal demonstrates a high standard of architectural design. The proposal uses an appropriate variety of materials, colours and textures which responds to the existing setting and the desired future character of the neighbourhood.

Table 13 | Department's consideration of Apartment Design Guide best practice design principles

ADG Criteria	Consideration
3A Site Analysis <ul style="list-style-type: none"> Site analysis illustrates design decisions have been based on opportunities and constrains of the site conditions and their relationship to the surrounding context. 	Consistent. The proposal has been informed by a Design Report which includes a site analysis.
3B Orientation <ul style="list-style-type: none"> Building types and layouts respond to the streetscape and site while optimising solar access within the development. Overshadowing of neighbouring properties is minimised during mid-winter. 	Consistent. The architecture of the proposal responds to the site conditions, streetscape and amenity of neighbouring development. The proposal has considered the impact of overshadowing and has been designed to avoid overshadowing to residential properties mid-winter. Overshadowing would be limited to Harbour Drive and the commercial building east of the site.
3C Public Domain Interface <ul style="list-style-type: none"> Transition between public/private domain is achieved without compromising safety and security. Amenity of the public domain is retained and enhanced. 	Consistent. The proposal has incorporated a landscaped setback to both streetscapes and has located building entries to maximise passive surveillance of the public domain. The proposal would involve the relocation of the existing bus stop on Harbour Drive by 18 m east. As part of the relocation works, the proposal would widen the footpath to within the property boundary and replace the existing bus stop seat with a long seating wall to provide additional space for the users of the bus stop.
3D Communal and Public Open Space <ul style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site. Minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of two hours in mid-winter. Communal open space is designed to allow for a range of activities and to maximise safety. 	Consistent. The proposal would provide 1,270 m ² or 33% of dedicated communal open space for future residents. The principal usable part of the communal open space would receive more than 2 hours of solar access in mid-winter. The Department considers the communal space to have been designed to accommodate different activities including an open lawn area, gathering spaces and communal gardens.
3E Deep Soil Zones	Consistent. The site would provide 1,328.2 m ² or 34.9% of the site area as deep soil with a minimum dimension of 6 m.

ADG Criteria	Consideration												
<ul style="list-style-type: none"> For sites greater than 1,500 m², a minimum of 7% of the site with a minimum dimension of 6 m should provide for deep soil zone(s). 													
<p>3F Visual Privacy</p> <ul style="list-style-type: none"> Minimum separation distance from building to side and rear boundaries: <table border="1" data-bbox="124 488 699 904"> <thead> <tr> <th>Height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6 m</td> <td>3 m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9 m</td> <td>4.5 m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12 m</td> <td>6 m</td> </tr> </tbody> </table> <p><i>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room</i></p> <ul style="list-style-type: none"> Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. 	Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6 m	3 m	Up to 25m (5-8 storeys)	9 m	4.5 m	Over 25m (9+ storeys)	12 m	6 m	<p>Partly consistent. The proposal is generally consistent with the recommended building separation distances, with the exception of:</p> <ul style="list-style-type: none"> the ground level would have a minimum setback of 4.7 m to the balcony on the western boundary and 5.4 m to the habitable room (3.8 m to courtyard) on the eastern boundary (6 m recommended) Level 1 to 3 on the northern and eastern boundaries would have a minimum setbacks between 5.4-5.8 m from balconies and habitable rooms (6 m recommended) Level 3 on the western boundary would have a minimum setback of 5.8 m to the balcony on the boundary (9 m recommended). <p>To address the reduced separation distances, the proposal has incorporated landscaping and fixed blades on windows and balconies (where needed) to minimise visual privacy impacts to neighbouring buildings.</p>
Height	Habitable rooms and balconies	Non-habitable rooms											
Up to 12m (4 storeys)	6 m	3 m											
Up to 25m (5-8 storeys)	9 m	4.5 m											
Over 25m (9+ storeys)	12 m	6 m											
<p>3G Pedestrian Access to Entries</p> <ul style="list-style-type: none"> Building entries and pedestrian access connects to and addresses the public domain. Access, entries and pathways are accessible and easy to identify. 	<p>Consistent. Pedestrian access for future residents would be provided through a common lobby that is accessible from Harbour Drive. Secondary gate access is also provided from North Street.</p> <p>The building addresses the public domain and has been designed to be easily accessible and easy to identify.</p>												
<p>3H Vehicle Access</p> <ul style="list-style-type: none"> Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes 	<p>Consistent. Vehicle access would be provided via Harbour Drive and would be restricted to left turn in, left turn out only. Pedestrian entry is provided separate to the vehicle access point to provide clear and safe access.</p>												
<p>3J Bicycle and Car Parking</p> <ul style="list-style-type: none"> Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas. For development in the following locations: <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre Visual and environmental impacts of above ground enclosed car parking are minimised. 	<p>Partly consistent. The proposal has considered car parking in accordance with the Housing SEPP. The Department considers the proposed car parking to be acceptable, as discussed in Section 5.5.</p> <p>No at grade car parking is proposed.</p> <p>Visual impacts associated with the basement car parks are minimised through the use of screening and landscaping or the semi excavated carpark.</p>												

