

## NORTHERN REGION PLANNING PANEL COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSNTH-73
<b>DA Number</b>	0583/21DA
<b>LGA</b>	Coffs Harbour City Council
<b>Proposed Development</b>	Mixed Use Development Comprising Demolition of Existing Buildings, Construction of Retail Premises (7 Shops) and Shop Top Housing (95 Residential Apartments)
<b>Street Address</b>	15-31 Harbour Drive, Coffs Harbour
<b>Applicant/Owner</b>	Paynter Dixon Constructions Pty Ltd / Coffs Ex-Services Memorial and Sporting Club Ltd
<b>Date of DA lodgement</b>	21/12/2020
<b>Number of Submissions</b>	One (1) submission in support
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	Pursuant to Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011, the application is referred to the NRPP as the proposed development has a capital investment value of more than \$30 million.
<b>List of all relevant s4.15(1)(a) matters</b>	<p><b>Environmental Planning Instruments:</b></p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (Coastal Management) 2018</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Coffs Harbour Local Environmental Plan 2013</li> </ul> <p><b>Development Control Plan:</b></p> <ul style="list-style-type: none"> <li>• Coffs Harbour Development Control Plan 2015</li> </ul> <p><b>Environmental Planning and Assessment Regulation 2000:</b></p> <ul style="list-style-type: none"> <li>• Clause 92(b) the provision of Australian Standard AS 2601 (Demolition)</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Assessment planning report</li> <li>• Draft conditions of consent</li> <li>• Plans</li> </ul>
<b>Report prepared by</b>	Clayton Logan, Development Assessment Officer
<b>Report date</b>	25/05/2021

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**



<b>Legislative clauses requiring consent authority satisfaction</b>	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b>	
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	<b>N/A</b>
<b>Special Infrastructure Contributions</b>	
Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	<b>N/A</b>
<b>Conditions</b>	
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	<b>Yes</b>

## EXECUTIVE SUMMARY

The application is required to be determined by the Northern Regional Planning Panel (NRPP) pursuant to Clause 4 of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 which states that development applications with a capital investment value over \$30 million requires assessment by a regional panel exercising the consent authority functions of Councils. The capital investment value of the proposed development is \$44,369,380.00.

The proposal provides for the construction of a 13 storey mixed use development containing, ground floor retail tenancies, above ground car parking areas and 95 apartments.

The proposed building generally follows the form for the site envisaged by Coffs Harbour Local Environmental Plan 2013 (CHLEP 2013) and Coffs Harbour Development Control Plan 2015 (CHDCP 2015), is generally consistent with the requirements of the Apartment Design Guide and as such is considered to provide a high standard of accommodation for future occupants. The development does not seek to vary any development standards within the CHLEP 2013 and the recessed design of upper levels would ensure appropriate solar access levels to the public domain and be consistent with the desired future character presentation controls within CHDCP 2015.

The primary site constraint on the land is flooding. However, it is considered that sufficient evidence has been provided to demonstrate that these risks can be managed appropriately. Excavation of the site has been limited and parking has been provided above ground level.

The amenity impacts on adjoining and nearby properties are considered to be reasonable based on the high-density character of the area and the built forms envisaged by the applicable controls as noted previously. It is considered that the proposed increase in traffic arising from the development would not compromise the function of the local road network and sufficient on-site parking has been provided.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concern. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979 and is in the public interest.

## RECOMMENDATION:

1. Approve Development Application 0583/21DA for a Mixed Use Development (Comprising Demolition of Existing Buildings, Construction of Retail Premises (7 Shops) and Shop Top Housing (95 Residential Apartments), Lot 9, DP 506454, Lot 10 DP 506454, Lot 4 Sec 7 DP 758258, Lot 1 DP 305950, 15-31 Harbour Drive, Coffs Harbour be approved subject to conditions
2. Advise persons who made submissions of the outcome of this decision



## THE PROPOSAL:

The proposal involves the following:

- Construction of a 13 storey mixed use building comprising the following:
  - Ground floor retail consisting of seven (7) tenancies (735m<sup>2</sup>);
  - Four (4) level podium containing residential apartments, car and bicycle parking spaces (154 car parking spaces across three (3) levels and 26m<sup>2</sup> of bicycle storage for the retail tenancies, residential dwellings and visitors), plant rooms, loading bays, and storage spaces;
  - Eight (8) levels of residential apartments to the upper level built form to provide a total of 95 residential apartments; and
  - Communal open space on the podium rooftop.
- In addition, the development includes a pedestrian laneway linking Harbour Drive and Vernon Street incorporating various landscaping measures and awnings. The laneway would provide both a publicly accessible thoroughfare for the public as well as direct access to the ground level retail premises which is likely to include cafés and the like.
- The breakdown of residential dwelling mix within the development is as follows:
  - 21 x 1 bedroom apartments (22%);
  - 65 x 2 bedroom apartments (68.5%); and
  - 9 x 3 bedroom apartments (9.5%).
- Strata subdivision does not form part of the proposal.

