

DEPARTMENT OF PLANNING

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	S04/01296 Pt1
Application Number:	DA 142-6-2004
Date of lodgement:	10 June 2004
On land comprising:	Lot 5 DP 252782 and Lot 6 Section 6 Section 49 DP 758258
Application made by:	Daryl Redford, Redford Builders, Sundowner Homes
Application made to:	Minister for Infrastructure and Planning
Local government area:	Coffs Harbour City Council
State electorate:	Andrew Stoner, OXLEY. The views of the Member are not known.
Notification:	n/a
Public Exhibition	10 September 2004 to 24 September 2004
For the carrying out of:	Construction of four additional tourist units
Estimated cost of works:	n/a
FTE Jobs created:	n/a
Type of development:	State Significant Development
Was a public inquiry held?	An inquiry under s.119 of the Act was not held.
Integrated approval bodies:	None
Main Issues:	Refer to attached page.
Compliance with the Act	The application has been considered with regard to the matters raised in section 79C of the Act. The application was notified in accordance with the Regulations and all submissions received in the period have been considered. On balance, it is considered that the proposed development is acceptable and that development consent be granted.
Applicant views on draft conditions:	Applicant expressed general support for proposed draft conditions.

Recommendation

It is recommended that the Deputy-Director General, Office of Sustainable Development, Assessments and Approvals as delegate for the Minister for Planning as described by the Instrument of Delegation dated 12 September 2005, and pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* and clause 10(2) of State Environmental Planning Policy No. 71 – Coastal Protection:

- (A) grant **consent** to the application subject to conditions (Tagged “A”), and
- (B) authorise the Department to carry out post-determination notification.

Approved:

Robert Black
Director
Urban Assessments

Sam Haddad
Office for Sustainable Development,
Assessments and Approvals

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Application made by:	Daryl Redford, Redford Builders, Sundowner Homes
Application made to:	Minister for Infrastructure and Planning
Local government area:	Coffs Harbour City Council
State electorate:	n/a
Notification:	n/a
Public Exhibition	Start: 19 July 2004. End: 1 August 2004.
For the carrying out of:	Construction of four additional residential units
Estimated cost of works:	n/a
FTE Jobs created:	n/a
Type of development:	State Significant Development
Was a public inquiry held?	An inquiry under s.119 of the Act was not held.
Integrated approval bodies:	None
Main Issues:	Refer to attached page.
Compliance with the Act	The application has been considered with regard to the matters raised in section 79C of the Act. The application was notified in accordance with the Regulations and all submissions received in the period have been considered. On balance, it is considered that the proposed development is acceptable and that development consent be granted.
Applicant views on draft conditions:	Applicant expressed general support for proposed draft conditions.

Recommendation

It is recommended that the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 10(2) of State Environmental Planning Policy No. 71 – Coastal Protection:

- (A) grant **consent** to the application subject to conditions (Tagged “A”), and
- (B) authorise the Department to carry out post-determination notification.

Approved:

Sam Haddad
**Deputy Director General
Sustainable Development
Assessments and Approvals**

Diane Beamer
**Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)**

DEPARTMENT OF PLANNING

URBAN ASSESSMENTS

Development Application: Supplementary Information

Proposed Development in detail

The proposed development seeks consent for the construction of four additional tourist units. The proposal comprises two elements:

i) Extension to existing building – A three storey rear extension to comprise two additional one-bedroom units, one on the first floor and one on the second floor respectively. The ground floor provides for additional parking.

ii) Separate residential unit – Comprising two, three bedroom units to be constructed to the east of the existing residential building utilising the eastern slope of the site.

The proposal also includes the strata title subdivision of the existing and proposed units.

Development Assessment Period

Resolution of this application was delayed due to need to resolve concerns regarding impact on neighbours, the requirement of a flora report, Stormwater and Sewer design, the provision of disabled facilities and the requirement of a report detailing compliance with Councils Energy Efficiency Policy. Amended plans were accepted. Resourcing issues within DIPNR further delayed the resolution of the application.

Summary of Significant Issues

(1) Residential Amenity

Issue: Loss of outlook from No. 18 Camperdown Street

Raised by: Public submission

Consideration: Objection received from the occupiers relates to loss of outlook due to the position of the proposed new dwellings.

Resolution: Given the extent of the slope of the site downwards to the east, the tiered levels of the proposed building and the oblique angle from No. 18, it is not considered that any loss of outlook that may occur would be so significant as to warrant refusal of the application.