ADG Criteria	Consideration
<p>4A Solar and Daylight Access</p> <ul style="list-style-type: none"> • Minimum of 70% of apartments' living rooms and private open spaces receive 3 hrs direct sunlight between 9 am – 3 pm in mid-winter. • Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter. 	<p>Consistent. The proposal achieves 3 hours of solar access to 71.6% between 9 am and 3 pm mid-winter. A maximum of 10% (6) units would receive no direct sunlight during the same period.</p>
<p>4B Natural Ventilation</p> <ul style="list-style-type: none"> • At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated). 	<p>Consistent. At least 76.6% of apartments would be naturally ventilated.</p>
<p>4C Ceiling Heights</p> <ul style="list-style-type: none"> • Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <ul style="list-style-type: none"> - Habitable rooms 2.7 m - Non-habitable rooms 2.4 m. 	<p>Consistent.</p>
<p>4D Apartment Size and Layout</p> <ul style="list-style-type: none"> • Minimum apartment sizes <ul style="list-style-type: none"> - Studio 35 m² - 1 bedroom 50 m² - 2 bedroom 70 m² - 3 bedroom 90 m² - 4 bedroom 100 m². • In open plan layouts the maximum habitable room depth is 8 m from a window. • Master bedroom have a minimum area of 10 m² and other bedrooms have 9 m². • Bedrooms have a minimum dimension of 3 m (excluding wardrobes). • Living rooms have a minimum width of: <ul style="list-style-type: none"> - 3.6 m for studio and one bed - 4 m for 2 and 3 bed. 	<p>Consistent. All units would exceed the minimum recommended apartment sizes. All bedrooms and living rooms would be consistent with the recommended dimensions.</p>
<p>4E Private Open Space and Balconies</p> <ul style="list-style-type: none"> • Primary balconies are provided to all apartments providing for: <ul style="list-style-type: none"> - Studios apartments min area 4 m² - 1-bedroom min area 8 m² min depth 2 m - 2-bedroom min area 10 m² min depth 2 m - 3-bedroom min area 12 m² min depth 2.5 m. <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p> • For apartments at ground floor level or similar, private open space must have a minimum area of 15 m² and depth of 3 m. 	<p>Consistent. All balconies would exceed the minimum recommended sizes. Ground floor units include a garden courtyard that would exceed 15 m² The balconies have been designed to be integrated into the architectural form of the building.</p>

