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| <b>DATE OF DETERMINATION</b>    | 25 June 2021   |
| <b>PANEL MEMBERS</b>            | Stephen Gow (Chair), Penny Holloway, Paul Mitchell, Dense Knight and George Cecato |
| <b>APOLOGIES</b>                | None   |
| <b>DECLARATIONS OF INTEREST</b> | None   |

Papers circulated electronically on 22 June 2021.

#### **MATTER DETERMINED**

PPSNTH-73 – Coffs Harbour - 0583/21DA at 15-31 Harbour Drive, Coffs Harbour – mixed use development (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.

#### **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 approve the application for the following reasons:

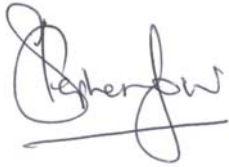




1. The proposal is a permissible use in the B3 Commercial Core zone, is consistent with relevant zone objectives, complies with all applicable development standards and nearly all guidelines, including those in SEPP 65 and the Apartment Design Guide.
2. The proposal has an appropriate height and density for the Commercial Core and is consistent with the Compact City development strategy that has been adopted for the Coffs Harbour local government area.
3. The proposal will have no unacceptable impacts on neighbours or the broader surrounding area, including all affected local infrastructure.
4. The proposal will add to the stock and diversity of housing available in the locality and will contribute to improved housing affordability. As such, the proposal will be socially beneficial.
5. The site of the proposed development is generally suited to the intended use; it is appropriately zoned, centrally located and has all necessary infrastructure and services. While the site is subject to infrequent low level flood hazard, Council's supplementary report (16/6/21) shows that the development can occur safely and without causing any adverse effects to nearby properties or the fluvial environment. Also, the site contains acid-sulphate soils; a preliminary Acid-Sulphate Soils Management Plan has been prepared (Regional Geotech Solutions 7/5/18) and its recommendations will be applied to manage risks from the development.
6. For the reasons given above approval of the application is in the public interest.

#### **CONDITIONS**

The development application was approved subject to the conditions attached to the addendum council assessment memorandum received on 22 June 2021.

## 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 the only submission received supported the development application.

| PANEL MEMBERS  |  |
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| <br>Stephen Gow (Chair) | <br>Penny Holloway |
| <br>Paul Mitchell OAM   | <br>Denise Knight  |
| <br>George Cecato       |  |

| SCHEDULE 1 |   |   |
|------------|---|---|
| 1          | PANEL REF – LGA – DA NO.                              | PPSNTH-73 – Coffs Harbour - 0583/21DA   |
| 2          | PROPOSED DEVELOPMENT                                  | Mixed use development comprising demolition of existing buildings, construction of retail premises (7 shops) and shop top housing (95 residential apartments)   |
| 3          | STREET ADDRESS  | 15-31 Harbour Drive, Coffs Harbour  |
| 4          | APPLICANT/OWNER                                       | Paynter Dixon Constructions Pty Ltd / Coffs Ex-Services Memorial and Sporting Club Ltd  |
| 5          | TYPE OF REGIONAL DEVELOPMENT                          | General development over \$30 million   |
| 6          | RELEVANT MANDATORY CONSIDERATIONS                     | <ul style="list-style-type: none"> <li>Environmental planning instruments: <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 (State and Regional Development) 2011</li> <li>Coffs Harbour Local Environmental Plan 2013</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Coffs Harbour Development Control Plan 2015</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92(b) the provision of Australian Standard AS 2601 (Demolition)</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL                      | <ul style="list-style-type: none"> <li>Council assessment report: 4 June 2021</li> <li>Addendum Council Assessment Report: 16 June 2021</li> <li>Addendum Council memorandum: 17 June 2021</li> <li>Addendum Council memorandum: 18 June 2021</li> <li>Addendum Council memorandum: 22 June 2021</li> <li>Written submissions during public exhibition: one (1)</li> <li>Total number of unique submissions received by way of objection: nil</li> </ul>  |
| 8          | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> <li>Final briefing to discuss council's recommendation: 17 June 2021 <ul style="list-style-type: none"> <li><u>Panel members</u>: Stephen Gow (Chair), Penny Holloway, Paul Mitchell, Dense Knight and George Cecato</li> <li><u>Council assessment staff</u>: Clayton Logan, Marion Rhodes and Tim Smith</li> <li><u>Department representatives</u>: Amanda Moylan and Lisa Foley</li> </ul> </li> <li>Applicant Briefing: 17 June 2021</li> </ul>  |

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|----|-------------------------------|--|
|    |                               | <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Stephen Gow (Chair), Penny Holloway, Paul Mitchell, Dense Knight and George Cecato</li> <li>○ <u>Council assessment staff</u>: Clayton Logan, Marion Rhodes and Tim Smith</li> <li>○ <u>Department representatives</u>: Amanda Moylan and Lisa Foley</li> <li>○ <u>Applicant representatives</u>: Keiley Hunter, Michael Malak, Mohamed Sallam, John Rafferty, Stephen Cox and Brian Fong</li> </ul> <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p> |
| 9  | <b>COUNCIL RECOMMENDATION</b> | Approval   |
| 10 | <b>DRAFT CONDITIONS</b>       | Attached to the addendum council assessment report of 22 June 2021   |