

DETERMINATION AND STATEMENT OF REASONS

NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	29 April 2025
DATE OF PANEL DECISION	28 April 2025
DATE OF PANEL MEETING	23 April 2025
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright, George Cecato and Cath Fowler
APOLOGIES	Nikki Williams
DECLARATIONS OF INTEREST	<p>George Cecato advised that he is a member of the Coffs Coast Regional Park Trust Board. He declared that he has not taken part in any discussions regarding this development application while on the board. He did participate in the meeting.</p> <p>Cath Fowler advised that she has been nominated to the Coffs Coast Regional Park Trust Board. She did participate in the meeting.</p>

Public meeting held by teleconference on 23 April 2025, opened at 1.11pm and closed at 2.25pm.

MATTER DETERMINED

PPSNTH-367 – Coffs Harbour – 0220/25DA – Ti-Tree Road, 15 & 17 Pine Crescent, Sandy Beach – Subdivision (113 residential lots, 1 Biodiversity Stewardship Lot, dedication of reserves) (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:

A written request from the applicant, made under cl 4.6 (3) of the Coffs Harbour Local Environmental Plan 2013 (LEP), has not been considered as the Panel has determined to refuse the development application.

Development application

The Panel determined to refuse 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 refuse the application for the reasons outlined in the Council Assessment Report and Attachment A Reasons for Refusal.

CONDITIONS

Not applicable


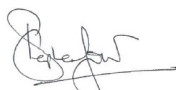



CONSIDERATION OF COMMUNITY VIEWS

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:

- Flood and stormwater impacts upon existing neighbourhood
- Likely adverse construction impacts on Hearn's Lake and impacts from additional pedestrian use
- Impact on biodiversity

- Suitability/capability of existing road system and intersections to accommodate the additional traffic demand
- Amenity related traffic impacts including noise and head light impacts
- Construction related amenity impacts including associated traffic, noise and dust from vehicles delivering fill and undertaking earthworks
- Compliance with concept approval issued by the NSW Department of Planning in 2010
- No public consultation occurring as part of the preparation of the Environmental Impact Statement. This was a requirement of the Secretary's Environmental Assessment Requirements (SEARS)
- Public services (existing schools, medical centres, emergency services etc) are insufficient to support such a large-scale development
- Privacy and visual intrusion impacts for existing residences adjoining the development
- Adverse community impact due to increased densities and overcrowding

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.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Michael Wright	 George Cecato
 Cath Fowler	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-367 – Coffs Harbour – 0220/25DA
2	PROPOSED DEVELOPMENT	Subdivision (113 residential lots, 1 Biodiversity Stewardship Lot, dedication of reserves)
3	STREET ADDRESS	Ti-Tree Road, Sandy Beach (Lot 22 DP 1070182, Lot 497 & 498 DP 227298)
4	APPLICANT/OWNER	T Carter Elite Construction NSW Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Coastal Development - Subdivision
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 (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 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 2013 • 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: 14 March 2025 • Section 4.6 variation: S.4.1 (Minimum subdivision lot size) Coffs Harbour LEP 2013 • Written submissions during public exhibition: 398 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Elizabeth Dray, Ian Foscett, Peter Quiddington, Stephen Walkerden, Rod McKelvey, Maxine Rowley (on behalf of Sandy Beach Action Group – SANDBAG), Joshua Hodges ○ Council assessment officer – Luke Perry ○ On behalf of the applicant – Anthony Boskovitz, Trevor Carter, Keiley Hunter • Total number of unique submissions received by way of objection: 398
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 18 February 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Nikki Williams ○ <u>Council assessment staff</u>: Gary Cheney, Luke Perry, Josh Rees and Sally Whitelaw ○ <u>Department staff</u>: Carolyn Hunt, Lisa Ellis and Ilona Ter-Stepanova • Final briefing to discuss Council's recommendation: 23 April 2025

		<ul style="list-style-type: none">○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, George Cecato and Cath Fowler○ <u>Council assessment staff</u>: Luke Perry, Sally Whitelaw, Matt Kelly, Marian Rhodes and Simon Pierotti○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not provided