

NORTHERN JOINT REGIONAL PLANNING PANEL

STATEMENT OF REASONS **for decision under the *Environmental Planning and Assessment Act 1979*** **(NSW)**

The Northern Joint Regional Planning Panel (JRPP) provides the following Statement of Reasons for its decision under section 80 of the *Environmental Planning and Assessment Act 1979* (NSW)(the Act) to:

Grant consent to the development application subject to conditions

For:

Hardware & Building Supplies Premises, Alterations to Existing Vehicle Sales Premises (Stormwater Drainage Works & Boundary Adjustment) – 211 Pacific Highway (Lot 2, DP 607441), 1 – 7 Hurley Drive (Lot 31, DP 716388), 8 Tolhurst Place (Lot 1, DP 616809), Council Reserve (Lot 3, DP 607441), Coffs Harbour South

JRPP Reference: 2013NTH023 – Council Reference: DA332/14

Made by:

Geoff King Motors Pty Ltd

Type of regional development:

The proposal is council related and has a Capital Investment Value of over \$5 million.

A. Background

1. JRPP meeting

Northern Joint Regional Planning Panel meeting held:

Date: Wednesday 21 May 2014

Time: 1.00pm

Location: Coffs Harbour City Council, cnr Coff & Castle Streets, Coffs Harbour

Panel Members present:

Garry West	Chair
Pamela Westing	Panel Member
Denise Knight	Panel Member
Rodney Degens	Panel Member

Council staff in attendance:

Gilbert Blackburn

Rosemary Roche

Apologies:

John Griffin

Declarations of Interest:

NIL

2. JRPP as consent authority

Pursuant to s 23G(1) of the Act, the Northern Joint Planning Panel (the Panel), which covers the Coffs Harbour City Council area, was constituted by the Minister.

The functions of the Panel include any of a council's functions as a consent authority as are conferred upon it by an environmental planning instrument [s23G(2)(a) of the Act], which in this case is the *State Environment Planning Policy (State and Regional Development) 2011*.

Schedule 4A of the Act sets out development for which joint regional planning panels may be authorised to exercise consent authority functions of councils.

3. Procedural background

A site visit was undertaken by Garry West, Pamela Westing, Denise Knight and Rodney Degens including a final briefing meeting on 21 May 2014.

Addendum Assessment Report was provided to the Panel regarding traffic issues raised in a late submission by Brown and Hurley and the RMS

During the site inspection concern was raised by Panel members regarding the potential noise impact on residences near to the loading dock and reversing delivery vehicles. Panel members requested Council staff to draft an additional condition requiring the acoustic treatment for a section of the boundary fence.

[Note: See new condition 45A]

B. Evidence or other material on which findings are based

In making the decision, the Panel considered the following:

Environmental Planning and Assessment Act, 1979

s.79C (1) Matters for consideration—general

(a)(i) the provisions of the following environmental planning instruments:

- State Environmental Planning Policy No 55 - Remediation of Land

- State Environmental Planning Policy No 64 - Advertising and Signage
- State Environmental Planning Policy No 71 - Coastal Development
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State & Regional Development) 2011
- Coffs Harbour Local Environmental Plan 2013

(a)(ii) any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

- Not applicable

(a)(iii) the provisions of the following development control plan:

- Coffs Harbour Development Control Plan 2013

(a)(iv) any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

- Not applicable

(a)(v) any coastal zone management plan

- Council adopted the Coffs Harbour Coastal Zone Management Plan at its meeting of 14 February 2013. The plan provides the basis for future management and strategic land use planning of the Coffs Harbour coastal zone. The development sites are within the study area of the plan but are not within any area covered by specific management strategies contained within the plan.
- The Coffs Harbour Coastal Processes and Hazard Definition Study 2010 was prepared prior to, and informed the Coastal Zone Management Plan and identified likelihood of hazards occurring, such as beach erosion, coastal inundation and the impacts of sea level rise on these hazards by 2100. The Hazard Study does not identify any coastal processes that would impact on the development sites.

(iv) relevant regulations:

- It is appropriate to consider whether Regulation 94 (Consent authority may require buildings to be upgraded) applies. This regulation only applies where:

(a) the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more

than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or

(b) the measures contained in the building are inadequate:

(i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or

(ii) to restrict the spread of fire from the building to other buildings nearby.

- The proposed building construction work that is proposed for the Geoff King Motors site does not represent more than half the total volume of the building as determined under provision (a), and the measures within the building to facilitate egress from the building (in the event of fire) and to restrict the spread of fire from the building to other buildings nearby are considered adequate. As a result the clause does not apply to the proposed development.

The Panel was provided with 3 submissions of objection relating to the proposal made in accordance with the Act or the regulations. In making the decision, the Panel considered all of those submissions.

In making the decision, the Panel also considered the following material:

1. Council's Assessment Report on the application received 28 April 2014 and the Supplementary Report received 15 May 2014.
2. Statement of Environmental Effects prepared by Geoff Smyth Consulting.
3. the matters observed during site visit by Panel members, namely the issue of noise impacts on residents.

C1. Findings on material questions of fact by the majority

Set out below in Section C1 are the findings of the unanimous decision of the Panel whom voted in favour of granting consent.

The Panel has carefully considered all of the material referred to in Section B.

(a) Environmental planning instruments. The Panel has noted each of the environmental planning instruments referred to in Section B and Council's assessment of those instruments.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to each of the environmental planning instruments referred to in Section B above.

(b) Development control plan. The Panel has noted the Coffs Harbour Development Control Plan 2013 and Council's assessment of the DA under this DCP.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to the Development Control Plan.

(c) Likely environmental impacts on the natural environment. In relation to the likely environmental impacts of the development on the natural environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the natural environment in Council's Assessment Report.

(d) Likely environmental impacts of the development on the built environment. In relation to the likely environmental impacts of the development on the built environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the built environment in Council's Assessment Report

(e) Likely social and economic impacts. In relation to the likely social and economic impacts of the development in the locality, the Panel's findings are as follows.

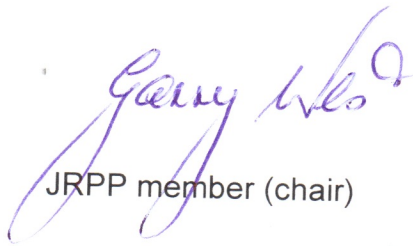
The Panel agrees with and adopts the analysis in relation to the likely social and economic impacts of the development in Council's Assessment Report.

(f) Suitability of site. Based on a consideration of all of the material set out in Section B and given the Panel's findings in this Section C, the Panel's finding is that the site is suitable for the proposed development.

(g) Public Interest. Based on a consideration of all of the material set out in Section B and given the Panel's findings in this Section C, the Panel's finding is that granting consent to the development application is in the public interest. In particular, the Panel is of the view that the following matters lead to the conclusion that granting consent to the development application is in the public interest.

D1. Why the decision of the majority was made

- The Panel was satisfied the traffic issues were satisfactorily addressed
- The Panel was satisfied the flooding issues were satisfactorily addressed
- The Panel accepted amenity impacts were satisfactorily addressed as a result of the amendment to the draft conditions.


JRPP member (chair)

JRPP member

JRPP member


JRPP member


JRPP member



Appendix A

[set out any conditions that the consent is subject to]