

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Modification of Development Consent

File No:	S03/00398 Pt2
Application Number:	MOD 88-09-2003 modifying DA 474-12-2002
Date of lodgement:	2 September 2003
On land comprising:	51 Collingwood Street, Coffs Harbour Lots 1 & 2 in DP 6615 and Lot 1 in DP 725815
Application made by:	Mr James White of James White Building Services Pty Ltd P.O. Box 3225, Coffs Harbour NSW 2450
Application made to:	Minister for Infrastructure, Planning & Natural Resources
Local government area:	Coffs Harbour City Council
State electorate:	Coffs Harbour; Mr Andrew Fraser
Notification:	Notified owner of adjacent property who was sole person to make a submission during notification of DA 474-12-02
Public Exhibition	Nil
For the carrying out of:	Refer to attached page
Estimated cost of works:	Not applicable to s96(1A) modification
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:	Not Integrated
Main Issues:	None
Compliance with the Act	The application has been considered in accordance with section 96 (1A) of the Act and is considered to be substantially the same development. 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 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 for Infrastructure and Planning 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.

Approved:

Sam Haddad
**Executive Director
Sustainable Development**

Craig Knowles
**Minister for Infrastructure and Planning
Minister for Natural Resources**

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Public Exhibition	Nil
For the carrying out of:	Refer to attached page
Estimated cost of works:	Not applicable to s96(1A) modification
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:	Not Integrated
Main Issues:	Refer to attached page.
Compliance with the Act	The application has been considered in accordance with section 96 (1A) of the Act and is considered to be substantially the same development. 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 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 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.

Approved:

Sam Haddad
**Executive Director
Sustainable Development**

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

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Modification of Development Consent: Supplementary Information

Proposed Development

The proposed modification of the development consent for:

- minor modification to internal spaces including increase in size of all sleeping rooms, reconfiguration of bathroom facilities, and relocation of common facilities to the ground floor to facilitate improved disabled access
- minor alteration to the building footprint along the western elevation resulting in an overall reduction in the footprint
- minor changes to the roof form and pitch
- addition of a small balcony
- modifications to the building's fenestration and associated privacy and solar control screens and hoods
- reduction in the number of car parking spaces from 16 to 14 with one space reconfigured as a drying court adjacent to laundry and one space reconfigured for waste collection area

Summary of Significant Issues – Modification Application

There are no significant issues arising out of the modification application.

Summary of Issues – Original Consent

Significant issues arising out of the original consent were:

(1) Noise and Privacy

- Issue:* The impact of development on adjoining landowners as the initial DA did not provide for adequate screening between the dormitories and the courtyard and the adjoining properties.
- Raised by:* DIPNR Urban Assessments
- Consideration:* The applicant designed all communal activities to take place either indoors or in the enclosed courtyard thereby internalising these activities to the site. The Department met with the applicant on site and requested that privacy features be considered.
- Resolution:* Applicant submitted amended plans that included higher fences and landscaping along boundaries. Sun control screens were also added to windows that also provide greater privacy to adjoining landowner.

(2) Environmentally Sensitive Design

- Issue:* Some habitable rooms had little solar access as located in an undercroft area whilst some north and west facing rooms were exposed to considerable direct sunlight.
- Raised by:* DIPNR Urban Assessments
- Resolution:* The undercroft area was opened up to increase solar access to acceptable levels. Sun hoods and sun control screens added to windows on western and northern elevations.

(3) Stormwater

- Issue:* Stormwater running from the site onto adjoining properties.
- Raised by:* Public submission; Coffs Harbour City Council
- Resolution:* Condition of Consent that all stormwater be drained to Collingwood Street and that design details of the stormwater system be submitted to Council for approval prior to issue of Construction Certificate.

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Modification of Development Consent: Supplementary Information



Planning Assessment Report Application to Modify Development Consent

MOD 88-09-2003 modifying DA 474-12-2002

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application Modification number MOD 88-09-2003 modifying DA 474-12-2002 under section 96(1A) of the Act. The application was lodged by Mr James White of James White Building Services Pty Ltd on 2 September 2003 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The application seeks to modify Development Application DA 474-12-2002 approved by the Minister on 16 May 2003.

The application seeks consent for the following minor changes:

- minor modifications to internal spaces
- minor alteration to the building footprint along the western elevation
- minor changes to the roof form and pitch
- addition of a balcony
- minor modifications to fenestration and privacy and solar control screens and hoods
- reduction in number of car parking spaces and reconfiguration of spaces for drying court and waste collection area

The Minister for Infrastructure and Planning is the consent authority for modifications to consents the Minister has granted.

It is recommended that the modification application be **approved** subject to conditions (**tagged "A"**).

2 BACKGROUND

2.1 Site Context

The site is located at 51 Collingwood Street, Coffs Harbour in the Coffs Harbour local government area (refer to site plan **tagged "B"**). The site, being Lots 1 & 2 in DP 6615 and Lot 1 in DP 725815, is opposite the Jetty Village Shopping Centre and within close proximity to the 'Jetty Strip' commercial area and associated facilities. The Jetty area is the focus of a revitalisation program by Coffs Harbour City Council. The vacant site is flanked by residential properties on the Collingwood Street frontage and light industrial/commercial properties flank the site on the Orlando Lane frontage.