(2) Other Issues

Issue: Further information required.

Raised by: Council

Consideration: Coffs City Council raised a number of concerns relating to disabled access, energy efficiency and sewerage

Resolution: Amended plans and statements of justification were requested and these issues have now been adequately addressed.

Summary of Public Submissions

Council submitted comments. These are addressed in section 6 of the accompanying planning report.

A letter of objection dated 13 September 2004 was received from the occupiers of No. 18 Camperdown Street. The issues raised are addressed in section 6.4 of the planning assessment report.



Planning Assessment Report

Development Application DA 142 06-2004

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number DA 142-06-2004.

The application seeks consent for four additional residential units at No. 22 Camperdown Street, Coffs Harbour.

The Minister for Infrastructure and Planning is the consent authority under Clause 10 of State Environmental Planning Policy No. 71 (SEPP 71) – Coastal Protection. The application falls under Schedule 2 of Sepp 71, as the subject site is located within the coastal zone.

It is recommended that the development application be **granted consent**.

2 BACKGROUND

2.1 Site Context

The site is described as Lot 5 DP 252782 and Lot 6 Section 6 Section 49 DP 758258, Camperdown Street, Coffs Harbour in the Coffs Harbour City Council local government area. (Tagged “B”).

The development application was lodged with the Department on 10 June 2004 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The site has a total area of 1483 square metres. There is an existing part two and three storey holiday residential building to the front of the site comprising two small and five large units. These units are utilised for holiday letting. The eastern part of the site slopes steeply to the east. Set back and running parallel to the rear of the site is the North Coast railway line.

Access to the site is from Camperdown Road to the West. There is an existing access that serves the dwelling to the front of the site, which would be extended to provide access to the proposed dwellings.

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for the construction of four additional residential units. The proposal comprises two elements:

i) Extension to existing building – A three storey rear extension to comprise two additional one-bedroom units, one on the first floor and one on the second floor respectively. The ground floor provides for additional parking.

ii) Separate residential unit – Comprising two, three bedroom units to be constructed to the east of the existing residential building utilising the eastern slope of the site.

It is proposed that the two additional one bedrooms units to be located within the existing development be used for holiday accommodation, whilst the new residential building be utilised for permanent accommodation.

The proposal also includes the strata title subdivision of the existing and proposed units.

Amended Plans

On 10 December 2004 the applicants submitted amended plans incorporating: -

- Drawings showing plan and levels of proposed and existing buildings in relation to neighbouring properties including the extent of overshadowing.
- A flora report by landscape consultants.
- Stormwater and sewer design.
- Drawings indicating the adaptation of Unit 9 as a special needs unit complying with A.S.1421, including disabled car parking and access to common facilities.
- A report detailing compliance with Council's Energy Efficiency Policy.

Copies of the drawings showing the proposal are **tagged 'D'**.

These amendments differ only in minor respects from the development application submitted and do not give rise to any additional impacts. Accordingly, these amendments were accepted as a replacement application in accordance with clauses 55 and 90 of the *Environmental Planning & Assessment Regulation 2000* (the Regulations). In accordance with clause 90 of the Regulations further notification of the application was not undertaken.

4 STATUTORY FRAMEWORK

4.1 State Environmental Planning Policy No. 71 (SEPP 71) – Coastal Protection

Clause 10 (1) of SEPP 71 requires that any development specified in Schedule 2 of the Policy is State Significant Development. Clause 10 (2) provides that the Minister for Infrastructure and Planning is the consent authority for State Significant Development. Tourist facilities are included in Schedule 2 of SEPP 71. As a result, the application is State Significant Development. The development proposal has been assessed against the matters for consideration in Clauses, 2, 8, 14, 15 and 16. The application accords with the provisions of this policy.

4.2 Coastal Protection Act 1979

The proposed development is consistent with the objectives of the Coastal Protection Act 1979. The proposal will not restrict public pedestrian access to coastal areas.

4.3 NSW Coastal Policy 1997

The proposed development is consistent with the goals and objectives of the NSW Coastal Policy 1997. The proposal will not restrict public access to coastal areas, and it is not considered that the proposal will have a detrimental impact on the coastal

environment. Furthermore, the proposal will not detrimentally impact on the aesthetic qualities of the coastal zone.

4.4 North Coast Regional Environmental Plan

Clause 3 of the North Coast Regional Environmental Plan (NCREP) identifies local government areas, which are subject to the provisions of that Policy. The local government area of Coffs Harbour is identified under clause 3 and therefore the provisions of the NCREP apply to the subject site.