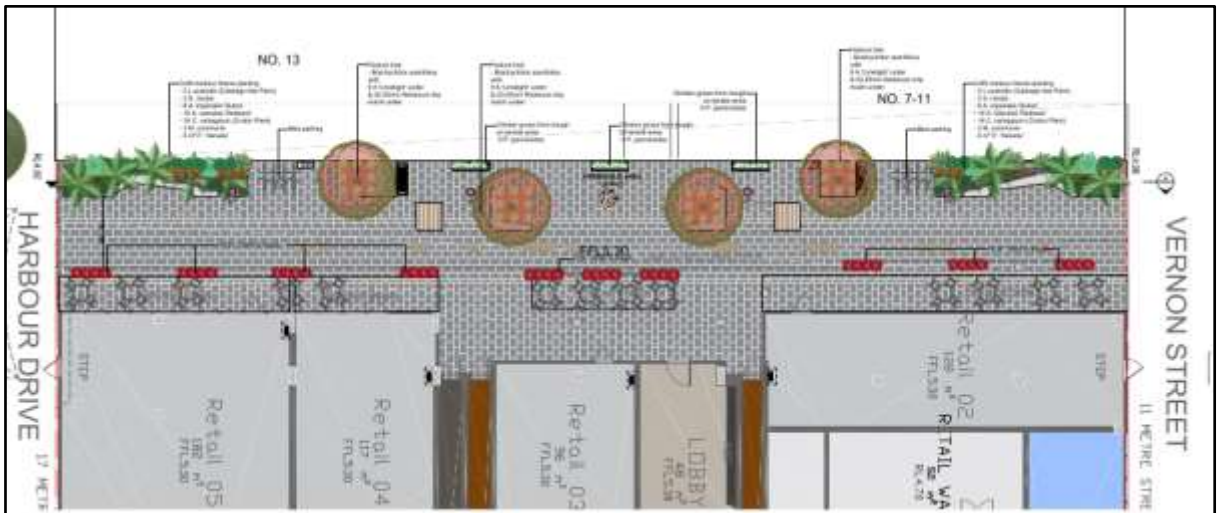


**Figure 1:** Photomontage –15-31 Harbour Drive - Coffs Harbour (Harbour Drive elevation)





**Figure 2:** Photomontage –15-31 Harbour Drive - Coffs Harbour (Vernon Street elevation)



**Figure 3:** Extract of floorplan showing the proposed pedestrian laneway thoroughfare and landscaping treatments.



**Figure 4:** Extract of elevation showing the proposed pedestrian laneway thoroughfare and landscaping treatments

Estimated Cost of Works = \$44,369,380



## THE SITE:

The subject site is known as 15 - 31 Harbour Drive Coffs Harbour.

The site is comprised of 4 allotments of land with the following characteristics:

Address	Property	Lot Size	Existing Built Form
15 – 21 Harbour Drive	Lot 9 DP 506454	208.7m <sup>2</sup>	Single storey commercial premises.
	Lot 10 506454	663.9m <sup>2</sup>	Single storey commercial premises.
23 – 29 Harbour Drive	Lot 4 Sec 7 DP 758258	1,336m <sup>2</sup>	Two storey commercial premises.
31 Harbour Drive	Lot 1 305950	793.7m <sup>2</sup>	Single storey commercial premises.

The combined site has a frontage to Harbour Drive of 49.4m, a frontage to Vernon Street of 50.5m and a site area of 3,002.3m<sup>2</sup>. The development site is shown in the following figure.



Figure 5: Locality Map (subject site outlined in red).

## Surrounding Development

The site is surrounded by single and two storey commercial type developments. Under the CHLEP 2013 the surrounding land is zoned commercial core (B3). Opposite the site on the Vernon Street frontage is the Coffs Ex-Services Memorial and Sporting Club. The Pacific Highway is approximately 50 metres north west of the site.

The site is part of the City Centre Core Precinct which is a strategic precinct and subject to a site-specific Masterplan within CHDCP 2015.

Further to the east of the site is Coffs Central which currently consists of a part two (2) storey and part four (4) storey mixed commercial complex approved under development application 0751/16DA. It should be noted that the Coffs Central complex has approval for 11 storey development of the site consisting of a hotel with 80 rooms however construction is yet to be commenced



## **CONSULTATION:**

### **Advertising and Notification**

The development was advertised and notified in accordance with the requirements of Coffs Harbour Community Participation Plan 2015 for a 14-day period between 15 May 2019 and 29 May 2019. In response, one (1) submissions was received, in support of the proposal. The reasons of support are referenced within section 4.15(d) assessment below.

## **REFERRALS:**

### **External Referrals**

#### **Transport for NSW (TfNSW) – Roads and Maritime Services (RMS)**

The application was referred to TfNSW for advice in relation to Clause 102 and 104 of the State Environmental Planning Policy (Infrastructure) 2011 as the proposed works are within proximity to a classified road. The proposal has 95 units and is a traffic generating development listed under Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2011.

TfNSW have advised that they raise no objection to the proposal. Appropriate conditions have been included within the recommendation section of this report.

#### **Essential Energy**

The application was referred to Essential Energy for advice in relation to Clause 45 of the State Environmental Planning Policy (Infrastructure) 2011 as the proposes works are within the vicinity of electricity infrastructure.

Essential Energy had no comments to make regarding potential safety risks arising from the proposed development.

### **Council Departments**

The proposal was referred to the following internal Council departments:

- Development Engineer,
- Environmental Health (Contamination),
- Environmental Health (Noise),
- Financial Planning,
- Local Planning (Coastal and Estuary),
- Local Planning (Flooding),
- Local Planning (Water Sensitive Urban Design),
- Local Planning (Strategic),
- Property Services, and
- Waste Services,

No comments were provided that necessitate additional action or prevent approval of the development. Conditions recommended have been incorporated into the attached conditions document.

## **STATUTORY MATTERS:**

### **Environmental Planning and Assessment Act 1979 (EP&A Act)**

Section 2.15 and Schedule 2 of the EP&A Act provides that the Northern Regional Planning Panel (NRPP) is the determining authority for regionally significant development. The NRPP is the determining authority for the subject application as the proposal is regionally significant development as identified under Schedule 7 Clause 2 of State Environmental Planning Policy (State and Regional Development)



2011 ('SEPP State and Regional Development'), being general development having a Capital Investment Value (CIV) over \$30 million. The development has a CIV of \$44,369,380 million.

## **Evaluation - Environmental Planning and Assessment Act 1979**

The sections of this Act which require consideration are addressed below:

### **Section 1.7: Application of Part 7 of Biodiversity Conservation Act 2016**

The site is in an established urban area with low ecological significance. No threatened species, populations or ecological communities, or their habitats are impacted by the proposal.

### **Section 2.15: Function of Sydney District and Regional Planning Panels**

The Northern Regional Planning Panel is the consent authority for this application as the proposal has a Capital Investment Value of more than \$30 million.

## **SECTION 4.15 ASSESSMENT:**

Section 4.15 of the Environmental Planning & Assessment Act 1979 (NSW) specifies the matters which a consent authority must consider when determining a development application. The consideration of matters is limited in so far as they must be of relevance to the particular application being examined.

### **Section 4.15 – Matters For Consideration – General**

#### **Provisions of Environmental Planning Instruments (Section 4.15(1)(a)(i))**

##### **Relevant Statutory Instruments**

The following environmental planning instruments are relevant to the assessment of this application:

- State Environmental Planning Policy (State & Regional Development) 2011;
- State Environmental Planning Policy No. 55 - Remediation of Land;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2000;
- State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy (Infrastructure) 2007; and
- Coffs Harbour Local Environmental Plan 2013.