The existing consent (DA 474-12-2002) **tagged "C"** is for a two level 116-guest 'backpacker style' tourist accommodation facility with guests accommodated in dormitory rooms with shared sanitary facilities and five single occupancy units with ensuite bathrooms. The approved development incorporates a landscaped internal courtyard including a swimming pool and other communal recreation facilities and open space. The dormitories and common and dining rooms are arranged around and open

directly on to this courtyard. Other rooms include an entry foyer, television room, office, store rooms, kitchen and a manager's flat.

Vehicular access and car parking is via Orlando Lane at the rear of the land.

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for:

- minor modification to internal spaces including increase in size of all sleeping rooms, reconfiguration of bathroom facilities, and relocation of common facilities to the ground floor to facilitate improved disabled access
- minor alteration to the building footprint along the western elevation resulting in an overall reduction in the footprint
- minor changes to the roof form and pitch
- addition of a small balcony
- modifications to the building's fenestration and associated privacy and solar control screens and hoods
- reduction in the number of car parking spaces from 16 to 14 with one space reconfigured as a drying court adjacent to laundry and one space reconfigured for waste collection area

The proposed changes to the development will result in a net decrease in the number of beds from 116 to 92.

A diagrammatic summary of the proposed changes is **tagged "D"**.

4 STATUTORY FRAMEWORK

4.1 *Statement of permissibility*

The development is permissible within the Business 3C Town Centre zone under Coffs Harbour Local Environmental Plan 2001.

4.2 *Instrument of consent and other relevant planning instruments*

Pursuant to clause 10 of SEPP 71, the Minister for Infrastructure and Planning is the consent authority for the proposal.

The environmental planning instruments, draft environmental planning instruments, development control plans, and regulations applicable to the land to which the development application relate are as follows:

- State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)
- North Coast Regional Environmental Plan (Amendment No. 2) (North Coast REP)
- Coffs Harbour City Council Business Lands Development Control Plan (Business Lands DCP)
- Coffs Harbour City Council Jetty Area Development Control Plan (Jetty Area DCP)
- Coffs Harbour City Council Off Street Car Parking Development Control Plan (Off Street Car Parking DCP)
- North Coffs Harbour S94 Contributions Plan (North Coffs Harbour S94 Plan)

4.3 *Legislative context*

The proposed development is classified as significant coastal development under Schedule 2 of SEPP 71, as it involves the development of a tourist facility within the coastal zone.

4.4 *Other statutory provisions*

Under Section 96 (1A), the development is required to be substantially the same development as the development for which the consent was originally granted and is to be of minimal environmental impact.

5 CONSULTATION

5.1 *Public consultation*

The application was notified, in accordance with the Regulations and Coffs Harbour City Council's Notification Development Control Plan including:

Notifications – landowners/occupiers	Adjoining landowner, who was the only person to make a submission following the exhibition of the original DA.
Newspaper advertisements	Nil
Site notices	Nil
Exhibition	Nil

One submission was received regarding the Application. This submission was from the adjoining landowner notified during public consultation. They raised no concern with the modification.

5.2 *Referrals*

5.2.1 *Integrated Approval Bodies*

The application was not integrated.

5.2.2 *Council*

The application was referred to Coffs Harbour City Council on 17 September 2003. Council responded on 3 October 2003. Issues raised by Council are discussed in detail in Section 6.2 of this report. Council's full submission is **tagged "E"**.

6 CONSIDERATION

6.1 *The Environmental Planning & Assessment Act*

6.1.1 Section 96

The application is considered to meet the prerequisites of section 96(1A) of the Act in that the proposed modifications are considered to be of minimal environmental impact, and that the development as modified is considered to be substantially the same development as that to which consent was originally granted.

6.2.1 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. Submissions have been considered and issues raised in submissions are discussed in Section 6.2. On balance, the proposed development is considered to be in the public interest.

6.2 Issues

6.2.1 Developer Contributions

- Issue:* Changes in levels of Developer Contributions
- Raised by:* Coffs Harbour City Council
- Consideration:* The original consent required the applicant to pay developer contributions to Coffs Harbour City Council pursuant to both the Water Management Act 2000 and the North Coffs Harbour S94 Plan. These contributions were calculated based on the number of beds and guest rooms in the development.
- The proposed changes to the development will result in a net decrease in the number of beds from 116 to 92. Accordingly, the contributions owing under the Water Management Act 2000 and the North Coffs Harbour S94 Plan must be altered accordingly.
- Resolution:* The relevant conditions have been amended. A copy of the amended conditions with the specific changes highlighted is **tagged "F"**.

7 CONCLUSION

The Minister for Infrastructure Planning and Natural Resources is the consent authority.

The Minister for Infrastructure Planning and Natural Resources is consent authority for modifications to consents he has granted.

The proposed development as modified is considered to be substantially the same development as that originally approved.

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 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 22 December 2003. The applicant responded on 22 December 2003 and was agreeable with conditions.

9 RECOMMENDATION

It is recommended that the Minister for Infrastructure and Planning 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*:

(C) **approve** the application subject to conditions (tagged "**A**"), and

- (D) authorise the Department to carry out notification of determination of the application to modify the consent.

Prepared by:

Endorsed:

Alistair Mein
Planner, Urban Assessments

David Mutton
Team Leader, Urban Assessments

Robert Black
Director, Urban Assessments