



Planning Assessment Report

Development Application DA 451-10-2003

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number DA 451-10-2003.

The application seeks consent for demolition of existing residence and erection of two (2) storey, five (5) bed room guest house / tourist facility with manager's residence.

The Minister for Infrastructure and Planning is the consent authority under Clause 10(1) of State Environmental Planning Policy No 71 – Coastal Protection.

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

2 BACKGROUND

2.1 Site Context

The site is located at 5 Tilba Street, Narooma in the Eurobodalla Shire local government area.

The development application was lodged with the Department on 28 October 2003 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The site is located within the Narooma CBD within one block of the main street in Narooma. The subject site is located on the corner of Tilba Street and Koerber Lane.

To the immediate east of the site is a two storey residence and a two and three storey block of flats is located to the immediate north. Koeber Lane and Tilba Street are to the immediate west and south of the site respectively. Within the broader area surrounding land uses include other tourist accommodation, shops and a mixture of residential houses and flats.

The site is orientated on a north-south axis and the land slopes from the south to the north.

The site is presently occupied by a small weatherboard house, which is in a dilapidated condition. The northern side of the site is largely devoid of vegetation, while scattered exotic vegetation characterises the remainder of the site. No vegetation of significance is present.

A site visit was conducted of the site on 11 February 2004.

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for:

- Demolition of existing weatherboard residential cottage,
- Erection of a two storey guest house / tourist facility including 5 bedrooms and 1 managers residence on the top floor,
- Removal of existing on-site vegetation, and
- Landscaping.

3.1 Amended Plans

On 20 May 2004 the applicant, submitted amended plans the application incorporating:

- A site analysis,
- Amended drawings and explanatory notes addressing design concerns raised by DIPNR,
- Document addressing relevant EPIs,
- Drainage Plan,
- Landscape Plan,
- Finishes and Colour Schedule,
- Shadow Diagrams, and
- Signage details.

These amendments differ only in minor respects from the development application submitted and do not give rise to any additional impacts. These amendments were submitted prior to notification and exhibition of the DA.

4 STATUTORY FRAMEWORK

4.1 Statement of permissibility

The site is zoned 3a Business under the Eurobodalla Urban LEP 1999 and the proposed development is permitted with consent.

4.2 Instrument of consent and other relevant planning instruments

Under clause 10 of SEPP71 the Minister is the consent authority.

Additional state, regional and local controls that apply to the site are:

- *State Environmental Planning Policy No.71 – Coastal Protection (SEPP 71),*
- *Lower South Coast Regional Environmental Plan No 1,*
- *Lower South Coast Regional Environmental Plan No 2,*
- *Eurobodalla Urban Local Environmental Plan 1999 (as amended),*
- *Narooma Town Centre Development Guidelines,*
- *Draft Narooma Structure Plan (UDAS),*
- *DCP – Parking Guidelines*
- *DCP No 132: Guidelines for Outdoor Advertising Signs.*
- *NSW Coastal Policy 1997, and*
- *Coastal Design Guidelines.*

The application's compliance/non-compliance with these instruments is outlined in the compliance report at attachment C.

5 CONSULTATION

5.1 Public consultation

The application was notified, in accordance with the Regulations and Eurobodalla Shire Council's Notification and Advertisement Guidelines including:

Notifications –	Twelve surrounding land owners were notified.
landowners/occupiers	
Newspaper	Advertised in the Eurobodalla Shire Independent on 29 July 2004.
advertisements	
Site notices	Site notice erected by Council prior to exhibition period.
Exhibition dates	Start: 6 August 2004. End: 6 September 2004.
Exhibition venues	▪ Planning Information Centre, 20 Lee Street Sydney

	▪ Illawarra / South Coast Regional Office, 84 Crown Street, Wollongong. ▪ Eurobodalla Shire Council, Cnr Vulcan and Campbell Streets, Moruya.
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No public submissions were received regarding the Application.

5.2 Referrals

5.2.1 Integrated Approval Bodies - Council

The application was made for integrated development under Section 138 of the *Roads Act 1993*. Eurobodalla Shire Council has issued general terms of approval for the development (these are included in the proposed conditions of consent).

The application was referred to Council on 27 July 2004, Council responded on 13 August 2004 raising no issues with or objections to the application. Council also provided conditions and GTAs. Council's full submissions are at Tags D and D1.

5.3 Internal consultations

The South Coast / Illawarra Region office has been consulted regarding the application and has raised no objections.

6 CONSIDERATION

6.1 The Environmental Planning & Assessment Act

6.1.1 Section 79C

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 in Section 6.2.

The subject site is considered suitable for the proposed development. On balance, the proposed development is considered to be in the public interest.

6.2 Issues

6.2.1 Disabled Access

Issue: No disabled access is provided to or within the proposed tourist development.

Raised by: DIPNR – Urban Assessments

Consideration: The proposed development has a BCA classification of 1b. As such the provision of access for people with disabilities is not required. As such it is not considered necessary to require the provision of disabled parking despite this being encouraged by Clause 11.6 of DCP No 130 – Parking Guidelines.

Resolution: Issue resolved. No further action required.

6.2.2 Set-backs

Issue: The DCP identifies that setbacks from the street frontage are encouraged and specifically identifies that tourist and residential accommodation should be set back 3m on an upper storey.

The proposed development has a zero setback from the street.

Raised by: DIPNR - Urban Assessments

Consideration: Council was specifically consulted with regards to this issue. Council identified that they had no issues with the zero setback in this case.
The proposed zero setback does not detract from the objectives of the DCP and the proposed development is overall consistent with the desired future character of Narooma Town Centre and the design theme of Narooma.

Resolution: The proposed zero setback does not detract from the locality or the quality of the development. Therefore no further action is required.

6.2.3 Car Parking

Issue: Clause 11.1 of DCP No 130 – Parking Guidelines requires a minimum set-back of 1m from a boundary for any parking space driveway or manoeuvring area. The proposed development identifies the boat parking space as extending to the boundary of the site not permitting any set back.
The proposed boat parking space would also be constructed across the easement for water drainage.

Raised by: DIPNR – Urban Assessments

Consideration: The proposed development provides a visitor car space not required by the DCP. This could be removed and the car parking area re-designed to ensure compliance with the set back requirements.
However, Council was specifically consulted with regards to this issue and identified that they did not have any problems with the setback encroachment.
Despite Council's response it is considered reasonable to require compliance with the set-back. It is considered that the visitor car space could be removed, as there is ample parking available, or another option employed to ensure the set-back is complied with. The requirement is also likely to reduce the amount of impervious material covering the site.

Resolution: A condition has been included to require that the car parking area be re-designed to ensure compliance with the 1m set-back from the side boundary.

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. Eurobodalla Shire Council were consulted and provided general terms of approval under the Integrated Development Provisions within 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 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 11 October 2004. The applicant responded on 12 October 2004 and raised no objections to or issues with the 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 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.

For Ministerial Approval

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