- ***State Environmental Planning Policy (State and Regional Development) 2011***

This application is captured by Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 which provides that the NRPP is the consent authority for this application. Clauses 20 and 21 of this SEPP specifies that Council consent functions are to be exercised by regional panels for developments of a class or description included in Schedule 7 (Regionally significant development) of the policy.

In accordance with Schedule 7 Clause 5 (b) the proposal has a CIV over \$30 million. Accordingly, the determination of this application must be carried out by the Northern Regional Planning Panel.

- ***State Environmental Planning Policy No. 55 – Remediation of Land***

Pursuant to Clause 7 of SEPP 55, contamination and remediation issues are required to be considered in determining any development application. These matters are addressed in the following table:



Contamination and remediation to be considered in determining a development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	A site visit, aerial photographs and review of Council records did not indicate any potential contamination of the subject site. The history of commercial land use supports this with no history of any uses indicated within Table 1 of the contaminated land planning guidelines. Furthermore, the applicant's statement included an investigation of past use and does not indicate any potential contamination.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The land is not contaminated and is considered to be suitable for the proposed development. Additionally, no orders have been given regarding contamination on the site.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Remediation of land is not necessary in this instance.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55, therefore, it is considered that the subject site is suitable for the proposed development.

The development is consistent with the requirements of the Policy.

- **State *Environmental* Planning Policy No. 65 – Design Quality of Residential Apartment Development**

This Policy aims to promote the quality design of residential flat buildings. This proposal has been assessed against the design quality principles within SEPP 65 and the associated Apartment Design Guide (ADG). Advice was not sought from a design review panel as Council does not have any associated panel for referral.

- ***Design Quality Principles***

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The proposal is considered to be consistent with the design principles for the reasons outlined below:

Design Quality Principle	Response
<b>Context and Neighbourhood Character</b>	The design of the proposed building is considered to respond and contribute to the local context, especially having regard to the desired future qualities of the area. The scale of building and type of proposed uses are compatible with the city core precinct.
<b>Built form and scale</b>	The design achieves an appropriate built form for the site and the building's purpose in terms of



	building alignments, proportions, type and the manipulation of building elements.
<b>Density</b>	The proposal would result in a density appropriate for the site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable and consistent with the desired future density of the area.
<b>Sustainability</b>	The development provides opportunities in this regard, as reflected within the submitted BASIX Certificate. Energy efficiency is also aided by the use of water/energy efficient fittings, appliances and lighting.
<b>Landscape</b>	The concept landscaping solutions depicted in the architectural plans are considered to be of high quality and appropriately respond to the proposed built environment.
<b>Amenity</b>	The proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The proposal provides for an acceptable unit mix for housing choice and provides access and facilities for people with disabilities. Apartment amenity for residents is satisfactory when assessed against the best practice design guidelines identified in the ADG, which supports SEPP 65. The proposal includes communal facilities at the podium level for use by residents.
<b>Safety</b>	The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy. The building has been designed to be satisfactory in terms of perceived safety in the public domain.
<b>Housing diversity and social interaction</b>	This principle relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. The proposal achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. The proposal provides high quality communal open spaces, which will foster social interaction. It is considered that the proposal satisfies these requirements.
<b>Aesthetics</b>	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed buildings aesthetically respond to the environment and context, contributing to the desired future character of the area.



## ***Apartment Design Guide (ADG)***

The SEPP requires consideration of the ADG which supports the associated design quality principles by giving greater detail as to how those principles might be achieved. The assessment below considers the proposal against key design criteria in the ADG:

- ***3B-1: Orientation***

The positioning of the building has responded to the urban form of the street, providing for an appropriate street interface to both the street frontage, whilst maintaining an acceptable level of residential amenity including solar access.

- ***3B-2: Overshadowing***

The applicant has provided shadow analysis, which demonstrates that the proposal does not have significant impacts on the surrounding residential properties. Adjacent developments would continue to achieve the required solar access. As such, the proposal is considered to have a reasonable overshadowing impact on adjoining/nearby properties and would preserve solar access to the public domain and streetscape as envisaged by the relevant planning controls.

- ***3C: Public Domain Interface***

The public domain interface is considered to positively contribute to the streetscape by providing high quality materials and distinct access to residential/commercial components of the design.

- ***3D: Communal & Public Open Space***

- *25% of site area should be devoted to communal open space.*
- *Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).*

### **Comment:**

Communal open space is provided on the podium Level (4 storey). 560m<sup>2</sup> (19%) of the sites 3,002.3m<sup>2</sup> has been provide for communal open space.

In accordance with the design guidance under 3D-1 this is considered acceptable because:

- The site is located within a business zone and has provided communal spaces within a landscaped roof top terrace
- The proposal has provided for larger balconies for apartments throughout the building; and
- The building is in good proximity to public open space and facilities in and around City Centre Precinct.

The communal open space is located on the roof-top, access to sunlight is satisfactory.



- **3E: Deep Soil**

*Deep soil zones are to meet:*

- *Minimum of 7% (210m<sup>2</sup>) of a site should be a deep soil zone with 6m dimensions for sites greater than 1500sqm.*

**Comment:**

While the proposal provides limited deep soil planting in accordance with the ADG requirement, this is considered to be acceptable due to the inner city character of the area and building envelope required for the development (increasing setback at upper floors to protect solar access to the public domain).

In addition, the application proposes to provide a pedestrian laneway connecting Harbour Drive and Vernon Street. Along this corridor is a minimum width of 6m (357.7m<sup>2</sup>) permeable paving with vegetative planting. This enhances the amenity of the area and assists with stormwater infiltration.

- **3F – Visual Privacy (Building separation)**

*The following minimum setbacks from boundaries are required to provide for adequate separation:*

*Up to 12 metres (4 storeys):*

- *6 metres for habitable rooms/balconies*
- *3 metres for non-habitable rooms*

*Up to 25 metres (5-8 storeys):*

- *9 for habitable rooms/balconies*
- *4.5 for non-habitable rooms*

*Over 25m (9+ storeys):*

- *12m for habitable rooms/balconies*
- *6m for non-habitable rooms*

**Comment:**

**All** setback requirements are compliant as indicated on the plans and would provide adequate privacy separation.

- **3G: Pedestrian Access and Entries**

A residential pedestrian access foyer is provided from the laneway. The entry **lobby**, which provides access to the residential development, is serviced by 2 lifts. It is considered that suitable pedestrian access will be accommodated on site and will be in the form of grade ramps and lifts. Separate entries have been provided for pedestrian and vehicles.