ADG Criteria	Consideration
<ul style="list-style-type: none"> Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building. 	
<p>4F Common Circulation and Spaces</p> <ul style="list-style-type: none"> Maximum number of apartments off a circulation core is 8 – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. 	<p>Consistent. The proposal comprises of two lift cores. The maximum number of units a circulation core would be 9 (reducing to 7 depending on the level).</p>
<p>4G Storage</p> <ul style="list-style-type: none"> The following storage is required (with at least 50% located within the apartment): <ul style="list-style-type: none"> Studio apartments 4 m³ 1-bedroom apartments 6 m³ 2-bedroom apartments 8 m³ 3-bedroom apartments 10 m³ 	<p>Consistent. Units are provided with a minimum of 50% of the required storage within the apartment. Where needed, additional storage is provided within a storage cage in the basement.</p>
<p>4H Acoustic Privacy</p> <ul style="list-style-type: none"> Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. Noise impacts within apartments are mitigated through layout and acoustic treatments. 	<p>Consistent. Noise transfer would be minimised through the appropriate layout of the buildings. Apartments are appropriately stacked and laid out to prevent noise transfer between apartments.</p>
<p>4J Noise and Pollution</p> <ul style="list-style-type: none"> In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings. Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission. 	<p>Consistent. In accordance with the recommendations of the Noise and Vibration Impact Assessment, apartments would be appropriately insulated to ensure compliance from external noise sources.</p>
<p>4K Apartment Mix</p> <ul style="list-style-type: none"> Provision of a range of apartment types and sizes Apartment mix is distributed to suitable locations within the building. 	<p>Consistent. The proposal would incorporate a diverse range of dwelling types and sizes (ranging from 1- to 3-bedroom units). The apartment types are varied across the development.</p>
<p>4L Ground Floor Apartments</p> <ul style="list-style-type: none"> Direct street access should be provided to ground floor apartments Activity is achieved through front gardens, terraces and the facade of the building. 	<p>Partly consistent. The proposal has not provided Ground floor units with direct street access due to the topography of the site. However, the proposal has been designed to encourage passive surveillance of the street frontages by providing balconies and courtyards that address the frontages. Additionally, the proposal has incorporated pedestrian access to the building from both frontages.</p>
<p>4M Facades</p> <ul style="list-style-type: none"> Building facades provide visual interest along the street while respecting the character of the local area Building functions are expressed by the facade 	<p>Consistent. The proposed built form has been articulated through recesses in the built form, planters and prominent fire stairs, which contribute towards reducing the building bulk.</p>

ADG Criteria	Consideration
	The Department is satisfied the proposed built form is acceptable and would provide a positive contribution to the area.
4N Roof Design <ul style="list-style-type: none"> Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use roof space for accommodation and open space is maximised Roof design includes sustainability features. 	<p>Consistent. The roof has been designed to incorporate a flat roof with a brickwork parapet.</p> <p>Due to the extent of deep soil and communal open space provided at ground level, no rooftop landscaping is proposed. The roof design incorporates solar panels as a sustainability feature.</p> <p>Services and the lift cores have been located to minimise sight lines.</p>
4O Landscape Design and 4P Planting on Structures <ul style="list-style-type: none"> Landscape design is viable and sustainable. Landscape design contributes to streetscape and amenity. Appropriate soil profiles are provided, and plant growth is maximised (selection/maintenance). Plant growth is optimised with appropriate selection and maintenance. Building design includes opportunity for planting on structure. 	<p>Consistent. A Landscape Design Report was submitted with the application which demonstrates the proposal would provide a positive contribution to the streetscape.</p> <p>The proposal seeks to retain a number of existing trees in proximity to the northern boundary and would incorporate extensive planting within the communal space and as visual screening to neighbouring properties. The proposal would result in 28% tree canopy coverage.</p>
4Q Universal Design <ul style="list-style-type: none"> Universal design features are included in apartment design to promote flexible housing for all community members. Developments should achieve a benchmark of 20% of the apartments incorporating the Liveable Housing Guideline's silver level universal design features. A variety of apartments with adaptable designs are provided. Apartment layouts are flexible and accommodate a range of lifestyle needs. 	<p>Consistent. All units would achieve the Liveable Housing Guideline's gold level universal design features. Additionally, 20% of units would be adaptable.</p> <p>Units are of a size and layout that can accommodate a range of lifestyle needs.</p>
4T Awning and Signage <ul style="list-style-type: none"> Awnings are well located and complement and integrate with the building. Signage responds to the context and design streetscape character. 	<p>Consistent. Awnings are proposed at building entries.</p> <p>No signage is proposed.</p>
4U Energy Efficiency <ul style="list-style-type: none"> Development incorporates passive environmental and solar design. Adequate natural ventilation minimises the need for mechanical ventilation. 	<p>Consistent. ESD is considered in above in Appendix C.</p>
4V Water Management and Conservation <ul style="list-style-type: none"> Potable water use is minimised. Urban stormwater is treated on site before being discharged to receiving waters. 	<p>Consistent. Stormwater and flooding are considered in Section 5.3 and 5.5.</p>