Clause 43 of the NCREP relates to development control specifically for residential development. The proposal complies with the provisions of Clause 43 in that the plot size has been fully utilised and the density maximised without adversely affecting the environmental features of the land. The proposal is of a relatively minor nature and therefore road layout is not an issue. The imposition of suitable conditions will ensure that soil erosion is minimised.

The proposal is in accordance with Clause 32(B) – Coastal Lands, in that in determining the application account has been taken of the NSW Coastal Government Policy, the Coastline Management Manual and the North Coast Design Guidelines.

4.5 Coffs Harbour City – Local Environmental Plan 2000

The land is zoned residential 2C Medium High-Density under the Coffs Harbour City Council Local Environmental Plan 2000. The proposed development is permissible with development consent.

4.6 Coffs Harbour City – Medium-High Density Development Control Plan 2000

This DCP provides guidelines for residential development in land zoned 2C Residential (Medium-High Density). The proposal is considered in accordance with the provisions of the DCP as set out in section 1.5 of the accompanying compliance tables.

4.7 Coffs Harbour City - Access and Mobility Development Control Plan.

This Development Control Plan is based on the Building Code of Australia (1996) and provides guidance for access and mobility, with a view to ensuring that new development is accessible and useable to all people, including those with disabilities.

The application, as originally submitted, did not make any provision for disabled access. Additional information was requested and received as part of the amended application. Unit 9, the ground level of the existing three-storey apartment building, has been adapted as a special needs unit complying with Building Code A.S.1421. The amended plans also show disabled car parking access and disabled access to common facilities. The proposal is in accordance with the provisions of Coffs Harbour Access and Mobility Development Control Plan.

4.8 Coffs Harbour City - Off-Street Car Parking Development Control Plan

This Development Control Plan provides technical information with respect to the provision of on site car parking.

The Medium-High Density Development Control Plan provides specific requirements with respect to on site car parking which in effect reflects those more general requirements as contained in the Off Street Car Parking Development Control Plan. The requirements of this Development Control Plan are generally satisfied by the proposed development.

5 CONSULTATION

5.1 Public consultation

The application was notified, in accordance with the Regulation and the Urban Assessments Draft Notification Policy.

Notification letters were sent to Coffs Harbour City Council, Department of Environment and Conservation and adjoining land owners. A copy of the DA documentation was exhibited at the following venues from 10 September 2004 to 24 September 2004

- DIPNR – Resource Centre – Ground Floor, Henry Deane Building – 20 Lee Street, Sydney
- DIPNR – North Coast Regional Office, 49 Victoria Road, Grafton
- Coffs Harbour City Council – Administration Building, 2 Castle Street, Coffs Harbour

Representations were made from Coffs Harbour City Council and all consulted State agencies. One letter of objections was received from an adjoining landowner regarding the application. Issues raised are considered in Section 6 of this report.

5.2 Coffs Harbour City Council

Coffs Harbour City Council were notified on 2 September 2004 and responded formally on the 21 2005. Included in Councils response were a list of conditions to be included on any development consent.

6 CONSIDERATION

The application and the likely impacts of the proposed development have been considered in accordance with Section 79C of the Act. Significant issues are discussed below.

The subject site is considered suitable for the proposed development. Submissions have been considered and issues raised in submissions are discussed below. On balance, the proposed development is considered to be in the public interest.

It is considered that the proposal complies with the provisions of the above planning instruments set out in section 4. The key issues arising out of the assessment of this application are set out as follows:

6.1 Flora and Fauna

Plant growth on the site consists of mainly weed growth with only two trees of significance, a Brush box and Ficus, which are to be retained. The imposition of suitable conditions will ensure the existing natives on the site are retained and ensure considerable planting of native species to replace the existing degraded vegetation.

6.2 Energy Efficiency

The proposal has been designed to comply with the Coffs Harbour City Council (CHCC) Energy Efficiency Policy. The Energy Efficiency report submitted with the amended plans was agreed as acceptable by CHCC, complying with their 3.5 star energy rating. As such this element of the proposal is considered acceptable.

6.3 Visual Amenity

The proposed extension to the existing holiday flats is considered to be in keeping with the style, character and appearance of the existing building. In terms of scale the extension is a minor addition that would leave the original building form predominant.