- **3H: Vehicle Access**

The proposal incorporates separate vehicular entry points on Vernon Street for the ground level loading bay and for the above ground car



parking areas. The vehicular entry points are separated from the pedestrian building entry point to improve pedestrian safety and comfort.

- **3J – Parking**

*For development in the following locations:*

- *on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or*
- *on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre.*

*The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less*

*The car parking needs for a development must be provided off street.*

*Provide adequate motorbike, scooter and bicycle parking space (undercover).*

*Visual and environmental impacts of on-grade car parking are minimised.*

**Comment:**

Total spaces proposed = 154 car parking

There are 95 residential apartments in the following breakdown:

- 21 x 1 bedroom apartments
- 65 x 2 bedroom apartments
- 9 x 3 bedroom apartments

Parking is calculated for residents and visitors is set out in the Guide to Traffic Generating Developments the following rate in accordance

- 1 Bed = 0.6 spaces
- 2 Bed = 0.9 spaces
- 3 Bed = 1.40 spaces
- Visitors = 1 space per 5 units.

The development meets the criteria for minimum parking rates in accordance with Guide to Traffic Generating Developments.

- 21 (1 bedroom apartments) x 0.6 = 12.6
- 65 (2 bedroom apartments) x 0.9 = 58.5
- 9 (3 bedroom apartments) x 1.4 = 12.6
- Visitors, 95/5 = 19
- Total = 102.7
- Required = 103 (rounded up)

The Coffs Harbour Development Control Plan is the appropriate provisions for the required parking for the commercial areas.

735m<sup>2</sup> of retail space

Parking Rate for retail = 1 space per 25m<sup>2</sup>

Required commercial = 29.9



Spaces required = 30 (rounded up)

Total on-site parking spaces required = 133 spaces.

The proposal has a surplus of 21 onsite spaces.

Sufficient bicycle parking is distributed throughout the development.

- **3J-6 Visual and environmental impacts of aboveground enclosed car parking are minimised**

Planters and breezeblocks around the above carpark minimise the visual impact of the carpark.

- **4A – Solar and daylight access**

*Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.*

*A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.*

*Daylight access is maximised where sunlight is limited.*

**Comment:**

Of the 95 apartments 66 (70%) receive the required three (3) hours of direct sunlight at mid-winter to living rooms and private open space.

Solar diagrams were submitted with the application that demonstrate all apartments receive sunlight between the hours of 9am and 3pm at mid-winter to living rooms and private open space.

The proposal satisfies the objectives of this control.

- **4B – Natural ventilation**

*At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.*

*Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.*

*Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.*

*All habitable rooms are naturally ventilated*

**Comment:**

60% (57) apartments are naturally cross ventilated.

Cross-through apartments do not exceed 18m glass line to glass line.



- **4C – Ceiling heights**

*Minimum required ceiling heights are as follows:*

- 2.7m for habitable rooms;
- 2.4m for non-habitable rooms;
- double storey apartments – 2.7m for main living area, 2.4m for second floor where its area does not exceed 50% of the apartment area;
- attic spaces – 1.8m at edge of room with a minimum 30 degree slope;’ and
- in mixed use areas – 3.3m for ground and first floor.

**Comment:**

Apartments have floor to ceiling heights of 2.7m for habitable rooms and 2.4m for non-habitable rooms. The ground floor has a floor to ceiling height of 4m, due to its commercial nature.

The first floor level has a ceiling height of 2.9m.

The proposal achieves sufficient natural ventilation and daylight access to apartments.

Based on merit the proponent satisfies the objectives of this control.

- **4D – Apartment layout**

*Minimum apartment sizes required:*

- 35m<sup>2</sup> for studios;
- 50m<sup>2</sup> for one bedrooms;
- 70m<sup>2</sup> for two bedrooms; and
- 90m<sup>2</sup> for three bedrooms.

*For each additional bathroom, an additional 5sqm of GFA must be provided.*

*Living rooms or combined living/dining rooms have a minimum width of:*

- 3.6m for studio and 1 bedroom apartments
- 4m for 2 and 3 bedroom apartments.

*Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.*

*Habitable room depths are limited to a maximum of 2.5 x the ceiling height.*

*In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.*

*The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.*

*Bedrooms have a minimum dimension of 3m (excluding wardrobe space).*



*Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space).*

**Comment:**

Plans indicate that the average apartment sizes exceed the ADG requirements by 20 percent for 1 and 2 Bed apartments and 3 Bed apartments by 30 percent.

All apartments are above the minimum required size and all habitable rooms have direct access to a window.

Habitable room depths 2.5 x 2.7 = 6.75m are less than 6.75m and open plan layout depths are no greater than 8m from a window.

The intent of 4D-1 is to provide apartments with functional, well organised and a high standards of amenity. This element of the design does not result in residential units with poor levels of amenity.

There are no cross-over/through apartments proposed.

All bedrooms have a minimum dimension of 3 metres.

Master bedrooms have a minimum area of 10m<sup>2</sup>.

The proposal satisfies the objectives of this control.

- **4E – Private Open Space and balconies**

*All apartments are required to have the following primary balcony dimensions:*

- Studios – 4sqm
- 1br – 8sqm with min. 2m depth
- 2br – 10sqm with min. 2m depth
- 3br – 12sqm with min. 2.4m depth

*In order to be counted towards the overall balcony calculation, depths must be no less than 1m deep.*

**Comment:**

All proposed balconies meet the minimum dimensions.

All apartments have a minimum balcony area of 15m<sup>2</sup> except for a single 1 bedroom apartment with a balcony area of 10m<sup>2</sup>.

Apartments on the podium level all have large terraces/balconies ranging from 29m<sup>2</sup> - 55m<sup>2</sup> that are over 3 metres in depth.

The proposal satisfies the objectives of this control.

- **4F – Internal circulation**

*The maximum number of apartments off a circulation core on a single level is eight.*

*Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.*



*For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40*

**Comment:**

Two lifts are provided for the proposed apartments with two circulation areas.

As the building tapers, apartments range from 12 to 4 apartments per floor with the exception of Podium Level whereby there are 13 apartments. Nevertheless, no more than 12 units have been provided off one circulation core.

