

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD 10300 Coffs Harbour Cultural and Civic Space
Applicant	Coffs Harbour City Council
Consent Authority	Minister for Planning and Public Spaces

Decision

The Minister for Planning and Public Spaces has, under section 4.38 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Industry and Environment's Assessment Report is available [here](#).

Date of decision

17 November 2020

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the EP&A Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the EP&A Act;
- all information submitted to the Department during the assessment of the development application and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application (the proposal) are as follows:

- the project is permissible with development consent
- the project fully complies with the planning controls applying to the site
- the project would not result in any significant visual or amenity impacts on the surrounding area
- the project would not result in any unacceptable traffic or car parking impacts.

• Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from Thursday 3 October 2019 until Wednesday 30 October (28 days) and received 823 submissions including 6 submissions from government agencies, a submission from Coffs Harbour City Council, 794 public submissions of objection, 3 providing comment and 19 in support.

A petition (containing over 10,000 signatures) was also submitted to the NSW Parliament by Coffs Harbour MP, Mr Gurmeh Singh. The petition requests the Minister for Local Government to intervene and pause the project to enable further community consultation and consideration of alternative options for a new performing arts facility, art gallery library and museum.

The Department also undertook the following consultation activities:

- conducted a site inspection; and
- responded to numerous enquiries from interested community members.

Key planning issues raised in public submissions related to car parking, traffic, bulk and scale and visual impact. Several non-planning related issues were also raised including the potential cost of the project, the inclusion of Council offices and Council's decision-making process in pursuing the project. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
Consultation <ul style="list-style-type: none"> • consultation process • need for a Public Hearing to be held for the proposal 	<ul style="list-style-type: none"> • The Department notes that its notification and public participation statutory obligations have been satisfied. The application was publicly exhibited for 28 days, surrounding properties were notified in writing and all application material was made publicly available on the Department's website. The Department also undertook a site visit and met with members of the public to gain a better understanding of the community's concerns.
Building Use <ul style="list-style-type: none"> • inclusion of Council administration and services into the building • insufficient space allocated to the cultural facilities • inadequate capacity for future growth • exclusion of a performance arts centre 	<ul style="list-style-type: none"> • The Department notes the proposed uses are all permissible within the zone and are consistent with the B3 Commercial Core zone objectives. Further, the proposed uses would not result in any significant amenity impacts on the surrounding area.
Council's decision to pursue the project <ul style="list-style-type: none"> • Council's decision-making process in pursuing the proposal • cost of the development • potential rate increases to fund the project 	<ul style="list-style-type: none"> • While the Department appreciates the concerns raised by the community, these matters fall outside the scope of the planning matters required to be considered under Section 4.15 of the EP&A Act. Both the Department and Minister for Planning and Public Spaces play no role in the assessment or determination of these matters. • The Department's assessment is therefore limited to the planning and land use matters required to be considered under the EP&A Act and any continuing concerns about these issues should be addressed by the Applicant.
Car parking <ul style="list-style-type: none"> • lack of on-site parking for visitors (including accessible parking spaces) • lack of on-street parking and within public car parks 	<ul style="list-style-type: none"> • The Department considers car parking is acceptable as: <ul style="list-style-type: none"> ◦ the availability of on-street and off-street parking can meet the peak parking demand for visitors and staff ◦ 37 accessible public parking spaces are located within 250 m of the site, with 21 of the 37 accessible public parking spaces located directly opposite the site within the Castle Street carpark. Additionally, following operation of the development, the demand for accessible spaces can be monitored and additional spaces provided if necessary ◦ the site is reasonably well serviced by public transport with several bus services located within relatively close walking distance of the site ◦ the implementation of a Green Travel Plan, and the provision of 100 bicycle parking spaces and end of trip facilities would promote the use of active transport modes such as walking and cycling and reduce the reliance on the use of private vehicles • Conditions include requirements for a Green Travel Plan to encourage non-car travel.
Traffic <ul style="list-style-type: none"> • traffic impacts on the surrounding road network 	<ul style="list-style-type: none"> • The Department considers the traffic impacts of the proposal on the surrounding road network acceptable as: <ul style="list-style-type: none"> ◦ traffic modelling confirmed that all intersections would operate at the same level of service and the proposal would not result in any significant increase in queuing or delays

