

DATE OF DETERMINATION	12 December 2024
DATE OF PANEL DECISION	12 December 2024
DATE OF PANEL MEETING	11 December 2024
PANEL MEMBERS	Dianne Leeson (Chair), Michael Wright, Amanda Wetzel, Nikki Williams and George Cecato
APOLOGIES	Stephen Gow
DECLARATIONS OF INTEREST	None

Public meeting held by videoconference on 11 December 2024, opened at 2.32pm and closed at 3.08pm

MATTER DETERMINED

PPSNTH-327 – Coffs Harbour – 0566/24DA – 3 Pitt Square, 57 & 59 Azalea Avenue, Coffs Harbour – Subdivision, demolition of two existing dwellings and associated outbuildings, and a mixed use development comprising a group home (transitional) and a dual occupancy (attached) with associated earthworks, vehicle access, stormwater management and landscaping over 3 stages (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.

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), the Panel is satisfied that the applicant has demonstrated that:

- a) compliance with cl. 4.1 (Minimum subdivision lot size) is unreasonable or unnecessary in the circumstances because the proposed Lot A retains a practical and efficient layout to meet its intended use; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard as the development proposes the reconfiguration of the existing site lots to enable to construction of a group home that promotes positive social welfare within the community, promotes orderly and economic use and development of the land, achieves good design outcomes and maintains the amenity of the residential area.

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 the minimum subdivision lot size and approve the Application for the following reasons, including those set out in the Council's Assessment Report and Supplementary Assessment Report:

1. The proposal is permissible within the R2 Low Density Residential and R3 Medium Density Residential zones and is well aligned to the respective zone objectives.

2. The proposal is generally consistent with the relevant provisions of the Coffs Harbour LEP 2013 and Coffs Harbour DCP 2015.
3. The form and scale of the proposed development is in keeping with the surrounding environs, the proposed use is considered compatible with the surrounding area, and the site has ready access to services such as water, sewer, stormwater and electricity.
4. The Panel is satisfied that impacts associated with the proposed development and operations can be adequately mitigated through the imposition of conditions of consent.
5. The proposal will address pressing housing needs and contribute to the diversity of housing types within the area. It is in the public interest.

CONDITIONS

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

- Amend Condition 13 to insert the additional note, which reads as follows:
 4. Existing retaining walls within the road reserve must be removed from the road reserve.

- Insert new Condition 14 which reads as follows and renumber the remaining conditions accordingly:

14. Design Amendments

Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:

- Details ensuring the perimeter of the communal building is secured, non-trafficable and only to be used to service the landscaping.

Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.

- Amend now Condition 39 (former Condition 38) to read as follows:

39. Operational Management Plan

Before issue of an Occupation Certificate for each stage, an Operational Management Plan must be prepared for the operation of the group home and dual occupancy. The plan must include, but is not limited to, the following matters:

- Details of access and security arrangements including CCTV.
- Complaints management and record keeping procedure.
- Notification to adjoining properties of site contact and after hour contact details.
- Arrangements for the keeping of pets on site.

If the intended use and occupation of the group home is proposed to change in the future, a revised Operational Management Plan is to be submitted and approved by Council. This may include the addition of on-site security or staff at all times and consultation with NSW Police.

Condition reason: To ensure the development has appropriate measures and procedures in place for operation.






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:

- Character of area
- Safety and security
- Property values
- View impacts
- Stormwater impacts

- Solar access
- Privacy
- Construction impacts
- Prohibited development
- Traffic
- Earthworks
- Odours

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Amanda Wetzel
 Michael Wright	 Nikki Williams
 George Cecato	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-327 – Coffs Harbour – 0566/24DA
2	PROPOSED DEVELOPMENT	Subdivision, demolition of two existing dwellings and associated outbuildings, and a mixed use development comprising a group home (transitional) and a dual occupancy (attached) with associated earthworks, vehicle access, stormwater management and landscaping over 3 stages
3	STREET ADDRESS	3 Pitt Square, 57 and 59 Azalea Avenue, Coffs Harbour
4	APPLICANT/OWNER	Angus Donnelly – Housing Plus Housing Plus and KL & S Anderson
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities 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 (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 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 Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 22 November 2024 Clause 4.6 variation: Cl.4.1 Minimum subdivision lot size (Coffs Harbour Local Environmental Plan 2013) Council Supplementary Report received: 3 December 2024 Written submissions during public exhibition: 14 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Ekaterina (Kate) Koval Council assessment officer - Luke Perry On behalf of the applicant – Angus Donnelly and Daniel Djikic Total number of unique submissions received by way of objection: 14
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 17 September 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow and Michael Wright <u>Council assessment staff</u>: Glenn Petersen and Luke Perry <u>Department staff</u>: Carolyn Hunt and Lisa Ellis

		<ul style="list-style-type: none"> • Site inspection: 11 October 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow and Michael Wright ○ <u>Council assessment staff</u>: Glenn Petersen and Luke Perry ○ <u>Applicant representatives</u>: Angus Donnelly, Charlotte Young and Meena Johnson • Final briefing to discuss Council's recommendation: 11 December 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Michael Wright, Amanda Wetzel, Nikki Williams and George Cecato ○ <u>Council assessment staff</u>: Glenn Petersen, Luke Perry, Brad Ventura ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report, Council Supplementary Report and amended on 10 December 2024