The proposal satisfies the objectives of this control.

- **4G – Storage**

- *Studio apartments require 4sqm of storage area.*
- *One bedroom dwellings require 6m<sup>3</sup> of storage area.*
- *Two bedroom dwellings require 8m<sup>3</sup> of storage area.*
- *Three bedroom dwellings require 10m<sup>3</sup> of storage area.*

*50% of the required storage is to be provided within each apartment.*

**Comment:**

All apartments have the minimum of 50 percent of the required storage within the apartment with the remainder located in secure and accessible locations within the car park.

The proposal satisfies the objectives of this control.

- **4H – Acoustic privacy**

*Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments*

**Comment:**

The proposal has generally been designed so that like-use areas of the apartments are grouped to avoid acoustic disturbance of neighbouring apartments where possible. Noisier areas such as kitchens and laundries are also located away from bedrooms when possible and bathrooms are located adjacent to lift cores/stairs to reduce noise impacts.

The proposal satisfies the objectives of this control.

- **4J – Noise and pollution**

The application includes an acoustic report which recommends construction methods/materials/treatments to be used to meet the criteria for the site, given both internal and external noise sources. The recommendations cover acoustic treatments such as glazing, building construction, separation between uses, mechanical noise and commercial delivery times. A condition is included requiring that the recommendations in the report be implemented.



- **4K – Apartment mix**

*A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc.) should be provided.*

**Comment:**

A range of apartment types and sizes is provided to cater for different household types now and into the future.

The development has the following bedroom mix:

- 21 x 1 bedroom apartments (22%);
- 65 x 2 bedroom apartments (68%); and
- 9 x 3 bedroom apartments (10%).

Therefore, there is at least 10% of each bedroom configuration within the dwelling mix.

These units vary in size, amenity, orientation and outlook to provide a mix for future home occupants. A variety of apartments are provided across all levels of the apartment building.

The proposal satisfies the objectives of this control.

- **4M – Façades**

*Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.*

*Building facades are expressed by the façade.*

**Comment:**

The proposed building façade is well articulated through varying setbacks and materiality.

The proposal satisfies the objectives of this control.

- **4N – Roof design**

*Roof treatments are integrated into the building design and positively respond to the street.*

*Opportunities to use the roof space for residential accommodation and open space are maximised.*

*Roof design incorporates sustainability features*

**Comment:**

The simple flat roof design is well integrated with the overall building design.

The proposed building is to have a flat roof which is considered to be appropriate given the overall design of the building. The parapet has been designed to assist with screening of the plant equipment on roof and lift over run. Rooftop plant and lift overrun are to suitably setback to ensure they are not visible from the street and have been designed. A



podium top communal open space has been incorporated into the building, increasing the amenity for occupants.

The proposal satisfies the objectives of this control.

- **4O – Landscape design**

*Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable.*

**Comment:**

The application includes a landscape plan which demonstrates that the proposed building will be adequately landscaped given its high density form. The proposal includes new street planting, within the laneway, landscaped podium spaces which will provide ancillary open space for occupants. The landscaping to the public domain will enhance the streetscape as well as contributing to the amenity of the occupants.

The proposal satisfies the objectives of this control

- **4P – Planting on structures**

*Appropriate soil profiles are provided.*

**Comment:**

The drawings outline that planting on structures would have adequate soil depth to accommodate good quality planting.

- **4Q – Universal design**

*Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.*

**Comment:**

The Development achieves 21 percent of the total apartments are universally designed.

Ten (10) of the units (702, 802, 805, 902, 1002, 1102, 1201, 1202, 1203 & 1204) comply with the Adaptable unit requirements.

In addition to the adaptable above units, the following ten (10) units 407, 411, 412, 506, 510, 511, 605, 609, 610 & 709 are also capable of complying with the features of Silver level of Livable Housing Guidelines.

The proposed apartments have been sized to maximise amenity and allow for future flexibility for reconfiguration or adaptability thus demonstrating to cater for a diverse range of household types.

- **4S – Mixed Use**

The proposal provides for a ground floor retail interface which assists in separating the residential units from the noisier street level. The proposal provides separate entries for the retail and residential uses.



The residential foyer is in the center of the development with secure access from the pedestrian laneway.

The proposal is considered to provide an appropriate public domain interface for retail uses at ground level, by employing clearly delineated entrances, additional landscaping and varying materials.

All service areas are located at the ground parking level.

- **4T – Awnings and Signage**

Sun and rain protection is provided by a continuous awning around the ground floor.

Signage will be limited to building identification, navigation and statutory signs. The signage is designed to fit harmoniously in the architecture and to contribute positively to the precinct.

Commercial signage will be subject to future and separate development applications.

- **4U – Energy efficiency**

*Development incorporates passive environmental design measures – solar design, natural ventilation etc.*

**Comment:**

The application was accompanied by BASIX certificate indicating energy efficiency for each residential unit provided.

- **4V – Water management**

The BASIX Certificate demonstrates that the development achieves the pass mark for water conservation.

- **4W – Waste management**

Waste areas have been located in convenient ground floor locations which cannot be readily viewed from the public domain. Waste collection would occur within the loading dock. A construction and operational waste management plan has been prepared by a qualified waste consultant adhering to waste controls. All units are provided with sufficient areas to store and dispose of waste/recyclables.

- **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The application is accompanied by a BASIX certificate that lists sustainability commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled during the construction of the development.



- **State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP)**

The Policy applies to land located within the 'Coastal Zone'. It contains development controls that relate to the various lands that make up the 'Coastal Zone', being land identified on the: 'Coastal Wetlands and Littoral Rainforests Area Map'; 'Coastal Vulnerability Area Map'; 'Coastal Environment Area Map'; and the 'Coastal Use Area Map'.

The subject land is identified as being located within the 'Coastal Zone', as the land is identified by the 'Coastal Use Area Map' and 'Coastal Environment Area Map'. The following controls, therefore, apply to the development:

In relation to the 'Coastal Environment Area':

- Division 3 – Coastal environment area
- Clause 13 – Development on land within the coastal use area.

It is considered that the development is unlikely to cause adverse impacts on the following: the integrity and resilience of the biophysical, hydrological and ecological environment; the coastal environment and natural coastal processes; water quality of the marine state; marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms; existing public open space and safe access to an along the foreshore, beach, headland or rock platform for members of the public; and Aboriginal cultural heritage, practices and places; and use of the surf zone.