	<ul style="list-style-type: none"> the availability and frequency of public transport in the surrounding area which will reduce the demand on private car usage provision of drop-off and pick-up areas for buses, coaches and taxis and bicycle parking, and improved pedestrian and future cycling connections would reduce private car usage. Conditions include requirements for a Green Travel Plan and a Traffic Management Plan that identifies appropriate measures to help mitigate and manage traffic associated with major events.
Site suitability <ul style="list-style-type: none"> suitability of the site consideration of alternative sites including City Hill 	<ul style="list-style-type: none"> The Department notes Council considered 10 alternative sites. The Gordon Street was ultimately chosen to be the most suitable. The Department notes the City Hill site was not selected given its location away from the CBD and its lack of access to public transport. From a planning and land use perspective, the Department considers the site is suitable as the proposal is permissible within the zone, it is easily accessible being within the CBD, it would not be adversely impacted by flooding or contamination and it would not result in any significant amenity, traffic or car parking impacts.
Bulk and scale	<ul style="list-style-type: none"> The Department considers the proposal would result in an acceptable built form outcome for the site as: <ul style="list-style-type: none"> the proposed building height of 29.24 m is substantially below the current height control of 44 m the built form has been guided and reviewed by Government Architect NSW through the State Design Review Panel the proposed built form responds to the desired future character of the Coffs Harbour CBD as envisioned by the current planning controls the building's design incorporates appropriate setbacks, articulation and its modulated and curved facades break down the mass and scale of the building.
Visual impact <ul style="list-style-type: none"> visual impacts on the existing streetscape 	<ul style="list-style-type: none"> The Department considers the visual impacts of the proposal are acceptable as: <ul style="list-style-type: none"> the height and scale of the proposal is compatible with the site's location within the CBD, where multi-storey development is anticipated and supported by the planning controls there are no visually sensitive receivers within close proximity to the site the choice of building materials and colours respond to the natural features and topography of the Coffs Harbour area which would result in a building design which has a positive visual impact on the streetscape and surrounding area. Conditions include the requirement for the rooftop plant including the cooling towers to be suitably screened from public view.
Non-compliance with planning policies: <ul style="list-style-type: none"> Objectives of the B3 zone objectives and maximum building height under the Coffs Harbour Local Environmental Plan (CHLEP) 2013 City Centre Masterplan Development controls under the Coffs Harbour Development Control Plan (CHDCP) 2015 	<ul style="list-style-type: none"> The Department considers that the proposal: <ul style="list-style-type: none"> is consistent with the B3 zone objectives under the CHLEP 2013, as discussed in the Department's Assessment Report. is consistent with the current maximum building height, as discussed in Department's Assessment Report has adequately addressed the strategic context of the CCMP, as discussed in the Department's Assessment Report The Department notes that DCPs do not apply to SSD applications. However, relevant chapters of the CHDCP 2015 have been used to inform the assessment of the proposal.
Not in the public interest	<ul style="list-style-type: none"> From a planning and land use perspective, the Department is satisfied the proposal is in the public interest as it is permissible development, it fully complies with the planning controls applying to the site and it would not result in any significant impacts on the surrounding natural or built environments.
Safety and security	<ul style="list-style-type: none"> The Department considers the safety and security aspects of the proposal are acceptable, given the proposal provides: <ul style="list-style-type: none"> increased public use and surveillance of the public domain will enhance public safety good activation of the ground floor plane vertical circulation which adds oversight and depth to surveillance of areas below public spaces at both ends of the building. Conditions include the implementation of the measures outlined in the Applicant's Crime Prevention through Environmental Design assessment report.
Pedestrian access	<ul style="list-style-type: none"> The Department considers pedestrian access acceptable, as: <ul style="list-style-type: none"> pedestrian access and circulation to and through the building is well-considered and integrated with the uses to activate the public domain and surrounding area the through-site link will improve pedestrian access between Riding Lane and Gordon Street