ADG Criteria	Consideration
<ul style="list-style-type: none"> Flood management systems are integrated into the site design. 	
4W Waste Management <ul style="list-style-type: none"> Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity. Domestic waste is minimised by providing safe and convenient source separation and recycling. 	Consistent. Waste management is considered in Section 5.5
4X Building Maintenance <ul style="list-style-type: none"> Building design detail provides protection from weathering. Systems and access enable ease of maintenance. Material selection reduced ongoing maintenance cost. 	Consistent. The proposed building has been designed to incorporate robust materials and allow ease of maintenance.

Infrastructure SEPP

Chapter 2 of the Infrastructure SEPP is relevant to this proposal and identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure development. It also requires consultation with relevant public authorities about certain development during the assessment process.

Section 2.48 requires the consent authority to notify the relevant utility authority about the proposal. The Department consulted Essential Energy, and its response is summarised at Section 4.

The proposal is not considered a traffic generating development under Section 2.122.

The Department has recommended conditions requiring the Applicant consult with utility providers and obtain appropriate approvals for any necessary service connections and infrastructure augmentations.

Hazards SEPP

Chapter 2 (Coastal Management) and Chapter 4 (Remediation of Land) of the Hazards SEPP are relevant to the proposed development. A summary of the Department's consideration of the relevant standards contained in the Housing SEPP is provided in Table 14 below.

Table 14 | Hazards SEPP compliance table

Standard	Consideration
Chapter 2 Coastal Management	
Division 3 Coastal environment area 2.8 Development on land in proximity to coastal wetlands or littoral rainforest (1) Development consent must not be granted to development on land identified as "proximity area for coastal wetlands" or "proximity area for littoral rainforest"	The subject site is mapped as within a Coastal Wetland Proximity Area. The Department is satisfied the proposal would not have any adverse impacts on the: <ul style="list-style-type: none"> hydrological integrity of the adjacent coastal

Standard	Consideration
<p>on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—</p> <p>(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or</p> <p>(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.</p>	<p>wetland or littoral rainforest</p> <ul style="list-style-type: none"> quantity and quality of surface flows to and from the adjacent coastal wetland or littoral rainforest.
<p>2.10 Development on land within the coastal environment area</p> <p>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—</p> <p>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</p> <p>(b) coastal environmental values and natural coastal processes,</p> <p>(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,</p> <p>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p> <p>(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,</p> <p>(f) Aboriginal cultural heritage, practices and places,</p> <p>(g) the use of the surf zone.</p> <p>(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or</p>	<p>The subject site is mapped as within a Coastal Environment Area.</p> <p>The Department has considered and is satisfied the development has been sited and designed to avoid adverse impacts on the:</p> <ul style="list-style-type: none"> biophysical, hydrological and ecological environment coastal environmental values or processes the water quality of marine estates or habitats biodiversity values Aboriginal cultural heritage values access to and from the foreshore, or use of the surf zone.

Standard	Consideration
<p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	
<p>Division 3 Coastal environment area</p> <p>2.11 Development on land within the coastal use area</p> <p>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following—</p> <ol style="list-style-type: none"> 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 <p>(b) is satisfied that—</p> <ol style="list-style-type: none"> 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 <p>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p> <p>(2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.</p>	<p>The subject site is mapped as within a Coastal Use Area.</p> <p>The Department has considered and is satisfied the development has been sited and designed to avoid adverse impacts on:</p> <ul style="list-style-type: none"> • safe and equitable access to the foreshore • overshadowing, wind funnelling and the loss of views from public places to foreshores • the visual amenity and scenic qualities of the coast • Aboriginal cultural heritage or cultural and built environment heritage. <p>The Department has considered the bulk and scale of the proposed development in Section 5.1.</p>