In relation to the 'Coastal Use Area':

- Division 4 – Coastal Use Area
- Clause 14 – Development on land within the coastal use area.

It is considered that the development is unlikely to cause adverse impacts on the following: access to the foreshore; overshadowing, wind funnelling and loss of views from public places to foreshores; visual amenity and scenic qualities of the coast; Aboriginal cultural heritage practices and places; and cultural and built environmental heritage.

It is considered that the development has been designed and sited to avoid and manage impacts and is considered to be consistent with the surrounding coastal and built environment in terms of bulk, scale and size.

The development is consistent with the requirements of the Policy.

- **State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)**

The provisions of ISEPP have been considered in the assessment of the development application.

- *Clause 45 Determination of development applications – other development*

The application is subject to clause 45 of the SEPP as the development proposes works within the vicinity of electricity infrastructure that triggers a written referral to the energy authority.

The application was referred to Essential Energy who had no concerns with the proposal.

- *Clause 101 Development with frontage to a classified road*

The application is not subject to clause 101 of the ISEPP as the site does not have frontage to a classified road.



- *Clause 102 Impact of road noise or vibration on non-road development*

The application is subject to clause 102 of the ISEPP as the average daily traffic volume of Grafton Street is more than 20,000 vehicles.

Clause 102 of the SEPP requires the consent authority to consider the impact of road noise or vibration on non-road development, particularly in relation to more sensitive receivers such as residential, hospitals, child care centres and places of public worship.

In terms of noise and vibration from the classified road pursuant to Clauses 102 of ISEPP, the application is accompanied by an Acoustic Assessment prepared by Accoustic Logic. The Acoustic Assessment submitted with the application confirms that the development is capable of complying with the noise criteria subject to incorporation of appropriate construction materials and glazing. Conditions are contained within the recommendation section of this report which requires the incorporation of the construction measures to mitigate against noise.

- *Clause 104 Traffic-generating development*

The development proposes more than 75 dwellings and a car park with more than 50 car spaces, it is classed as “traffic generating development” and Clause 104 of ISEPP is applicable. Accordingly, a referral has been issued to TfNSW – RMS for comment. The general terms of approval were received from the concurrence authority who raised no concerns.

The proposed development will facilitate appropriate accessibility, allowing for efficient movement of people and freight and from the site utilising Vernon Street. Traffic safety and potential congestion impacts are acceptable.

The proposal is satisfactory with respect to the requirements of the ISEPP.

• ***Coffs Harbour Local Environmental Plan 2013***

***Clause 2.3 – Zone objectives and Land Use Table:***

The site is zoned B3 Commercial Core under the provisions of the Coffs Harbour Local Environmental Plan 2013. Under the Coffs Harbour Local Environmental Plan 2013 (CHLEP 2013).

The proposed development is defined as a “mixed use development” (shop-top housing and retail premises) which are permissible with development consent in the zone.

The proposal is considered to be in keeping with the objectives of the B3 Commercial Core for the following reasons:

- The proposal provides an appropriate mix of land uses;
- The proposal encourages employment opportunities in an accessible location;
- The proposal encourages public transport patronage and encourages walking and cycling;
- The proposal ensures that the scale and nature of development reinforces the role of the Coffs Harbour central business district as the primary commercial, employment and retail centre in the region;
- The proposal makes a positive contribution to the streetscape through opportunities for improved pedestrian links, retention and creation of view corridors and the provision of a safe public domain.



***Clause 2.7 Demolition requires development consent:***

Clause 2.7 of CHLEP 2013 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition works are included in the recommendation.

***Clause 4.3 Height of Buildings:***

The maximum building height limit of 44 metres applies to the site.

The maximum height of the proposal is 44 metres inclusive of the lift overrun.

***Clause 4.4 Floor Space Ratio:***

The maximum floor space ratio permitted under the LEP 2013 Floor Space Ratio Map for the site is 4.5:1. The site has a total area of 3002.3m<sup>2</sup> the maximum floor space ratio for the site is equivalent to 13,510.35m<sup>2</sup> of gross floor area.

The proposal has a gross floor area of 10,648m<sup>2</sup>, this is equivalent to a floor space ratio of 3.5:1.

The proposal satisfies this clause.

***Clause 7.1 Acid Sulfate Soils:***

The land is mapped as potential Acid Sulfate Soils Class 4.

Mapping as Class 4 Acid Sulfate Soils means that the requirements of this provision apply to works more than 2 metres below the natural ground surface and works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.

The proposal indicates works will generally be 500mm below the natural ground surface. The applicant has indicated that excavation may reach up to 3.5 metres for the fire tank and pump room. Being commercial in nature soil testing is limited on the site because the entire site is developed.

A condition of consent will require geotechnical investigation to occur prior to the issue of a construction certificate, if acid sulfate soils are present the preparation and submission of an acid sulfate soils management plan will be required prior to works commencing

There are no further requirements of this provision.

***Clause 7.2 Earthworks:***

It is considered that the development is unlikely to result in the disruption of, or have any detrimental effect on, drainage patterns and soil stability in the locality of the development. The earthworks are not expected to have an unacceptable effect on the amenity of adjoining properties or disturb any relics and will be clear of waterways.

***Clause 7.3 Flood Planning:***

The site is affected by flooding and is within the flood planning area of Coffs Harbour. The application has been referred to Council's floodplain engineers and the application is considered to be suitable subject to conditions of consent relating to finished floor levels being above the 1 in 100 flood level and that a flood risk management plan been provided prior to the issue of a construction certificate.



***Clause 7.9 Airspace operations:***

The location of the proposal is indicated on the limitation or operations surface map as having a limitation surface of 48.06m.

The proposed facility has a total height of RL 42.7 m AHD.

The proposal is below the limitation surface.

The development is consistent with the requirements of the Clause.

***Clause 7.11 Essential services:***

Essential services are available to the site including water, electricity, sewage, drainage and vehicular access. Recommended conditions will be included requiring the new building and works be connected to all relevant essential services prior to the issue of an occupation certificate.

