

**Development Application 0230/18**  
**Section 79C Assessment**

a. the provisions of,

i. any environmental planning instrument, and

- ***State Environmental Planning Policy (State and Regional Development) 2007***

Clauses 20 and 21 of State Environmental Planning Policy (State and Regional Development) 2011 specify that Council consent functions are to be exercised by regional panels for developments of a class or description included in Schedule 4A of the Environmental Planning and Assessment Act 1979. The estimated cost of construction is \$9,579,471. Under *State Environmental Planning Policy (State and Regional Development) 2011*, developments by Council with a capital investment value of more than \$5 million, are required to be determined by the Joint Regional Planning Panel (Northern Region) and not Council.

- ***State Environmental Planning Policy (SEPP) No 71 - Coastal Development***

The proposed development meets the relevant provisions and is consistent with the aims of this policy.

Clause 7 of the SEPP requires Council to take matters as listed in Clause 8 into consideration when determining development applications. Clause 8 matters have been taken into consideration in the assessment of the proposed development.

- The proposed development does not have frontage to a beach, estuary, coastal lake, headland, and cliff or rock platform. The proposed development will therefore have minimal impact on these locations.
- The proposed development does not change, impede or diminish public access to or along the coastal foreshore.
- The development is considered suitable given its type, location and design and its relationship with the surrounding area.
- The proposed development will not result in a detrimental impact on the amenity or scenic qualities of the coastal foreshore, including significant overshadowing of the coastal foreshore and no significant loss of views from a public place to the coastal foreshore. There is no expected impact on existing wildlife corridors, animals, fish or plants and their inhabitants.
- The proposed development is not affected by coastal processes or coastal hazards. The proposed development will not result in potential for conflict between land-based and water-based coastal activities.
- The proposed development will not result in the discharge of untreated stormwater.

- ***Coffs Harbour Local Environmental Plan (LEP) 2013***

*Zoning*

The subject land is zoned RE1 Public Recreation under Coffs Harbour LEP 2013. The proposed development is defined as a 'Recreation Facility – Major' which is permitted with consent under Coffs Harbour Local Environmental Plan 2013. The stadium has existed for some on this site, the proposal does not involve a change of use of the land but involves alterations and additions to the facility. The components of the works (kiosks, grandstands, amenities, etc) are all considered to be ancillary and incidental to the overall use of the site as a recreation facility - major.

#### Clause 4.3 Height of Buildings

The Height of Buildings Map specifies a maximum building height of 8.5 metres for the site. The proposed development is 6.9m which is consistent with the height of the existing grandstand on the site and therefore does not exceed the maximum height for the location.

#### Clause 5.5 – Development within the Coastal Zone

The site is located within the 'coastal zone' (but not identified as a 'sensitive coastal location') and the Clause specifies a number of matters that must be considered before consent can be granted.

The proposed development is considered to satisfy the requirements of the Clause. In this regard, the development: does not impact on access to the foreshore area or otherwise affect the amenity of the foreshore area; negatively affect the scenic quality of the area; result in impacts to biodiversity values. Further, the development provides for the appropriate treatment of stormwater and is not subject to coastal hazards.

The development satisfies the requirements of the Clause.

#### Clause 5.10 – Heritage Conservation

Given the highly disturbed nature of the site and the locality, it is considered that the proposed alterations and additions to the stadium is not expected to have any impact upon Aboriginal Cultural Heritage.

#### Clause 7.1 Acid Sulfate Soils

The subject land is mapped as being class 4 acid sulfate soils. An acid sulfate soil management plan was submitted with the development application. Council's Environmental Health section has recommended that the plan be implemented in full to ensure clause 7.1 is adequately addressed. A condition has been imposed recommended conditions of development consent.

#### Clause 7.3 – Flood Planning

Clause 7.3 specifies that Council must be satisfied of a number of matters before consent can be granted for development on land that is below the flood planning level. The proposed development is not expected to result in any flooding impacts, the site has been developed and used as a sports stadium for some time. The development satisfies the requirements of the Clause.

#### Clause 7.4 – Terrestrial Biodiversity.

Construction of the new grandstands will cause the need to remove some existing vegetation. This vegetation however was planted at the time of development of the site for the purpose of the stadium under a landscape plan.

#### Clause 7.9 – Airspace Operations

Clause 7.9 requires, where development will penetrate the Limitations or Operations Surface, Council to consult the relevant Commonwealth body.

The land is located within the 48.06 contour on the Obstacle Limitations Map. Given that the proposed development is less than 7 metres in height, it does not penetrate the Obstacle Limitations Surface. Consultation with the Commonwealth is, therefore, unnecessary. The development satisfies the requirements of the Clause.