Chapter 4 Remediation of Land

Standard	Consideration
<p>4.6 Contamination and remediation to be considered in determining development application</p> <p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) 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, and</p> <p>(c) if the land requires remediation to be made suitable for the 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> <p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p> <p>(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</p>	<p>The proposal was accompanied by a PSI, DSI, UFP and an Interim Audit Advice Letter.</p> <p>The DSI concludes a remediation action plan and preliminary long term environmental management plan is not required and that the site is suitable for the proposed development subject to the:</p> <ul style="list-style-type: none"> • preparation and implementation of an unexpected finds protocol (UFP) • a further site inspection following removal of grass and vegetation to assesses the surface and near surface soils for potential contamination <p>The DSI also recommended:</p> <ul style="list-style-type: none"> • waste classification of soil and rock to be disposed off site prior to disposal • appropriate approvals be obtained from Water NSW and the utility owner where off-site disposal of groundwater is required <p>An UFP was prepared by Douglas Partners and submitted with the application, which the Interim Audit Advice confirmed provides an adequate framework for management of unexpected contamination. The Interim Audit Advice provided recommendations including the:</p> <ul style="list-style-type: none"> • preparation of a report that documents the findings of the site inspection and the remediation/validation activities undertaken for any isolated unexpected finds identified during development works. • preparation and implementation of a remediation works plan (RWP) if significant contamination is found. • completion of a Section A site audit statement and supporting site audit report prior to occupation. <p>The Department considers the site can be made suitable for the proposed development, subject to the implementation of the recommendations in the DSI, UFP and Interim Audit Advice and has recommended conditions accordingly.</p>

Sustainable Buildings SEPP

The Sustainable Buildings SEPP encourages sustainable residential development by setting targets that measure efficiency of buildings in relation to water and energy use and thermal comfort.

A BASIX certificate was submitted demonstrating the proposal achieves compliance with the BASIX water, energy and thermal comfort requirements under the Sustainable Buildings SEPP. The Department recommends a condition of consent requiring compliance with the BASIX certificate.

Coffs Harbour Local Environmental Plan 2013

A summary of the Department’s considerations of the relevant standards contained in CHLEP is provided in Table 15. The Department considers the proposed development to be generally consistent.

Table 15 | Consideration of the relevant clauses of the CHLEP

Clause	Consideration and comments
Clause 2.3: Zone objectives and Land Use Table	Residential accommodation is permitted with consent within the R3 Zone under Clause 2.3 of the CHLEP.
Clause 4.3: Height of buildings	The maximum building height permitted under the CHLEP 2013 is 15.5 m. As the proposal comprises of affordable housing, the Housing SEPP provides a 30% height bonus resulting in a maximum permissible height of 20.15 m. The proposal would be compliant with a maximum height of 16.7 m.
Clause 4.4: FSR	No FSR control applies to the site.
Clause 5.10: Heritage conservation	The site is not identified as a heritage item or located within a heritage conservation area (HCA). The site is within proximity to local heritage items. The application was accompanied by a HIS and was considered by the Department in Section 5.5.
<p>Clause 5.21: Flood planning</p> <p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and</p>	<p>The Department has considered flooding in Section 5.3</p> <p>The Department is satisfied the proposal:</p> <ul style="list-style-type: none"> • is compatible with the flood function and behaviour on the land • would not increase in the potential flood affectation of other development or properties as the proposal is predominantly alterations to the existing built form • would not adversely impact existing evacuation routes and would incorporate appropriate mitigation measured have been proposed to further manage