***Clause 7.12 Design Excellence:***

The development is consistent with the design principles of State Environmental Planning Policy no.65, as discussed above. These include: context and neighbourhood character, scale and built form, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics. As assessed above, the proposal is well considered with regards to SEPP65 and that the architectural, urban design and landscape quality is of a high standard.

Furthermore, the proposal is considered to be consistent with the requirements of the Coffs Harbour Local Environmental Plan 2013 and Development Control Plan 2015.

The design, articulation, materials and detailing of the building is considered appropriate for the development site, zone and locality. It will improve the quality and amenity of the public domain. The development is not expected to result in amenity impacts. The development is consistent with the requirements of the Clause.

***Clause 7.13 Central Business District:***

The development involves retail components located on the ground floor. It is considered that the development maintains and enhances the primacy of the CBD as the principal business, office and retail hub of the city centre.

Given the scale of the proposal it is considered that the development is expected to strengthen Coffs Harbour's position as an eminent regional centre. The development is consistent with the requirements of the Clause.

***Clause 7.20 Overshadowing of certain public places:***

The intent of this clause is to prevent further overshadowing along Harbour Drive. Consent must not be granted to development that results in any part of a building causing additional overshadowing, on 21 June in any year between 12.00 and 14.00.

The building is stepped back to comply with the solar access plane and to mitigate and further over shadowing to Harbour Drive and surrounding public domain.

The development is consistent with the requirements of the Clause.



### **Clause 7.21 Minimum building street frontage:**

This clause requires buildings over 28m in height to have a minimum site frontage of 30m

The combined site has a frontage to Harbour Drive of 49.4m and a frontage to Vernon Street of 50.5m.

The development is consistent with the requirements of the Clause.

### **Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (Section 4.15(1)(a)(ii))**

There are no draft Environmental Planning Instruments applying to this proposal.

### **Provisions of Development Control Plans (Section 4.15(1)(a)(iii))**

- **Coffs Harbour Development Control Plan 2015 (CHDCP 2015)**

Clause 6A of SEPP65 stipulates that development control plans cannot be inconsistent with the Apartment Design Guide. Clause 6A (2) of SEPP 65 stipulates '*If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.*'

As such, the proposed development has been assessed having regard to the relevant desired outcomes and relevant prescriptive requirements within CHDCP 2015. Where there is conflict between DCP 2015 and the SEPPs listed above, the SEPP controls prevail to the extent of the inconsistency and as such are not included below:

#### **D1 Commercial Development.**

##### ***D1.1 Front setbacks:***

The DCP specifies that there is no front setback requirement for this locality, with setback being assessed on merit.

The development has two frontages, to Harbour Drive and Vernon Street, and proposes a nil setback to both frontages. The proposed setbacks are considered acceptable because the ground floor consist of commercial activity, and it is considered that the proposal complies with the following objectives of the control:

- The building frontages have consistent alignment to Harbour Drive and Vernon Street and an appealing visual appearance,
- The commercial tenancies on the ground floor will activate the street frontage,
- Awnings have been proposed to both street frontages giving a human scale to the proposal at street level,
- An appropriate level of amenity has been provided for building occupants in terms of daylight, outlook, view sharing, ventilation and privacy, and
- Winter sun access to the public domain is not compromised.

##### ***D1.3 Design requirements - mixed use development:***

The proposal has been designed so that the residential component of the development is clearly identifiable and distinguishable between the commercial tenancies. The foyer and entrance to the residential units is clear and legible from laneway in the middle of the development. A variety of unit sizes and bedroom mix provides for a flexible building layout providing opportunities to a variety of tendencies. It is considered that the development will exhibit design excellence. This is fully discussed in this report above



under the ADG and LEP. The development is consistent with the requirements of the Control.

***D1.10 - Consolidation Requirements:***

The four (4) lots are required to be consolidated. A recommended condition of consent requires consolidation of the land.

The development is consistent with the requirements of the Control.

***D1.13 - Water Management Requirements:***

The requirements are achieved and recommended conditions require detailed information be provided with the Civil Works Construction Certificate.

The development is consistent with the requirements of the Control.

***D1.14 - Erosion and Sediment Control Requirements:***

Recommended conditions require that appropriate sediment and erosion control to be implemented, prior to, and during construction of the development.

The development is consistent with the requirements of the Control.

***D1.17 - Coastal Hazard Requirements:***

It is considered that the development is unlikely to cause adverse impacts on areas or processes. Standard conditions of consent will require appropriate sediment and erosion control to be implemented, prior to, and during construction of the development.

The development is consistent with the requirements of the Control.

**Part F General Development Controls**

***F6 – Waste management:***

Part F6 requires that developments be provided with appropriate waste storage that assists with collection. This part of the DCP specifies requirements in relation to waste management. The development provides for appropriate waste storage and collection consistent with the DCP.

Waste areas have been located in convenient ground floor locations which cannot be readily viewed from the public domain. Separate commercial and residential waste areas have been provided. Waste collection would occur within the loading dock. The proposal incorporates a waste chute system for the residential component of the development that disposes of waste to the bulk waste area.

All units are provided with sufficient areas to store waste/recyclables internally before disposal. Waste chutes, with associated collection rooms on the ground floor, are provided on each upper level of the building core. From there waste will be transported to the residential waste storage room adjacent the loading dock. From there recycling will be transport to the main waste storage room adjacent the service bay. Waste will be collected off-street from the loading dock area. Appropriate conditions are included to ensure smooth maintenance and operations of the waste management system.

A Waste Management Plan (WMP) was submitted with the application outlining the demolition, construction and operational stages of the development.

The development is consistent with the requirements of Plan.



## **Part G Special Area Controls**

### **G3.1 City Centre Masterplan:**

*Development is to comply with the principles of the Coffs Harbour City Centre Master Plan and appendices.*

*Landscape materials and planting selection associated with development proposals are to accord with the Landscape Materials and Planting Section within the Coffs Harbour City Centre Master Plan.*

*Development adjoining any riparian zone along Coffs Creek is to be designed to provide connectivity to existing public passive open space networks and to enable the utilisation of creek edges for low key recreation and environmental conservation.*

*Where practicable, pedestrian linkages shown in the following diagram are to be maintained for unrestricted public access as part of any new development or substantial redevelopment*

#### **Comment:**

The proposal aligns with the City Centre Master Plan. The project will deliver street activation and a public pedestrian access/laneway connection between Harbour Drive and Vernon Street.