- ii. **any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has been approved),**

Draft State Environmental Planning Policy (SEPP) (Coastal Management) 2016 is applicable to the proposed development. The proposed SEPP when adopted will repeal SEPP 14 (Coastal Wetlands) SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection) by largely consolidating the provisions outlined within these SEPPs. Clause 15 of the draft SEPP outlines matters for Council consideration for development within a coastal use area. These matters are largely reflected in the clause 8 matters outlined within the current SEPP 71 – Coastal Protection provisions. Council is satisfied in relation to the proposed development having regard to the matters outlined in the draft SEPP.

Council resolved at its meeting of 27 November 2014, to seek a Gateway Determination from the Minister for Planning for a planning proposal to revise provisions relating to coastal hazards, including the introduction of an additional coastal hazards clause and associated maps in Coffs Harbour LEP 2013. Council subsequently resolved on 10 March 2016 that the Planning Proposal not be advanced until such time as the State Government Coastal Management Reforms are further advanced. This action by the State Government has not yet been completed.

As the planning proposal has been placed on exhibition, it is a draft environmental planning instrument that requires consideration in the assessment of any development application.

The planning proposal applies to the area of land that is located seaward of the 2100 coastal hazard line. The subject site is not located within this area. The draft LEP provision will have no implications for the proposed development.

- iii. **any Development Control Plan (DCP)**

• **Coffs Harbour Development Control Plan 2015**

The following components of the DCP are relevant to the proposal:

- **Part B Public Consultation**

The application was advertised and notified in accordance with the provisions of Council's Development Control Plan 2015 for a period of 14 days. No submissions were received.

#### Part E4 – Flooding

Council must be satisfied of a number of matters before consent can be granted for development on land that is below the flood planning level. The proposed development is not expected to result in any flooding impacts, the site has been developed and used as a sports stadium for some time. The development satisfies the requirements of this DCP component.

#### Part F1 – Access and Parking and F1.7 – Public Transport Circulation

Patron capacity is not proposed to be increased as result of this proposal. It should be noted that the existing stadium car park will be upgraded and expanded in the near future. The works will improve access and circulation and provide an additional 180 car parking spaces, increasing the total capacity to 530 spaces from 350. The works will include disabled car parking spaces, coach drop off/pick and circulation area, pedestrian crossings, lighting, kerb and guttering and cable management for CCTV. These car park works will occur separate to the development application under the provisions of clause 65 of State Environmental Planning Policy (Infrastructure) 2007.

#### Part F3 – Landscaping

The site already contains landscape areas. Additional landscaping is proposed to satisfy this DCP component.

#### Part F6.1 – Waste Management

The stadium already contains waste management facilities. Council's Waste Section raised no issues with the proposed works having regard to waste management. It should be noted that the proposal does not involve increasing the capacity of the stadium in terms of patronage.

**iiia any 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, and**

No planning agreement has been offered or entered into for this development application.

**iv. the regulations (to the extent that may prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,**

None applicable to this development application.

**v. any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)), that apply to the land to which the development application relates,**

Council at its meeting of the 14 February 2013 adopted the Coffs Harbour Coastal Zone Management Plan. The Coastal Zone Management Plan will have no implications for the proposed development given the location of the site.

**b. the likely impacts of that development, including environmental impacts, on both the natural and built environments, and social and economic impacts in the locality,**

**1. The natural environment**

The proposed development will not result in any significant impacts to the natural environment. The site has been developed and used as a sports stadium for some time. The land is not identified/mapped as being bushfire prone.

**2. The built environment**

The proposed development will not result in any significant impacts to the built environment. The site is already developed and used as a sports stadium. The proposed works will be of similar scale to existing structures on the site. A noise impact assessment has been submitted. The recommended noise mitigation measures shall be implemented during construction phase and operation.

**3. Social impacts**

The proposed development will not result in any significant adverse social impacts in the locality. The sale of liquor is managed in accordance with an existing liquor license. The application was referred to the NSW Police for comment in relation to liquor licensing and the principles of 'safer by design' (crime prevention guidelines). No issues were raised.

**4. Economic Impacts**

The proposed development will not result in any significant adverse economic impacts in the locality. The proposal is likely to attract increased use of the site for major sporting events and encourage patronage. This is likely to have a positive economic impact for the Coffs Harbour region.

**c. the suitability of the site for the development,**

The site is considered to be suitable for the development. The proposed additions and alteration will not significantly change the urban landscape. It will not cause significant adverse impacts on nearby property in relation to overshadowing, blocking of views or visual impact.

**d. any submissions made in accordance with this Act or the regulations,**

The application was advertised and notified in accordance with the provisions of Council's Development Control Plan 2015 for a period of 14 days. No submissions were received.

**e. the public interest:**

The proposed development is not considered to be contrary to the public interest. It is considered that the proposed alterations and additions to the facility will benefit the wider community as it will attract increased use of the facility and encourage patronage.