	<ul style="list-style-type: none"> the proposal is not reliant on the wider Riding Lane public domain works, and the ground level setbacks within the site to Riding Lane facilitate appropriate pedestrian access in the short term. Conditions include requiring footpaths immediately adjoining the site be made good and safe prior to any Occupation Certificate, and that safe level access is provided between the site and the Castle Street car park, across Riding Lane
Lack of landscaping	<ul style="list-style-type: none"> The Department has considered the merits of the proposed Landscape Strategy and is satisfied it is acceptable as: <ul style="list-style-type: none"> the amount of landscaping is sufficient, considering the size of the site, the nature of the proposed development and its location within the CBD it would protect and enhance the Hill's Weeping Fig tree, maintaining the tree as a key design feature and focal point for the development the landscaping provided within the Gordon Street setback would contribute to the future streetscape character and amenity of the public domain. Conditions include requiring the submission of a final detailed landscape plan to be reviewed and approved by the Planning Secretary.
Heritage impacts <ul style="list-style-type: none"> impact on the heritage significance of the Uniting Church. 	<ul style="list-style-type: none"> The Department has considered the heritage aspects of the proposal are acceptable, given: <ul style="list-style-type: none"> that the Uniting Church site is not identified as a heritage item under the CHLEP 2013 there are no heritage or interim heritage listings on adjoining sites or within close proximity to the site that would be impacted by the proposal.
Flooding impacts	<ul style="list-style-type: none"> The Department has considered the flooding aspects of the proposal are acceptable, given: <ul style="list-style-type: none"> the proposed entry and basement levels have been set in accordance with Council's flood planning requirements any flood impacts during a probable maximum flood (PMF) event will be negligible and localised and would unlikely pose any additional safety threat during PMF events, visitors and staff can appropriately shelter in place, given the site and building provide good areas for refuge in an emergency. Conditions include the requirement for the development to comply with the recommended flood planning levels indicated in the Flooding Assessment Report and for the implementation of a Flood Management Plan.
Building design and materials	<ul style="list-style-type: none"> The Department considers that the design of the proposal, external appearance and selection of materials combine to provide an acceptable urban design outcome for the site.
Lack of protection from the weather	<ul style="list-style-type: none"> The proposed façade will incorporate high performance glazing that balances daylight ingress and thermal performance. Vertical shading elements are also proposed to all facades minimising solar gain, with horizontal shading devices provided the north facing façade on levels 4 and 5 to further reduce solar heat gain from the afternoon sun. The design of the building also provides numerous publicly accessible areas and covered walkways allowing refuge for people in extreme weather events.
Reflectivity	<ul style="list-style-type: none"> The Department is satisfied that solar reflections can be appropriately mitigated and managed to an acceptable level, subject to the implementation of the measures outlined in the Reflectivity Report. Conditions include requiring compliance with the recommendations of the Reflectivity Report, including a 15% limit on specular reflectivity to eastern and southern facades of the building
Inadequate information within the Environmental Impact Statement	<ul style="list-style-type: none"> The Department considers that information provided within the Environmental Impact Statement is adequate and sufficiently addresses the requirements of the Secretary's Environmental Assessment Requirements.
Construction impacts	<ul style="list-style-type: none"> The Department considers that construction impacts associated with the proposal can be appropriately mitigated and managed by conditions of consent. Conditions are recommended requiring: <ul style="list-style-type: none"> limited hours of construction between 7 am and 5.30 pm Mondays to Fridays and 8 am and 1 pm Saturdays. No work on Sundays and Public Holidays restrictions on high-noise activities preparation of Community Communication Strategy preparation of a Construction Environmental Management Plan; Pedestrian and Traffic Management Plan; Noise and Vibration Management Plan; Air Quality Management Plan; and a Soil and Water Management Plan protection of trees.