Landscape treatments have been design to align with the City Centre Masterplan.

The pedestrian access way provides a mid-block connection for 24 hour access.

The access way will be retained in private ownership and a recommended draft condition will require the access/laneway connection between Harbour Drive and Vernon Street to remain open at all times.

### **G3.2 Setback requirements:**

*Where a front setback requirement is shown on the Front Setbacks Map for land zoned B3 Commercial Core under Coffs Harbour LEP 2013, buildings are to be setback in accordance with the city core built form diagram.*

#### **Comment:**

The upper levels of the proposal are setback from Harbour Drive in accordance with the Clause 7.20 of the CHLEP 2013. The width of the building is restrained by a 3m setbacks east and west with 12m separation between the upper residential tower and the boundary of adjoining properties.

### **G3.3 Design Requirements General**

*New development is to be of a high quality with a mix of uses that encourage safety and activity during the day and night.*

*New buildings are to generally take the form of edge defining mixed use podium buildings with active frontages at street level.*

*Podium buildings and above podium level tower buildings are to be:*

*(a) generously spaced and are to avoid creating a continuous 'wall' of towers which would block sunlight to streets and be of inappropriate scale and bulk; and*



*(b) are to be designed in accordance with the principles of the city core built form diagrams contained in G3.2 of this Plan*

*Where tower buildings are proposed, the maximum tower footprint permitted is 600m<sup>2</sup> (building footprint, not gross floor area).*

*New development is to maximise permeability of the city block in accordance with the 'desired pedestrian links' diagram contained in G3.1 of this Plan.*

*Development Applications for buildings greater than four storey in height, must be accompanied by a Wind Assessment, which includes details of measures to mitigate any adverse wind effects on the public domain.*

**Comment:**

The development is of high quality comprising retail and residential use. The development will increase activity in the area day and night.

The development comprises a mixed use podium building. The retail elements of the building address both street frontages and the pedestrian laneway will contribute positively to precinct surveillance and pedestrian safety.

The building is setback from Harbour Drive in accordance with the CHLEP 2013 solar plane.

The width of the building is restrained by 3m setbacks east and west with 12m separation between the upper residential tower and the boundary of adjoining properties.

A public pedestrian laneway link is provided between Harbour Drive and Vernon Street.

A wind assessment by Windtech accompanied the application. After review of the wind assessment Council is satisfied that the proposed wind assessment and mitigation strategies for the development are satisfactory.

**Any planning agreement that has been entered into under section 7.12, or any draft planning agreement that a developer has offered to enter into under section 7.12 (Section 4.15(1)(a)(iia))**

The proposal does not include any Voluntary Planning Agreements (VPAs) and section 7.12 does not apply to the application.

**Provisions of Regulations (Section 4.15(1)(a)(iv))**

All relevant provisions of the Regulations have been considered in the assessment of this proposal.

**Impacts of the Development (Section 4.15(1)(b))**

The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. The proposed development however is consistent with the desired future character of the area. The proposal will not result in any detrimental social or economic impacts on the locality.

*Character / streetscape*

The proposed development has a built form, height scale and context consistent with the nature of the existing buildings and the future desired character of the area anticipated within the central precinct. As noted above, the proposal provides sufficient modulation and articulation so that it provides a suitable series of elevations that have a positive relationship with the surrounding environment.







### *Safety and Security*

The safety and security of the proposal has been considered. The development is considered to be consistent with the principles of Crime Prevention through Environmental Design as appropriate measures are in place for casual surveillance, access control, territorial reinforcement and space management.

### *Overshadowing/solar access*

There are no unacceptable overshadowing impacts anticipated from the proposal to Harbour Drive, the public domain or to any adjoining properties.

### **Suitability of the Site (Section 4.15(1)(c))**

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land uses and associated structures. Additional conditions of consent are proposed to further minimise any potential impacts on neighbouring properties and the environment. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development. Accordingly, the site is considered suitable for the proposed development.

### **Public Submissions (Section 4.15(1)(d))**

In accordance with the Coffs Harbour Community Participation Plan 2015, owners and occupiers of adjoining and surrounding properties were given notice of the application for a 14-day period between 15 May 2019 and 29 May 2019. In response, one (1) submissions was received in support of the proposal.

The submission supported the proposal for the following reasons:

- *Provision of housing which is close to transport and services;*
- *Revitalisation the city centre with new development;*
- *We need more housing in Coffs due to growing population;*
- *Ideal location for high rise development, in the CBD; and*
- *These units may appeal to retirees who don't want or can't drive a car, as you wouldn't need a car when living there.*

### **Comment:**

The proposal is considered acceptable and is supported by a design that is stepped in height that does not overshadow the public domain. The proposal complies with the CHLEP 2013 height, floor space and parking requirements and is considered an acceptable development within the existing and future envisaged character of the area.

### **Public Interest (Section 4.15(1)(e))**

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the proposal, the proposal will allow further development and enhance the city core precinct.

The building form is supported and the proposal will add visual interest to the existing streetscape and internally within the proposal. Approval of the application is considered to be in the public interest as it will provide additional housing and business opportunities while ensuring Coffs Harbour's position as an eminent regional centre.

The proposed development does not raise any significant general public interest issues beyond matters already addressed in this report. Overall, the proposed development will have an



acceptable impact on the surrounding natural and built environment and has positive social and economic impacts. Approval of the application is considered to be in the public interest as it will provide housing and commercial facilities that enhance and support the core function of the central business district of Coffs Harbour and no significant adverse environmental, social or economic impacts on the locality have been identified. Accordingly, the proposal is considered to be in the public interest.

## **CONCLUSION**

That the application to be approved (subject to conditions) for the following reasons:

- The proposal is consistent with the relevant objectives within Coffs Harbour Local Environmental Plan 2013 and the relevant requirements of Coffs Harbour Development Control Plan 2015;
- The proposal is consistent with the specific objectives of the B3 Commercial Core zone in that the proposed activity and built form will contribute to the mix of uses within the locality and the design of the development will contribute to the desired future character of the area as envisaged by the applicable planning controls;
- The proposal is consistent with State Environmental Planning Policy No. 65 – Design Quality of Residential apartment Development and the associated Apartment Design Guide;
- The scale and design of the proposal is suitable for the location and is compatible with the established character of the locality; and
- The development enhances the visual quality of the public domain/streetscape.