

DETERMINATION AND STATEMENT OF REASONS

NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	3 November 2022
DATE OF PANEL DECISION	2 November 2022
PANEL MEMBERS	Paul Mitchell (Chair), Stephen Gow and Penny Holloway
APOLOGIES	None
DECLARATIONS OF INTEREST	Paul Amos, Sally Townley and George Cecato declared conflicts of interest in relation to this development application. As councilors of Coffs Harbour City Council, they have been involved in numerous conversations, budget allocation and other considerations.

Papers circulated electronically on 20 October 2022.

MATTER DETERMINED

PPSNTH-152 – Coffs Harbour – 0766/22DA at 74 & 74A Bray St, Coffs Harbour – Sportz Central Stadium Upgrade (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Coffs Harbour Local Environmental Plan 2013 (LEP), that has demonstrated that:

- compliance with cl. 4.3(2) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3(1) of the LEP and the objectives for development in the RE1 Public Recreation zone; and
- the concurrence of the Secretary has been assumed/provided.

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to building height and approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Insert the following condition:
Safety & Surveillance


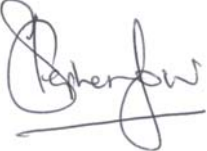

11A.

The details of perimeter and carpark lighting and any CCTV is to be provided prior to the issue of a Construction Certificate.

Reason: To ensure appropriate safety and surveillance measures.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Stephen Gow
 Penny Holloway	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-152 – Coffs Harbour – 0766/22DA
2	PROPOSED DEVELOPMENT	Alterations and additions to a recreation facility (indoor) (new basketball court, associated works, including demolition).
3	STREET ADDRESS	Lot 1000 DP 871662, 74-74A BRAY STREET COFFS HARBOUR
4	APPLICANT OWNER	Geolink Consulting Coffs Harbour City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021; State Environmental Planning Policy (Biodiversity and Conservation) 2021 Coffs Harbour Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Coffs Harbour Development Control Plan 2015 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 23 September 2022 Clause 4.6 variation request to vary height dated 16 February 2022 Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 27 October 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow and Penny Holloway <u>Council assessment staff</u>: Luke Perry and Emma McClellan <u>Department staff</u>: Carolyn Hunt Applicant Briefing: 27 October 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow and Penny Holloway <u>Council assessment staff</u>: Luke Perry and Emma McClellan <u>Department staff</u>: Carolyn Hunt <u>Applicant representatives</u>: Jason Bailey, Scott Harrison and Denique Murphy <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report