Clause	Consideration and comments
<p>efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>	<p>risk, including the preparation of an Emergency Management Strategy</p> <ul style="list-style-type: none"> would not adversely affect the environment or cause avoidable erosion, the destruction of riparian vegetation or a reduction in the stability of watercourses.
<p>5.22 Special flood considerations</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—</p> <p>(a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and</p> <p>(b) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(c) will adversely affect the environment in the event of a flood.</p>	
<p>Clause 7.1: Acid Sulfate Soils</p>	<p>The site is located on Class 4 and Class 5 acid sulfate soils.</p> <p>The application was supported by a Geotechnical Assessment that confirmed soil samples taken on site did not warrant management of acid sulfate soils for soil disturbance or an acid sulfate soil management plan.</p>

Clause	Consideration and comments
<p>Clause 6.2: Earthworks</p> <p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</p> <p>(i) the effect of the development on Aboriginal cultural heritage.</p>	<p>The application includes a Geotechnical and Groundwater Investigation Report. The Department is satisfied the proposed earthworks:</p> <ul style="list-style-type: none"> would not result in any detrimental effect on, drainage patterns and soil stability in the locality of the development would be unlikely to impact Aboriginal cultural heritage or disturb relics and would be subject to a condition requiring the implementation of an unexpected finds procedure. would not impact the amenity of adjoining properties would not any waterway, drinking water catchment or environmentally sensitive area, <p>The Department has considered earthworks, contamination and archaeology and has recommended conditions to manage and mitigate impacts.</p>
<p>7.7 Design excellence</p> <p>(2) This clause applies to land in the following zones—</p> <p>...</p> <p>(b) Zone R3 Medium Density Residential,</p> <p>...</p> <p>(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors,</p>	<p>The Design excellence clause applies as the proposal is within the R3 Medium Density Residential area. Design excellence is considered in Section 5.1.1. The Department considers the proposal to exhibit design excellence on the basis the proposal:</p> <ul style="list-style-type: none"> is of a high standard of architectural design, materials and detailing and was subject to the SDRP process. would not adversely impact the public domain and would include the relocation and enhancement of the existing bus stop would not adversely impact view corridors DCPs do not apply to SSDs would be suitable for the site is suitable, as it is permissible with consent and located in an urban area within walking distance of the City Business District (Sections 1.2 and 5)

Clause	Consideration and comments
<p>(d) the requirements of the Coffs Harbour DCP,</p> <p>(e) how the development addresses the following matters—</p> <p>(i) the suitability of the land for development,</p> <p>(ii) existing and proposed uses and use mix,</p> <p>(iii) heritage issues and streetscape constraints,</p> <p>(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</p> <p>(v) bulk, massing and modulation of buildings,</p> <p>(vi) street frontage heights,</p> <p>(vii) environmental impacts such as sustainable design, overshadowing, solar access, wind and reflectivity,</p> <p>(viii) the achievement of the principles of ecologically sustainable development,</p> <p>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</p> <p>(x) the impact on, and any proposed improvements to, the public domain.</p>	<ul style="list-style-type: none"> • has been designed to respond to surrounding land uses and minimise impacts to surrounding properties and heritage sites (Section 5) • is consistent with the maximum permitted height under the Housing SEPP (Section 5.1.2) • is designed to minimise bulk through articulation and landscaped setbacks • has demonstrated achievement of the principles of ecologically sustainable development (Appendix C) • would provide safe and efficient pedestrian, cycle, vehicular and service access and circulation (Section 5).
<p>7.20 Overshadowing of certain public places</p> <p>(1) Despite clause 4.3, development consent must not be granted to development that results in any part of a building causing additional overshadowing, on 21 June in any year, of any of the following locations (as shown with blue hatching on the Sun Access Protection Map) between 12.00 and 14.00—</p> <p>(a) City Square,</p> <p>(b) Brelsford Park,</p> <p>(c) Lions Safety Park,</p> <p>(d) ANZAC Memorial Park,</p> <p>(e) Footpath areas on the southern side of Harbour Drive and West High Street.</p>	<p>The application was supported by overshadowing diagrams that demonstrate the proposal would not result in any additional overshadowing to Brelsford Park or the Footpath areas on the southern side of Harbour Drive.</p>

Appendix D – Recommended instrument of consent

The instrument of consent can be accessed at <https://www.planningportal.nsw.gov.au/major-projects/projects/coffs-harbour-affordable-housing>