

DATE OF DETERMINATION	11 December 2020
PANEL MEMBERS	Paul Mitchell (Chair), Stephen Gow and Penny Holloway
APOLOGIES	None
DECLARATIONS OF INTEREST	Denise Knight, George Cecato and Michael Adendorff declared conflicts of interest as they have, as elected members of Council, been involved in discussing and/or progressing this application.

Papers circulated electronically on 3 December 2020.

MATTER DETERMINED

PPSNTH-24 – Coffs Harbour City Council – 0415/20DA at Solitary Islands Way, Woolgoolga – recreation facility (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 and the matters observed at site inspections listed at item 8 in Schedule 1.

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:

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

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the relevant objectives of cl. 4.3 (maximum building height) of the LEP and the objectives for development in the RE1 zone; and
- c) the concurrence of the Secretary has been assumed.

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 following reasons:

1. The proposal is permissible in the RE1 Public Recreation zone and is a suitable use of the site.
2. The proposal, incorporating the conditions imposed, will have no unacceptable impacts on neighbours or the built and natural environments generally.
3. The proposal will add to the stock of community facilities available in Woolgoolga, enable a wide range of recreation and community activities to occur and be socially beneficial.
4. The issues raised in submissions have been resolved by the design of the proposal and/or conditions imposed, and no residual issues warrant refusal of the application.
5. For the reasons given above approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- In Condition 8 and Condition 37 the number of parking spaces is to be amended to be 127 this being the number needed for this proposal alone rather than development of the broader recreational precinct.
- Condition 46 should be amended to read as follows:

Condition 46


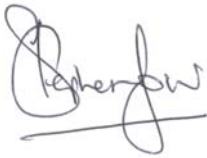

- a) A Floodsafe Plan in accordance with the NSW State Emergency Service Guidelines (FloodSafe Toolkit) is to be prepared prior to Occupation Certificate. For further details visit the SES website at www.ses.nsw.gov.au.
- b) The lots subject to this application, Lot 201 DP 874273, Lot 357 DP 822826 are to be consolidated to ensure that all existing and proposed works are located within the property boundaries of the one lot. Evidence of registration of a plan of consolidation is to be submitted to Council or the certifying authority prior to issue of an Occupation Certificate.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Request for landscape areas to preserve privacy
- Concerns about dust and noise during construction works
- Concerns about flooding and stormwater impacts
- Concerns regarding impacts from stadium lighting
- Request for a playground/park to be established on Shearer Drive with pedestrian access to sport facility
- Request for pedestrian access from High School to Sports Facility.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report, by the design of the proposal and/or by the conditions imposed.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-24 – Coffs Harbour City Council – 0415/20DA
2	PROPOSED DEVELOPMENT	Recreation Facility (indoor) - multi-purpose sports facility, car parking and access road
3	STREET ADDRESS	LOT 357 DP 822826, LOT 201 DP 874273, 2033 Solitary Islands Way, Woolgoolga
4	APPLICANT/OWNER	GHD Pty Ltd/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 (State & Regional Development) 2011. State Environmental Planning Policy No 55 - Remediation of Land. State Environmental Planning Policy - Coastal Management) 2018. 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>: Nil 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: 3 December 2020 Clause 4.6 variation request for building height: September 2020 Council assessment memorandum: 9 December 2020 Written submissions during public exhibition: eleven Total number of unique submissions received by way of objection: two
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 11 December 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow and Penny Holloway <u>Council assessment staff</u>: Gary Cheney, Joshua Roberts and Tim Smith Applicant Briefing: 11 December 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow and Penny Holloway <u>Council assessment staff</u>: Tim Smith <u>Applicant representatives</u>: Shaun Lawer, Nikki Greenwood and Rob Walsh <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