

Matt Kelly

From: Keiley Hunter <Keiley@keileyhunter.com.au>
Sent: Tuesday, 12 December 2023 4:18 PM
To: Matt Kelly
Cc: Robert Cribb; Andrew Talbot; Luke Perry; Ken Maguire; Carolyn Hunt
Subject: RE: Request for additional information - 0741/23DA - PPSNTH-230
Attachments: Operational Plan of Management.pdf; ASSMP.pdf

Hi Matt,
See my comments below in blue.

Regards,



URBAN PLANNER BURP CPP | 0458 515963 | [115 Victoria Street Coffs Harbour 2450](#)



This office will be closed from Friday 16 December 2023 until Monday 15 January 2024

From: Matt Kelly <matt.kelly@chcc.nsw.gov.au>
Sent: Tuesday, December 12, 2023 12:54 PM
To: Keiley Hunter <Keiley@keileyhunter.com.au>
Cc: Robert Cribb <CribbR@missionaustralia.com.au>; Andrew Talbot <andrew@become.com.au>; Luke Perry <luke.perry@chcc.nsw.gov.au>; Ken Maguire <Ken.Maguire@chcc.nsw.gov.au>; Carolyn Hunt <carolyn.hunt@dpie.nsw.gov.au>
Subject: Request for additional information - 0741/23DA - PPSNTH-230

Hi Keiley

Thanks for your time on the phone earlier.

In response to your email below, I may be able to modify the relevant recommended conditions of consent if you confirm that no staging is required and proposed.

As discussed, the NRPP deferred the determination of the Application to 9am Friday 15 December to enable the supply and consideration of additional information. The following information has been requested:

1. Submission of an ASS Management Plan by Douglas and Partners; [Attached and uploaded today to portal and emailed to Matt Kelly.](#)
2. Submission of a revised Clause 4.6 Written Request, as discussed; [Under review now and will be submitted as soon as possible.](#)
3. Updated Plan of Management, which addresses the following: [Updated PoM attached.](#)
 - Correct reference from 6 car parking spaces to 5 spaces
 - Provides reference to motorcycle and bicycle parking spaces
 - On-site parking is required to be addressed across the proposed construction stages of 'building (a)' and 'building (b)'.
 - The requirements of Recommended Condition 51 shall be added to the PoM.

Modified Plan of Management

51. Prior to the issue of an Occupation Certificate a modified Plan of Management submitted to Council for approval, incorporating the following additions:
 - a) Temporary allocation of the 'on-site managers residence' with 'Building B' is completed in Stage 3.
 - b) Details of usage times for common areas
 - c) A requirement that no amplified music is permitted within the common areas
4. Council has drafted the following condition in response to site amalgamation. We welcome your feedback on the use and wording of the condition. It may also form Part of the revised Clause 4.6 Written Request.

"Restriction on Use – Boarding house"

A restriction as to user (under the provisions of Section 88B of the Conveyancing Act) is to be created on the title of Lot 5 DP 5344 (No. 11 Duke Street).

The lot the subject of this Restriction on Use must be utilised as a boarding house in conjunction with the land in Lot 12 DP 1265199 (No. 9 Duke Street).

Coffs Harbour City Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate".

The two separate entities associated with 9 and 11 Duke Street are:

- MAH Mission Australia Housing (ABN 13003683261) own Lot 5 DP 5344 – 11 Duke Street.
- MA Mission Australia (ABN 15000002522) own Lot 12 DP 1265199 – 9 Duke Street

Mission Australia Housing's property and legal office have confirmed that there can be no restrictions on use created on title that legally create obligations between the two properties. Neither entity will (Mission Australia or Mission Australia Housing) approve a restriction to be placed over either property. There are operational and legal reasons for this.

Firstly, the Department of Community and Justice Funding Agreement is only available to a Community Housing Provider (CHP). MAH is a Tier One CHP.

MA is a not for profit non-government organisation (NGO) that provides community services on behalf of Government. The funding agreement is secured by a mortgage (or the like) to the MAH CHP. The governance (deeds of the NGO) of MA does not permit such a burden on title of any un-associated property.

The functions of each of the properties owned by MAH and MA are independent. If they were, in fact, co-dependent, then the relevant properties would have been amalgamated.

It is understood that this issue has arisen from the Panel's requirement to further justify in the Clause 4.6 Request for Variation that the object of Clause 4.4 to (a) *to define the allowable development density of a site, and* (b) *to encourage increased building densities through site amalgamation at certain locations*, has been appropriately addressed.

The Clause 4.6 Request for Variation is being updated to address the Clause objectives more fully and will be provided as soon as it is completed.

To enable Council to assess the requested information and prepare an addendum to the NRPP for submission, please ensure it is supplied no later than COB Wednesday 13 December. If you have any issues with this deadline please contact me as soon as possible so I can communicate with the NRPP.

In the meantime, please reach out if you have any questions.

Thanks,



Matt Kelly

Development Assessment Officer | Development Assessment | City of Coffs Harbour

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City of Coffs Harbour would like to acknowledge the traditional custodians of the land, the Gumbaynggirr people, who have cared for this land since time immemorial. We pay our respects to their elders, past, present and emerging and commit ourselves to a future with reconciliation and renewal at its heart.

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From: Keiley Hunter <Keiley@keileyhunter.com.au>

Sent: Tuesday, December 12, 2023 12:25 PM

To: Ken Maguire <Kenneth.Maguire@chcc.nsw.gov.au>; Luke Perry <luke.perry@chcc.nsw.gov.au>; Matt Kelly <matt.kelly@chcc.nsw.gov.au>

Cc: Robert Cribb <CribbR@missionaustralia.com.au>; Andrew Talbot <andrew@become.com.au>

Subject: 11 Duke Street

If we get the consent, both buildings are definitely going ahead at the same time.

Condition (5) could be amended:

Staging of Development:

5. This development consent acknowledges that the construction of the project will be staged.

Stage one works to comprise:

- Subdivision (Boundary Adjustment)

Stage two works to comprise:

- Construction of ground floor level and both Buildings ('A' and 'B') concurrently.

Luke – If there are any wording changes that would streamline the CC / CWC process please let me know.

Regards,





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