The proposed new dwellings are considered to be a high standard of design in keeping the scale, character and appearance of the area. Sites to the south of the application site have been developed in this manner, utilising the steep slope and the proposed development would be a continuation of this existing line of development. The style of the properties in the vicinity varies and the proposed new dwelling would not detract from the character of the area. The proposed new dwelling would be set below and immediately behind the existing three-storey dwelling so there would be no impact on views to or from the coast.

6.4 Impact on Neighbours

The main impact of the proposed dwellings would be on the neighbouring property to the south of the site. The Coffs Harbour City Council Medium-High Density Housing Development Control Plan (DCP) requires that a distance of 3.0m is maintained between the side boundary of a proposed two storey dwelling and the boundary with a neighbouring property. The proposed new dwelling would be positioned 1.5m from the boundary with the neighbouring property to the south, contrary to the provisions of the DCP. However, the proposal has been carefully designed with the side element the same height as the neighbouring property to ensure the impact of the impact of the proposed dwelling is kept to a minimum. Furthermore, there are no windows on the side elevation of the neighbouring property so there is no issue of privacy. Taking into account the position of the existing three storey building on the site it is not considered that the proposed new dwelling would significantly overshadow the neighbouring property. Council have endorsed the proposal.

A letter of objection was received from the occupier of No. 18 Camperdown Road. Information regarding proposed roof heights in relation to surrounding buildings was requested and concern was raised regarding the length of the proposed building and the impact on views of the harbour.

The proposed dwelling would be at an oblique angle to No. 18 and the highest point of the proposed dwelling is to the middle of the proposed dwelling. The side element of the proposal is the same height of the roof of the neighbouring dwelling, immediately in front of No. 18. Given the extent of the slope downwards to the east, the tiered levels of the proposed building and the oblique angle from No. 18, it is not considered that any loss of outlook that may occur would not be significant enough to warrant refusal of the application.

6.5 Disabled Access

The application, as originally submitted, did not make any provision for disabled access. Additional information was requested and received as part of the amended application. Unit 9, the ground level of the existing three-storey apartment building, has been adapted as a special needs unit complying with A.S.1421. The amended plans also show disabled car parking and disabled access to common facilities.

6.6 Sewer Drainage

Concern was raised by Council Engineers with regard to the position of the proposed sewer main in relation to existing and proposed buildings and structures. Additional plans and a report by De Groot & Benson Consulting Engineers were subsequently submitted, addressing this issue.

The report proposes to leave the existing house service from the adjoining southern house. A new manhole and sewer main is to be laid through the driveway of the new development on 22 Camperdown Street, at a shallower depth, then provide a drop manhole over the existing deep sewer main near the swimming pool. The new sewer main is to serve the main apartment building.

Conditions are recommended to ensure satisfactory alterations to the stormwater and sewer drainage.

7 CONCLUSION

The Minister for Infrastructure and Planning is the consent authority. The application has been considered with regard to the matters raised in Section 79C of the Act.

The application has been notified in accordance with the Regulations. All submissions received in the period prescribed by the Regulations have been considered.

On balance, it is considered that subject to the imposition of conditions that the proposed development is acceptable and should be approved.

8 CONSULTATION WITH APPLICANT – DRAFT CONDITIONS

The applicant was asked to comment on the draft conditions of consent on 1 July 2005. The applicant responded via telephone on 5 July 2005 and expressed general support for the draft conditions.

9 RECOMMENDATION

It is recommended that the Minister for Infrastructure and Planning pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 10 (2) of State Environmental Planning Policy – Coastal Protection:

(A) grant **consent** to the application subject to conditions (Tagged “**A**”), and

(B) authorise the Department to carry out post-determination notification.

For Ministerial Approval

Prepared by:

Endorsed by

John Arnold
Planner, Urban Assessments

David Mutton
Team Leader, Urban Assessments

Robert Black
Director, Urban Assessments

Addendum to Planning Report

Recommendation has been amended to reflect the Instrument of Delegation dated 12 September 2005.

Recommendation

It is recommended that the Deputy-Director General, Office of Sustainable Development, Assessments and Approvals, as delegate for the Minister for Planning as described by the Instrument of Delegation dated 12 September 2005, and pursuant to Sections 81 and 96(1A) of the *Environmental Planning and Assessment Act, 1979* and clause 122 (2) of the *Environmental Planning and Assessment Regulations, 2000*:

- (A) **approve** the application subject to conditions (tagged “A”), and
- (B) authorise the Department to carry out notification of determination of the application to modify the consent.

Robert Black
Director, Urban Assessments